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January 12, 2023

Mr. Mike Bolasina
Summit Law Group
315 Fifth Avenue South, Ste 1000
Seattle, WA 98104

Re: City of Des Moines, ██████████ complaint

Dear Mr. Bolasina:

At your request, I conducted intake interviews with ██████████, Des Moines City Clerk, and JC Harris, a Des Moines City Councilmember. On December 9, 2022, ██████████ sent an email expressing concern about an interaction she had with Harris following the December 8 council meeting. I spoke with ██████████ on December 21, 2022, and Harris on January 3, 2023. This report constitutes a summary of the interviews and factual background.

On December 9, 2022, ██████████ emailed City Manager Michael Matthias as follows:

When leaving the Council Chambers after the 12/08/2022 meeting, Councilmember ██████████ stopped me in the Court lobby. He was very upset/angry and stated to me that he didn't appreciate that I didn't schedule him 15 minutes. I told him I didn't know what he was talking about. He said all he has ever asked for was 15 minutes with staff and that I didn't schedule him that. I then asked if he was talking about that Staff Retreat and he said yes. He said he asked to be scheduled a time slot before noon. I told him I wasn't in charge of his event and that "I" didn't schedule anyone for this event. I told him this event was planned by other staff and that I was invited to come. I told him I would let the staff who planned the event know he was upset about not being scheduled. He then said that he doesn't know who does what, that sometimes Bonnie does clerk stuff and then sometimes I do. He then went on to say he does know when people are "Fucking" with him or not. I then told him I would never do that!

I was confused as to why he chose to wait until I was alone to confront me. I felt like he was trying to intimidate me. I also don't appreciate the use of profanity when he was speaking at me. His lack of professionalism and respect was very disrespectful. Because I was very uncomfortable in this situation I am asking that I am not alone when locking up the facility after a Council meeting in the future.

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Chief Administrative Officer Bonnie Wilkins had emailed the councilmembers on November 29 to invite them to speak, in fifteen-minute individual timeslots, at the staff retreat on December 12. Harris did not initially respond to Wilkins' invitation.

On December 2, Wilkins emailed Harris, stating, "Circling back to see if you are available/interested in attending the Staff Retreat on December 12th. If so, I do need to know as soon as possible....by next Monday. Time slots already taken are 10:30, 11:45 and Noon." Harris responded that he had not forgotten and asked if a list of suggested topics had been proposed.

Wilkins responded, "We're still working out details, but for logistics I need to know who is coming and what time. We may have to restructure depending on how many and at what times." Harris replied, "My preference(s) would be: start w 12:00 and work backwards." Harris told me he was trying to communicate that his schedule was flexible. He thought Wilkins would understand that she should schedule everyone else first then put him in an empty timeslot.

This was not clear to Wilkins, who responded, "12:00, 11:45, 11:15 and 10:30 are taken. 10:45, 11:00 and 11:30 are available." Harris did not reply, so Wilkins did not reserve him a timeslot. Five of the seven councilmembers reserved speaking times and three of those five showed up to the retreat.

██████████ and Harris generally agree on the substance of their December 8 interaction. Harris admitted he was frustrated that he had not been given a timeslot. He admitted telling ██████████ that staff needed to communicate better in the future. He admitted stating words to the effect of, "I never know if people are fucking with me or not."

Despite their general agreement on the substance, ██████████ and Harris did not perceive the interaction the same way. ██████████ perceived Harris as angry and thought he was attempting to intimidate her. She said Harris could have spoken to her and Wilkins together in the council chambers rather than confronting her alone in the hallway. ██████████ said Harris's face was red, he spoke in a harsh tone of voice, and he was waving his hands around. She was offended by his use of profanity. ██████████ said she was so fixated on Harris's apparently hostile demeanor that she could not see anything else going on around her, including other people in the room.

Harris denied he was trying to intimidate ██████████. He said he was frustrated with not receiving a timeslot but was not angry with ██████████ specifically. He said the conversation lasted only about a minute, during which time other people were nearby. He denied raising his voice or intentionally gesticulating with his hands. He said he uses profanity as a part of his normal speech, and it is not an indication of his mood or frustration level. He said if he learns

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someone is offended by profanity, he stops using it around them. Harris said he is very sorry [REDACTED] was hurt by the interaction; however, to him it was unremarkable.

The City Hall security video shows the interaction, which lasted about 90 seconds, but does not contain audio. [REDACTED] told me that if I watched the video, I would see Harris looking animated and gesticulating with his hands. However, to an objective observer, that is not readily apparent. The footage is choppy, as if a motion-activated camera was used, but it does not show Harris acting in an obviously inappropriate manner. The footage does confirm that two other people were in the lobby during the interaction.

As noted, this letter is limited to a factual summary of the intake interviews and background. If you have any questions or need additional information, please let me know.

Sincerely,

HAGGARD & GANSON LLP

A handwritten signature in blue ink that reads "Kathleen Haggard". The signature is written in a cursive, flowing style.

Kathleen Haggard