

Ott picked for top Kalamazoo job

JANE C. PARIKH
GAZETTE STAFF WRITER

In a surprise move, a divided Kalamazoo City Commission Monday scuttled a search process for a new city manager and named Deputy City Manager Marc A. Ott to the city's top administrative post.

Ott, 37, will assume his new duties March 22, contingent upon successful salary negotiations. The Pontiac native will succeed departing City Manager James Holgersson, who resigned to take a job as city manager in Waco, Texas.

Two commissioners — who voted against appointing Ott — said they

were blindsided by what they called a "surprise motion" to appoint Ott during Monday's special session to discuss the city manager search process.

"I know there certainly was a commission or palace coup sometime over the weekend and I wasn't privileged to be a part of that," said Commissioner Curtis Haan. "I don't think this was a true commission decision."

"This was a power play where certain commissioners were not given the opportunity to interview a managerial candidate. It's absurd," said Vice Mayor Edward

Annen Jr.

Annen and Haan voted against the motion made by Commissioner Robert Straits to appoint Ott. Mayor Beverly Moore and Commissioners Sally Appleyard, Lance Ferraro, Alexander Lipsey and Straits voted for it.

Moore said Ott "is a natural choice to succeed Holgersson be-



Ott

cause of his familiarity and experience with the city.

And Straits said appointing Ott will eliminate months of uncertainty for residents and city staff.

"We have a qualified deputy city manager with all the skills needed," Straits said. "I'm sure someone somewhere is interested, but would they come here?"

"I don't think it's in the best interest of the community to go through (a lengthy search process) when we have someone who's qualified."

Annen and Haan said they cast dissenting votes to protest the way

the appointment was handled — not because they oppose Ott.

"I don't know if (Ott) would or would not make a good city manager," Annen said.

"It's obvious that (the fact that) this motion would be made was known to some commissioners but not others," he said. "At any time either the mayor or Straits could have called to tell us what the motion was."

Annen and Straits, members of the commission's Administrative Committee, had asked Moore, the

Please see OTT, A2

VoiceVOTE

Two Kalamazoo city commissioners appear surprised and outraged at how the city's new manager was chosen. Do you think the method in which Marc Ott was chosen was OK?

To vote see Page A9.



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OTT

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committee chairwoman, to ask Ott if he was interested in the job.

They also asked her to contact commissioners to determine if they thought Ott was a strong candidate, or if a search needed to be undertaken. Moore said a search process would cost about \$20,000.

Even so, Annen said he still was stunned because he hadn't been informed before the special session that a motion would be made to appoint Ott.

"I got the feeling from other commissioners that they knew the deputy city manager was going to throw his hat in the ring," Moore said. "I had a sense of where all the commissioners were coming from. Some were interested in Marc and some wanted to look at a larger pool."

Before the vote was taken, Appleyard suggested waiting one week to give commissioners time to talk with Ott, but Straits and Lipsey opposed a delay.

"Maybe Straits was satisfied with his discussions with Ott," Annen said. "Perhaps the mayor was satisfied also. Sally Appleyard was granted 15 minutes to go into another room to ask (Ott) questions after a motion was presented."

Annen said he probably could have done what Appleyard did, but he didn't think there was enough time left before the commission's regular 7 p.m. meeting.

"We were under the gun with a motion on the floor," he said. "I never received a copy of Ott's resume. We voted to appoint a man tonight where each commissioner did not have his resume or the chance to interview him."

"I am angry and upset that I was not even afforded the opportunity."

The city charter states that the commission must appoint a city manager, but it does not specify a procedure that must be followed.

"A manager is charged with the technical responsibility of carrying out policy," Lipsey said. "I haven't seen anyone better capable of carrying out policy decisions than (Holgersson) and, in his absence, (Ott)."

"It's been my experience with both of them that they are professional and have indicated a willingness to do whatever the commission has instructed them to do. We are comfortable with Marc's experience and the community's response to him."

Ott said he was surprised by the commission vote to appoint him. He didn't see anything negative in

Ott's experience:

Marc Ott, 37, who is expected to become Kalamazoo's 14th city manager on March 22, has had more than 10 years of experience in city government.

His experience includes:

- Staff assistant with the Michigan Municipal League from 1981 to 1982.

- Administrative assistant to the city manager of Jackson from 1982 to 1984.

- Administrative services officer and director of management services in the Grand Rapids city manager's office from 1984 to 1987.

- Assistant to the Grand Rapids city manager from 1990 to 1991.

Ott has been deputy city manager in Kalamazoo since 1991.

Ott graduated with a master's in public administration and a bachelor of science degree from Oakland University.

the two votes against him.

"The bottom line is that I have always had a desire to work with and help people," he said. "I've known I could do that through working in government."

Ott, who has never held the post of city manager, said he will continue to focus on issues concerning economic development, the environment and diversity. These are among major areas of emphasis for Holgersson, who will leave Kalamazoo next month.

Moore said salary negotiations with Ott will begin within the next two weeks. Straits said the commission in the past has offered candidates for city manager the job, contingent upon accepting a salary package.

Holgersson earns \$78,725 a year plus \$4,000 in deferred compensation. Ott earns \$68,633 a year as deputy manager.

Straits said Ott will be paid between \$76,000 and \$78,000 as manager. The commission sets the city manager's salary.

Ott has a master's degree in public administration and a bachelor's from Oakland University.

His previous jobs included assistant to the city manager in Grand Rapids, administrative assistant to the city manager in Jackson and a staff assistant for the Michigan Municipal League.

Commission gives Ott high marks, \$5,500 raise

ED FINNERTY

GAZETTE STAFF WRITER

Mark Ott earned good grades and a 7 percent raise for his first 10 months managing the city of Kalamazoo — bringing his salary to \$85,000.

"He's excelled," said Commissioner Robert Straits. "I just think he's done a phenomenal job."

Commissioners on Monday approved raises for Ott and four other commission appointees. Their 1994 salaries, 1993 salaries in parentheses, and percentage increases are:

- Ott: \$85,000 (\$79,500) 6.9 percent
- Attorney Robert Cinabro: \$76,000 (\$72,767), 4.4 percent
- Clerk Nancy Collins: \$43,000, (\$41,079) 4.7 percent
- Assessor Valerie Purcell: \$56,000 (\$52,773), 6.1 percent
- Internal Auditor Bonnie Fonner: \$55,000 (\$53,176) 3.4 percent

Vice Mayor Alexander Lipsey and Straits said the raises put appointees' salaries at or near those of officials in comparably sized cities. They also allowed for inflation and adjustments based on performance.

Ott, who moved from deputy city manager to top administrator when James Holgersson left last March, has a contract that calls for his salary to be in line with managers in similar size cities within three years. That level is \$93,436 this year, but will be adjusted yearly for inflation, Lipsey said.

"Our hands were somewhat tied," said Mayor Edward Annen Jr., who nevertheless evaluated Ott as "exceeding expectations."

"I think he's coming along just fine," Annen said.

Ott's office, conference room to be remodeled

ED FINNERTY

GAZETTE STAFF WRITER

City Manager Marc Ott not only got a raise Monday — he got a remodeled office.

But a \$137,770 remodeling job mainly on Ott's office doesn't sit well with the mayor.

"I felt that \$137,000 to remodel the manager's office and third floor conference room is excessive. I was expecting more like \$20,000," Mayor Edward Annen Jr. said after city commissioners approved the project Monday.

"To me, \$137,000 buys you a real nice house today, especially given the fact that we're faced with a no-growth budget," he said.

The mayor cast the lone dissenting vote on the project.

Vice Mayor Alexander Lipsey and Commissioner Robert Straits said the administrative offices are a focal point of City Hall and should be remodeled.

Lipsey pointed out that the project is part of a multi-year remodeling of city hall that began in 1991. He said remodeling of the Finance Department and other offices had similar price tags.

"I think he's done an excellent job as a person just coming into the manager's job and I put down that he clearly exceeds expectation," Lipsey said.

Commissioner Zadie Jackson cast the lone vote

The project includes remodeling the manager's office, an adjoining conference room, a third-floor conference room and upgrading the air flow system in the manager's office.

Commissioner Curtis Haan agreed the manager's area needs a face-lift.

"There could have been some money saved. A lot? Probably not," he said.

Haan said he was more concerned the contract being awarded to an out-of-town company.

Superior Builders of St. Joseph won the contract, bidding \$730 less than the nearest competitor, Maxwell & Associates of Kalamazoo.

City policy awards contracts to the lowest bid that meets bid specifications, regardless of geography.

"I think there's something inherently wrong with our policy when it will not allow to award this type of project to the contractor that pays taxes within the city of Kalamazoo," he said.

Commissioner Barbara Larson agreed with Haan and suggested the commission take a look at its purchasing policy during strategic planning sessions.

against the raises, not out of dissatisfaction with job performances but with the process.

"There's no policy," the freshman commissioner elected in November said. "To me, there's no rhyme or

reason."

Commissioners were invited to give their administrative committee — Annen, Lipsey and Straits — written or oral evaluations of each appointee. The committee rated them as to whether they performed satisfactorily, better than expected or worse than expected and recommended raises.

Jackson and Barbara Larson, both elected to their first term in November, opted against doing evaluations because of their short tenures.

But Jackson, who worked on contracts for the Western Michigan University faculty union for 13 years, said the evaluation process doesn't clearly tie performance standards to pay.

"To me, it's not fair to the employees," she said. "It's a crap shoot."

Commissioner Sally Appleyard said she rated Ott as exceeding expectations and said he "is beginning to show a great deal of... leadership."

Curtis Haan, who had joined Annen in voting against Ott's initial appointment, said he rated the manager's performance "just acceptable." He did not elaborate.

Haan and Annen had said they voted against Ott's appointment because they felt it was done too quickly, without a thorough evaluation or national search for other prospects.

"I was very comfortable and pleased with the evaluations that I received by the mayor and commission," Ott said Monday.

Ott would not comment on the evaluation process, which he said is totally up to the commission.

City Commission approves new salary for Ott

J.C. PARIKH
STAFF WRITER

Kalamazoo City Commission split 5-2 on how much money to pay new City manager Marc Ott, with the dissenters coming from the Mayor and Commissioner. The Mayor, Edward Annen, and Commissioner, Curtis Haan, cast the "no" votes against Ott's employment agreement with the city. Commissioners are entitled for whatever reason for voting the way they did," Ott said. "You're entitled to vote their conscience." Ott told commissioners before the vote was that he planned to vote against the salary agreement, which will pay Ott \$79,500 his first

thought the salary was excessive," Annen said. "I don't like the idea of bringing (Ott) up to \$100,000 in four years. Appointed officials should have pay hikes based on pay scales." Mayor Beverly Moore defended Ott's pay, saying the city has historically underpaid its

city managers.

"In an ideal world it's always nice to be able to have a unanimous decision," she said. "What's important to me is that five out of seven people approved it."

The \$91,000 figure represents the midpoint of the salary range for Ott recommended by Commonwealth Personnel Services, hired by the city last year to develop salary schedules for all city employees and appointed officials.

"The City Commission agrees that beginning in 1994 Marc A. Ott shall be eligible each year for a cost-of-living increase plus whatever percentage is necessary to bring his salary to the midpoint of the 'Commonwealth Plan' within four years," according to the contract approved Monday.

Bart Gethman, president of the Illinois-based Commonwealth Personnel Services, had recommended to commissioners that Ott be paid a starting salary of \$81,787. Commonwealth's salary schedule for the city manager ranges from \$72,683 to \$109,056.

Gethman compared the city manager's job to that of a chief executive officer of a large company. He said he based his findings on comparable positions in cities such as Grand Rapids, Flint and Jackson.

Former City Manager James Holgersson, who took over as city manager of Waco, Texas, in March, was making \$78,725 a year, plus \$4,000 in deferred compensation when he left. He is making \$90,000 a year in Waco.

In addition to his annual salary, Ott will receive \$4,000 a year in deferred compensation. He also will have the use of a city car.

Ott was appointed city manager during a special city commission meeting in February, less than two weeks after Holgersson announced his resignation. It was the first time in the recent history of the city that a national search or public hearings wasn't conducted before a city manager appointment was made.

During the meeting, Annen and Haan voted against appointing Ott because the city had not conducted a search for a city manager.

OPINION

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Ott deserves high grade for first year on job

After a rocky beginning that was not his fault, and in less than a year on the job, Kalamazoo City Manager Marc A. Ott has earned praise for "exceeding expectations." He also deserves the salary increase approved by the Kalamazoo City Commission.

Although he lacked previous city manager experience, Ott has been on a steep learning curve since he took over the post last March. He has brought crisp competence and his own distinctive style to the post.

Ott had signed on with the city as assistant manager in 1990 and became deputy manager in February 1991. He was named the city's top administrator last February when former manager James Holgersson accepted a position in Waco, Texas.

Under a contract that in three years will bring his salary in line with the amount managers in similar size cities are paid (about \$93,000 this year,) Ott was awarded a 6.9 percent raise. His pay was boosted from \$79,500 to \$85,000.

Pay increases for public officials almost always draw critical comment from the public, regardless of the circumstances. Nonetheless, there is nothing out of line in the \$5,500 raise, especially in view of both Ott's solid performance and the need to bring his compensation to a comparable level with that of his peers.

City commissioners did Ott no favor last February by taking a shortcut in the process of naming him city manager without conducting a search or full-scale in-

not reflect on his handling of the job.

In particular, Ott's management skills are noteworthy. He has focused on reorganizing an oftentimes hidebound city bureaucracy by seeking to decentralize decision-making, empower city employees and foster teamwork.

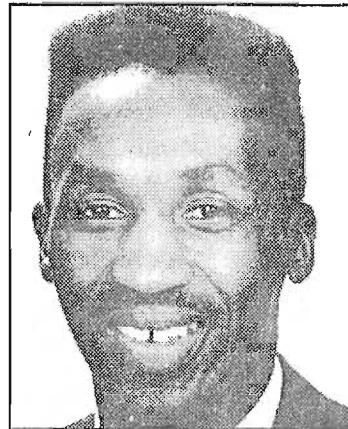
We also were impressed by his smooth handling of the preparation of his first city budget, one of the most critically important of the city manager's responsibilities. The \$108-million spending blueprint for this year was adopted by the commission in January with

a minimum of hassle or dissension.

Ott has not been much in the public spotlight over the past year. However, his imprint on city activities and decision-making likely will become more visible as he becomes more comfortable in his role.

Along with Ott, commissioners also gave raises ranging from 3.4 percent to 6.1 percent to four other city officials who are appointed directly by the commission. The lone vote against the raises was cast by Commissioner Zadia Jackson. She said her vote was not prompted by dissatisfaction with job performance, but because of the looseness of the evaluation process and the lack of a direct tie between performance standards and pay increases.

Jackson has a point. Commissioners may want to consider a more structured evaluation process — perhaps even in-



Marc A. Ott

Ott goes to Harvard

City Manager Marc Ott will study at Harvard University for three weeks beginning June 12.

He'll attend a program on public management for senior state and local government executives at Harvard's John F. Kennedy School of Government.

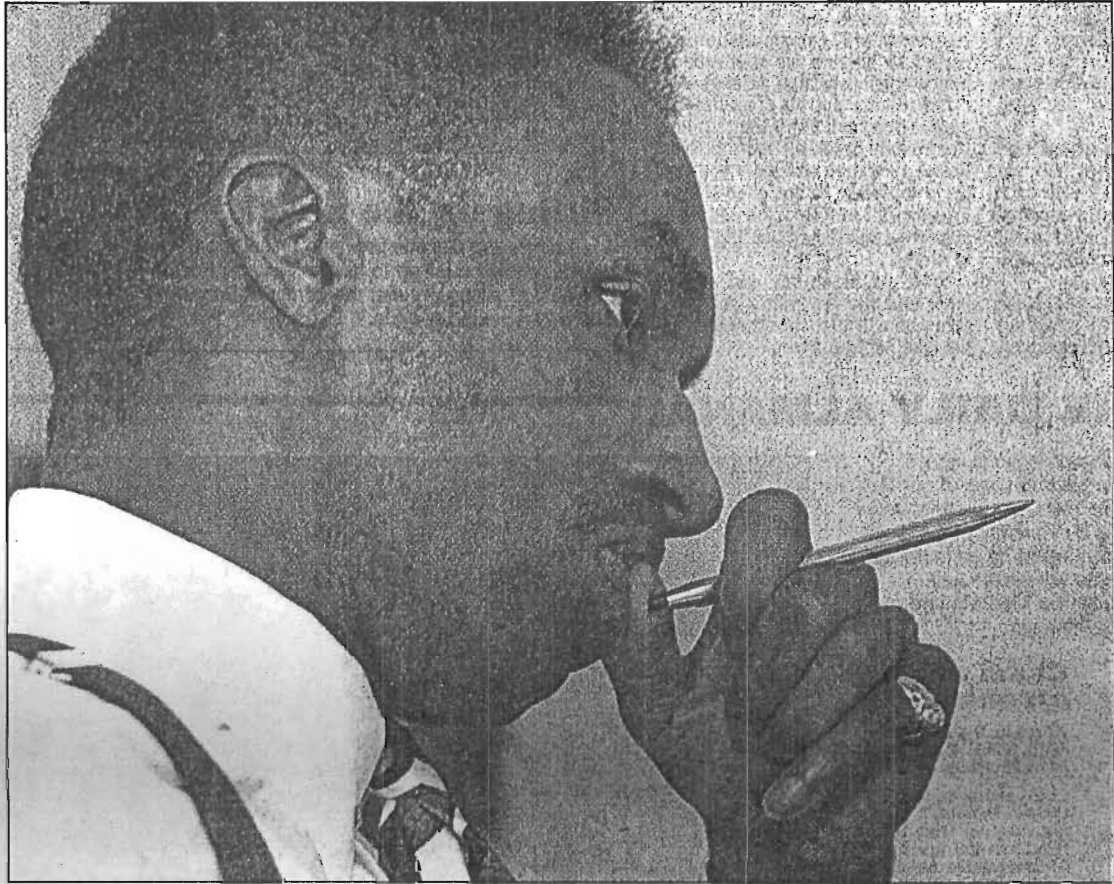
"I understand it to be a very intense program," Ott said.

He doesn't know how many other executives will attend, but he said, "They don't accept everybody. It's a competitive process."

The \$8,000 trip to the Cambridge, Mass., university is being paid for by the city and was included in his contract, Ott said.

Deputy City Manager Pat DiGiovanni will fill in while Ott is gone.

...ets earlier this year with community and city
officials, from left, Larry Mankin, David Feehan, Gary
Niemeck, Norman Terry and Barbara Gordon.



Kalamazoo City Manager Marc Ott ponders a problem.

GAZETTE PHOTOS / BRYAN P. MURPHY

Taking care of business

ED FINNERTY
GAZETTE STAFF WRITER

Kalamazoo City Manager Marc Ott says he's determined to change the way City Hall does business and give taxpayers more for their money.

"It is not, it cannot be, it won't be business as usual anymore," said Ott, who has been the city's chief executive for 15 months.

"We have got to find ways to do things better ... We can't continue to spend more and more and more each year."

The mottos for the new administration can be found printed on posters that hang on walls around City Hall: "Striving for continued excellence to build a better community with real PRIDE" and "How Can We Do It Better?"

The administration now refers to city departments as businesses and it has reorganized workers into teams. For example, the public works and utilities departments now form a public services team that shares equipment and resources.

"We've replaced command and control with trust and lead," Ott said of the new teamwork structure. "By and large, there's been a major attitudinal change by employees," Ott said.

Ott, who grew up as the son of a blue-collar autoworker in Pontiac, knows the success of his reorganization hinges on the city's 923 employees, more than 700 of whom are members of six unions.

But opinion among city workers is divided on whether morale has risen — or plunged — under Ott.

Chris Tomilo, president of the city's American Federation of State, County and Municipal Employees union, said management under Ott is asking rank-and-file members for their opinions more often.

"That's happening all over. They're actually asking people in the field what would you do different," said Tomilo, a maintenance mechanic at the waste-water treatment plant. "Attitudes are better throughout the city."

Union leaders at the Department of Public Safety disagree.

"This is the worst morale that I've



Ott makes a point to finance department employee Arlene Foster.

ever seen in my 25 years," said Sgt. Earl Mueller, an executive board member of the Kalamazoo Police Supervisors Association.

Mueller and Randy Mason, an executive

committee member of the Kalamazoo Police Officers Association, said Ott has refused to meet with unions on labor grievances and forced them to go to arbitration hearings. Ott said he has met with union leaders on grievances.

The union leaders said the city is breaking contracts by stretching staff too thin. Ott said the city has not violated its contracts.

Public safety union contracts expired Dec. 31 and union members are working under an extension while they negotiate new pacts with the administration.

Ott, who said his administration has bargained "in good faith," said he wants to work with them on ways to provide city services better and

cheaper.

"Maybe some people might characterize Marc Ott as being naive. He's naive, he's green, he's young, he's inexperienced ... (but) it doesn't have to be that historical, adversarial, begrudging type of a relationship," Ott said of management and unions.

"It doesn't. And I'm committed, frankly, to changing that."

Johnny Thompkins, president of the Kalamazoo Municipal Employees Association union, agrees that the management-worker relationship should not be adversarial. The union represents city clerical and technical employees.

"I believe Marc is on the right track," said Thompkins, a housing rehabilitation coordinator. "But he has a long road to hoe. If you're about bringing some positive change ... you're bound to bump heads."

Mason insists Ott isn't going about change the right way.

