



The Senate of the State of New Hampshire

107 North Main Street, Concord, N.H. 03301-4951

July 5, 2022

Hon. Peter Spanos, Chairman
Hon. Glen Waring, Commissioner
Hon. Hunter Taylor, Commissioner

Re: Belknap County Delegation Unauthorized Legal Expenses

Honorable Commissioners,

I am writing to provide some additional context to the delegation's request that you expend county taxpayer funds to discharge unauthorized legal expenses incurred by its Gunstock "control group."

In early January, 2022, I twice telephoned Rep. Silber, an active member of the "control group." Twice I asked if he would consider mediation to resolve the issues. Twice, my offer was rejected out of hand.

I then emailed delegation Chairman Sylvia and GAC commissioner Kiedaisch and offered to work with them to resolve all issues and de-escalate the increasingly adversarial relationship between the two entities. Within hours, I received an unconditional "Yes" from Kiedaisch. I never received a reply from Sylvia. A copy of that correspondence is attached.

At the GAC meeting after the email was sent to the two chairmen, I asked Rep. Sylvia (as he was arriving) if he would consider mediation as suggested in the email. He replied, "I don't think so." As he was leaving the meeting after its conclusion, I met with him in the storeroom at the rear of the meeting room and again attempted to persuade him to reconsider his rejection of mediation. His exact response was, "I prefer the hammer."

The significance of that response cannot be overstated, and is pivotal to understanding why Belknap County taxpayers should not foot the bill for the unauthorized legal expenses incurred by the "control group." Sylvia rejected out of hand a legitimate, viable proffer of mediation that would have avoided much, if not all of the unauthorized legal expenses. That remark reflects two things his preference for conflict rather than resolution, and his pursuit of an agenda contrary to the vast majority of Belknap County citizens. Now, the "control group" is asking you to place the excess unlawfully incurred, avoidable legal expenses on the backs of Belknap County taxpayers.

Also of interest is Sylvia's letter in the Laconia Daily Sun promising "a more harmonious relationship" if the GAC would agree to pay the "control group's" unauthorized legal expenses, cleverly seeking to escape accountability for its refusal to mediate and its unilateral ongoing hostilities against the prior GAC members and now, the management and staff.

In making your decision as to whether to pay the delegation's unauthorized legal expenses, I ask you to consider at least the following two questions.

1. Were the actions of the delegation in incurring legal fees in excess of those approved by your Commission lawful? This must include a determination if the "control group" was ever legally constituted by the delegation and/or County Commission. The expenditure of funds beyond those authorized in the budget required, as a minimum, consultation with the County Commissioners. I can find no record of any such deliberations reflected in the minutes of the delegation or the County Commissioners. Hence the "control group," incurred these costs without authorization and in violation of its questionable authority to act.
2. Was there any alternative course of action available to the delegation that would have avoided incurring the unauthorized legal fees? There absolutely was an alternative, reflected both in my initial email to chairmen Sylvia and Kiedaisch (attached), and my subsequent email (also attached) to both the delegation and the GAC after Sylvia's rejection of mediation with his statement, "I prefer the hammer." Neither the emails nor the proffer of mediation was ever placed on a delegation agenda, as the "control group" knowingly and willfully continued its scorched earth policy.
3. Do not all the members of the delegation have the right to read the unredacted emails, rather than just the rogue "control group" and those who incurred the unauthorized legal expenses? To deny any member of the delegation the right to read the entire content of these emails is to allow the self-appointed "control group" to usurp the constitutional authority of those elected to the legislature by the people of Belknap County.

The "control group," which appears never to have been authorized by a recorded vote of the delegation, deliberately persisted in a costly but easily avoidable course of action. It rejected out-of-hand a legitimate offer of mediation, and continues to attempt to foist unauthorized and unnecessary legal expenses on to the GAC or Belknap County taxpayers – the vast majority of whom oppose(d) its actions.

That the delegation has approved payment of the additional \$30,000 in legal fees should not color your decision in this matter. Rather, transparency and the public interest must remain paramount, and I urge you to hold the control group accountable by denying the request that

the County pay the unauthorized legal expenses it incurred, after knowingly and willfully rejecting an alternative that would have avoided those costs.

Serving in public office does not exempt one from accountability. If anything, office holders should be held to a higher standard to combat the ongoing erosion of public trust in government. Paying the "control group's" expenses, after it and the delegation rejected out-of-hand a feasible offer of mediation, and acceding to their refusal to share the unredacted emails with all members of the delegation, will excuse the irresponsible actions of those seeking retribution instead of resolution. And providing every single one of the unredacted emails to all members of the delegation is essential to the transparency of government in Belknap County .

I ask that this correspondence, including attachments, be incorporated as part of the minutes of this meeting and be made part of the Belknap County Commission permanent record.

Thank you for your consideration.

Respectfully,

A handwritten signature in blue ink, appearing to read "Bob Giuda", with a stylized flourish extending to the right.

Bob Giuda
State Senator
NH District 2