

February 23, 2024

Mr. Noah S. Hurwitz  
Hurwitz Law  
340 Beakes St., Suite 125  
Ann Arbor, MI 48104

**Re: Complaints regarding John Gibbs**

Dear Mr. Hurwitz:

This letter is intended to provide Mr. Gibbs with complaints against him. This letter is not intended to provide a comprehensive list of all complaints that may exist. As you are aware, I called you on February 20, 2024 and left a voicemail informing you that the Board was planning to schedule a meeting for February 22, 2024 to discuss complaints against Mr. Gibbs. I did not hear back from you so I called again on February 21, 2024 to discuss the intent of the meeting.

As was acknowledged in your letter, on October 24, 2023, Mr. Kimball filed his lawsuit against the County for age discrimination based on the alleged actions of Mr. Gibbs.

At the regularly scheduled Board Meeting of February 13, 2024, Mr. Gibbs did not attend. Mr. Gibbs did not inform anyone that he was not planning to attend. Commissioner Moss reiterated that Mr. Gibbs is contractually obligated to attend board meetings and he chose to not attend without any communication with the Board or staff that day. Commissioner Moss emailed Mr. Gibbs to ask why he was not at the meeting. Administrator Gibbs gave numerous and conflicting answers. Commissioner Moss believes that refusing to answer honestly and consistently about the reason he did not attend is dishonest.

A commissioner has reported that he believes Mr. Gibbs was not truthful in his testimony in the Hambley hearing. Mr. Gibbs repeatedly stated he did not remember information when questioned.

In November of 2023, Commissioner Cosby emailed Mr. Gibbs about employees not using personal time off to attend hearings in which they were not required to attend for their job. Mr. Gibbs never responded to Commissioner Cosby's request.

In addition, a current employee has submitted the following written complaints:

"I witnessed Ottawa County Administrator John Gibbs threaten to physically harm Attorney Jack Jordan to Joe Moss immediately after an Ottawa County Insurance Authority Meeting."

"I witnessed Administrator Gibbs make extremely disparaging comments about the female Commissioners, most notably sexual/defamatory comments about Commissioner Gretchen Cosby on multiple occasions."

"Administrator Gibbs had me assist him in bugging his office with a hidden camera fixed on his meeting table to record conversations with Commissioners and County Employees."

"Administrator Gibbs routinely made derogatory comments about the majority of County Commissioners and Corporation Counsel, claiming their Protestant faith severely impacted their IQ and work ethic."

"Administrator Gibbs routinely put me in extremely stressful situations and attempted to put me at odds with the Board Chairs and the Ottawa County Corporation Counsel."

"Administrator Gibbs routinely subjected me to what I would consider a degrading and hostile work environment. He would routinely hand out meaningless tasks, many of which had little to do with county operations day, night, weekends, and holidays. This around the clock work style and abusive environment was detrimental to my mental health and personal life."

"Administrator Gibbs attempted to persuade myself and Deputy Administrator Wetmore to resign with him if he were pushed out by the Board."

"At a meeting on February 12, 2024 entitled "Performance Improvement Conversation", Administrator Gibbs insinuated that I needed to be loyal to him and not the Board of Commissioners. Administrator Gibbs made a comment during the meeting which he insinuated terminating my employment if I didn't fight for him".

A different county employee stated the following:

### **Exclusion of the Board from Oversight Role in Strategic Planning**

"The Administrator has purposefully excluded the Board of Commissioners from reviewing and overseeing the Request for Proposal for the Strategic Plan. This is a major County expense, at an estimated \$100,000 cost. The words from the Administrator was that he did not want their input and that they needed to accept his decisions and determinations."

### **Exclusion of the Board from Oversight, Generally**

"The Administrator said that he wanted to create a login for the planned metrics dashboard for Commissioners that specifically limited Commissioner review to minimal information. In meetings with DPH Director Hambley in February 2024 he said that he wanted the dashboard interface for Commissioners to preclude them from having 'too much' information that might lead to 'too many' questions. He specifically wanted to protect the DPH Department from oversight by Commissioner Cosby."