"He has done this empowerment kind of thing with an obvious disinterest in labor relations," said Mason, a detective and 25-year police veteran.

"His whole mentality is, I'm in charge and it's going to be my way or

Marc Ott's first big test: Beach Products

ED FINNERTY
GAZETTE STAFF WRITER

It didn't take long for rookie Kalamazoo City Manager Marc Ott to be tested.

On the job just two months last spring after the City Commission appointed him on a split vote, Ott ran smack into the threat of Beach Products shutting down its Kalamazoo paper goods plant and moving.

"Right after I was appointed, I mean there was Beach threatening to leave our community and take all those jobs — 400 or 500 jobs," Ott recalled.

Six months earlier General Motors Corp. had announced plans to close its Comstock Township assembly plant, which will shut down in 1998 with a loss of 3,100 jobs.

Ott told his staff the community couldn't afford another economic hit.

"I said, 'I don't care what it takes, we can't lose this,'" he said.

In September, Beach officials announced they planned to build a \$32.3 million plant in Kalamazoo, creating up to 300 jobs.

Beach President Nicholas Clementi credits several people inside and outside City Hall for a package of incentives — from street work to job training grants — that convinced Beach's New York parent company to stay, but he says Ott was "the key player."

"Marc was the one who picked up the telephone and called New York when nobody else would do it," Clementi said.

OTT

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the highway. I see it as an arrogance. I think a lot of people see it as an arrogance."

One of the few criticisms in Mayor Edward Annen Jr.'s first performance evaluation of Ott was his "tendency to exert excessive control." Commissioner Robert Straits also mentioned a controlling tendency in his otherwise glowing appraisal of Ott.

In the last several months, Ott

"Marc Ott has a very natural ability to be able to look at a situation and try to assess the positives and the negatives and find creative solutions to it pretty quickly. He's a very strong communicator and he is a tremendous salesman."

It was a notable start for a city manager whose selection was marred by controversy — a "palace coup" as Commissioner Curtis Haan described it.

Haan and then-Vice Mayor Edward Annen Jr. voted against Ott's appointment after then-Mayor Beverly Moore and a majority of commissioners abruptly decided to tap him for the job without the usual national search.

It was Ott's first job as city manager. He spent eight years as an assistant for city managers in Jackson and Grand Rapids before becoming assistant city manager in Kalamazoo in 1990.

A year later, he was promoted to deputy city manager under James Holgersson, who resigned as Kalamazoo's city manager last year to manage the city of Waco, Texas.

Ott won't say much for the record about the flap over his appointment. But

has suspended two top administrators on different issues that caught him by surprise.

He suspended Public Safety Chief Edward Edwardson without pay for two days in November for "poor judgment" in talking to a reporter about a budget issue without his permission, according to a letter from Ott to Edwardson obtained by the Kalamazoo Gazette under the state Freedom of Information Act.

Edwardson was quoted responding to union complaints



City Manager Marc Ott in his office during its \$137,770 renovation approved by city commissioners.

he said it hasn't hurt his relationship with either Haan or Annen.

"I respected it then and I still do respect their right to take the position that they took," he said. "I think I've been accepted ... as a capable and competent city manager," he said. "I think that's evident by one year later what my bosses have said to me."

Commissioners gave Ott, who has been on the job 15 months, good grades on his job performance and a 7-percent pay raise in February. He makes \$85,000 a year.

about overtime issues in a November article published in the Gazette. Ott told Edwardson he had "unnecessarily cast a bad light" on the department and city and may have jeopardized city advantages during upcoming labor negotiations.

Edwardson won't comment on the matter.

In May, Ott suspended Public Works Director James Gallogly for not telling him soon enough about a \$400,000 overrun on part of the downtown Arcadia Commons project, which is

under budget overall.

Ott won't talk about either suspension, citing employee confidentiality issues.

But Ott said he's no "control freak" and points to his team-based reorganization as proof.

He admits he is driven to know what's going on "in the field." He often will hop in his car at night just to drive around the city or sometimes he will grab a hard hat and join a public works paving crew.

"I've laid asphalt. I've used the Vactor machine to suck up

Commissioner Robert Straits said supporting Ott for the appointment was the best decision he's made in eight years on the commission.

Annen, who reclaimed the mayor's seat in November, rated Ott's performance as "exceeding expectations." He said Ott is particularly strong in planning, organization, leadership, communications and interpersonal relationships.

Ott brings a different style to the job than Holgersson, who was more outgoing. No one is likely to catch Ott singing "Rocky Top Tennessee" to karaoke music at a bar as Holgersson was known to

do. On the job, Ott picks his words carefully. He says he approaches his work "very deliberately, very thoughtfully."

The slender, sharp-dressing 38-year-old bachelor is a picture of decorum in his role as the city's chief executive.

"How you present yourself is important," he said. "It's important in terms of how I carry myself, how I present myself, physically, personally and otherwise — substantively. That's also important for the city as an organization."

Image is important to Ott. In February, commissioners approved a renovation of the manager's offices which, combined with some air duct work, cost \$137,770. Annen called the bill "excessive."

Ott defends the expense as part of a City Hall-wide renovation and says the manager's office is important to the city's image.

Ott said he spends probably 55 to 60 hours a week at City Hall and takes work home to his Kalamazoo apartment nearly every night.

"I believe that my life is supposed to be about public service, therefore, yes, I take it very seriously," he said. "I believe that what I'm doing is more important than me."

"I come to the job with whatever it is I'm about at my core," he said.

"I love what I do," he said. "I love public service. I've come to love this community."

Clementi says Ott could make a lot more than his \$85,000-a-year salary at City Hall managing a \$108 million city budget if he were to step into the private sector.

"My counterpart who is running a \$100 million business would probably triple my salary, so money isn't the issue for me," Ott said.

Ott said becoming a city manager was among his career goals, but he won't divulge what he hopes will follow.

"I will tell you that I have plans," he said. "But I think my focus right now is on what I'm doing here as city manager."

the water out of the storm sewers when they overflowed," he said.

"I've gone down to the public works facility and I've worked with the mechanics and pulled the radiator and tried to plug the hole. I've driven the buses ... down at Metro Transit. I've gone out late at night and stayed until midnight with the (public safety) Tactical Response Unit more than once."

It's not to dispel any image of a bureaucrat in a tailored suit, Ott said, but to listen and learn.

"When I'm sitting back in my

office when a problem comes to me or at budget time, I understand what it is they're asking for and why."

Larry Mankin, president of the Kalamazoo County Chamber of Commerce, describes Ott's relationship with the city's business community as being excellent — partly because he listens.

"I think it's refreshing that Marc is doing something that more public officials should do — and that's asking the customer what they want," Mankin said.

What kind of manager is he?

Commissioners critical of Ott's communication

BY ED FINNERTY
KALAMAZOO GAZETTE

Marc Ott was criticized Tuesday by some Kalamazoo city commissioners as a poor communicator stuck on control, but praised by others as an exceptional city manager.

In an unusual public critique requested by Ott, commissioners spent an hour Tuesday offering mixed reviews on the city manager's job performance.

Commissioner Curtis Haan expressed concern about "an excessive control aspect" of Ott and told the manager he might want to consider leaving for "a city that fits him better."

Yet Commissioner Robert Straits said Ott has been an "exceptional"



'The best way to serve the public interest would be to have an open and frank

dialogue. The public ... has a right to know how I do this job.'

Marc Ott
City manager

manager and credited him for having the "braveness and boldness to hit this problem head on."

Ott had asked for "clarification" about "serious concerns" by three or four city commissioners.

"I am troubled because for some time now, and with increasing frequency, Mayor (Edward) Annen (Jr.) has advised me of mounting concerns of some commission-

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said Ott, who is in his second year as city manager.

"It seemed to me the best way to serve the public would be to have an open and frank dialogue. The public, in my opinion has a right to know how I do this job."

Commissioners Sally Appleyard, Zadie Jackson and Barbara Larson each said they expect better communication from Ott.

"On more than one occasion when the commission has had to deal with an important item we have either received information at the last minute or not at all," Jackson said.

"On more than one occasion telephone calls have not been returned . . . and yet by your decree I am not supposed to seek answers to questions from staff.

"That troubles me that I must go through you to get simple answers, simple information . . . I often wonder who works for whom."

*'If our goal is to run
through city
managers we will
continue to do that.
This city
unfortunately has
developed a history
of that.'*

Alexander Lipsey

Vice mayor

Vice Mayor Alexander Lipsey said the problem is the commission, not Ott.

"If we as a City Commission don't spend our collective time to get our collective act together and make some decisions about where we want the city to go and how we want the city to run, then I think we had better not throw any stones," Lipsey said.

"If our goal is to run through city managers we will continue to do that. This city unfortunately has developed a history of that."

Haan said his suggestion about Ott looking elsewhere for work was "not a knock" on Ott.

"We all sometimes don't get along," Haan said. "And if that's the case, Marc has plenty of talent, plenty of drive and he has plenty of personality to do just fine wherever he goes."

But after the meeting, Ott told reporters he isn't looking to leave. "That wasn't my purpose," he said of Tuesday's discussion.

Annen, who gave Ott a grade of eight out of a possible 10 for his performance, suggested Ott and the commission "let the dust settle a little bit."

But Ott said he wants a chance to respond to commissioners' comments Tuesday at a later meeting.

Ott is due to receive his formal evaluation and pay raise from commissioners this month. Last year, Ott got high marks and a \$5,500 raise, bringing his salary to \$85,000 a year.

Ott responds to commission critics

BY ED FINNERTY

Kalamazoo City Manager Marc Ott says he and city commissioners should be a better team after openly discussing his job performance.

"We're positioned to be a better team than we were before," Ott told reporters after the meeting. "The way that you become better is by having frank and candid dialogue."

Ott, in a statement read at Monday's City Commission meeting, responded to some commissioners' concerns about his management style and communication.

Ott responded to concerns commissioners raised two weeks ago, after he asked for a public discussion about his performance. While some commissioners

CITY COMMISSION

praised his work as excellent, others complained about communication problems and criticized his management style as too control-oriented.

To improve communications, Ott said he will ask commissioners to schedule regular, one-on-one meetings with him to ask questions and discuss issues.

Ott answered commissioners' concerns about his disciplining of employees, particularly suspensions, by saying he believes "discipline should be progressionary" and give employees "several opportunities to succeed by clarifying expectations, coaching and the like."

Ott said Monday that he has no policy against commissioners asking questions of staff, despite statements two weeks ago by Commissioner Zandle Jackson, who said she was upset about having to direct all her questions and communications through Ott's office.

Ott said he considers himself a "bridge" between the commission and staff and expects staff to tell him about contacts with commissioners.

Commissioners did not discuss Ott's responses to them at Monday's meeting.

But Ott told reporters that he thinks the exchange was appropriate and positive.

"I don't think that I had a bad relationship with the commission to begin with," he said.

"I think... clarification about some areas of concern... I think that positions me now to be more responsive to meeting their needs. And that's what my job is."

Ott was not given his job evaluation and pay raise at Monday's meeting, as the Kalamazoo Gazette reported would occur. The commission gave Ott copies of each commissioners' individual evaluation, which Ott can discuss with the commission's three-member Administrative Committee if he chooses.

Mayor Edward Annen Jr. said the commission could give Ott and the city clerk, assessor, internal auditor, and attorney their raises as early as next Monday's commission meeting.

Manager says quote on arrogance not in context

Kalamazoo City Manager Marc Ott told city commissioners Monday that his comments that appeared in the Kalamazoo Gazette on Jan. 19 were taken out of context.

Ott was quoted as saying: "A label that has been directed towards me and other black male professionals... is that invariably if we are well-educated, if we

are articulate, competent and we are assertive, often that results in us being criticized or called arrogant... That really becomes very difficult because, what do you do with that? That's a very difficult set of circumstances, and obviously as a black male that's extremely frustrating."

Ott said Monday that the Quick Read did not note that he was re-

sponding to a reporter's question after commissioners had mentioned race during public discussions about Ott's job performance.

"It took it out of context because had the comment not been made during the meeting, there would not have been a question during my interview with the media, and therefore, I would not

have made the statement," Ott said Monday.

"Using that kind of a back drop, perhaps would have allowed readers to understand my remarks in the proper context... In regard to the statement that I made, I stand by it. I meant what I said."

—Ed Finnerty

New leaders may signal a fresh start with Ott

BY ED FINNERTY
KALAMAZOO GAZETTE

The election of a new Kalamazoo City Commission Tuesday may improve its uneasy relationship with City Manager Marc Ott, whose actions one commissioner says are tolerated because Ott is black.

Problems between Ott and some current commissioners were aired in January when Ott called for the commission to publicly assess his performance.

Commissioners Sally Appleyard, Curtis Haan, Zadie Jackson and Barbara Larson all complained about communications with the manager, saying Ott had cut off their contact with other employees and didn't brief them on issues until days or even hours before commission meetings.

Jackson said she has been frustrated enough with Ott to want to fire him.

"If my administrative assistant did that to me, I'd fire him. But I have to have three other people and, like it or not, we still live in a society that's afraid to do it because he's black. There's not the guts to do it," said Jackson.

"It has nothing to do with the color of his skin. It's the quality of what he does. I think others have backed off because he is black."

Other commissioners deny that Ott's race has dictated how they treat him.

But several have said privately that Ott "played the race card" when he called for public talks with commissioners over his performance in January. The audience had a far greater number of blacks than usually attend meetings and some, such as former mayor Beverly Moore, spoke in Ott's defense.

Ott said he did not orchestrate the turnout at the meeting or play a "race card."

At least five new commissioners will be elected Tuesday as only Jackson and Larson, both completing their first terms, are seeking re-election.

Appleyard, Jackson and Haan each gave Ott poor grades during his last formal job evaluation in February. On a scale of one to 10, with 10 being excellent, Jackson gave him a four, Haan a five and Appleyard a six.

Haan said his disagreement with Ott's style had "a great deal" to do with his decision not to run for re-election, but said he never considered firing him.

"Because I don't like his style ... doesn't give me the right to fire him," said Haan, who contends Ott's style is based on control and that he deals with city employees through "fear and intimidation."

"That's ridiculous and doesn't deserve a response," Ott said in reaction to the "fear and intimidation" comment.

the
VOTE
NOV. 7, 1995



Mark
Ott



Zadie
Jackson

ELECTION

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Ott also said he doesn't "know how to respond" to Jackson's remarks about his race.

"I am the city manager of Kalamazoo and I really don't know what my race has to do with that," he said.

"As city manager I am either performing my job well or I'm not," he said.

"I think that anyone who would raise the race issue ... is out of touch with what I think are the sentiments of the kind of people we have here in Kalamazoo."

Vice Mayor Alexander Lipsey, who with Commissioner Robert Straits has been a strong supporter of Ott, said a commissioner "couching this as a racial thing" is unfair.

"If Bob (Straits) or I felt there was a need to change managers," Lipsey said, "we would have enough fortitude to be able to do it."

Ott got high marks for his performance in February from Straits, Lipsey, Larson and Mayor Edward Annen Jr., earning a "satisfactory" overall score of 7.2 and a \$5,266 raise.

"He's a very intelligent man. I think he's got a lot of great ideas," Larson said. "I think it's just how he communicates ... I think he will see the light and change."

Said Ott: "I plan on continuing what I have always done.

"Communications is a two-way street ... I have always, I remain now, and I will in the future be open to doing all that I can to assure that there are good communications between the mayor, commission and the city manager."

The next commission won't include any of the seven members who were serving when Ott was named city manager in February 1993.

Ott's tenure began on a controversial note when the commission scuttled a national search and promoted Ott from deputy manager. He was named successor to James Holgersson in a 5-2 vote.

Annen, who was then vice mayor, and Haan opposed the appointment, calling it a power play engineered by Moore, who was then mayor, and other commissioners.

"It's probably a good opportunity for Marc to have a new commission come on and let them make their own judgement on him," Straits said.

Candidates have talked about relations between the commission and city manager during the campaign. Most have said the new commission should try to bury the hatchet with Ott and concentrate on working as a team.

"I see it as an opportunity to work with at least five new city commissioners who I'm sure will come ... with a great deal of energy and enthusiasm," Ott said.

***I plan on
continuing what
I have always
done.'***

Mark Ott
City manager

Ott fired city worker to intimidate union, complaint says

BY ED FINNERTY
KALAMAZOO GAZETTE

A labor union has filed a complaint with the state claiming City Manager Marc Ott tried to intimidate the union by firing one of its officials.

The Kalamazoo Municipal Employees Association, which represents city clerical and technical workers, has filed an unfair labor practice charges with the state Department of Labor over Ott's firing of 15-year housing division employee and KMEA grievance chairman Linda Tanksley.

Ott said he fired Tanksley in November for continued insubordination.

However, Michigan Employment Security Commission has ordered the city to pay unemployment benefits to Tanksley after ruling there was no proof she was disruptive or insubordinate.

According to a union statement, Ott fired Tanksley two days after an Oct. 31 meeting at which she disagreed with Ott on cost cutting.

Ott verbally reprimanded Tanksley on Nov. 2 for insubordination, then issued a written reprimand after Tanksley had KMEA Presi-

dent Sylvia Pahl join the meeting, the union said. When Tanksley questioned the need for the written reprimand, Ott said he was suspending her without pay and might fire her, the union said.

Ott fired her a week later.

In letters to Tanksley, Ott said he disciplined Tanksley because she was disruptive and insubordinate at the cost-cutting meeting, not because she disagreed with him. He said he suspended her because she ignored repeated orders not to interrupt him and was rude, disrespectful and insubordinate as he was trying to reprimand her.

Ott said he fired Tanksley Nov. 9 after she refused to accept a 30-day suspension and get counseling for her behavior.

Tanksley claims she wasn't rude or insubordinate and is seeking reinstatement to her job with full back pay.

As KMEA grievance chairman, Tanksley was responsible for bringing employee complaints to management and filing formal grievances. She said in the union's complaint that many employees don't complain out of fear management will harass, suspend or fire them.

The city has asked the state to dismiss the unfair labor charges and denies any attempts to intimidate or coerce union employees from exercising their rights.

The union statement contends Ott's treatment of Tanksley is part of a pattern. "Mr. Ott has to have complete control," the complaint said. "If he cannot control, he attempts to intimidate."

The union pointed to Ott's suspensions of city administrators, some of whom later recently resigned. Former public safety Chief Edward Edwardson and former public works Director James

Gallooly were each suspended by Ott and left last year for jobs in smaller cities.

Former city commissioners also have accused Ott of trying to exert excessive control over employees.

Ott has disagreed with those accusations and said he exercises "progressive" discipline that allows employees to correct their behavior at each stage.

He said conduct guidelines in the KMEA labor contract allows management to immediately fire employee on the first occasion of "disrespectful conduct toward management."

QUICK READ

← Kalamazoo Gazette, January 12, 1996

Fired city employee reinstated

Arbitrator rules Ott erred in terminating union official

BY MIKE TYREE
KALAMAZOO GAZETTE

Linda Tanksley was "rude and inappropriate" during a disciplinary hearing with Kalamazoo City Manager Marc Ott last year, but Ott erred in firing the 15-year city employee and union official, an arbitrator has ruled.

Arbitrator Donald Dettman in June ordered the city to rehire Tanksley and give her back pay and benefits dating to November, when Ott fired her after three contentious meetings.

Dettman said the city could impose a three-week unpaid suspension on Tanksley for her conduct during a meeting and two subsequent disciplinary hearings. But he rejected Ott's position that Tanksley was insubordinate and deserved to be fired.

Tanksley's conduct "did not rise to the level of insubordination" and "... the employer did not have just cause to discharge the grievant," Dettman wrote in his decision.

The arbitrator also said Ott's version of what occurred during the meetings differed from those of other witnesses, including city administrators Barbara Gordon and Agnes Hughes, who has since retired.

"The testimony of the city manager is not in accord with other witnesses," Dettman wrote.

Tanksley is employed as a housing specialist and was grievance chair of the Kalamazoo Municipal Employees Association. She also served as union liaison in the city's Reduction

*Tanksley's conduct "did not
rise to the level of
"insubordination" and
"... the employer did not
have just cause to discharge the
grievant," Dettman wrote in his
decision.*

in Cost of Government Services program, Ott's budget-cutting project.

Ott said Monday the administration welcomes Tanksley's return to work. "Our objective is to do everything in our power to make her successful," he said of the reinstatement.

Tanksley would not comment on her firing and reinstatement, but Sylvia Pahl, president of the KMEA, said union members are continually "harassed and intimidated by City Manager Marc Ott."

Ott alleged that Tanksley was rude, disruptive and disrespectful to him during an Oct. 31, 1995, meeting. He scheduled a Nov. 2 meeting with Tanksley, which also was attended by Gordon, city director of Development Services.

Ott told the arbitrator that the Nov. 2 hearing was nondisciplinary, but an exhibit supplied to

the arbitrator by both sides clearly showed Ott planned to give Tanksley an oral warning, Dettman wrote.

"If it is the city manager's interpretation that an oral warning is not disciplinary in nature, he is mistaken," he wrote.

In fact, Hughes, former city human resources director, told Ott to have a KMEA representative at the Nov. 2 meeting, according to the arbitrator's report.

When Ott informed Tanksley of the oral warning at the Nov. 2 meeting, Tanksley interrupted with a demand for union representation, which Dettman ruled was her right, and not an act of insubordination.

Pahl was called into the meeting, which fell apart after Tanksley repeatedly stated she did not understand what was occurring.

