

**AGENDA ITEM NO. 5-A**  
**MONTEREY PENINSULA REGIONAL PARK DISTRICT**  
**BOARD OF DIRECTORS**

**Special Meeting Minutes**

**Date: Monday, December 9, 2024**

**Time: 5:00 p.m.**

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- 1) **CALL TO ORDER** – The meeting was called to order at 5:10.
  - 2) **ROLL CALL** – Roll call was taken. PRESENT: Directors Anderson, Lee, Potter, Raskoff and Sorenson; ABSENT: None  
President Raskoff reviewed the order of events, and that Item 5-A would be held in open session at the request of General Manager Rafael Payan, who confirmed his consent. President Raskoff continued that after Item 5-A, the Board would adjourn to Closed Session for Item 5-B.
  - 3) **APPROVAL OF AGENDA** – Upon motion by Director Lee, seconded by Director Anderson, the agenda was unanimously approved.
  - 4) **PUBLIC COMMENTS** – Legal Counsel Tucker Wisdom-Stack clarified that because it was a special meeting, public comments would be limited to agenda items.
  - 5-A) **DISCUSSION ITEM – Conference Regarding Discipline, Dismissal, or Release of a Public Employee** (*moved from Closed Session at the request of General Manager Rafael Payan*)
    - President Raskoff introduced the item which stemmed from a complaint made against Dr. Payan and read from an investigation closure letter, which was also made available to the public since the item was moved to the open meeting.

**PUBLIC COMMENTS** – Bruce Delgado questioned elements about the investigation.

    - o Katina Smith (sp) also questioned elements of the investigation and spoke in support of Dr. Payan.
    - o Kathy Biala shared a personal anecdote about workplace investigations.
    - o Paola Berthoin also raised questions about the investigation.  - Dr. Payan discussed his tenure, achievements, and performance evaluations, noting that he received high scores from the public and staff but low scores from the Board. He also explained that he did not participate in the investigation because of the process and firms involved questioning their impartiality. He asked for a new investigation with a new firm and for an extension of his employment contract.

- Board members asked various questions including about process and Mr. Wisdom-Stack introduced Andrew Kreeft the investigation coordinator to weigh in.
- Andrew Kreeft explained his role as coordinator and liaison for multiple investigations being conducted by the Oppenheimer Group. Mr. Kreeft's reported reaching out to Dr. Payan to announce the investigation, then following up four times to remind him of the obligation to cooperate per the District's employee handbook, last notifying Dr. Payan that the investigation would conclude without his participation if he did not respond by September 20. He indicated that the only substantive communication from Dr. Payan occurred after he received notification of case closures.
- Board members made additional comments about their concerns with the allegations sustained in the investigation, applauded staff for coming forward, noted their requirement to take action on the investigation results and discussed possible disciplinary actions available to them.

**PUBLIC COMMENTS** – Bruce Delgado spoke in part of support of and in part critical of Dr. Payan.

- o Jackie Nelson (Environmental Education Supervisor) spoke in support of Dr. Payan.
  - o Kathy Biala spoke in support of Dr. Payan.
  - o May Holland Dungo spoke in support of Dr. Payan.
  - o Paola Berthoin spoke in support of Dr. Payan.
- After discussion and upon motion by Director Lee, seconded by Director Potter, the Board unanimously approved suspending Dr. Payan for one week without pay, placing a written censure outlining the sustained allegations in his personnel file, and that the censure clearly state that he, agreed, in his written employment contract, to uphold the provisions of the employee handbook, and the mission and values of the District, and that he violated those with these actions.

**5) IDENTIFICATION OF CLOSED SESSION ITEMS** – President Raskoff introduced the items and solicited public comment.

~~**A. Conference Regarding Discipline, Dismissal, or Release of a Public Employee Pursuant to Government Code Section 54957(b)(1)**~~

~~**B. Public Employee Evaluation of Performance, General Manager, Pursuant to Government Code Section 54957(b)(1)**~~

**6) PUBLIC COMMENT ON CLOSED SESSION** – Savannah Peña (Environmental Education Coordinator-Programs) spoke in support of Dr. Payan.

- Anna Tao also spoke in support of Dr. Payan.
- Kathy Biala spoke in support of Dr. Payan.
- Bruce Delgado again spoke in part in support of and in part critical of Dr. Payan.

**7) ADJOURN TO CLOSED SESSION** – Closed Session began at 7:40 and ended at 10:50.

**8) REPORT ON RETURN FROM CLOSED SESSION** – President Raskoff reported that in Closed Session discussion of Item 5-B, Public Employee Evaluation of Performance, General Manager, Pursuant to Government Code Section 54957(b)(1), and then under Item 5-A, the Board has unanimously voted to give Notice of Intent to terminate the contract of General Manager Dr. Rafael Payan for performance reasons. The Board voted unanimously to place Dr. Payan on administrative leave effective immediately. The Board has named Shuran Parker as the Interim General Manager.

**9) ADJOURNMENT** – The meeting was adjourned at 10:58.

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Shuran Parker, Recording Secretary

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