### **Refusal to Provide Oversight**

"The Administrator has refused to solicit necessary information from other departments, such as potential ongoing financial fraud. The Administrator has refused

to make a plan for handling critical union negotiations and insists on doing it himself, even though he is not skilled in this area. A mistake in the union negotiations could easily cost the County millions of dollars over the term of the bargaining agreement. The Administrator treats adverse and hostile department directors with deference instead of encouraging them to improve or reform, such as DPH/Hambley, CMH/Doyle, CAA/Brozowski, OSI/Sachs, Comms/Felgner. The Administrator refuses to provide oversight and direction to these department heads."

### **Inconsistent Directions**

"The Administrator regularly takes actions that directly contradict prior directions from him. For example, he will insist on a specific person to be invited or emailed, and then express frustration and anger when he sees that person having been invited. The Administrator will ask for a memo to be created, and then express frustration and anger that it's done. This has been the repeated experience of Roelofs, Epperson, Wetmore, McGoran."

### **Threat of Violence against Jack Jordan**

"The Administrator has expressed on multiple occasions that he wants to "beat Jack Jordan to death" for perceived slights and offenses. This came to a head after a December 2023 Insurance Authority meeting. Jordan did nothing that would have warranted such a reaction."

### **Tensions with the Commissioners / Insubordination**

"The Administrator maintains a very confrontational and adversarial relationship with all of the Commissioners except Chair Moss. He expresses that he does not need or value their input."

### **Security Issues and Paranoia**

"The Administrator tasked the Deputy Administrator and Senior Executive Aide with obtaining security services for a 'bug sweep' and review of his materials. The Administrator wanted this done monthly. The resulting paranoia, anxiety, and fear created a hostile workplace because there was a perception that bugs and listening devices were installed in the offices."

### **CPL Policy Failure**

"In December 2023 the Administrator advanced a policy regarding CPL's that did not pass the board. The reason the item did not pass, it was later learned, was because the legal counsel was not properly informed about the scope and intent. The Administrator was having zero contact or communication with the legal team on policy proposals, and they were consequently not having any communications with him. This breakdown in communications is causing ongoing problems and failures for important County initiatives."

### **Lewd and Inappropriate Statements about Commissioner Cosby**

"The Administrator has repeated on several occasions, a bizarre theory about Commissioner Gretchen Cosby being 'out of God's grace' because of a perceived pattern of infidelity, specifically accusing her of cheating on her husband with doctors and patients. He said his perception that there were problems in her marriage, because she wasn't always wearing a wedding ring, was likely due to infidelity on her part. I especially noted this comment because I, also, rarely wear my wedding ring and wasn't wearing it at the time. He said it was common knowledge that nurses were unfaithful in their marriages. This seemed to be solely motivated by her reasoned and patient opposition to him. Even though I don't believe Commissioner Cosby is evangelical, he refers to her and other as 'retard evangelicals.'"

### **Repeatedly Overruling Commissioner Decisions**

"The Administrator regularly and repeatedly overrules and contradicts decisions made by the Commissioners. One small example is the practice of repeatedly re-adding items to the Commissioner's agenda despite the known authority of the Chairs and the Commissioners to have complete power and authority over their agendas. He's done this with the Environmental Health position as well. This created significant staff and political problems because department heads began to go to individual commissioners to place things on the agenda, such as new funding requests, creating a breakdown in the chain of authority and command for the County."

### **Making Plans to Terminate Employees Without Documentation**

"The Administrator was often planning to terminate employees without cause and without documentation. The proper process to document cause, initiate an HR-led hearing and investigation, and then terminate if the issues could not be resolved, was never followed."