Ott scheduled another disciplinary hearing on Nov. 9, and gave Tanksley two choices: Take a 30-day "nongrievable" disciplinary suspension with behavioral counseling or be fired.

Tanksley rejected the suspension and was fired.

In addition to the arbitration award, Tanksley is awaiting a ruling on an unfair labor practice charge filed with the state Department of Labor.

A decision on that complaint is pending.

Gazette staff writer ED FINNERTY contributed to this report.

BPOA charges Gazette, city with conspiring to oust Ott

BY ED FINNERTY
KALAMAZOO GAZETTE

Kalamazoo's Black Police Officers Association is accusing the Kalamazoo Gazette and city commissioners of conspiring to oust City Manager Marc Ott and threatened to go as far as a recall if commissioners try to mediate strife between Ott and unions.

Meanwhile, commissioners made no decision Monday whether to hire a

mediator to look into charges leveled by five city labor unions last week that Ott manages like a dictator and uses fear and intimidation to control employees.

Mayor Barbara Larson, Vice Mayor Alfred Heilman and Commissioner Zandie Jackson said following a meeting with union officials Friday that they would recommend the commission hire a consultant to help iron out difficulties between Ott and employ-

ees.

In a strongly-worded statement during Monday's commission meeting, BPOA representative Al Frasier cited the city charter's division of powers in warning commissioners not to meddle in affairs between the manager and employees.

"It should be carefully noted by the commission, that if this commission goes forth with their previously expressed intentions, that we, the

BPOA, together with other members and organizations in the community intend to exhaust all remedies that are provided in the charter and by law ... including recall," Frasier said.

"We have a responsibility to our oath of office," said Heilman, who, along with Larson and Jackson, said commissioners were exercising their charter-assigned "right of inquiry" in meeting with union leaders to hear more about their concerns.

"I'll not be intimidated by anybody, anywhere, anytime," Heilman said later in response to the BPOA statement.

"Our desire ... is a win-win for Kalamazoo, which means a win-win for our city, for our employees, for our manager," he said.

Ott offered no comment Monday, but Frasier charged in the BPOA statement that some commissioners and

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Al Frasier

OUST

From Page C1

the Gazette are out to get the manager.

It said the BPOA and "other members of the general community have discerned an undemocratic, unfair and unethical alliance that exists between the Kalamazoo Gazette and certain members of the body of politics in this community.

"A clear pattern has been established where one faction, the Kalamazoo Gazette, has been used in order to create a predicate, so that the other faction, the body politic, could accomplish its own personal agenda."

Frasier went on to charge that the Gazette has used "reckless, unethical journalism" to discredit district court candidates while Kalamazoo attorney Frederick Milton handed out copies of the statement. Milton was defeated in the August primary race for district court judge.

Frasier charged that the Gazette used similar tactics against BPOA members in reporting on missing drugs from the public safety evidence room and "double dipping" by public officers accused of working school security jobs while on-duty for the city.

Gazette Editor James R. Mosby Jr. said today, "Our in-depth reporting on events at City Hall, in and out of the public safety department, has been in the very best tradition of American journalism,

'Our in-depth reporting on events at City Hall... has been in the very best tradition of American journalism.'

James R. Mosby Jr.
Kalamazoo Gazette Editor

and we have every intention of continuing just that."

Frasier's statement said: "Now, in the present situation with Manager Ott, we again see the gallows being erected by these same elements of the community in order to prepare for a high-tech lynching of the city manager.

"We can now expect to see the Gazette come forward with the rope to be used for the hangman's noose.

"All of this is designed to establish the groundwork for a bad rating of Manager Ott by the commission so that this rating can be used to separate him from the good service that he has rendered to the city because he has been deemed to be 'uppity' and 'arrogant' by certain members of this commission."

The statement ended with the commission being "put on notice that from this day forward, the BPOA will be in the forefront and pro-active in the battle to expose and eradicate such flagrant and arrogant abuse of power. This community expects and deserves better."

Former police officials dispute Ott's account

BY MIKE TYREE
KALAMAZOO GAZETTE

Two former high-ranking Kalamazoo Public Safety officials are disputing City Manager Marc Ott's stance that he did not know the extent of police evidence room drug thefts until mid-1995.

Ott read a statement about the drug thefts to the city commission on Nov. 6, 1995, three days after the Kalamazoo Gazette reported on 2-year-old public safety and state grand jury investigations into thefts of more than 1,100 rocks of crack cocaine from a Kalamazoo police evidence room.

"Although I was aware of the incidents involving the evidence room pertaining to former public safety Lt. Larry Boelman," Ott read from the statement, "I was not aware of the full nature and extent of the problem until being advised of the matter in July 1995 by Chief (Gary) Hetrick."

Former Deputy Chief Jim Grigsby and former Capt. Charles Spencer, both of whom retired from public safety last year, say Ott was sworn to the state grand jury no later than 1994 so he could be

briefed on the evidence room investigation.

They also say former Chief Edward Edwardson told them Ott was well aware by 1994 that a large amount of crack cocaine was missing and a high-ranking department official was a suspect in the case.

Edwardson, who retired in May 1995 and is now chief of the Wyoming Police Department, has repeatedly declined to comment about the evidence room case. But Grigsby and Spencer both said Edwardson assured them of Ott's knowledge of the case.

"I recall at a minimum of two times that I asked Chief Edwardson if the city manager was briefed and up-to-speed on the investigation," said Spencer, who is now the deputy chief of the East Grand Rapids Public Safety Department.

"Edwardson said (Ott) was aware of the entire grand jury investigation, including everything going on, not just limited to Larry Boelman."

Grigsby, who also retired last year and is fire chief in Roanoke, Va., agreed.

"My conversations with Ed Edwardson were that he was informing Ott that drugs were gone and (Capt. Ulysses) Dixon was a suspect," Grigsby said. "To the best of my knowledge, he was kept abreast of ongoing grand jury information."

Ott was asked about his evidence room statement during an Oct. 16 interview.

He said he would not discuss the evidence room case in detail because it is the subject of a state

I recall at a minimum of two times that I asked Chief Edwardson if the city manager was briefed and up-to-speed on the investigation. Edwardson said (Ott) was aware of the entire grand jury investigation, including everything going on, not just limited to Larry Boelman.

**Former KPS Capt.
Charles Spencer**

Deputy chief of the East Grand Rapids Public Safety Department

Freedom of Information Act lawsuit involving the city and Gazette.

But asked whether he knew drugs were missing before July 1995, Ott said, "I will make this one exception: No."

Told that former high-ranking department officials challenged his statement, Ott laughed and said, "Those individuals. I think that speaks for itself."

He would not elaborate, but concluded his evidence room remarks by saying, "I think what I'm saying is I was aware of Larry but I wasn't aware of the full extent of the problem."

Boelman, a former public safety shift commander, retired suddenly in 1993 and later was indicted by a grand jury. He was not charged with stealing drugs, but the evidence room investigation led to his convictions on prostitution-related and obstruction-of-justice charges.

No one has been charged with the drug thefts. Police say their investigation remains open.



Jim Grigsby

Although I was aware of the incidents involving the evidence room pertaining to former public safety Lt. Larry Boelman, I was not aware of the full nature and extent of the problem until being advised of the matter in July 1995 by Chief (Gary) Hetrick.
City Manager Marc Ott

'I suspect you all are going to continue to hear things. I am never going to stop pushing the envelope.'

- Kalamazoo City Manager Marc Ott

A rift at the top

Kalamazoo City Manager Ott battles growing criticism

BY ED FINNERTY
KALAMAZOO GAZETTE

Kalamazoo City Manager Marc Ott is under fire from labor unions and some neighborhood leaders and city commissioners.

But is he nearing a showdown over his job?

Some city employees say more than one commissioner has told them they are frustrated enough to seek Ott's resignation or tell him to hunt for a new job. Commissioners, however, publicly deny there is any major rift between them and the manager.

"The commission wants to see the manager succeed," said Vice Mayor Alfred Heilman. "We want a win-win."

There is a rift between Ott, who has been at the helm for 3½ years, and some city employees, who two weeks ago complained to the commission that Ott uses fear and intimidation to control employees. Five city labor unions, calling Ott dictatorial, implored commissioners to intervene for the sake of employee morale.

Kalamazoo's Black Police Officers Association fired back Monday, accusing city commissioners and the Kalamazoo Gazette of conspiring to oust Ott. The BPOA issued a stern warning to commissioners to stay out of

■ Former police officers dispute Ott's account, **Page A4.**

labor-management issues and threatened to go as far as a recall effort if commissioners cross into roles it says the city charter reserves for the manager.

The Administrative Committee of Heilman, Mayor Barbara Larson and Commissioner Zedie Jackson say they used their charter-assigned "right of inquiry" when they met with union leaders last week.

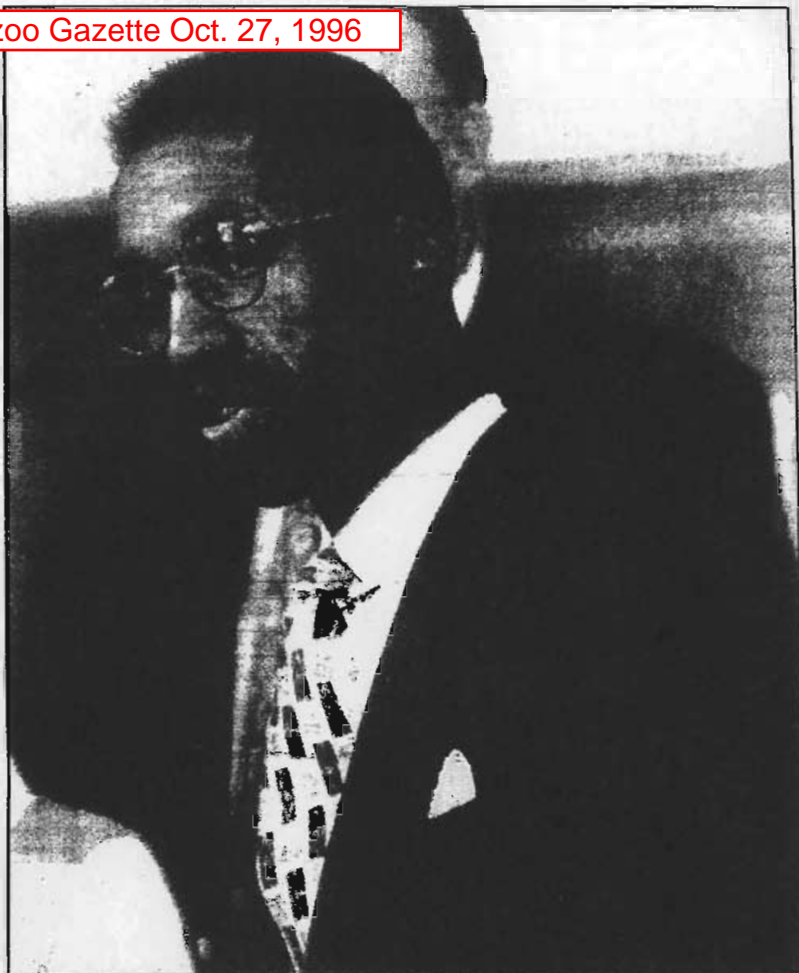
The committee recommended a consultant be hired to delve deeper into employee concerns with Ott and, after nearly two hours of tense debate Friday, the commission OK'd the action in a 4-3 vote.

Ott told commissioners their action was "absolutely the wrong thing to do." He had already invited union presidents to meet with him and wants to bring in representatives from corporations and educational institutions to help find ways to improve city labor-management relations.

"I care about the employees, all 900-plus that we have," Ott told the Gazette in a recent interview.

Employee anxiety

Ott said he takes the union concerns seriously, but attributes



WAYNE ANDERSON / GAZETTE

Kalamazoo City Manager Marc Ott answers a question at a recent press conference about Portage's allegations that Kalamazoo overcharged it more than \$5 million in sewer fees.

them to anxiety over his cost-reduction program, which has trimmed the work force through early retirements and elimination of positions without layoffs.

His top administrators and aides discussed effects of the cost-reduction initiative on employees

during a recent meeting centering on work force stress.

According to minutes of the Sept. 3 meeting, Deputy City Manager Pat DiGiovanni said he had heard stories about suicidal



Alfred Heilman

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Ott used his badge to intimidate them, police officials say



KPS Capt. Charles Spencer

BY MIKE TYREE
KALAMAZOO GAZETTE

Marc Ott says he doesn't use scare tactics to run Kalamazoo city government.

Some current and former public safety officials disagree, and point to a late 1994 battle over a local drug team's budget as an example of Ott's alleged willingness to threaten and intimidate employees.

Ott's behind-the-scenes attempts to cut four officers from the Kalamazoo Valley Enforcement Team prompted him to angrily wave his gold police badge in the faces of five public safety captains, refer to himself as public safety director and demand the captains reveal details of a department budget meeting, police officials said.

Ott said he is entitled to carry a badge, since the city charter identifies him as public safety director. But he denied flashing the badge during the 1994 meeting with the captains.

"No, I did not pull out a badge. I don't recall doing that," he said during an Oct. 16 interview with the Kalamazoo Gazette.

Ott is not telling the truth when he denies the badge-flashing incident, said retired public safety Capt. Charles Spencer, who attended the meeting.

"I am appalled by this man's apparent arrogance, that he thinks he can do and say anything," said Spencer, now deputy chief of the East Grand Rapids Public Safety Department.

Other captains who attended the meeting confirmed the incident but said they did not want to be identified or quoted for fear of reprisal.

Public safety Lt. Rory Heckman, president of the Kalamazoo Police Supervisors Association, said several of the captains told him of the badge-waving meeting with Ott.

"They believed it was intimidation tactics," Heckman said. "And that's what I call it - nothing but sheer intimidation."

Former public safety Deputy Chief Jim Grigsby, who retired last year, said Ott called the meeting with the captains to determine whether former Chief

Please see **POLICE, A4**

tendencies, paranoia and distrust in employees throughout the city and was told by a number of employees that they are taking Prozac, a drug used to treat depression.

Agnes Hughes, who retired in January as human resources director, said she understands employees' concerns about the belt-tightening, but believes the unions "have been unduly harsh in their criticism" of Ott.

"Perhaps it is as simple as a personality style that may be misunderstood or misinterpreted," said Hughes, who added that she never saw the "dictatorial" behavior from Ott described by the unions.

Former city budget analyst Barbara Larson, a nonunion employee who retired last year and who is not related to the mayor, said she agrees with the union assessments.

"I did not have a lot of respect for Mr. Ott," she said, describing his personality as "very powerful, very dominating, everything has to be his way."

"I think that probably several (employees), as a direct result of him, left," she said. "I myself would have worked another year or two, but I just didn't want to take the hassle."

Housing specialist Linda Tanksley was fired by Ott earlier this year for alleged insubordination during a series of exchanges that started with her interrupting him in a meeting over cost-cutting.

A state administrative law judge ruled Ott wrongly fired Tanksley and ordered the city to rehire her and give her back pay, plus interest. The city rehired Tanksley, but is appealing the ruling.

Troublesome transfer

Another troublesome personnel issue for Ott was the transfer this summer of popular KVET commander Capt. Daniel Weston to a desk job in another division. Weston's union has filed a grievance to have the transfer reversed.

Ott said the transfer was solely the decision of public safety Chief Gary Hetrick, who said it was a routine transfer for the professional development benefit of both Weston and his replacement, Capt. Tom Speers.

But some residents were incensed and claimed it was retribution against Weston for speaking out against possible changes to KVET.

"Some of the people most devoted and responsive to the public are ending up out on the sidewalks," Kim Cummings, a Kalamazoo College professor and active neighborhood leader in the South and Lovell streets historic areas, told commissioners in the wake of Weston's transfer.

The 1995 departures of public safety Chief Edward Edwardson and public works Director James Gallogly disturbed many residents who felt Ott forced them out. Both

men were highly visible and popular in the community and had previously been suspended without pay by Ott.

The city later voluntarily paid Gallogly and Edwardson for the days they were suspended because Ott's disciplinary actions were incorrectly applied. The unpaid suspensions could have changed the employment status of the two men from salaried to hourly, meaning that the city would have owed them thousands of dollars in accumulated overtime and compensatory wages.

Ott denies pressuring Edwardson and Gallogly to leave and points to their public statements that they were making career moves voluntarily. But Cummings said he senses "widespread concern" among residents about Ott's treatment of Edwardson, Gallogly and Weston.

Sincerity questioned

Jerre Wilgus, president of the Oakwood Neighborhood Association, said many residents he has talked with about Ott question the manager's sincerity when he pledges he won't do anything to weaken drug enforcement or neighborhood-based policing to trim costs.

Wilgus also said Ott is perceived to be "arrogant and dictatorial" by many residents. "He's not the most popular city manager we've ever had, let's put it that way," he said.

"I'm not in a popularity contest," Ott told the Gazette. "I'm here to do a job."

Ott says said he believes much of the criticism stems from his dedication to making changes he sees as critical to "move the organization and community forward in a positive way."

"I'm going to continue to do that, so I suspect you all are going to continue to hear things," the 40-year-old city manager said. "I am never going to stop pushing the envelope."

Ott, whose next performance evaluation will likely be in January, has received satisfactory overall performance evaluations each year since being elevated from deputy city manager in early 1993. He said his longevity here suggests he has enjoyed good support from commissioners.

'I'm still here'

"I've dealt with three different city commissions. I think that would suggest something very positive and constructive about my ability to respond effectively to a legislative body ... I'm still here," he said.

Former City Commissioner Curtis Haan said, however, that the previous commission nearly asked Ott to find work elsewhere.

"There were probably enough votes," he said. "Whether or not it would have been in the best interest of the community to do a 4-3 vote to ask for his resignation was my concern."

Commissioner Zadie Jackson has given Ott generally poor grades in performance reviews and was among members of the previous commission unhappy enough with Ott to seek his resignation.

"I was very concerned about the lack of communication," she said.



Zadie Jackson

"I have never felt I could do my job the way I would like to serve the people."

Jackson said she continues to have serious misgivings about Ott's communication.

She isn't the

only commissioner to complain about poor communication from the manager.

Mayor Larson was upset that Ott didn't tell her until last month about Portage's allegations that Kalamazoo had overcharged it more than \$5 million in sewer fees. Last week, the Portage City Council decided to sue Kalamazoo over the dispute.

Most commissioners expressed concern this summer about learning in a Gazette report that the administration was discussing major changes to the KVET drug unit, including possibly merging it into a State Police drug team.

Ott said the newspaper report came early in the KVET discussions and that he had planned to inform the commissioners soon. He said he told commissioners about the sewer rate dispute as soon as he understood it sufficiently.

"I think you should always do what you can to keep the mayor and commissioner's as fully informed about issues as you can, certainly important issues, issues that are particularly sensitive," he said. "I do work hard to achieve that."

Ott said he has further career aspirations, but is in no hurry. He went to Dayton, Ohio, this spring to interview for the city manager's job, but withdrew because he said he didn't like the "political dynamics."

"I haven't actively looked (for another job), but headhunters call me frequently," he said.

Ott said he doesn't believe he has worn out his welcome in Kalamazoo.

"I still have work to do," he said.

POLICE

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Edward Edwardson had blamed Ott for demanding reductions in KVET and the department's canine unit.

"(Ott) had given Ed direction to go and reduce the canine corps and KVET," Grigsby said. "Ed had to say it like it was his idea, and the city manager wasn't to be (implied)."

"We brought the captains in and gave them the pitch, but they weren't buying into the proposals. They are intelligent guys and it was insulting to them."

Edwardson, now chief of the Wyoming Police Department, declined to publicly comment on Kalamazoo public safety issues.

Spencer said the captains believed proposed cutbacks to KVET and the canine unit "weren't good for the organization or community." The captains per-



Kim Cummings

POLICE

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Edward Edwardson had blamed Ott for demanding reductions in KVET and the department's canine unit.

"(Ott) had given Ed direction to go and reduce the canine corps and KVET," Grigsby said. "Ed had to say it like it was his idea, and the city manager wasn't to be (implicated)."

"We brought the captains in and gave them the pitch, but they weren't buying into the proposals. They are intelligent guys and it was insulting to them."

Edwardson, now chief of the Wyoming Police Department, declined to publicly comment on Kalamazoo public safety issues.

Spencer said the captains believed proposed cutbacks to KVET and the canine unit "weren't good for the organization or community." The captains per-

suaded Edwardson to let them offer budget reductions in other areas of the public safety department, he said.

That event helped create a deep rift in the upper echelon of the department, Grigsby said, and led Ott to order that the captains, who command public safety's five divisions, be paged to come to his office.

'Re-think the Issue'

Ott said he told the captains the proposed KVET budget was not acceptable to him because several other local governments were removing resources from KVET.

"I could not justify a recommendation whereby the city of Kalamazoo general fund subsidized a countywide drug operation," he said. "I told them to go back and re-think the issue."

Ott said public safety officials ultimately proposed a consolidation of KVET and the Tactical Response Unit. Ott then pitched a plan to the city commission that

would have resulted in four fewer KVET officers.

The city commission in January 1995 rejected Ott's proposal and ordered KVET staffed at 1994 levels.

Ott's first concern in the meeting with the captains was to find out whether Edwardson was attempting to undermine the city manager, some of those in attendance said.

Ott pulled out his wallet, displayed the badge and stuck it directly in the face of Capt. Daniel Weston, who as then-commander of KVET was fighting cuts to his unit, they said.

Spencer and other captains said Ott attempted to intimidate Weston by saying, "Weston, we can do this the easy way or the hard way."

