



SAN JOSE/SILICON VALLEY BRANCH OF THE
NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

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May 27, 2020

Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118-3686

Re: Records request.

I am disappointed to have to write this letter. However, it appears that we have a clear case of “managing while Black” occurring right here in Silicon Valley.

On behalf of the San Jose/Silicon Valley NAACP we demand an investigation into the likely unethical and likely illegal behaviors of Directors Barbara Keegan and Linda LeZotte.

White women’s fear turning into Black men’s being attacked is nothing new. Simply look at what’s in the news right now. We live in an era with things like Ahmaud Arbery, where black men are targets and able to have their rights attacked.

As news of two Minneapolis police officers’ role in the death of George Floyd, another unarmed Black man, spreads through the nation, the stakes of Amy Cooper’s threat to Christian Cooper in New York’s Central Park have also fit into the larger national dialogue on racism.

We now have two elected Directors on the Board of the Santa Clara Valley Water District allegedly coordinating with past Director Joe Judge in the past few months to oppose Mr. Rick Callender's promotion, releasing incomplete confidential personnel information to members of the public and media, and lobbying external people during the course of a confidential hiring process. Their request has been to solicit assistance to oppose Mr. Callender during his hiring process. Further, in clear violation of California state law at least one Director attempted to try and label Mr. Callender of being convicted of a variety of felonious criminal activities to try and keep him from obtaining the position. Director Keegan has been quoted to me to have said to several people that Mr. Callender would get the CEO position “over her dead body.” Director Keegan started her harassing campaign even prior to the CEO position ever opening, by meeting with employees and others to attack Mr. Callender on a variety of fronts.

With the widely known investigation into the discriminatory issues which Mr. Callender was subjected to in an effort to have him either fired or quit between 2005 and 2013, I am surprised that Directors Keegan and LeZotte would pick up Joe Judges campaign to retaliate against Mr. Callender by using illegal and discriminatory tactics.

White America has long associated black men with criminality and hypersexuality. This fear of black men doesn't just come from racism, It's psychological. There is a body of work in literature and psychology that speaks to a historical tradition where some white people project the primal aggressions that they refuse to see in themselves onto black people.

Simply put, these two directors are trying to further stereotypical accusations and mistruths which its commonly known that Valley Water had to ultimately settle with Mr. Callender. I was directly engaged with Mr. Callender, and his legal team, during the time of his fighting Valley

Water and seeking a settlement to quash his claims of discrimination between 2007 and 2013, and I am well aware of the DFEH findings relative to the long history of discrimination against Mr. Callender, the manufacturing of complaints and findings to force him to quit or to be fired, and Joe Judge's direct leadership on these issues during the entire time. I am also aware of the DFEH findings which found that Valley Water was aware, and had acknowledged, the fact that they had engaged in investigations and drawn conclusions unsupported by facts relative to Mr. Callender specifically.

The fact that two Directors are actively engaging in this fashion appears to be a discriminatory and retaliatory attempt to harass Mr. Callender. For these Directors to coordinate with a man who constantly referred to Mr. Callender as King of the Black's and was alleged to have called him Nigger on several occasions and called for the CEO to fire him from at least 2006, is despicable. I have attached your own investigation relative to the Joe Judge findings which I refer for reference.

Further I understand that the two Directors who am asking to be investigated demanded that Mr. Callender undergo a criminal and civil background check for his candidacy as CEO. That has never been done with any other internal candidates, including with the current CEO which all the sitting Board members participated in that process. Does it sound to you like a different standard has been applied to Mr. Callender?

The Board has no choice but to investigate these Board members through its ethics committee. This is the right thing to do, as many of you are aware of this behavior. I would hope that as you did with Joe Judge, you employ an outside investigator to determine the facts.

As I said when I spoke during the item for consideration on the CEO, we will hold you accountable for your behaviors and actions. This is just the first step.

As a Board, you cannot allow these kinds of discriminatory and harassing actions to stand. Mr. Callender and all Valley Water employees deserve an environment free from this kind of discrimination and harassment.

On behalf of the San Jose/Silicon Valley NAACP I request an immediate investigation. I am more than willing to make myself available to provide more detailed information on who exactly the offending Directors have involved in their efforts. We have heard from many who are offended at the calls or the information which they have received. We believe they will be truthful.

Finally, I am requesting the following records request.

All emails, texts, records of phone calls and texts, other electronic communications on personal or Valley Water devices between, from, or to, the below individuals.

This includes external or internal parties between October 15 and May 28 regarding Mr. Rick Callender and his appointment as CEO. We understand there may be a cost and we are prepared to pay for costs associated.

Director Barbara Keegan
Director Linda LeZotte
Director Nai Hsueh
Former Director Joe Judge
Norma Camacho
Nina Hawk

In Community Spirit,



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