An Ottawa County Board Commissioner made the following statements:

"During a regular scheduled Board of Commissioners meeting on December 12, 2023, the board took a long recess in order to read documents that we had just received during the meeting as it related to Broadband approval/funding. During that recess, I was in the back admin conference room with the door open reading the Broadband documents and John came into the room and said he wanted to fire (an employee) and made a swiping motion across his neck. John said this with the door wide open. I told him my focus was on Broadband and it wasn't the time for this conversation. With the door wide open, this could lead to others hearing this conversation. Also, this was not the time or circumstance for a conversation of this regard."

"John drafted a Security Reimbursement Policy and I was not in support of it and gave him my reasons why I wasn't in support (Commissioner Roger Belknap and Commissioner Gretchen Cosby were with me when I shared with John my reasons). During John's initial visit the end of December with newly elected commissioner, Kendra Wenzel, John decided to share with Kendra that I wasn't in support of the resolution and told her that he believed it was because I was a woman (which is

completely false and baseless). Out of her concern with what John shared, Kendra shared this with me after her meeting with John.”

### **Threats against Joe Moss**

On November 29, 2023, an employee reported a confidential complaint to HR regarding conversations had by county employees during a work meeting. It was reported that employees talked about physically harming Joe Moss on November 28, 2023. It was alleged that the former Department Director talked about policy changes proposed by Administrator Gibbs, and that he was upset with the board, and that he wanted to take Joe Moss out of the building and beat the shit out of him and leave him for dead, and then call EMS to get him. A second employee at the meeting was alleged to have said he was surprised Joe Moss had not been shot yet, and "if he does get shot, I won't say it wasn't me." Commissioner Moss was not notified, nor was the sheriff. On December 4, 2023, the employee who reported the incident had not heard back from HR, and contacted the County Administrator and Board Chair because he was concerned about the gravity and nature of the complaint, and was very concerned as to why he had not heard anything about it. On December 6, 2023, HR confirmed they were aware of the report in a brief email, but provided no other response or feedback. Commissioner Moss followed up with Administrator Gibbs about the complaint multiple times, including on December 8, 2023. On December 11, 2023, another week had passed, and the employee who reported the incident still had not heard back from the HR Department. He reported he was concerned it wasn't being taken seriously. Additional days passed. Administrator Gibbs did not seem to take this situation seriously. He later told Commissioner Moss that the person who reported the incident was mentally unstable. The delays in the process and the apathy displayed by the Administrator caused concern. To Commissioner Moss's knowledge, no disciplinary or corrective action was taken in this situation. After a short time, the Director resigned from his position to pursue new employment opportunities. The statement made by Administrator Gibbs that the person who reported the threats was "mentally unstable" was dishonest.

### **Aggressive Actions against Jack Jordan**

In the December Insurance Authority meeting, Commissioner Moss witnessed Mr. Gibbs become needlessly aggressive with Attorney Jack Jordan. He raised his voice at him during the meeting in an unprofessional manner over the entire room. It was very strange and Jack responded quietly and professionally. This pattern became apparent in the November/December timeframe. For example, Commissioners Rhodea and Miedema informed Commissioner Moss they had seen a similar outburst from Mr. Gibbs during a Road Commission meeting. They were concerned with Mr. Gibbs treating other people in the county in that same manner, with unwarranted aggression. This behavior contributed to board members losing trust in Mr. Gibbs.

### **Commissioner Complaints of Insubordination**

In early December of 2022, the chairs of the board subcommittees increasingly shared concerns about interactions with Administrator Gibbs, and questioned whether he had begun subverting their efforts regarding forwarding and/or holding back agenda items.

Subcommittee chairs were concerned with Administrator Gibbs' desire to increase the administrator's control within county policies related to personnel issues. There was also disagreement from Commissioners Cosby and Miedema on a policy put forward by Gibbs for county reimbursement of employee expenses related to firearms.