Ott then demanded that the captains tell him whether Edwardson blamed him for the proposed KVET and canine unit reductions, Spencer and others said.

Weston was transferred out of KVET this year after speaking

against secret merger negotiations between the city and a state police drug unit. He has filed a grievance against the city for the forced transfer.

Spencer said the captains were startled by Ott's actions, demeanor and the badge-flashing.

"I was taken aback, flabbergasted and confused," Spencer said. "After thinking about it a few minutes, I found it terribly degrading."

KPSA President Heckman said Ott's use of a badge rankles public safety officers because the manager is not a police officer.

"He's got a badge and he shows it. When Ott walks around flashing that badge, it offends all of us in public safety," he said.

Ott said he'll continue to carry the badge.

"There are times I use my badge. I'm the city manager and director of public safety," Ott said. "(But) if someone is saying to you I'm attempting to abuse my authority, the answer is no."

Officer: Race not factor in defending Ott

City manager a victim of 'unethical' newspaper coverage, black police group representative says.

BY ED FINNERTY
KALAMAZOO GAZETTE

Unethical newspaper reporting, not race, is motivating the Black Police Officers Association in its defense of Kalamazoo City Manager Marc Ott over a dispute with city labor unions, association representatives say.

A group of commissioners met Monday to work on a process for a consultant to review allegations by five of six city labor unions that Ott uses fear and intimidation to control employees and is ruining the city's management-labor relations.

Commissioners voted 4-3 Friday to bring in a neutral third party to delve into the complaints, despite division on the commission over how to handle the situation.

The BPOA's Al Frasier on Monday urged the City Commission to stay out of relations between Ott and employees.

It was the second time in two weeks the Al BPOA came to Frasier Ott's defense

before the commission. Among those criticizing Ott, who is black, have been the presidents of all three public safety unions.

"Contrary to popular opinion, we are here on a matter of principle and not personality or race," said Frasier, "the principle being that the unethical standards of journalism by certain reporters have created a situation that is now impeding effective government and is unfair to you, your constituents and the city of Kalamazoo."



Frasier pointed to Sunday's Kalamazoo Gazette in which he said Ott's honesty and character were wrongly attacked in reports on public safety issues.

He called the reports "unbalanced, unfair and unethical" and said they were intended to undermine Ott.

A week ago, Frasier accused the Gazette of conspiring with some commissioners to oust Ott.

Frederick Milton, an attorney and founding member of BPOA, said association members will further address concerns with Gazette reporting "in a public forum soon." He would not elaborate.

Milton also said race played no part in the BPOA's position on Ott.

Walter Jones III, who ran unsuccessfully for commission last November, cautioned commissioners to be careful in how they approach the situation. "I'd hate to see it escalate into something that would make our city look not well," he said.

Viola Gaines-McMillon, president of the Kalamazoo Metropolitan Branch of the National Association for the Advancement of Colored People, asked commissioners whether they planned to have community involvement in evaluating criticism of Ott.

Commissioner Edgar Gordon said there are no plans for community involvement at this point.

Gordon and commissioners Zadie Jackson and Nicolette Hahn serve on a committee that will develop a process for the consultant's inquiry. He said the committee's main role is to come up with a process acceptable to the commission, Ott and union presidents.

Ott, who told commissioners Friday that their decision to bring in a consultant was "wrong," had no comment Monday.

Ott told the Gazette last week that he had nothing to do with the BPOA statements. Frasier also said Ott was not consulted on the association's statements.

City seeks prompt review of Ott, union concerns

BY ED FINNERTY
KALAMAZOO GAZETTE

An outside review of union and employee concerns over Kalamazoo City Manager Marc Ott should be completed by late December and "will not be a witch hunt," City Commissioner Edgar Gordon said Monday.

A proposed contract with a consultant and process for the inquiry should go to the full City Commission "very soon," said Gordon, who is working on recommendations with commissioners Nicolette Hahn and Zandie Jackson.

The commission last month voted 4-3 to hire a consultant to delve into charges by unions that Ott uses fear and intimidation to control employees and has caused morale and management-labor relations to plummet. Ott opposed the decision, but said he would cooperate. In the meantime, he has gone ahead with plans to meet with union leaders on his own to try to work out problems.

Ott and union officials have met twice and announced last week that they plan to begin holding monthly meetings and twice-yearly labor retreats.

Gordon said the commission is pleased with those meetings, but will continue with its plans for a consultant.

"The consultant selected will inquire regarding the concerns of the employees and report the results of their inquiries and observations to the full commission," he said.

"This will not be a witch hunt or a performance appraisal of Manager Ott. The comments of individual employees to the consultants will not be reported to the commission or anyone else."

City names consultant to review Ott-union conflict

Kalamazoo to spend almost \$10,000 to consider employees' complaints.

BY ED FINNERTY
KALAMAZOO GAZETTE

An outside review of a split between Kalamazoo City Manager Marc Ott and labor unions isn't due until late January and won't be considered when city commissioners evaluate Ott's performance next month.

The City Commission on Monday approved a nearly \$10,000 contract with an Iowa consultant to look into union complaints about Ott. Five of six city unions

released a statement in mid-October accusing Ott of managing by fear and intimidation and of ruining management-labor relations and asked the commission to step in.

Ott, who opposed the decision to hire a consultant and called it "unprecedented," declined to comment on it Monday. "I chose to reserve my comments for perhaps a future occasion," he told reporters.

The commission tensely debated whether and how to get involved in union complaints several weeks ago before voting 4-3 to hire a consultant.

Commissioner Edgar Gordon,

who has been working on the project with commissioners Nicolette Hahn and Zandie Jackson, said in mid-November that a proposed consultant contract would be going to the commission soon and that the entire process should be completed by late December.

Gordon said Monday that while identifying a consultant took his committee longer than expected, the review does not need to be considered in Ott's performance evaluation anyway.

Gordon and other commissioners have vowed to stay within their charter-appointed right of inquiry, but not active involvement, into administrative matters.

"This is not a case of mediation or arbitration," Gordon said. "The commission is not to be a go-between between the administration and the unions nor would we consider such an undertaking."

The commission voted 5-2 to approve a \$9,815 contract with Municipal & County Management Services, of Maquoketa, Iowa, to conduct the inquiry.

Two men, both of whom have been city managers and are currently consultants for governments, will perform interviews of mostly randomly selected management, union and non-union employees and report to the commission on their findings by Jan.

31.

Mayor Barbara Larson, Vice Mayor Alfred Heilman and commissioners Gordon, Hahn and Jackson voted to approve the contract.

Commissioners Montford Piercey and Lance Ferraro voted against it, and have said that Ott should be given time to work out the conflict with the unions without outside intervention.

Ott's contract requires the commission to review his performance each year before adopting the city budget, which must be in place by Feb. 1.

It also calls for his pay to be elevated to a mid-level of salaries of

city managers in similar-sized cities as long as the commission judges his job performance is satisfactory.

Ott's 1996 salary of \$95,952 likely will climb above \$100,000 for 1997 if he gets a fourth straight satisfactory review. Ott had said he wanted to iron out differences on his own and has met with union leaders twice since November, agreeing to hold monthly meetings and twice-a-year retreats.

He also has said he may bring in representatives from corporations and educational institutions to help identify ways to improve management-labor relations.

Ott's review to spotlight strained relations

BY ED FINNERTY
KALAMAZOO GAZETTE

Monday's public grading of Kalamazoo City Manager Marc Ott should show whether relations with his City Commission bosses are strained, fractured or terminal.

Sources inside and outside City Hall suggest there is a crisis of confidence in Ott among commissioners.

As many as four or five of the seven commission members are reportedly fed up and may be frustrated enough to give Ott a job-hunting deadline, ask for his resignation, or fire him.

Ott's employment agreement

ANALYSIS

states clearly that he is appointed "at the will and pleasure" of the commission and can be fired at any time "with or without cause."

His relationship with most of the seven commissioners has been rocky at times, confirmed by Ott himself when he cited the "current political climate" in asking for a public performance review.

Ott wouldn't expound on his reasons for seeking a public review or his reading of the current political climate, except to refer to the commission's decision to have a consultant review union charges that he rules by intimidation and is wreck-

ing management/employee relations.

His evaluation during Monday's 7 p.m. commission at City Hall is to be carried live on community access cable television.

Ott, 41, who has served as manager since March 1993, called for a public dialogue about his performance two years ago under criticism from the previous commission. Many more black residents and leaders than usually attend commission meetings attended that meeting in a show of support for Ott, which led some to believe Ott played "the race card" to intimidate commissioners, who are white.

Ott, who is black, denied solicit-

ing support from the black community or involvement in any effort to make race an issue in his evaluation.

Most of Ott's problems with previous and current commissions center on communications. Most commissioners have been irked to varying degrees by what they say is a lack of timely and complete information from the manager on meeting agenda items and policy issues.

Ott has reminded commissioners that communication goes two ways and points to additional informal meetings and telephone contacts he has initiated to improve interaction.

The three members of the com-

mission's administrative committee - Mayor Barbara Larson, Vice Mayor Alfred Heilman and Commissioner Zadie Jackson - have each had public clashes with Ott over communications in recent months.

Edgar Gordon was among a three-member minority of commissioners who opposed hiring a consultant to review the union rift with Ott, but has since become the manager's most openly vocal critic on communications.

Commissioner Nicolette Hahn, who voted with the administrative committee members to hire the con-

Please see **OTT, A2**



BRADLEY S. PINES / GAZETTE FILE

Marc Ott, Kalamazoo city manager.

OTT

From Page A1

sultant, has expressed both satisfaction and dissatisfaction with Ott.

Montford Piercey has, at times, complained about communication, but has been mostly complimentary of Ott.

Lance Ferraro, who was on the previous commission and voted for Ott's appointment in 1993, has been the manager's staunchest supporter.

Kalamazoo has historically been reluctant to air its political laundry in public and most commissioners

have been tight-lipped about their upcoming assessments of Ott.

Only Jackson and Ferraro, who have been at opposite ends of the spectrum in regard to Ott's performance, would comment.

Jackson rated Ott's performance unsatisfactory in both of her previous two evaluations and said of Monday's: "It will not be any better than it has ever been. I have a lot of concerns."

"I will be a strong supporter," Ferraro said of Ott's evaluation. "I've always had good relations with him."

When asked how he believes the commission's evaluation of Ott

will turn out, Ferraro said: "I think it's a pretty divided commission. It's difficult to predict."

Ott's review could well be a crucial point in his tenure as Kalamazoo city manager. He hasn't backed down from commission critics in the past.

As one management-level source with the city said of Ott: "The tighter things get, the more resolve he has to stay and fight."

Whether a showdown looms over Ott's future as city manager is uncertain.

While Ott has been ripped on communications, he has earned widespread praise from commis-

sioners for trimming costs - and the belt-tightening that accomplished it is largely responsible for the employee unrest, Ott says.

Ott's review Monday may foreshadow how much infighting with commissioners lies ahead and whether their relationships will be more tumultuous or harmonious.

Heilman said relations between the commission and city manager must be healthy enough that they can work together to move the city forward.

"There is no one person or commissioner (who) is more important than the Kalamazoo community," he said.

Manager search begins

Opinions mixed on resignation

BY MICKEY CIOKALLO
and MIKE TYREE
KALAMAZOO GAZETTE

Kalamazoo city employees and neighborhood leaders offered mixed opinions Monday when they heard that City Manager Marc Ott resigned.

Relations between Ott and the commission clearly had reached a breaking point, said Leslie Decker, neighborhood director of the Stuart Area Restoration Association.

"I think they had gotten beyond where they could work together effectively and it was affecting the city," she said. "I don't think it could be remedied."

Although the Kalamazoo City Commission was clearly unhappy with Ott's performance, the four-year city manager did have some supporters.

"I'm bummed," said Nancy Bos, an administrative secretary at the city water department, 415 Water. "I'm afraid and I'm scared. I've seen people in there who don't give a rip about employees, or it seemed that way."

Bos, a 20-year employee, called Ott "very polite" and "a gentleman."

Her assessment was not necessarily the consensus among employees.

"It's good he's gone. He never did anything for the city that I know of," said Ben Leitch, a water department employee who's been with city for 19 years.

Leitch said his opinion of Ott turned sour a few years ago when the city manager promised to work a half day with employees in a wellfield pit. "He never even got out of his truck," Leitch said.

Whether workers were supportive of Ott or against him, they shared one reaction: Surprise.

"I'm shocked," said Warren Johnson, a custodian at the public works division, 911 Hatfield. A four-year city employee, Johnson was previously assigned to City

Please see **REACTION**, A4



WAYNE ANDERSON / KALAMAZOO GAZETTE

Vice Mayor Alfred Heilman, left, and Mayor Barbara Larson led a brief City Commission meeting Monday afternoon following a two-hour closed-door session in which they discussed City Manager Marc Ott's resignation.

- Ott not the first to resign after run-ins with commissioners, **Page A4.**
- Joint statement from the city and Ott, **Page A4.**
- City adopts budget, restores some money for managers, **Page C1.**

voicevote

Kalamazoo City Manager Marc Ott resigned Monday under pressure from city commissioners. Do you think his departure was the right move?

To vote see **Page A9.**

GazetteLINE

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JOHN A. LACKO / SPECIAL TO THE GAZETTE

A full house attended Monday night's City Commission meeting, which was to be the forum for an expected rocky evaluation of Ott's performance. Ott's resignation was announced earlier in the day.

Kalamazoo seeks administrator after Ott resigns

BY ED FINNERTY
KALAMAZOO GAZETTE

Kalamazoo Mayor Barbara Larson planned to begin assembling a transition team today to aid in the search for a new city manager.

Ott, 41, resigned Monday hours before what promised to be a poor performance review, closing out a four-year tenure that began and ended in controversy.

The City Commission voted 6-0 to accept Ott's resignation following a two-hour closed-door meeting Monday afternoon, which Ott did not attend. Commissioner Montford Piercey was out of town.

Deputy City Manager Pat DiGiovanni, who also was out of town Monday, will serve as acting manager.

Larson and Ott late Monday signed a "separation agreement," but the terms won't be public for seven days, City Attorney Robert Cinabro said. Under federal law, Ott could withdraw from the agreement during the weeklong waiting period, Cinabro said.

Ott was earning a salary of \$93,002 and will most likely get a severance package. Under his contract, he would have gotten 90 days pay and a pay-out of unused sick leave if he had been fired, but the contract doesn't specify a severance in the event of resignation.

The commission was scheduled to publicly discuss Ott's annual performance review during its 7 p.m. meeting. A few people in a packed City Hall commission chambers spoke on Ott's resignation and blamed the commission for his departure.

"Not even did you have the decency and courtesy to come in and do the evaluation, but (you) chose a coward's way out," city employee William Roland told commissioners.

"I think some of you come up very short with leadership," he said.

Attorney Frederick Milton also said the commission lacked leadership.

"The next election, you will see something ... about discharge of civic responsibility based upon educated voting," he said.

"We lost a good city manager due to ignorance, due to prejudice and due to just self-greed and self-gratification," said David Jones, a frequent commission critic.



Marc Ott



Pat DiGiovanni

Please see **REASON**, A4

Ott not the first to resign after commission run-ins

BY MICKEY CHOKALO
KALAMAZOO GAZETTE

Marc Ott was Kalamazoo's 14th city manager since the post was created in 1918.

He was the sixth to hold the position since 1968, when Clarence Elliott retired after 17 years, by far the longest anyone has served as Kalamazoo's city manager.

But Ott is not the first city manager to resign under a cloud of disapproval from the City Commission.

Since Elliott, at least two city managers — James Caplinger and Bruce Brown — left Kalamazoo with less-than-glowing reviews from the City Commission. And James Holgersson, Ott's predecessor who left to become city manager in Waco, Texas, received back-to-back tepid performance reviews from several commissioners.

Yet, if the job history of his predecessors indicates anything, the 41-year-old Ott should be able to find a good job elsewhere with relatively little trouble.

Brown left in 1976 after questions

were raised about his expense account uses, saying his credibility with the commission had eroded. He went to work in private industry later becoming president and chief executive officer of a Grand Rapids real-estate firm.

In an interview years later, Brown called his time as city manager "not the happiest three years of my life. ... It was an extremely difficult time for me personally."

Caplinger, Brown's predecessor, cited "personality differences" when he left in 1974. Friction developed between Caplinger and the commission during a three-month urban-studies seminar the city manager attended in Europe.

Caplinger submitted his resignation almost immediately after he returned. Two years later, he and his family moved to the Netherlands where he became director of the North American Urban Liaison Office. In 1984 he was named president of Unity College in Maine.

Sheryl Sculley and Robert Bobb were Kalamazoo's other two city

managers since Elliott retired.

Sculley, who served five years, left in 1989 to become assistant city manager in Phoenix. In 1984, she was named chief of staff to Phoenix's mayor.

Bobb, Kalamazoo's third longest serving city manager at eight years, resigned in 1984 to become city manager of Santa Ana, Calif. Two years later he was named city manager in Richmond, Va., a post he still holds.

In the wake of Ott's resignation, Kalamazoo Deputy City Manager Pat DiGiovanni has been named acting city manager. DiGiovanni was promoted from assistant city manager to deputy a month after Ott was named city manager in March 1991.

DiGiovanni came to Kalamazoo as assistant city manager in June 1991, previously serving as town administrator in Surfside, S.C. His other experience includes serving as finance director in McKeessport, Pa., and interim services director and assistant city manager in Myrtle Beach, S.C.

RESIGN

From Page A1

ic.

"There needs to be a recall (election)," he said. "What you all have done is a travesty."

Commissioners did not respond to the criticisms. Their only reference to Ott's

resignation came at the start of the meeting, when Larson repeated a statement made to the media earlier that Ott and the commission "mutually agreed" his resignation was best for the community, commission and manager.

In the statement, the commission thanked Ott for his seven years with the city, including three as an assistant in the manager's office, and Ott thanked the community and commission for the opportunity to serve as manager since March 1991.

Aside from that statement, Ott and commissioners remained under a self-imposed gag order. Ott, reached at his apartment, declined to comment to a Kalamazoo Gazette reporter.

Ott's attorney, Melvin McWilliams of Lansing, initiated discussions about the resignation Friday afternoon. Cinabro said Commissioner Nicolette Hahn would not confirm or deny rumors that she told the manager Friday



Frederick Milton

'This community has a lot of tough decisions



that are going to have to be made ... I think Marc had the drive and fortitude to say we have to make those tough decisions.'

Alexander Lipsey

Former vice mayor

morning he should consider resigning before his performance review.

McWilliams said he approached city officials about a severance agreement on Friday and negotiations continued through the weekend.

"Marc simply began to think he perhaps had done all he could accomplish there and he should consider making a move," McWilliams said. "It was pursuant

JOINT STATEMENT

The Kalamazoo City Commission and the city manager, Mr. Marc A. Ott, have mutually agreed that it is in the best interests of the city of Kalamazoo, the City Commission, and the city manager that he has chosen to resign from his four-year tenure as city manager and his seven-year employment with the city. The City Commission would like to thank Mr. Ott for all his contributions to this city and the community and wishes him well in his future endeavors. Mr. Ott wishes to thank the City Commission and the citizens of the city of Kalamazoo for giving him the opportunity to serve as city manager.

Both Mr. Ott and the City Commission hope that the city can move forward to achieve the community's common goals and vision. The City Commission has total confidence in city management to lead us forward during the transition period. If there are any additional questions about the situation, they can be addressed to either the commission's labor counsel, Mr. Tom Hustoles of Miller, Canfield, Paddock and Stone, P.L.C., or Mr. Melvin McWilliams, counsel to Mr. Ott.

troverial from the start. In March 1990, the commission voted 5-2 to promote the then-deputy city manager to manager without conducting a search for other candidates. Ott replaced James Holgersson, who took a job in Texas.

Ott never enjoyed full support of any of the three commissions he worked under.

Former Vice Mayor Alexander Lipsey, a strong supporter of Ott's from the previous commission, said he believes the manager was forced out because of personality conflicts with commissioners. He said Ott struggled with how to resolve that.

"His concern whenever he talked to me was, 'Am I doing damage to the community?' I've worked awful

'I believe Marc had leadership and integrity, and I'm not sure that was valued. This is unfortunate.'

Beverly Moore

Former mayor



ly hard to accomplish a lot of things here and if things get ugly, that's going to just tear down those things," Lipsey said.

Lipsey credits Ott with taking on difficult issues, such as reducing costs by more than \$3 million. "This community has a lot of tough decisions that are going to have to be made. I think Marc had the drive and fortitude to say we have to make those tough decisions," Lipsey said.

"Our loss is somebody else's gain," said former Commissioner Robert Straits, who made the motion to promote Ott to city manager in 1992.

"I'm really more worried about where we're going as a community," said Straits, who said he believes there is a lack of leadership among commissioners.

Beverly Moore, who was mayor when Ott was appointed city manager and is another strong supporter, agreed with Straits and Lipsey.

"I believe Marc had leadership and integrity and I'm not sure that was valued," Moore said. "This is unfortunate."

Larson said Monday she hadn't determined the makeup of the transition team, but said it could include commission and staff members.

Gazette reporter MARY TROSE contributed to this report.

REACTION

From Page A1

Hall, where he saw Ott frequently.

"I thought he was doing a good job around here," Johnson said. "He's just a businessman trying to run a city. Some people agreed with him, some people don't."

Several employees in a water plant break room sat in shock at the news Monday afternoon that Ott had resigned. The announcement came just a few hours before a planned public airing of Ott's annual evaluation at Monday night's City Commission meeting.