Regarding a meeting between Commissioners Cosby, Miedema, and Belknap (subcommittee chairs), and Administrator Gibbs, Cosby shared that she had left due to her frustration with what she perceived to be Gibbs' future intent to ignore direction. Gibbs was reported to have initially disagreed with commissioners, and then began smiling and nodding his head in an unconvincing manner. Commissioner Cosby challenged Gibbs to make sure he was being serious in his response, but her assessment was that he was being deceitful. This was reported to the chair and the vice chair as a concern.

Commissioners Moss and Rhodea also had concerns emerging about these policies and consolidation of power for the administrator, but were not experiencing relational difficulties with Gibbs or push back on direction we were providing. They generally found Gibbs to be personable and agreeable in their interactions. They were encouraging the other commissioners to continue to work with Gibbs on their difficulties, and were hopeful they could work through what appeared to possibly be relational issues.

Commissioner Rhodea was in Florida December 14-17, and during that time, had a conversation with Chair Moss about the increasing difficulties expressed by others. Commissioner Moss shared he had attended a planning meeting with Gibbs at the county, and was impressed with the input of individuals Gibbs had invited and the possibilities discussed. Commissioners Moss and Rhodea discussed their desire to encourage Administrator Gibbs to use his strengths with analysis and data, and remained hopeful that they could steer Gibbs towards capitalizing on those strengths in his work for the county.

When Commissioner Rhodea returned home to Michigan, tensions and interactions between Gibbs and the other committee chairs continued to worsen, and Commissioners Moss and Rhodea began to consider the concerns the others expressed to be needing serious attention. Administrator Gibbs had clearly lost the confidence of several commissioners at that point, who were expressing their concern that an ongoing working relationship with Gibbs might not be possible.

Another contributing factor during this time period was a report received by Commissioner Moss regarding 2 employees who had made disturbing comments about a desire to shoot Commissioner Moss and leave him for dead—comments reportedly made during a department meeting. One individual was known to be a confidant of Mr. Gibbs. There did not appear to be timely or sufficient follow-up or notification of the statements made to ensure the safety of an employee against whom potentially threatening statements were made (Commissioner Moss). The failure to swiftly act and ensure follow through on this incident was perhaps more concerning to the female commissioners than to Commissioner Moss, himself.

Concerns for those working directly with Administrator Gibbs also began to arise during this time period, as others expressed concern on their behalf.

To that end, Commissioner Rhodea recently met to follow up with two of Mr. Gibbs's subordinates, along with Commissioner Cosby. Commissioner Rhodea found their concerns regarding Administrator Gibbs and potential risks to the county to be credible. Both detailed Mr. Gibb's increasing acts of subversion of requests made by commissioners, and shared concern regarding Gibbs representing the county in union negotiations. Gibbs was increasingly upset with commissioners and potentially sabotaging work within the county.

Both appeared to be outwardly disturbed by sexual statements which had been made about Commissioner Cosby, wanting to protect her from being hurt by hearing the statements. It was clear being subjected to listening to Mr. Gibb's sexual statements about Gretchen had put them in a difficult situation. When your boss discusses a co-worker in a sexual manner, it is uncomfortable. It subjects employees to the responsibility to carry the conversation you were subjected to, as well as to make a hard choice about what to do with it. Additionally, while she showed great strength, it was clear that the statements were hurtful to Commissioner Cosby.

During our conversation, one employee also expressed intense work hours and demands placed on him after hours. The two employees also shared Mr. Gibb's ongoing shut-out of communications with corporate counsel and lack of willingness to work with them for the betterment of the county. They additionally shared an outburst following an insurance authority meeting where Mr. Gibbs threatened bodily harm to Jack Jordan.

This information is being provided to Mr. Gibbs through your office to provide for him an opportunity to respond. While the Employment Contract does not require this, the Board has afforded Mr. Gibbs this opportunity. The Board has recessed the meeting until next week. Please provide a response to these complaints as soon as possible but no later than 9:00 AM on Wednesday, February 28, 2024.

Thank you for your attention to this matter.

Very truly yours,

  
Brook J. Bisonet