"I was going to get a six-pack and turn on Channel 32. I was going to watch the show," said worker Bob Lutz, referring to the cable access channel that shows the commission meetings live. "Ott's resignation doesn't really upset me. They seem to come and go so often. It just seems to be a stepping stone."

Tish Powell, the city's environmental programs specialist, said the cloud that surrounded Ott and the City Commission was no good for anybody.

"I think it's unfortunate that it had to come to this type of situation," she said. "It's a lose-lose situation."

Ken Horton, president of the Midwood Neighborhood Watch and a staunch supporter of the Kalamazoo Department of Public Safety, was elated to hear Ott was gone.

"I am very pleased and proud the City Commission had the gumption to go ahead with this," he said. "I think this is going to be positive."

'I thought he was doing a good job around here.'



Warren Johnson

Custodian in the city public works division

'It's good he's gone. He never did anything for the city that I know of.'



Ben Leitch

City water department employee

I think public safety has been held back because he's had such a thumb on these guys."

Some public safety officers became increasingly critical of Ott in recent months. They believed the manager exerted too much control over police administration and tried to slash or alter law enforcement programs that were effective and popular with residents.

Several officers voiced frustrations through union representatives or in quiet meetings with city commissioners.

"We've talked with several commissioners, (and) yes, we've continued to express our concerns about his inability to lead and get along with people," said public safety Lt. Steve Sarle, former lieutenant's representative to the Kalamazoo Police Supervisor's Association.

Sarle accused Ott of "dictating by ego" and hoped Ott's departure would have a positive impact on the department.

"Most of the people I'm in contact with realize Ott was calling the shots and (Chief Gary) Hetrick wasn't," he said. "It's no secret (Ott) wasn't a fan of the police department."

"We're hoping once again the chief can lead his department."

Ott handpicked Hetrick as his public safety chief in 1986, after former Chief Edward Edwardson retired and took the chief's job in Wyoming.

Edwardson and Ott had a poor relationship, and Ott once suspended Edwardson for two days for responding to a reporter's question about a department budget issue.

Edwardson would not publicly comment about Ott's ouster, other than to wish the commission success "in finding in a replacement the type of dynamic leadership to tackle some of the internal and external issues needed to move the city forward."

Severance package disclosed

The cost of Kalamazoo City Manager Marc Ott's resignation will range between \$85,193 and \$141,391.

BY ED FINNERTY
KALAMAZOO GAZETTE

Former Kalamazoo City Manager Marc Ott will get at least \$84,993 for resigning and could reap as much as \$141,191 in total compensation if he doesn't find a new job within a year.

The city's labor attorney insists it is a fair price to avoid a public airing of the rift between Ott and the City Commission that led to his resignation.

"I don't think it's in anybody's best interest to have a public debate over what the differences were that led to this breakdown" between Ott and commissioners, attorney Thomas Hustoles, of Miller, Canfield, Paddock and Stone, P.L.C., told reporters during a news conference this morning announcing details of Ott's separation agreement with the city.

"This resolution allows the city and the community and Mr. Ott to put whatever differences they may have had behind them and to move forward," he said.

Ott, 41, resigned Jan. 27 after nearly four years as city manager and seven years as a city employee. He and Mayor Barbara Larson signed a separation agreement that became final when a seven-day waiting period tied to federal age discrimination provisions expired at midnight Monday.

Ott resigned hours before a scheduled public performance review by commissioners that promised to be rocky.

He was an "at will" employee who could have been fired by the City Commission at any time.

Ott's employment contract didn't prescribe a severance package in the event of his resignation or if he had been fired "with cause."

If he had been fired "without cause" he would have been entitled to three months' salary and a payout of half of his accumulated unused sick leave and all



Marc Ott

■ Severance package will depend on Ott's job status, **Page A2.**

OTT

From Page A1

accumulated unused vacation hours, which would have totaled \$56,041.

The package he agreed to provides him with six months' salary, half of the value of his 507 hours of accumulated unused sick leave and the full value of 444 hours of accumulated unused vacation time.

Ott, who made \$95,952 last year, will get a check today for \$80,029 and will automatically get nearly \$5,000 more in other benefits under his severance deal. If he doesn't find work within the next year, the value of the package could increase to \$141,191.

Ott has declined to comment to the Kalamazoo Gazette about his resignation or severance package. He told WWMT-TV Channel 3 Monday that he has no regrets about his tenure here, but he wouldn't discuss his reasons for resigning.

Larson said she believes the agreement is fair and "very reasonable," but referred most questions from reporters to Hustoles.

She noted the separation agreement "contains a mutual obligation for both parties not to publicly air any differences."

She said that "is also consistent with the city's and Mr. Ott's publicly stated hope that the city can move forward to achieve the community's common goals and vision."

Ott and the city also agreed not to take other legal action against each other. Ott's salary would most likely have climbed above \$100,000 this year if he had received a fourth consecutive satisfactory annual performance review from the commission.

But there was some doubt about

voicevote



Kalamazoo will give its former city manager, Marc Ott, severance pay between

\$85,000 and \$141,000 for resigning. Does that sound like a reasonable settlement to you?

To vote see Page A9.

GazetteLINE

383-1000-8883

whether he would have earned a passing grade. A widening gulf between the manager and most of the seven-member commission, blamed mainly on communications breakdowns, had threatened to turn into a public showdown over his performance at last Monday's commission meeting.

Ott's attorney approached the commission with a resignation offer Friday, Jan. 24, three days before his scheduled review.

Commissioners never did submit written evaluations of Ott's performance. Larson had told commissioners to bring their evaluations of Ott to his performance review and that she would not accept them before then.

The city rejected a Gazette request under Michigan's Freedom of Information Act for copies of any evaluations that commissioners had completed. Commissioner Montford Piercey told the Gazette a week earlier he had completed his evaluation of Ott.

But Deputy City Attorney A. Lee Kirk said the evaluations, if any existed, are not public records because they were never submitted.

Ott package will depend on job status

Under the severance deal, Ott, who earned \$95,952 in salary last year, will get:

- Six months' salary - \$47,976.

- Accumulated unused sick leave - \$11,649.

- Accumulated unused vacation pay - \$20,404.

The city also agreed to pay his 1997 membership dues to the International City Managers Association of \$1,482, and \$3,482 (six months of benefits) to his deferred compensation account with ICMA.

Those guaranteed compensation totals \$84,993. Under other provisions of the deal, Ott could get up to \$56,198 more:

- If he is not employed on July

27, the city will continue to pay his monthly salary of \$7,996 for six months or until he becomes employed. If he is employed at any time during the six months following July 27 at a rate less than he earned from the city, the city will make up the difference.

- The city will continue to provide dental, medical, life and disability insurance, costing \$395 per month, until comparable benefits are provided by another employer, or one year, whichever comes first.

- If Ott isn't employed on July 27, the city will contribute \$580 per month to his ICMA deferred compensation account for up to six months.

Ott failed to register handgun

Former city manager apparently violated state law after gun purchase

BY MIKE TYREE
KALAMAZOO GAZETTE

Former City Manager Marc Ott failed to register a semiautomatic handgun he purchased in 1994, an apparent violation of state law.

Ott, who as manager carried a city-issued gold badge and often referred to himself as Kalamazoo's public safety director, never completed gun safety and registration paperwork as required by law for a pistol he bought, according to state and local officials.

Failure to register a handgun is a misdemeanor crime, punishable by up to 90 days in jail and \$100 fine. The Kalamazoo Gazette was unable to reach Ott for comment last week.

City commissioners learned of Ott's failure to register the weapon in the waning hours of his nearly four-year tenure as Kalamazoo's city manager.

On Jan. 27, the day Ott's resignation was announced, Kalamazoo officials approached state police in Paw Paw and learned Ott's pistol was not registered with the state.

No record on file

"There was no record on file," said Inspector Michael MacDonald of the Michigan State Police Fifth District Headquarters in Paw Paw. "The weapon reported to me as Marc Ott's was not registered with the state."

MacDonald said city officials asked him if Ott was in violation of state law, and he advised that city attorneys contact the Michigan Attorney General's office for a ruling on Ott's authority to carry an unregistered weapon under city charter.

Kalamazoo Vice Mayor Alfred Heilman said "it was an extreme concern" when commissioners learned of the problem. The commission did not pursue it further because Ott resigned, he said.

City attorneys would not comment directly on Ott's failure to register the gun, but Deputy City Attorney A. Lee Kirk said the city charter does not supersede state law, which would require Ott to register the weapon.

Kirk would not say if the city planned to initiate an investigation of Ott. Robert Pangle, Kalamazoo

County chief assistant prosecutor, said the matter should be investigated "if there is an appearance of a violation."

"If a police agency walks through the door and submits (a case), we're going to look at it," Pangle said.

Ott bought a Beretta .380-caliber handgun with a 10-round clip from Bill Thompson, a Battle Creek police officer and federally licensed gun dealer.

"He bought a firearm from me in 1994," Thompson said. "He had a purchase permit."

Thompson said public safety Assistant Chief Raymond Ampey initiated contact with him for the Ott gun deal. He said Ampey bought an identical gun, although since Ampey was a police officer, he was allowed to buy a weapon that could hold a larger clip and more ammunition.

Ampey did not respond to a Kalamazoo Gazette reporter's telephone messages.

Thompson said then-public safety Chief Edward Edwardson signed a purchase permit which allowed Ott to buy a weapon. The purchase form contains a statement informing buyers that they are required to register the gun within 10 days, Thompson said.

"That would be his responsibility," Thompson said.

By law, Ott had to register the gun and have a safety inspection completed by either the Kalamazoo County Sheriff's Department or Kalamazoo public safety department.

Sheriff's officials said they had no record of a gun registration for Ott.

The Gazette this week sought Ott's gun registration records from the public safety department under the state Freedom of Information Act. The city found no such records for Ott.

Edwardson, now chief of the Wyoming Police Department, said Ott asked him to sign a gun-purchase permit.

"My recollection is that he requested a permit to purchase and I supplied him with one," Edwardson said.

Ott also obtained a limited concealed weapons permit from the county gun board in February 1994 that allowed him to carry a weapon "to, from and during all activities associated with the position of Kalamazoo city manager."

A concealed weapons permit and gun registration are two separate issues, Pangle said. To obtain the concealed weapons permit, Ott did not have to provide information about the handgun he purchased.

'... you have a fundamental misunderstanding of your role.'

Mayor Barbara Larson and Vice Mayor Alfred Heilman, in a memo to former City Manager Marc Ott

City leadership slammed Ott

Former manager offered to resign hours after receiving memo from mayor and vice mayor.

BY ED FINNERTY
KALAMAZOO GAZETTE

Hours before Marc Ott offered to resign, he received a scathing memo from the Kalamazoo mayor and vice mayor accusing him of "outrageous" attempts to intimidate them and having a "fundamental misunderstanding" of his role

as city manager.

Ott and commissioners refuse to publicly discuss the specifics that led to his January resignation, but two memos obtained by the Kalamazoo Gazette show the gaping divide that had developed between the manager and commission leadership.

Mayor Barbara Larson and Vice Mayor Alfred Heilman told Ott in a memo dated Jan. 22 that they were "deeply troubled" by his responses to several matters in a Jan. 13 memo to the commission. Ott received the memo the morning of Jan. 24; that afternoon his attor-

ney contacted the city with a resignation offer.

The Gazette obtained both memos under the state Freedom of Information Act.

"We view your misplaced attempts at suggesting to the City Commission that the mayor and vice mayor have made unlawful requests where none were made, that you have the responsibility of chief executive when under the charter and state law you do not, and your suggestion that divisive voices may impede our progress as we enter 1997 as veiled efforts

Please see **OTT, A2**.



Marc Ott



Barbara Larson



Alfred Heilman

■ Ott didn't register handgun.
Page A2.

■ Commissioners questioned lack of suspension in Frasier case.
Page C1.

to intimidate us from doing the job we were elected to do," Larson and Heilman wrote.

In the three-page memo, they charge that Ott:

Misrepresented request

■ Deliberately misrepresented their request to determine whether commission critic David Jones was a security threat after a November meeting in which Jones made what they considered an "explicit threat" toward commissioners.

Jones, who is black, had verbally sparred with Heilman, who is white, during the meeting, accusing the vice mayor of racist hiring practices at his nut and candy shops.

Jones had told the previous commission in 1994 that he would "slit their throats," but later insisted the comment wasn't meant literally.

Larson and Heilman said they asked Ott "whether or not there was a way that we could find out whether (Jones) had a history of violence." Both said they told the manager more than once they "did not want to have (Jones) investigated."

Ott said in his memo to them, however, that Larson and Heilman asked him to consider checking to see if Jones was on the Law Enforcement Information Network, a computer database of people with criminal histories.

Ott said he was concerned whether such a background check was legal.

He said "the thought that members of the commission would make such requests merely because a citizen frequently participates in commission meetings would have a chilling effect on the right of free speech and ... could be explosive and further erode public confidence in government."

Larson and Heilman called Ott's representation of the matter "outrageous" and "so gross that we conclude it must be deliberate."

They objected to his conclusions about legal ramifications, saying he consulted neither the city attorney nor city labor counsel.

Failure to notify

■ "Totally twisted" the commission's repeated requests that he notify them when he believed the Gazette was preparing articles about prob-

lems in the public safety department.

The memo said Larson and the commission had requested reports on articles on public safety employees Al Frasier and Kenneth Blodgett in late 1996. The Gazette reported Frasier was being investigated for allegedly lying to superiors about using work time to write a speech in which he publicly criticized the commission for its treatment of Ott. Blodgett, who has since retired, was charged with and pleaded no contest to attempted illegal entry of a former girlfriend's residence.

Ott wrote in his memo that he attempts to keep commissioners informed of matters that may affect the city, but doesn't always know what articles the Gazette is preparing.

Larson and Heilman told Ott in their memo he had "totally twisted what you know we have repeatedly asked," which was a "heads up" on matters that might attract media attention.

"As we have told you previously," they wrote, "we are tired of reading articles in the Gazette on matters that you knew about and could have reasonably anticipated that they might appear in the media."

Larson and Heilman were also upset Ott didn't respond to their Dec. 13 request for information on the Frasier and Blodgett matters until a month later. Ott said his report was delayed because he and public safety Chief Gary Hetrick were on vacation and Hetrick was also ill during the interim, an explanation the mayor and vice mayor called "entirely unsatisfactory."

Misrepresented position

■ Misrepresented his position when he described himself as chief executive of the community.

In responding to the commission's request for information on Frasier and Blodgett, Ott said federal law may prohibit release of confidential employee information to commissioners and the city could be sued if such information was disseminated.

"I will cooperate and honor all reasonable and lawful requests from the commission ... (but) I cannot, as the chief executive of this community, needlessly expose the city to potential financial liability," he wrote.

Larson and Heilman said that, under the city charter and state

Home Rule Cities Act, the mayor is chief executive and the city manager is chief administrator.

They called Ott's claim that he is the city's chief executive a "grossly erroneous conclusion."

"Your assertion that you ... are the chief executive of the city disturbingly demonstrates that you have a fundamental misunderstanding of your role," they wrote.

Larson and Heilman last week declined to comment on the memos.

The Gazette was unable to reach Ott for comment last week. He has refused several Gazette requests for interviews since he resigned.

In his Jan. 13 memo, Ott warned the commission of the "divisive voices" working to deter the city's progress.

"There are those in the community, as the commission is well aware, who would choose to divide this community and impair our ability to go forward into the 21st century," he wrote. "Kalamazoo is a dynamic and vibrant community. I know that the City Commission, like the city manager, will not allow the divisive voices to impede our progress as we enter 1997."

The commission accepted Ott's resignation three days after he offered to resign. Under the severance agreement, Ott will receive at least \$84,993 and up to \$141,191 if he does not find a job by January.

The agreement includes provisions that Ott won't sue the city and the commission will provide him "mutually acceptable" references for his job search.

CORRECTIONS

The Kalamazoo Gazette corrects errors of fact appearing in its editions. If you know of an error, please call 388-2735 or the department editor.

■ The date for the Kalamazoo Junior Symphony Orchestra concert was incorrect in Saturday's "Fast Forward" column on Page A1. The concert is at 4 p.m. today at Chenery Auditorium, 714 S. Westnedge. Admission is \$5, or \$1 for seniors and students.

State police investigating Ott's failure to register handgun in 1994

BY MIKE TYREE
KALAMAZOO GAZETTE

State police are investigating Marc Ott's failure to register a semiautomatic handgun. The former Kalamazoo city manager purchased in 1994.

Ott bought a .380 Beretta semiautomatic handgun with a 10-round clip from a Vicksburg gun dealer and failed to register the weapon within 10 days of purchase, as required by state law.

Deputy City Attorney A. Lee Kirk said Wednesday that Ott registered the gun on March 4, two days after the Kalamazoo Gazette published an article detailing the registration problem.

Detective Sgt. James Martemucci of the Michigan State Police in Paw Paw said Wednesday he has com-

pleted interviews with some witnesses and needs to speak with others, including Ott, before wrapping up the investigation. Ott said he would need an attorney present to submit an interview, Martemucci said.

On Tuesday, Ott, I'll go down to the (Kalamazoo County) prosecutor's office and submit it," Martemucci said. He did not know when the investigation might be finalized.

Failure to register a handgun is a misdemeanor crime in Michigan and is punishable by up to 90 days in jail and a \$100 fine.

"To have a firearm, he has to register it like anyone else," Martemucci said.

One of those on Martemucci's interview list is former public safety Chief Edward Edwardson, now

chief of the Wyoming Police Department. Edwardson recently told the Gazette he signed a purchase permit for Ott in 1994 and advised him to have the gun registered and safety inspected after its purchase.

Public safety officials approached the state police on Feb. 27, one month after city officials, including public safety Chief Gary Hetrick, learned Ott may have violated state law by failing to register the weapon within the 10-day window in 1994.

The public safety request for a state police review came two days after the Kalamazoo Gazette sought Ott's gun registration records from the city under the state Freedom of Information Act.

Ott bought the weapon after he was introduced to Vicksburg gun dealer Bill Thompson by public safety

Assistant Chief Raymond Ampey. Thompson told the Gazette. Ampey and now-retired officer Albert Hampton purchased weapons similar to the gun bought by Ott, but the two officers registered their guns with the state, said state police Detective Lt. John Slenk.

City charter allowed Ott the title of public safety director, but he was not a certified police officer and had no authority to own an unregistered weapon. City charter does not supersede state law, which means Ott would not be exempt from gun registration requirements, Kirk said.

A secretary for Ott's attorney, Melvin McWilliams of Lansing, said McWilliams would not comment on the investigation.

Warrant sought against former city manager

BY MIKE TYREE
KALAMAZOO GAZETTE

State police have wrapped up an investigation of Marc Ott amid allegations the former Kalamazoo city manager failed to register a handgun he purchased in 1995.

A warrant request forwarded this week to the Kalamazoo County Prosecutor's Office seeks charges against Ott for possessing an unregistered firearm, said Detective Sgt. James Martemucci of the Michigan State Police Paw Paw post.

Possessing an unregistered firearm is a misdemeanor, punishable by a fine and up to 90 days in jail.

Ott took possession of a 10-round Baretta .380-caliber handgun in May 1995, but did not have the weapon inspected for safety and registered by a police agency, as state law requires, according to public documents obtained by the Kalamazoo Gazette.

Ott registered the gun in early March, days after the Gazette reported he'd failed to register the weapon.

The case will be sent to another prosecutor's jurisdiction for review, due to Ott's former ties to the community, said Robert Pangle, Kalamazoo County chief assistant prosecutor.

Seven people, including Ott, were interviewed during the investigation, said Martemucci, who said Ott was cooperative in an interview with police.

Ott has hired former Ingham County Prosecutor Donald Martin to represent him in the case.

Martin, now in private practice in Lansing, said he was aware the state police report had been passed on to the prosecutor's office, but said he knew few details and would not comment on the case.

Kalamazoo Department of Public Safety Chief Gary Hetrick asked the state police to review the Ott handgun registration situation on Feb. 28, days after the Gazette sought gun registration records from the public safety department under the state's Freedom of Information Act.

Public safety officials confirmed then that Ott had not registered his weapon with the city.

Hetrick knew about the unregistered gun a month earlier, however. Allegations that Ott hadn't properly registered the weapon surfaced on Jan. 27, when Kalamazoo city commissioners met and voted to pay Ott up to \$141,000 to resign.

City commissioners discussed the situation at the meeting, which also was attended by Hetrick and city attorneys.

July 1997

Kalamazoo Gazette c. July 15, 1997

City still paying ex-city manager

He resigned six months ago and is continuing his search for a similar post.

BY MICKEY CIOKAJLO
KALAMAZOO GAZETTE

The city of Kalamazoo will write Marc Ott a check for \$7,996 later this week because the former city manager has not yet landed another job.

"He's out there on the market," said City Commissioner Lance



Marc Ott

Ferraro, who keeps in touch with Ott. "He's not goofing off, he's trying. Just like anybody else, he'd like to better himself." The Kalamazoo Gazette was unable to reach Ott for comment.

Ferraro said the former city manager would like to stay in that profession but also has considered

going to law school. "He's not going to give up. He's not that type of guy," Ferraro said.

Ott resigned Jan. 27, hours before what was expected to be a contentious job-performance review by the City Commission. Unions had accused Ott of ruling by fear and intimidation and commissioners said they were increasingly frustrated by a lack of communication from the city manager.

As part of the separation agree-

Please see **OTT, A2**

OTT

From Page A1

ment, Ott was given a compensation package ranging from \$84,993 to \$141,191, depending on whether he found another job after six months.

Sunday was the six-month mark.

The city on Friday received letters from Ott and his attorney, Melvin McWilliams of Lansing, verifying that Ott has not found another job.

"As requested, this letter is

intended to serve as written verification that I have not found a position comparable to my former position at a comparable salary level," Ott wrote to his attorney. The letter, which was copied to the city, was obtained by the Gazette under the Michigan Freedom of Information Act. "In addition, please advise (City Attorney) Mr. (Robert) Cinabro that I have not obtained any regular employment whatsoever since my resignation as city manager. This situation is likely to continue for an unknown period of time."

The city will pay Ott \$7,996 - the rate he was earning when he left - on the first day of each month from August to January.

If he lands a job that pays more than his previous \$95,952 salary, the checks will stop. If he gets a job that pays less, the city will make up the difference until Jan. 1.

It is Ott's obligation to notify the city if he obtains employment between now and January, according to a letter Cinabro wrote to Ott's attorney.

The city's monthly payments to Ott will actually amount to

\$8,971.41 - accounting for \$396 in dental, medical, life and disability insurance and \$580.41 in deferred compensation.

The city has already paid \$87,363 in Ott's name, \$80,028.92 of which accounted for six months of salary and unused vacation and sick pay. The balance paid for six months of insurance and deferred compensation as well as Ott's 1997 membership dues to the International City Managers Association, which cost \$1,482.26.

Ott, who still lives in Kalamazoo, has been a finalist for city manager

positions in at least two cities since he resigned. He made the final 10 in Aurora, Colo., in February and the top seven in Durham, N.C., in May. Ferraro questioned whether heavy press coverage of Ott has hindered his job opportunities.

"Maybe this is one of the things that is holding him back," Ferraro said. "I don't know."

Ott is under investigation for failing to properly register a handgun that he owned while he was city manager.

The Michigan State Police last month requested a misdemeanor

warrant from the Kalamazoo County Prosecutor's office, which sought review of the case from the Allegan County Prosecutor's office, where it remains under review.

CORRECTIONS

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Kalamazoo Gazette, August 12, 1997

No charge against former city manager Ott

Prosecutor says former city manager's failure to register his handgun was an oversight.

BY MIKE TYREE
KALAMAZOO GAZETTE

Former Kalamazoo City Manager Marc Ott won't be criminally charged for failing to register a semiautomatic handgun he purchased in 1995.

An Allegan County prosecutor who reviewed a state police investigative report said Ott did not act criminally when he neglected to have his .380 Baretta safety inspected as required by state law.

"... It appears that Mr. Ott had every intention of complying with the law," wrote Douglas Ketchum, Allegan County

chief assistant prosecutor, in a letter to the Kalamazoo County Prosecutor's office. "He went to great lengths to obtain all the necessary permits and forms. This was an oversight, not an intentional criminal act.

"When this oversight was brought to his attention, he corrected it promptly."

Ott registered the weapon in March, two days after the Kalamazoo Gazette reported that he had failed to complete the proper safety inspection and paperwork. The Gazette was unable to reach Ott for comment Monday.

Ketchum said Ott received a purchase permit and a concealed weapons permit prior to buying the gun, but committed a technical legal violation by not completing necessary forms after taking possession of the weapon.

"My recollection is he probably didn't fill anything out after that," he said.

Ott had sought advice on gun ownership and registration from former public safety Chief Edward Edwardson and then-Assistant Chief Gary Hetrick, Ketchum said. The city manager simply did not realize he had to complete additional paperwork, he said.

"I think it's easy for people to get confused (with the paperwork)," he said.

Kalamazoo city commissioners learned of the possible violation on Jan. 27, the day they accepted Ott's resignation.

Hetrick attended the commission's closed meeting and was informed of the gun registration problem, but did not immediately seek an investigation, waiting a month to contact state police in Paw

Paw. Hetrick did not respond to several messages from the Gazette on his voice mail seeking comment.

A state police detective interviewed Ott, as well as several other witnesses before submitting a warrant request to Kalamazoo County prosecutors.

Kalamazoo County prosecutors asked Allegan County officials to review the matter because of Ott's former standing as the city's manager.

Robert Pangle, Kalamazoo County chief assistant prosecutor, said his office "will adopt (Allegan's) decision on this."

Failing to register a handgun is a misdemeanor crime in Michigan, but Pangle said the law offers no time frame for registering weapons, making enforcement of the statute difficult.



'My concern at that point was if I could strengthen the relationship between the city manager and the chief of police, I would facilitate that. Is there any impropriety to what I did? The answer is no. Did I misuse my office because of who (Ott) was? The answer is no.'

Thomas Edmonds, Kalamazoo County Sheriff

Favors among friends

Sheriff loaned city manager a handgun, helped arrange concealed weapons permit

BY MIKE TYREE
KALAMAZOO GAZETTE

Kalamazoo County Sheriff Thomas Edmonds figured he'd earn a return favor or two when he showered Marc Ott with police perks during a February 1994 meeting.

Edmonds helped Kalamazoo's then-city manager obtain a rare general concealed weapons permit, loaned him a sheriff's department .38 caliber hand-

gun, and named Ott a special county deputy, the Kalamazoo Gazette learned through interviews with law enforcement officials and public documents.

The sheriff's gifts played into Ott's strong interest in the Kalamazoo Department of Public Safety and his burgeoning control over that department.

In return, Edmonds said he hoped to buy goodwill for then-public safety Chief Edward Edwardson, the sheriff's

close friend who was on shaky ground with Ott.

"My concern at that point was if I could strengthen the relationship between the city manager and the chief of police, I would facilitate that," Edmonds said. "Is there any impropriety to what I did? The answer is no.

"Did I misuse my office because of who (Ott) was? The answer is no."

In addition to Ott, Edmonds said he loaned a gun to U.S. District Judge

Richard Enslen in 1988 after the judge received a death threat.

State handgun laws forbid loans or gifts of handguns unless the handgun is re-registered in the name of the person accepting the weapon. In the Ott and Enslen cases, the guns remained registered to the sheriff's department.

The sheriff says he didn't document the Ott loan with paperwork, but said



Marc Ott

Please see **FAVORS, A2**

FAVORS

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he didn't need to after qualifying the exchange as a loan between agencies.

"I, as an attorney, was very sensitive to the situation and that we not even commit a technical violation," said Edmonds, a Kalamazoo County assistant prosecutor prior to being elected sheriff in 1984.

State police investigation

Details of Edmonds' favors surfaced after state police investigated Ott's failure to properly register a handgun he bought in 1985. A Gazette article last March showed Ott had failed to complete gun registration forms.

Ott registered his weapon days after the article was published. A prosecutor last month cleared Ott of intentionally violating state handgun laws.

Ott traces his legal troubles over the 1985 handgun registration back to February 1984, when Edmonds loaned him a sheriff's department .38 revolver.

"He was the sheriff," Ott said. "I thought he knew what he was doing, for crying out loud."

Ott said he was unaware of Edmonds' desire to improve relations between he and Edwardson by offering favors.

And the way in which Edmonds conducted the transaction convinced Ott that he didn't need to register his own gun, a .380 semi automatic he purchased in May 1985, Ott said.

Edmonds scoffs at Ott's claim, and said the gun loan in 1984 was not inappropriate, nor was a handgun loan to Enslin he authorized in 1988.

Enslin said he does not recall the gun loan, but it was confirmed by department officials.

The Enslin loan was treated as an emergency measure to ensure the judge's safety, Edmonds said.

He called the Ott gun situation an "interdepartmental loan" to public safety and said he explained the details to Ott and Edwardson at a meeting in his office in February 1984.

Ott and Edwardson don't remember it that way. Ott's attorney in the gun registration case, former Ingham County Prosecutor Donald Martin, said the sheriff simply gave Ott the gun and didn't discuss an interdepartmental loan.

"There wasn't any mention of circumstances on why the gun was coming over," Martin said. "(Edmonds said) 'Until you get your own gun, Marc, why don't you use this one?'"

Martin voiced dismay over Edmonds' handling of the gun loan.

"If I were going to loan some weapons, seems I'd want (documentation)," Martin said. "When Marc told me about this, it raised questions in my mind."

Edwardson left Kalamazoo in 1985 for the chief's post in Wyoming. He said he doesn't remember the meeting, but recalled Ott wound up with a sheriff's department gun.

"I do know that he did receive a .38 on loan," Edwardson said. "Could Tom (Edmonds) have perceived it was an interdepartmental loan? Sure."

Edmonds said he offered the handgun because Ott had just obtained a concealed weapons permit and did not have his own gun.

"Ed (Edwardson) indicated there was nothing his department could issue," Edmonds said. "I said, 'If you need one now, I can loan one to KDPS.'"

But Kalamazoo's public safety department had a stockpile of 50 to 75 spare handguns at that time, said Theodore Lupina, the officer in charge of department weaponry.

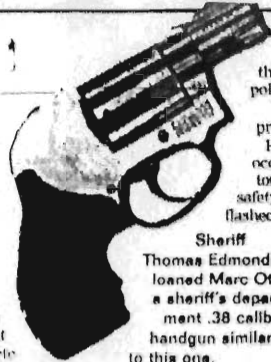
If the city decided Ott needed to carry a concealed firearm, Edwardson could have easily signed out a department weapon for him, Lupina said.

Edmonds said the Ott and Enslin gun loans were the only instances he recalls of sheriff's department weapons ending up in the hands of non-sheriff's personnel.

Sheriff helps with gun permit

Edmonds also used his influence to help Ott obtain a general concealed weapons permit.

The sheriff knew Kalamazoo's city charter referred



Sheriff Thomas Edmonds loaned Marc Ott a sheriff's department .38 caliber handgun similar to this one.

to Ott as both city manager and director of public safety, though that title carried with it no police powers or authority.

But Ott did maintain a strong presence in public safety affairs.

He rode with officers on a couple of occasions and demanded a customized gold badge from the public safety department, a badge he later flashed at department command officers during a heated meeting. He was sworn to the Kalamazoo-based state grand jury, which made him privy to investigations, and decided he wanted a handgun and concealed weapons permit.

Edwardson arranged for Ott to apply to the county gun board for a concealed weapons permit in 1992 and, in February 1994, the city manager appeared before the three member board, comprised of representatives of the state police, prosecutor's office and sheriff's department.

Permits are not easy to obtain

General concealed weapons permits are hard to obtain. For non police officers or applicants who cannot show a documented need, it's even tougher.

From 1992 through mid-1997, only 36 general concealed weapons permits were granted in Kalamazoo County to non law enforcement personnel, according to county records. Since 1985, only four such permits have been issued.

Between 1992 and 1997, the gun board denied 65 general permit requests, records show. But Ott, backed by Edwardson, sailed through the gun board interview.

According to minutes of the Feb. 2, 1994, gun board meeting, Ott told the board that he "needs a handgun permit because he is a 'hands-on' manager. He sometimes rides with public safety officers in high crime areas and also meets with citizens in their neighborhoods as opposed to his office."

The board granted Ott an 11 month permit but, from the sheriff's department's standpoint, the outcome was never in doubt.

Prior to Ott's appearance before the gun board, Edmonds ordered his board designee, sheriff's Capt. James Van Dyken, to approve Ott's concealed weapons permit, the Gazette learned.

Ott said he was unaware of Edmonds' order to approve his application.

Van Dyken would not publicly comment on Edmonds' order, and deferred comment to the sheriff.

Edmonds said he "can't recall" ordering Van Dyken to pass Ott, but added, "It could well have happened, and it's not inappropriate. I've done it before."

Robert Pangle, Kalamazoo County's chief assistant prosecutor, served on the gun board in 1994 and reviewed Ott's application.

Pangle said Ott told the board he'd trained with firearms while taking part in the Jackson Police Department's reserve police officer program in the early 1980s. The gun board did not confirm that Ott had taken the program and went along with the idea that Ott needed to carry a concealed weapon because he was intimately involved in public safety operations.

"We didn't debate because that's how we perceived the city's set up," Pangle said.

But Pangle was disappointed to learn of Edmonds' order to Van Dyken. "I am certainly troubled by any premature decisions," he said. "The concept bothers me."

After the permit was granted, Edwardson and Ott stopped by Edmonds' office, where the .38 revolver changed hands and the sheriff offered one final perk. Edmonds named Ott an honorary special deputy, making him among "less than a half-dozen" people - outside of reserve and mounted deputies - upon whom Edmonds has bestowed the title.

The special deputy status did not give Ott any police authority, but served as identification which would allow him to accompany police on operations outside the city, Edmonds said.

It also offered the city manager more flexibility for his concealed weapons permit, which has since expired.

"The sheriff wanted to deputize me, because the CCW was restricted to the city limits (and) this gave me latitude," Ott said.

'If I were going to loan some weapons, seems I'd want (documentation). When Marc told me about this, it raised questions in my mind.'

Donald Martin

Former Ingham County Prosecutor and attorney for Marc Ott



Edward Edwardson



Ott didn't register his own gun, a .380 semi-automatic Beretta similar to this one, he purchased in May 1995.

DiGiovanni: Ott cut candidate

Acting city manager says former boss' decision led to disagreement with NAACP

BY MIKE TYREE
KALAMAZOO GAZETTE

Marc Ott dismissed a black city employee as a candidate for a top city post just days before his sudden resignation as Kalamazoo's manager, Acting City Manager Pat DiGiovanni said Friday.

But Ott withheld his decision from city employee Gloria Foster, wanting Foster to believe she

remained on the short list for director of the city's human resources department, said DiGiovanni, who could be named city manager on Monday.

DiGiovanni's comments came in the wake of criticism by some members of the local NAACP, who have alleged that DiGiovanni hasn't done enough to fight what they say are the city's discriminatory

hiring practices.

The Metropolitan Kalamazoo Branch of the National Association for the Advancement of Colored People has publicly opposed DiGiovanni's candidacy for city manager and blames him for bypassing Foster.

But Ott made the Foster decision during a Jan. 22 meeting with DiGiovanni, city Finance Director

Keith Overly and a consultant, DiGiovanni said. The group discussed preliminary interviews they'd held with six job candidates, he said.

"It was at that meeting the former manager cut two external candidates and one internal candidate (including Foster)," DiGiovanni

Please see **OTT, A2**



Pat DiGiovanni



Marc Ott

OTT

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said. "The decision was not race-based, regardless of who made the decision."

DiGiovanni would not say why Foster was dropped from consideration, or whether he believed she was qualified for the job.

He and Overly said they did not question Ott's decision to cut Foster but let her continue believing she was a finalist.

Ott spoke to a Kalamazoo Gazette reporter on Monday and said, "I don't recall making the decision (on Foster). I resigned and I assume the decision was made after that."

He would not elaborate. The Gazette was unable to reach Ott on Friday for response to DiGiovanni's comments.

Foster responds

DiGiovanni's version was relayed to Foster on Friday afternoon. She said "this is the first time" she'd heard that Ott had ruled her out but let her believe she was still a candidate.

Foster also said "it's not because of me" that the NAACP targeted DiGiovanni, but she wouldn't comment further "due to pending litigation."

"At this point, I can't say anything," Foster said.

The Gazette was unable to reach NAACP President Alexander Lipsey for comment Friday.

City documents obtained by the Gazette under the state Freedom of Information Act show that Overly on Jan. 25 scheduled day-long interviews with three outside job candidates for Jan. 29.

Foster was not listed on the schedule, although the documents show that Ott and Overly had planned to meet with her for an unspecified purpose on Jan. 27, the day Ott resigned.

Foster was not interviewed after Jan. 21. Of the three remaining candidates, one was rejected on Jan. 31, and the other two withdrew by Feb. 11.

Foster was informed by DiGiovanni and Overly on Feb. 14 that she would not get the job and the search would be reopened.

DiGiovanni and Overly blamed hectic activity at city hall in the wake of Ott's resignation for their failure to break the news to Foster sooner.

The city eventually hired Doreen Brinson, a white woman and former Western Michigan University employee to fill the human resources position.

Gazette staff writer MICKEY CIOKAJLO contributed to this article.

Ott denies making disputed hiring call

BY MIKE TYREE
KALAMAZOO GAZETTE

Marc Ott and Pat DiGiovanni agree they both attended a meeting last January to discuss finalists for a top city post.

But the former Kalamazoo city manager and his likely successor dispute

what was — or wasn't — said at the meeting.



Marc Ott

Late Friday, Ott said he did not decide the fate of a black city employee and applicant for the city's human resources director post during a Jan. 22 meeting.

DiGiovanni, however, said Ott chose to reject Gloria Foster's candidacy, and said Ott decided not to tell Foster of the decision.

Who said what and when is relevant because DiGiovanni has drawn fire from the local NAACP for his alleged inaction over complaints leveled by the organization over city hiring practices.

The Metropolitan Branch of the

Please see **DECISION**, A4

DECISION

From Page A1

National Association for the Advancement of Colored People faults DiGiovanni for bypassing Foster in favor of a white woman selected after the city's original hiring plan fell apart.

On Friday, DiGiovanni said Ott decided at the Jan. 22 meeting to offer second interviews to three outside candidates and reject Foster, a city employee since 1991.



But Ott wanted Foster to believe she remained on the short list, though he had no intention of appointing her to the human resources post, DiGiovanni said.

The Kalamazoo Gazette was unable to reach Ott for a response on Friday, but Ott did leave two voice mail messages for a reporter late Friday evening, after the newspaper's Saturday deadline.

Ott's recollection of the Jan. 22 meeting with DiGiovanni, city Finance Director Keith Overly and a consultant differs from that of DiGiovanni, who could be named city manager Monday evening.

"I told the group that while I had not decided, if I decided not to appoint Gloria, I did intend to promote her (to another job)," Ott said.

"But the fact of the matter is, I never had an opportunity to meet with Gloria because I resigned the following Monday (Jan. 27).

"I never had the opportunity to decide either way ... and the decision, I believe, clearly was made sometime after I resigned on the 27th," Ott said.

DiGiovanni, who served as deputy city manager under Ott, flatly disagreed, reiterating that Ott made the Foster decision on Jan. 22.

"My comment that I made to you stands," DiGiovanni said. "That's fact, and there were others at that meeting."

DiGiovanni would not discuss Ott's comment that he intended to give Foster another job.

Overly also said Friday that Ott pared Foster from the human resources director list on Jan. 22. Overly pointed to a schedule he'd put together on Jan. 25 for day-long interviews on Jan. 29 with the three outside finalists.

Foster was not scheduled to take part in the Jan. 29 interviews.

Overly's Jan. 25 memo did indicate that he and Ott were to speak with Foster on Jan. 27, but Overly said he did not know why the meeting was set.

On Feb. 14, DiGiovanni and Overly told Foster she wouldn't get the job. That meeting came after one of the three human resources finalists was ruled out and two others withdrew from consideration.

The city later hired former Western Michigan University employee Doreen Brinson to fill the human resources job.

Paid in full: Ott cashes in

Ex-city manager left job one year ago, takes full advantage of severance

BY MICKEY CIOKAJLO
KALAMAZOO GAZETTE

Marc Ott has been replaced as the city of Kalamazoo's chief administrator.

But nearly a year after his departure, he's still not quite off the payroll.

He will be soon, however.

Tuesday marks the one-year anniversary of Ott's resignation. With it will go one final payment on his behalf - a check for \$3,482 to the International City Management Association toward his deferred compensation plan.

With the remittance, the city's final tally for paying off Ott for his Jan. 27, 1997 "resignation" will be \$141,191, the maximum amount permitted under a separation agreement with the Kalamazoo City Commission.

The severance package included a pay range of \$84,993 to \$141,191, depending on whether Ott found a

job within six months of leaving. Ott wrote a letter in July saying he had not found work, which kicked in six monthly payments of \$7,996. The last check was sent to Ott on either Dec. 30 or 31, said Deputy City Attorney A. Lee Kirk.



Marc Ott

of ruling by fear and intimidation, and commissioners had grown increasingly frustrated by a lack of communication from the city manager.

Ott still lives in Kalamazoo.

On election night in November, he appeared at the

Kalamazoo County Administration Building, where ballots were tallied, and later at the party for newly elected Mayor Robert B. Jones and two other new commissioners. At that time, Ott said he was keeping his options open for the future. But when asked how his job search was going, he said: "I didn't say I was searching. I am contemplating what I want to do next and I have not made any firm decisions yet."

Ott also came to City Hall on Dec. 15, the night his former deputy manager, Pat DiGiovanni, was named his replacement. He simply stood along the back wall and stared at DiGiovanni, who was sitting among commissioners on the dais.

The Kalamazoo Gazette was unable to reach Ott for comment on this story.

A woman who answered the telephone at his apartment Thursday said Ott was home. After the caller identified himself as a Gazette reporter, the woman paused and said: "I'm sorry, he's not available. But I'll tell him you called."

Ott sues city and ex- commission member

Former Kalamazoo city manager claims official spread false information about him, violating a nondisparagement clause in his severance agreement.

BY MICKEY CIOKAJLO

KALAMAZOO GAZETTE



Marc Ott

his severance agreement by spreading information about him carrying an unregistered handgun.

Ott, 42, is seeking at least \$25,000 in the lawsuit he has filed against

former Commissioner

Zadie Jackson, the city and City

Commission.

Ott claims Jackson breached the

nondisparagement clause of his

severance agreement by "dissemi-

nating false, misleading, incom-

plete and defamatory informa-

tion" about him after he left the

city.

The lawsuit says Jackson

defamed and inflicted emotional

distress on Ott and was motivated

by racism because Ott is black.

Jackson had no comment when

contacted today and referred ques-

tions to City Attorney Robert

Cinabro.

Cinabro issued a statement

denying "any and all liability with

respect to all of the allegations

made in this lawsuit."

"Former City Commissioner

Jackson, as well as all city offi-

cials, acted properly and in the

public interest throughout all of

the events which have given rise to

this lawsuit," according to his

statement.

The suit was filed July 28 in

Kalamazoo County Circuit Court

and received by the city last Fri-

day, Cinabro said.

Ott in late January 1997 resigned

under pressure after several

months of contentious relations

with commissioners. He landed a

job earlier this year as assistant to

the mayor in Oakland County's

Rochester Hills.

His severance agreement from

Kalamazoo paid him for one year

plus other compensation like

unused vacation pay, totaling

\$141,191. The agreement also

included a clause that said com-

missioners agreed "not to say or

do anything that disparages Marc

A. Ott" or portrays him in a "nega-

tive light."

In his suit, Ott claims that Jack-

son broke the clause by giving out

information that led to an investi-

gation of Ott carrying an unregis-

tered handgun.

The suit says Jackson pushed

"an official investigation of this

claim and leaking the same to the

media in an effort to lower the

esteem of (Ott) in the eyes of the

community, including by possibly

causing him to be arrested to sup-

port the implication that Ott is

dangerous, unpredictable, and a

law violator..."

Ott failed to register a .380

Please see **OTT, A2**

OTT

From Page A1

Beretta handgun he purchased in 1995, but prosecutors ruled it an oversight without criminal intention.

Ott registered the gun in March 1997, two days after the Kalamazoo Gazette reported he had failed to complete a safety inspection and paperwork.

The City Commission also is named as a defendant in the suit with claims that commissioners knew Jackson disliked Ott because he was black but they "failed to censure or take any action to control her..."

In response to calls from the Gazette, Ott's Lansing attorney Melvin McWilliams left a reporter a voicemail message saying, "The complaint is pretty straightforward and speaks for itself."

Ott came to Kalamazoo as assistant city manager in April 1990 and was appointed city manager in March 1993, replacing James Holgersson.

Ott was criticized by commissioners for not communicating effectively and for cutting off their contact with employees. Unions said Ott ruled by fear and intimidation.

He was earning \$95,952 when he left Kalamazoo.

Chance conversation at heart of Marc Ott's lawsuit

BY MICKEY CIOKAJLO
KALAMAZOO GAZETTE

The conversation during a chance meeting of acquaintances plays a prominent role in the lawsuit ex-Kalamazoo City Manager Marc Ott filed recently against his former employer.

Ott claims then-City Commissioner Zadie Jackson violated a gag clause in his severance agreement by spreading false and defamatory information about him carrying a handgun and saying he was a threat to commissioners.

The lawsuit mentions three times that Jackson said Ott took a handgun to a public reception, information she told police she learned during a conversation with Western Michigan University professor Ralph Chandler.

The lawsuit says that Jackson spread information about Ott even though she knew "or had reason to know" it was false.

Jackson told the Kalamazoo Gazette that her talk with Chandler took place on campus at Walwood Hall while she was there on business.

"It was a fluke I saw him," Jackson said of Chandler, who taught some of Jackson's graduate courses for her master's degree in public administration.

The outcome of their conversation, the contents of which are now in dispute, spurred further questioning by the



Marc Ott

Michigan State Police, which was investigating Ott's failure to register a handgun he bought in 1995.

According to police documents, Jackson said Chandler told her that he saw Ott at a reception for Detroit Mayor Dennis Archer on March 11, 1997, at the Blue Dolphin restaurant in downtown Kalamazoo. Chandler reportedly told Jackson that he had embraced Ott, who six weeks earlier had resigned under pressure, and felt what he thought was a concealed handgun.

Jackson told this to Kalamazoo Department of Public Safety Chief Gary Hetrick, who asked state police to investigate further.

Police questioned Jackson, who said "she indeed had a conversation with Dr. Chandler and that he had told her that he had in fact embraced Marc Ott ... and dur-

ing that embrace he felt a weapon on Ott," according to the report, obtained by the Gazette under the Michigan Freedom of Information Act.

However, Chandler told police he initially thought it was a handgun but later learned the object he felt was a pager on Ott's belt.

Chandler told police that he had said to Jackson, "Isn't it a shame that even a friend of Marc Ott would allow all of the information that was being made public to make him think that this pager may have in fact been a weapon, when in fact it was not."

Chandler could not be reached for comment for this story. He told the Gazette last year: "(Jackson) so colored my private talk with her and so violated the intent and substance of (the conversation) and acted so underhandedly in reporting it to law

enforcement officials that she ought to be ashamed of herself."

Jackson on Friday said, "I didn't lie in the report. ... What I said in the police report is the truth."

Authorities ruled that Ott's failure to register the handgun he bought in 1995 was an oversight without criminal intention. In his lawsuit, he says the prolonged investigation hampered his efforts to find another job after leaving Kalamazoo.

Ott, who is now assistant to the mayor of Rochester Hills, is seeking in excess of \$25,000 in his lawsuit. The city through attorney Robert Cuadro, has denied all allegations.

Gazette staff writer MIKE TYREE contributed to this report.

No settlement for Kalamazoo, Ott



Marc
Ott

Federal judge to consider request to dismiss ex-city manager's suit

BY MICKEY CIOKAJLO
KALAMAZOO GAZETTE

Marc Ott and the city of Kalamazoo were unable to settle their dispute out of court, so now a federal judge will take the case.

The city is asking U.S. District Judge Robert Holmes Bell to dismiss the for-

mer city manager's five-count lawsuit, which, among its charges, alleges racial discrimination and breach of the separation agreement that ended Ott's employment.

A June 7 hearing has been scheduled in Grand Rapids for Holmes to listen to the city's motion for summary judg-

ment which would, in effect, end the case. The previously set trial date of June 14 has been canceled. A new date will be set by Holmes if he determines, after the hearing, that the case should go to trial.

Ott's attorney, Melvin McWilliams of Lansing, has said in court filings that the city has not successfully supported its request for a summary judgment and that a jury should hear the case.

Ott resigned Jan. 27, 1997, after several months of contentious relations

with commissioners.

Ott, 43, sued the city and former City Commissioner Zandie Jackson, claiming she broke a "non-disparagement" clause in the separation agreement that outlined his resignation from the city. The agreement included a one-year severance package that paid him \$141,191.

Jackson, who is being defended by the city, has denied all charges, as has the city.

Ott is currently assistant to the

mayor/city administrator of Oakland County's Rochester Hills. He was a finalist for the city manager position in Southfield, but on Thursday its City Council chose another candidate for the post.

The lawsuit alleges that Jackson broke the separation agreement by spreading false information about Ott that, his attorney said, she knew would hinder Ott's future job-seeking efforts.

Please see **OTT, C2**

OTT

From Page C1

The case centers around a conversation Jackson had with Western Michigan University professor Ralph Chandler just weeks after Ott resigned. Jackson told the city attorney and chief of the public safety department that Chandler informed her Ott was carrying a concealed handgun when Chandler and Ott embraced at a public function.

Chief Gary Hetrick asked the Michigan State Police to investigate the matter. Authorities later ruled that Ott's failure to register a handgun he bought in 1995 was an oversight without criminal intent.

Chandler told police, and repeated in a sworn affidavit filed in the lawsuit, that he initially thought it could have been a handgun he felt on Ott's body but realized it was a pager.

In his affidavit, Chandler also said Jackson "did not like (Ott) very well."

The suit also attempts to show

'A claim of racial discrimination is an extremely serious claim to make, but also a very easy claim to make. It is a far different matter to support such a claim.'

Michael Bogren

The city's contracted attorney, in his motion for summary judgment

that Jackson, who is white, was racially motivated in her actions toward Ott, who is black, by including an affidavit signed by David Anderson of Kalamazoo.

Anderson, who is black, is a former student at Nazareth College where Jackson had worked. He alleged that, in the early 1990s, Jackson asked him why he wanted to attend Nazareth when "there was nothing but young white women here."

The city's contracted attorney, Michael Bogren, in his motion for

summary judgment called the statement "the epitome of ambiguity."

"A claim of racial discrimination is an extremely serious claim to make, but also a very easy claim to make," Bogren wrote. "It is a far different matter to support such a claim. The plaintiff has absolutely no proof of racial animus on the part of Zedie Jackson."

The lawsuit claims that Jackson, motivated by racism, attempted to damage Ott's reputation and hurt his attempts to get another job after he resigned in Kalamazoo. She did this, the lawsuit claims, by pushing a state police investigation of Ott after she had the conversation with Chandler.

Ott applied for "approximately" 29 jobs after leaving the Kalamazoo post, according to court filings, but "it became clear to him that his candidacy for other city manager positions was being adversely impacted by the ongoing controversy in Kalamazoo."

Jackson said she did not push for a state police investigation of Ott, but rather told City Attorney Robert Cinabro about her conver-

sation with Chandler to get the attorney's advice. Hetrick also was at that meeting, but Jackson said in a deposition that she hadn't asked him to be there.

Bogren said the separation agreement's nondisparagement clause did not prevent city commissioners from reporting possible law violations.

"If the separation agreement is read in the light (Ott) wishes, it would prohibit Mr. Ott from contacting law enforcement officials if he witnessed a city commissioner commit murder after he resigned from the city," Bogren wrote.

Ott's attorney countered by saying Jackson's actions were "malicious reporting," not a good-faith effort to reveal a potential law violation.

"(City commissioners) agreed to not disparage Ott, and when Jackson passed along her distorted version of her discussion with Dr. Chandler to the authorities, and to who knows who else, the agreement was breached," McWilliams wrote.

Judge Bell ordered mediation in an effort to settle the case, but an agreement was not reached.

Federal judge throws out Ott discrimination lawsuit

Three counts could be filed again in circuit court.

BY MICKEY CIOKAJLO
KALAMAZOO GAZETTE

GRAND RAPIDS - A federal judge has thrown out Marc Ott's lawsuit against the city of Kalamazoo, saying the former city manager failed to show he was the target of racial discrimination or

that his constitutional rights were violated.

The ruling by U.S. District Judge Robert Holmes Bell leaves the door open for Ott to re-file in Kalamazoo County Circuit Court three of the five counts alleged - breach of contract, defamation and intentional infliction of emotional distress.

Holmes, in a written opinion filed Wednesday, dismissed the fed-

eral claims of racial discrimination and constitutionally protected rights.

"I think it vindicates all of the actions by the public officials," City Attorney Robert Cinabro told the Kalamazoo Gazette Wednesday evening when he was informed of the decision. "We hope it ends the matter. I guess that is up to Mr. Ott and his attorney."

Ott, now working in Rochester

Hills, referred questions to his Lansing attorney Melvin McWilliams.

"I would relish the opportunity for residents of the county of Kalamazoo to try this case," McWilliams said. "The reality is (the judge) left in the heart of the case, which was the separation agreement and the breach of it. And the truly unexplained efforts



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Marc Ott

OTT

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as to why Ms. Jackson chose to be so unrelentless in making claims and efforts after Mr. Ott moved."

Jackson was pleased with the case's dismissal, particularly the rejection of the racism allegation.

"It's something I've tried to do all my life is to treat people as individuals and not to judge them by their race, religious affiliation or gender," she said. "It really, really hurt."

Ott, after months of contentious relations with city commissioners, resigned under pressure in late January 1997. He and the city signed a separation agreement that paid him \$141,191 and contained a gag clause that said neither side would say anything to disparage the other.

Ott, 43, filed his suit in July 1998 against Jackson, the City Commission and the city of Kalamazoo. The suit was originally filed in Kalamazoo County Circuit Court.

The city's contracted attorney, Michael Bogren, successfully had the case moved to federal court, saying the discrimination claim

fell under federal jurisdiction.

Central to Ott's claim was that Jackson was racially motivated against him and that she pushed a state police investigation into his failure to register a handgun that he owned.

Ott's attorney cited two pieces of evidence in making the discrimination claim.

McWilliams filed an affidavit from a former black student at Nazareth College, where Jackson once worked, who said in the early 1990s Jackson asked him why he wanted to attend the college when "there was nothing but young white women here." For the other evidence of racism, McWilliams pointed to a 1995 comment Jackson made in the *Gazette* in which she said she would fire Ott, but other commissioners were afraid to because he was black.

In his ruling, Bell called both pieces of evidence "ambiguous."

"(Ott) strains to read into these two disparate comments a racial taint," Bell wrote.

Bell dismissed the allegations of breach of contract, defamation and intentional infliction of emotional distress, although Ott's attorney

could sue again in circuit court.

Ott claims Jackson pushed a state police investigation into his failure to register a handgun and that she provided information to the media and others in an attempt to tarnish his reputation.

"It looks like we're in a position to make the claims in state court, which is where we wanted to be all along," McWilliams said.

Earlier in the case, a mediation panel determined Ott could receive \$25,000 if both sides agreed to settle. They did not.

"I think the city has known what it will take for this to go away," said McWilliams, adding Ott would "absolutely" seek more than \$25,000 in a settlement. He would not specify a satisfactory amount.

Cinabro said the city wasn't interested in a settlement.

"We felt very strongly that the case was either going to go to trial or it was going to be dismissed," Cinabro said.

Ott is the assistant to the mayor/city administrator of Oakland County's Rochester Hills, where he was hired in February 1998. Jackson in November 1997 lost her bid for a third term on the commission.



Ulysses Dixon

Former Kalamazoo public safety captain, suspect in drug thefts



Edward Edwardson

Kalamazoo public safety chief, 1989-95



James Gregart

Kalamazoo County prosecutor



Gary Hammel

Ex-public safety investigator, critical of top officials

WHAT WENT WRONG?

BY MIKE TYREE
KALAMAZOO GAZETTE

Police finally thought they had their man. Federal prosecutors said no; they still couldn't prove it. But insufficient evidence wasn't the sole reason for the collapse this month of a second major probe into drug thefts from the Kalamazoo Department of Public Safety.

The roots are deeper — to 1993-94 when police discovered and began to investigate thefts of more than 1,100 rocks of cocaine and other drugs. Incompetence, bad leadership and flawed strategy eventually poisoned the case and threatened to publicly embarrass local criminal justice leaders.

Their decision: Drop the case against public safety Capt. Ulysses Dixon, keep quiet and hope it disappeared.

"It ran out of control. Too many people had fingers in the pie," said Gary Hammel, a retired public safety sergeant and lead investigator in the 1993-94 state grand jury drug thefts probe.

"The overriding excuse was the evidence room security and city procedures were on trial and overshadowed the criminal case," he said. "I think the powers that be got together and said, 'Let's throw it.'"

Potential embarrassments included: ■ An illegal wiretap in October 1993 of Dixon's telephone initiated by Kalamazoo County Prosecutor James Gregart and public safety Chief Edward Edwardson. Kalamazoo County Circuit Judge William Schma erred by authoriz-

Blunders by top law enforcement officials helped doom Kalamazoo evidence room case

ing the wiretap.

■ Corrupt cops and abysmal security in the evidence room.

■ Drug evidence missing in dozens of pending criminal cases. Prosecutors knew evidence was missing, but struck plea deals without informing defendants, their attorneys and trial judges.

■ Edwardson's continuing struggles with racial discord in the department. Dixon then was the highest-ranking black officer.

A yearlong, secret investigation ended without charges in October 1994. Dixon was off the hook, and those connected to the case were ordered to remain silent.

The public didn't have a clue about police corruption, missing drugs, the bungled wiretap or other problems until October 1995, when the Kalamazoo Gazette launched a series of articles.

Then-Mayor Edward Annen Jr. and his fellow city commissioners didn't learn of the drug thefts until city attorneys briefed them just before the Gazette's first evidence room article.

Someone should have told commissioners sooner, Annen said.

"I believe when the grand jury case closed (in October 1994), a de-

tailed report of what occurred should have been given to the City Commission and the public," he said.

"I think the entire effort, on the part of many, many people, was mismanaged, in both the city and county. It's obvious to any reasonable citizen . . . that this was handled wrongly."

*'It ran out of control.
Too many people
had fingers in the pie.'*

Gary Hammel

Lead investigator in the 1993-94 drug thefts probe

How it started

Crack cocaine-spawned violence swept through Kalamazoo in the late 1980s, and public safety officials responded by focusing on street-level drug dealers and users.

Police filled jails with drug offenders and warehoused a burgeoning cache of illegal drugs,

mostly the powerful crack cocaine, sold on the street in \$10 or \$20 chunks or "rocks."

The growing pile of seized drugs was difficult to manage, especially in a decrepit storage room with an archaic cataloging system and poor supervision. Drugs from closed criminal cases were tossed in a box and accumulated for up to a year before being destroyed.

For crooked cops, the evidence room became their personal crack house.

New drug disposal policies were implemented in late 1992 and excess drug evidence was destroyed on a regular basis, said public safety Capt. Daniel Weston.

Thieves then began stealing drugs from active cases, and officers preparing for court discovered their evidence was gone or switched for fake drugs.

By spring 1993, public safety knew they had a problem. An initial investigation revealed flaws in evidence storage and security, but thefts continued through that summer and into fall.

Police corruption and the failure to charge anyone with the crimes severely damaged the department's reputation, said Weston,

who currently commands the Kalamazoo Valley Enforcement Team.

"It's been demoralizing. It's the ultimate embarrassment or humiliation," he said. "It's repulsive to us."

A nightmare

Hammel focused on Dixon, a popular, veteran training division commander, about a month after being assigned to the 1993 investigation. During an October 1993 audit, Dixon couldn't produce hundreds of rocks of cocaine he said he checked out of the evidence room to build drug "display kits" for other officers.

Dixon's emergence as a suspect surprised investigators. Hammel said he pressed on, despite Dixon's status in the department. But Edwardson envisioned a public-relations nightmare.

"When they came to me and asked me to investigate, it was a priority," said Hammel, who retired in 1997. "I could have anything I wanted at the department or the prosecutor's office. When we did finally figure out who it was, the whole thing turned around. The whole thing changed."

Edwardson had struggled with racial and diversity issues in the department for years, with some black officers alleging discrimination. He also was under fire from City Manager Marc Ott and fretted about job security.

The double whammy of stolen evidence and Dixon as the suspect was too much for Edwardson, Hammel said.

"When I laid this thing on Ed-

EVIDENCE

From Page A1

wardson about Dixon, he looked at me like, 'Why did you go this far?' I thought he was mad at me."

The investigation continued, but a year later, when an assistant state attorney general declined to charge Dixon, Hammel said investigators approached Edwardson with a list of department policy violations committed by the captain.

Among Dixon's violations, documented by witnesses and investigators: Regular absence and tardiness from work, mishandling of drug evidence and bizarre personal behavior in his office.

A report for significant internal discipline fell on deaf ears, Hammel said.

"Edwardson was pacing the floor in his office, wringing his hands, looking out the window," he recalled. "I think his comment was, 'This is the highest-ranking black officer in this department and I'm not going after him.'"

"I would have found it was some lowly patrolman, they'd have fired him," Hammel added. "As soon as it turned to Dixon, it was hands off."

Edwardson left his Kalamazoo post in April 1985 for the chief's job in Wyoming, a Grand Rapids suburb. He denies Dixon's race or position influenced his decision.

"A grand jury investigated... and they said, 'There's nothing here for us to indict or prosecute on.' That's a pretty huge sense of where I was going to go on it," internally Edwardson said. "I did make the decision we were not going to proceed (with internal discipline), solely on the decision the grand jury had made."

Dixon has denied he stole or used drugs. He retired in November 1986.

The wiretap

It's difficult to assess what impact an illegal wiretap of Dixon's office had on the case because those who sought, approved and set up the bug consistently stonewalled questions about it.

But this much is known, according to sources close to the case:

In October 1993, police and prosecutors decided to bug Dixon's Cedar Street office telephone, and Schma, the presiding judge of the state grand jury, authorized a search warrant.

Public safety officers—Hammel said he was not involved—attempted to plant the bug, but could not get it to work. Michigan State Police technicians were called in. Their equipment also failed.

State police then contacted FBI technicians in Detroit, told them they had authorization to tap a telephone in Kalamazoo, and convinced the FBI to try their equipment. It worked.

For three days in late October 1993, police manned a listening post set up in the prosecutors's office. They saved dropped on Dixon's telephone calls, including conversations he had with now-retired officers Albert Hampton and Larry Helmer.

One Kalamazoo officer mentioned the wiretap to a Kalamazoo-based FBI agent, who reacted with surprise. A federal judge's approval is needed for a wiretap and the agent knew that hadn't occurred here.

The FBI's regional director was notified and federal authorities demanded the operation be shut down. The FBI seized tapes of the conversations and the U.S. Attorney's office in Grand Rapids reviewed the wiretap before concluding authorities hadn't intentionally broken the law.

But the blunder had obvious repercussions. Authorities feared a civil rights lawsuit from Dixon, Hampton and Helmer if word of the wiretap leaked.

The error touched everyone—Gregart, Schma, Edwardson, the state police and FBI—and a decision was made to bury the gaffe. Those involved also realized that if Dixon was charged and word of

the wiretap emerged, it could be damaging in court.

The wiretap and attempted cover-up troubles Kalamazoo attorney William Fette, who in 1993 represented the Kalamazoo Police Supervisors Association. Helmer was then association president and, like Dixon and Hampton, received letters in May 1996 informing them their conversations had been secretly taped.

"I find it extraordinary that officials charged with knowledge of the law would proceed with a wiretap that was obviously illegal," Fette said.

Federal law requires that targets of electronic surveillance be notified 90 days after a wiretap. Fette said local officials didn't abide by that law, informing the officers only after the Gazette reported the illegal surveillance in April 1996, some 19 months after the incident.

Gregart, Schma and Edwardson have refused to discuss the wiretap or release documents connected to the incident.

Gregart has refused to speak about the evidence room case, citing grand jury secrecy laws. Though two years removed from any involvement in the case, Gregart last week said it would be "premature" to comment on his role in the investigation.

'You know bad stuff happened, you're pretty sure you know who did it... (but) the problem here is there's no way to prove this.'

Mark Cortade

Chief of the U.S. Attorney's office

'A grand jury investigated... and they said, 'There's nothing here for us to indict or prosecute on.' That's a pretty huge sense of where I was going to go on it internally.'

Edward Edwardson

Former Kalamazoo public safety chief, on his decision not to discipline drug thefts suspect Ulysses Dixon

'I find it extraordinary that officials charged with knowledge of the law would proceed with a wiretap that was obviously illegal.'

William Fette

Kalamazoo attorney

Blumer's letter

A Sept. 27, 1994, letter penned by Mark Blumer, a state assistant attorney general, looms as a defining moment in the evidence room case.

Gregart asked Blumer to review the case in 1994 and his letter both slammed the door on the 1993-94 probe and served as a formidable hurdle in an ensuing federal investigation.

"The sloppy record-keeping has cast serious doubt upon the quantity and identity of missing drugs," Blumer wrote to the grand jury forewoman, adding that an "appalling lack of security" and other factors undercut detectives' efforts.

Blumer briefly considered charging Dixon with perjury but dropped that idea by fall 1994.

The Gazette later obtained a copy of Blumer's letter and based a February 1997 article on it. The article exposed perceived flaws in the original case that city, county and federal officials had hoped to keep under wraps.

Federal officials asked Blumer to retract the letter, he refused, and complained the letter had been illegally published and should have been protected by grand jury secrecy laws.

When Assistant U.S. Attorney Lloyd Meyer announced this month that he would not seek charges in the case, he also said Blumer's letter was shielded by secrecy laws and was "unlawfully disclosed."

But Kalamazoo County Circuit Judge Richard Ryan Lamb lifted

grand jury constraints in July 1996 when ruling on the Gazette's Freedom of Information Act lawsuit against the city of Kalamazoo.

Lamb said the grand jury had completed its investigation and city documents could no longer be protected by the grand jury claim. He specifically referenced Blumer's letter in his ruling.

"... (This letter that is in Item 4 concerns some matters concerning the grand jury, but the grand jury's no longer in existence," Lamb said. "... (Merely to say 'This is something that was before the grand jury' without anything more, particularly when the grand jury no longer exists, does not constitute a valid grand jury claim."

The letter wasn't secret, it simply was a smoking gun, one that Dixon's defense attorney could expect to obtain through court discovery rules if his client was charged.

"(There was) a lot of concern over Blumer's letter," said public safety Chief Gary Hetrick. "It's a good defense tool."

City concerns

Hetrick succeeded Edwardson as chief in June 1995 and almost immediately faced a Gazette FOIA request for evidence room documents. City officials didn't know how to respond.

The judge also lifted grand jury constraints and ordered the city to release some documents, but said the bulk of the documents could be withheld because he believed the investigation remained active.

Cinabro said the ruling vindicated the city's position, but admitted to some second thoughts.

"I regret two things. The first is I wish we would have given a stronger statement in November 1995" following the Gazette's first evidence room article, he said. "I do not regret the steps we took legally (but) I regret we didn't go to court sooner" to seek a legal remedy.

The complex struggle over public right-to-know issues, grand jury secrecy, government errors and unsuccessful investigations took a toll on city officials, Cinabro said.

"I've never encountered a situation like this. I am very frustrated as a public official that no one was charged."

Last chance

Months of behind-the-scenes wrangling in 1997 resulted in the U.S. Justice Department agreeing to lead a new evidence room probe.

Grace, the public safety inspector, had figured out new angles. Hammel's case and believed investigators had a good chance to charge Dixon and possibly Larry Boehman, a former public safety lieutenant who resigned after being questioned about the thefts in October 1993.

Grace retired in late 1997 and recently declined to talk to the Gazette. But Weston, who assisted in both the 1983-94 and 1997-98 investigations, said Grace "narrowed it down to cases where Dixon checked out evidence and never accounted for it."

By late 1997 and early 1998, public safety and FBI investigators were confident Dixon would be charged.

"If we didn't believe there was a good likelihood of bringing about criminal charges, we wouldn't have proceeded," Hetrick said.

City documents show assistant U.S. Attorney Meyer thought along the same lines. A Meyer memo from November 1997 referenced scheduling grand jury sessions, drafting target letters and a "multicount federal indictment" of Dixon.

Several former public safety officers were subpoenaed to testify before the grand jury in April 1998, and Dixon and his attorney met with Meyer in Grand Rapids.

"I believed we were on the verge of receiving an indictment," Weston said.

Instead, the investigation lost steam. Meyer was heavily involved in prosecution of three Calhoun County multimillionaire and Hetrick and others rarely heard from him.

Months passed and Meyer repeatedly set and missed deadlines for announcing a decision. By Memorial Day weekend, he gave Hetrick, Weston and regional FBI chief Chuck Goodwin the news.

The case was dead. Meyer's boss said the case against Dixon just wasn't strong enough.

"You know bad stuff happened, you're pretty sure you know who did it... (but) the problem here is there's no way to prove this," said Mark Cortade, chief of the U.S. Attorney's office. "It would have been done if we could have proved it."

Cortade hinted that federal authorities shouldn't have agreed to look at the case. He cited problems first uncovered in Hammel's investigation.

"They're so screwed up in there," Cortade said. "It had been going on for years and they don't even know what all is gone."

Public safety recently spent \$200,000 to build a state-of-the-art evidence room and command officers now are subject to drug testing. Officers who work with drugs also are tested, Hetrick said.

But those charges are too little, too late for investigators like Hammel, who believes bad government decisions got in the way of good detective work.

"Things had just gone so awry, they just had to cover them up," he said.

Evidence Room Players

James Gregart, Kalamazoo County prosecutor: Gregart's office led a 1992-95 state grand jury, which began an evidence room probe in October 1993. Gregart supervised the decision that month to wiretap suspect Ulysses Dixon's office. A wiretap listening post was based in the prosecutor's office until federal authorities pulled the plug.

Prosecutors failed to tell Dixon and two other officers about the illegally recorded conversations until the Kalamazoo Gazette exposed the wiretaps in April 1996. Gregart did not inform the public of drug thefts after the first probe ended in 1994 and has refused to comment or turn over documents after the Gazette began investigating in 1995. Gregart said grand jury laws prohibited him from discussing the case.

Gregart's office prosecuted dozens of drug suspects in 1993-94 after prosecutors knew drug evidence had been stolen. They did not inform suspects, their attorneys or trial judges of evidence losses. Gregart's office in 1996 failed to convince a Kalamazoo police officer to wear a hidden electronic device to snare another officer prosecutors believed supplied information to a Gazette reporter. In 1997, Gregart's office asked federal authorities — without success — to refuse any Freedom of Information Act requests for documents in the evidence room case.



William Schma

William Schma, Kalamazoo County Circuit Court judge: Presided over state grand jury 1992-95. In October 1993, Schma approved a prosecutor's office request for electronic surveillance — a telephone wiretap — of Dixon's office. Schma had no legal authority to approve the wiretap.

Edward Edwardson, public safety chief, 1989-95: Drug thefts and initial investigation occurred under his watch. In 1994, after prosecutors did not issue criminal charges, detectives spelled out Dixon's numerous violations of department policy. But Edwardson declined to discipline the captain, at the time the department's highest-ranking black officer. Edwardson left Kalamazoo in April 1995 to head the Wyoming Police Department in suburban Grand Rapids.



Marc Ott

Marc Ott, Kalamazoo city manager, 1993-97: As deputy city manager in 1991-93, Ott had oversight of the public safety department. Ott had access to state grand jury information on the evidence room case, but denied knowing that Dixon was a suspect in the case. Edwardson, however, said he regularly briefed Ott on the case, including Dixon's suspect status. Dixon spoke on Ott's behalf at a January 1995 City Commission meeting after Dixon emerged as a suspect. Ott resigned under pressure in January 1997 and is assistant to the mayor of Rochester Hills.



Robert Cinabro

Robert Cinabro, Kalamazoo city attorney: Learned of thefts and illegal wiretap in 1994, but didn't inform City Commission or mayor until fall 1995, saying grand jury laws required secrecy. Refused Gazette's FOIA request for evidence room documents in 1995, citing grand jury secrecy among other concerns.

Gary Hetrick, public safety chief, 1995-present: Succeeded Edwardson in June 1995, just before the Gazette filed FOIA request. Refused numerous requests for comment on stolen drugs or investigation until recently. By 1997, had asked U.S. Justice Department to take over a renewed investigation.



Gary Hetrick

Ulysses Dixon, public safety captain, training division commander, top suspect in state and federal investigations: Emerged as top suspect in October 1993 when he could not produce hundreds of rocks of crack cocaine he checked out of the evidence room. He also was observed painting cocaine rocks yellow. Tests later showed cocaine evidence had been switched with yellow-painted soap. Officers reported bizarre behavior and policy violations by Dixon throughout 1992-93, but Edwardson did not discipline him. He was not charged with cocaine thefts, despite separate state and federal probes. Retired in November 1996.



Larry Boelman

Larry Boelman, public safety lieutenant and shift commander, suspected of drug thefts: Boelman led police on a strange foot chase from department headquarters in October 1993 after being questioned about missing drugs. Boelman retired the next day. Detectives said he possessed keys without authorization that could let him access stored drug evidence; he was captured on surveillance video inside the evidence room in August 1993 when it was supposed to be closed. A state grand jury charged Boelman with using prostitutes and obstruction of justice for fixing traffic tickets, but not for drug thefts. He was convicted and briefly jailed.

Gary Hammel, public safety sergeant: Lead investigator in drug thefts case in 1993-94, assisted with follow-up probe in 1997.

James Grace, public safety inspector: Lead investigator in drug thefts case, 1995-97.



Daniel Weston

Daniel Weston, public safety captain: Lead investigator, 1997-98, only officer involved in both state and federal investigations.



James Grace

Michael MacDonald, Grand Rapids U.S. Attorney's office criminal division chief: MacDonald announced federal probe in fall 1997. Demoted to another position in May 1998 during a year of turmoil in U.S. Attorney Michael Dettmer's office.



Michael MacDonald



Lloyd Meyer

Lloyd Meyer, Assistant U.S. Attorney in charge of 1997-99 federal probe: Assigned in 1997 to coordinate and prosecute the case. Documents show Meyer prepared for possible indictments in late 1997, but charges against Dixon or other suspects never developed. Much of Meyer's time in 1998-99 was dedicated to prosecuting four Calhoun County men accused of radical militia activity and threats against government and other targets. Obtained convictions against all four suspects. Blamed lack of evidence, poor evidence room security and media exposure among reasons for his refusal to seek charges in evidence room case.

Drug Case Timeline

Spring 1993: Kalamazoo public safety officers preparing for court notice drug evidence missing or tampered with. A preliminary investigation turns up no suspects, but security problems noted.

October 1993: Lt. Larry Boelman flees from interview about drug thefts and leads police on strange foot chase. He retires from the department the following day and in December is charged with soliciting prostitutes and obstruction of justice. Capt. Ulysses Dixon emerges as suspect after he can't account for drugs he took from the evidence room. A state grand jury supervised by Kalamazoo County prosecutors assumes control of

the investigation. Police and prosecutors illegally wiretap Dixon's office; FBI orders bug pulled.

September 1994: An assistant state attorney general determines there's insufficient evidence to charge Dixon and writes letter to grand jury forewoman informing her of decision to close case.

October 1994: Detectives want public safety Chief Edward Edwardson to discipline Dixon, but Edwardson refuses.

July 1995: Kalamazoo Gazette seeks evidence documents under state Freedom of Information Act. City refuses to release documents, citing grand jury se-

crecy concerns. Prosecutor James Gregart also refuses comment.

October 1995: Gazette publishes initial evidence room article, public's first glimpse of thefts and failed investigation.

November 1995: Gazette files FOIA suit against city.

April 1996: Gazette exposes illegal wiretap that Dixon and other officers didn't know about. The following month, those officers received an anonymous letter informing them of the wiretap with a Kalamazoo County courthouse return address.

Summer 1996: City talks to U.S. Justice Department about possible involvement in case. Circuit

Judge Richard Ryan Lamb dismisses grand jury secrecy constraints, but rules city didn't violate FOIA.

February 1997: City announces FBI asked to review case. Gazette publishes story on attorney general's letter and flaws in Dixon probe.

October 1997: U.S. Justice Department takes over investigation.

April 1998: Several former public safety officers testify before grand jury, including former Assistant Chief Raymond Ampey.

May 1999: Assistant U.S. Attorney tells city he won't seek charges against Dixon. Decision announced on July 2.

Marc Ott refutes discrimination claim against city

BY SCOTT SEXTON
KALAMAZOO GAZETTE

Former Kalamazoo city manager Marc Ott refilled a lawsuit against his former employers in state court last week, less than three months after a federal judge tossed out claims that Ott was the target of racial discrimination.

City attorneys acknowledged receiving the new complaint - filed in Kalamazoo County Circuit Court on Aug. 24 - in a report to the city commission Monday.

"It was nothing unexpected," said assistant city attorney A. Lee

■ Living wage proponents eye fall ballot, **Page C1**.

Kirk. "(Ott's) attorney said he was going to refile, and he did."

In July, U.S. District Judge Robert Holmes Bell threw out Ott's claims that he had suffered from racial discrimination and had his civil rights violated after his pressured resignation in January 1997.

Bell's decision did not rule out the possibility that Ott could refile the three remaining allegations - breach of contract, defamation and intentional infliction of emotional

distress - in a circuit court case.

Ott's suit contends former city commission Zedie Jackson violated a gag clause in his separation agreement that neither side would say anything to disparage the other. Ott also contends Jackson pushed a state police investigation of his failure to register a handgun he owned.

Ott is seeking a judgment in excess of \$25,000 for emotional distress and damage to his professional reputation, which he says prevented him from landing a similar position after he left Kalamazoo.

Ott currently works as assistant

to the mayor of Rochester Hills in Oakland County.

In other business Monday, the city commission:

■ Approved a one-year, \$787,515 contract extension with Underground Pipe & Valve to supply iron pipe to the city's Public Services department for additional water main projects.

■ Approved an addendum to a contract with Browning-Ferris Industries for the transportation and disposal of residual waste solids at the water reclamation plant. The additional \$480,000 brings the total contract up to

\$996,000.

■ OK'd a \$233,961 contract with Conestoga-Rovers and Associates to perform engineering services related to the closure of the Cork Street landfill.

■ Voted to approve the purchase of 86 new self-contained breathing devices for use by public safety firefighters. The contract will pay \$287,772 over five years to ASC-Master Tek.

■ Accepted a \$253,946 grant from the U.S. Justice Department to purchase in-car laptop computers for use in public safety vehicles.

■ Gave the go-ahead to the Globe Construction Co. to mill and resurface Kalamazoo Avenue from Porter Street to the Conrail tracks for \$189,725.

■ Scheduled two public hearings for Sept. 20 for proposed changes to city zoning maps. The two affected areas are the northern portion of 700 South Howard Street (from one-family residential to neighborhood business) and a section bounded by East Paterson, Scudder Court / North Pitcher, east North Street / Ransom Street and Gull Street (from general manufacturing to light manufacturing).

Ott suit vs. city going to trial

Ex-city manager alleges breach of contract in events surrounding resignation.

BY BOB ALLISON
KALAMAZOO GAZETTE

Former Kalamazoo City Manager Marc Ott's lawsuit against his past employer is set to go to trial Wednesday after the city recently rejected a settlement offer.

The trial, which could take three days, is scheduled to begin at 9 a.m. with jury selection in Kalamazoo County Circuit Judge J. Richardson Johnson's courtroom.

Witnesses could include at least one former city commissioner, former Department of Public Safety Chief Gary Hetrick, City Attorney Robert Cinabro and a Kalamazoo Gazette reporter.

Two out of three charges in Ott's initial suit have been dismissed. Breach of contract is the only remaining charge.

Ott claims the city and former commissioner Zedie Jackson violated a clause in his separation



Marc Ott

agreement when she spread "false, misleading" statements that prompted a state police investigation of his failure to register a handgun he owned.

Mediators recommended the

city settle the remaining portion for \$29,000. Officials said Ott accepted that offer. But city officials rejected the settlement, saying the city had done nothing wrong and that Ott already had been paid about \$140,000 in severance.

"I don't think the idea of paying him extra money sits well with the City Commission," said Michael Bogen, the attorney hired to handle the city's case. "That's my take on it. I'm not speaking for them. We don't owe Mr. Ott anything in terms of a settlement."

Cinabro said the city could have been criticized if it had settled with

Ott if it had done nothing wrong.

"There's some principles at stake," Cinabro said. "We feel we have no choice in the matter. The lawsuit has been brought against us. We're not the ones suing here."

Calls last week to Ott, who now works as assistant to the mayor of Rochester Hills, were not returned. His attorney, Melvin McWilliams of Lansing, said that, after two years of wrangling, it was time for the case to be settled.

"The reality is, it's up to a jury to decide," he said. "It's obviously a rather unfortunate chapter in terms of Marc's career. He was (sullied) by it. And it's something he'd like to put behind him. We've argued back and forth. We're just going to put it before (the jurors)."

Ott in late January 1997 resigned under pressure after several months of contentious relations with commissioners. After his resignation, Jackson told city police that Ralph Chandler, a Western Michigan University professor, had told her he had hugged Ott during a reception for Detroit

Mayor Dennis Archer and had felt a gun. Jackson said Chandler told her that Ott stated he had enemies.

Chandler has testified he did not make those statements and said Jackson may have misunderstood him.

Investigations showed Ott failed to register a .380 Beretta handgun he had purchased in 1995, but prosecutors ruled it an oversight without criminal intent. He registered the gun in March 1997, two days after the Kalamazoo Gazette reported he had failed to complete a safety inspection and paperwork.

Ott claims the handgun issue hindered his ability to find a job, finally forcing him to settle on a lower-paying position.

He also alleges that Jackson leaked information about the gun to the Gazette in an attempt to smear him. In depositions, Jackson and the reporter who wrote the story, Mike Tyree, have both denied ever talking to each other.

BOB ALLISON can be reached at 388-8524.

Ott drops suit against Kalamazoo before trial begins

BY LYNETTE KALSNES
KALAMAZOO GAZETTE

On the eve of his trial, former Kalamazoo city manager Marc Ott dropped his lawsuit against the city.

Ott's attorney, Melvin McWilliams of Lansing, said Tuesday his client decided to dismiss the lawsuit without any settlement or fines and costs awarded. The paperwork will be filed within a few days, he said. The trial was scheduled to start today.

Ott had sued for breach of contract, alleging the city and former Commissioner Zedie Jackson had violated his separation agreement by spreading false statements that

resulted in an investigation into his failure to register a handgun. Prosecutors ruled it was an oversight without criminal intent.

"We've made the decision to dismiss it after looking at how far we've come and looking at the objectives we wanted to achieve by filing the suit in the first place," McWilliams said. "The principle objective was to put an end to rumors and things that were being circulated which made its way into the Kalamazoo Gazette regarding Mr. Ott, and we believe that the impact of the suit has been to essentially put an end to that."

Certainly achieving that objec-

tive has gone a long way toward allowing Mr. Ott to move forward and to pursue other objectives in his career, and that's what he's doing, and we certainly hope the other parties have moved forward as well," McWilliams said. "We are confident there won't be a reoccurrence of the kinds of things that prompted us to bring this suit and therefore we can say that we are satisfied at this point with where we are."

Ott has put the matter behind him, McWilliams said.

"Notwithstanding what happened in Kalamazoo in terms of some of the negative stuff he has

been able to move forward in a positive manner, and, overall, he can say that he's pleased with the good experiences he's had in Kalamazoo."

McWilliams said the separation agreement is still in effect and that he expects both parties to abide by it. Part of the agreement states that Ott and city officials will not say disparaging things about each other.

Kalamazoo attorney Michael Bogren, who represented the city and Jackson, said he did not believe Ott had a strong case but was surprised it was dismissed the day before trial.

"Obviously I'm pleased," Bogren said. "It's the outcome we were look-

ing for. Neither Zedie or anyone else associated with the city did anything wrong."

Bogren learned of the dismissal Tuesday from McWilliams, who told him that it was in Ott's "best interests" to dismiss the case.

City Manager Pat DiGiovanni said he thinks everyone is pleased the case "has finally ended."

"It's a chapter that's been closed, and we can move on," DiGiovanni said.

Ott resigned his city manager post under pressure in January 1997 and now serves as assistant to the mayor of Rochester Hills.

Ott could not be reached for comment, nor could Jackson.

Ott originally sued on charges including defamation and intentional infliction of emotional distress, which the court dismissed. Breach of contract was the only charge remaining.

Mediators had recommended the city pay \$29,000 to settle, but city officials rejected the idea.

McWilliams said the lawsuit would be dismissed with prejudice, which means it cannot be brought again.

LYNETTE KALSNES can be reached at 393-7784.