

(Note: The Signal ran this on July 10, but it never made it into the online version – this is the version as submitted)

Signal Guest Commentary for July 10, 2007

The City Lacks a Code of Ethics, and It Shows.

by Bruce McFarland

I won't be able to attend the city council meeting tonight, so I hope someone will let me know if Councilmember Ferry apologizes to Councilmember Boydston and to the public for his behavior at the June 12 council meeting.

I want to thank city manager, Ken Pulskamp and director of community development, Paul Brotzman for meeting with me Friday to discuss the city's investigation of collusion surrounding the Henry Mayo/G&L Realty's proposed Hospital Master Plan and 25-year Development Agreement. I don't know that I gained a lot of insight on what actually transpired between city planners, Fred Follstad, Lisa Hardy and Jeff Lambert, former planning director and current consultant to Henry Mayo/G&L Realty, but I did realize how desperately the city needs to adopt a code of ethics.

Before I get to the meat of this column, I must apologize to Mr. Pulskamp. I must have sent him scurrying into the law books searching for the "first law for city employees," (from my previous column) because he really needed to tell me that there was no such law. I had to admit to him that I made it up, but I made it up based on years of experiences with countless governmental employees whose prime directive seemed to be "never make the city, state, county, agency, etc. look bad." Maybe you disagree. He did.

At the June 12, council meeting, Council member TimBen Boydston stated that he had concerns that there might be some collusion in the planning department. At the June 26, council meeting, city manager, Ken Pulskamp said he would investigate the matter.

Pulskamp told me Friday that "the investigation was assigned to the assistant city manager," and his instructions are to "fully investigate the allegations that were made, to interview employees, look into the entire matter and see if any action is needed to be taken." He also told me, "It should be done in two weeks, but I don't know that the results will be made public."

I asked Mr. Pulskamp to explain to me what he understood the allegations to be. He said "there was an allegation that, I think, that somehow or another, city staff and Jeff Lambert were trying to make the hospital decision take place when only three council members were available to vote on it." He added "this meeting was planned to happen last July (2006). It never happened. Since that time, we've told the hospital: hey, your environmental work's messed up, you've got a whole bunch more work to do, and we sent them back to the drawing board for a full year."

In a further attempt to help me understand the situation Pulskamp said "there's an email that is back and forth between Jeff and Fred that I don't

see anything in there that's collusion. Then there's a memorandum, well it's not even a memorandum, it's talking points. He just typed a couple of pages to give to Lisa because she was getting ready to meet with Jeff. He was just pointing out that this was potentially a problem. We don't want an issue as large as the hospital when there's only a few council members there. We want as many as possible."

I can't tell what's in the heart or mind of Fred Follstad, but I'll let you read the exact words on his memorandum/talking points titled "Comments for Lisa's 2/16/06 meeting with Jeff Lambert regarding the Hospital Master Plan." Its next line says, "Here are a few issues that need to be discussed with Jeff at your 1 on 1 meeting with him:"

Items 1 through 6 seem to be appropriate questions and suggestions of changes that might be needed to make the plan acceptable. Following that is a "Schedule" with important dates. Line number six says, "July 11 is CC (city council) hearing on the item. Marsha is usually absent from this one. And if Bob doesn't vote, all they need is 2 votes." The next line says, "August 22 is the second CC meeting if needed. I hope not!" That's not Jeff saying I hope not, it Fred saying it to Lisa or Jeff.

Well, like Mr. Pulskamp said, that meeting never took place. But the question remains why was Fred Follstad directing Lisa Hardy to tell this to Jeff Lambert. Or even if he was just telling it to Lisa, why does he hope that a second meeting wouldn't have to take place.

The final punch-line of that document says, "The staff report will be more direct and to the point and will make direct recommendations if that is OK with you. I would like to have a two phased staff presentation at the PC (planning commission) in April. I will go over the technical issues and you come in for the kill. I will not let you down!" At best that sound way too familiar – at worst collusion.

Even Paul Brotzman agreed that it looked bad to a lot of people, stating, "I think that document Fred wrote was poorly written and leads to an appearance of something that was unethical. I know the circumstance so that I know that wasn't the case, but we failed on the appearance (of wrongdoing) issue.

I also had a lot of questions about why assistant city attorney, Joe Montes was told by Paul Brotzman (he admitted to me) to rewrite or amend the first development agreement when it was denied by the planning commission and neither the planning commission nor the city council directed staff to try and amend the agreement. And considering there weren't any city benefits added to the plan, I still wonder why they decided to do it. Both Pulskamp and Brotzman told me that it was normal to do so. I don't know – maybe they're right about that.

I really want to believe that Fred Follstad was just overly helpful to an applicant and that he wasn't giving preferential treatment to the former planning director, but any way this turns out, it raises an even bigger question: Why doesn't the city have a Code of Ethics? Only a code of ethics can give everyone the specifics about right and wrong behavior.

There are countless professional organizations, institutions and cities that have adopted a code of ethics. Some nearby cities include: Burbank,

Glendale, Simi, Thousand Oaks and Ojai. The Institute for Local Government lists sample codes of ethics from 25 cities in California.

Mr. Pulskamp and Mr. Brotzman both claimed that ethics are clearly understood by the employees and referred me to the city's "Philosophy," which include two sentences about ethics, one that says something like treat people fairly. Go to www.Santa-Clarita.com/cityhall/general/philosophy.asp to read the entire philosophy. Very flowery and full of platitudes, but of limited value when determining proper behavior.

The American Planning Association has nine pages of specifics about what is expected and what is improper. The employees of Santa Clarita need to know exactly what is expected of them when dealing with the public and each other. The people of Santa Clarita deserve to know exactly what constitutes proper and improper behavior of city staff.

While we're at it, shouldn't the city council be asked to abide by those same ethics as city employees?

We've got to stop living in the dark ages and pretending that the city can do no wrong. Right now, we can't even determine if some employees have had an ethical transgression because we don't have a code of ethics.

I challenge all candidates for city council to agree to support a code of ethics for Santa Clarita. I also call on all civic leaders and organizations to join me in a bipartisan campaign to have Santa Clarita adopt a code of ethics. Give me a call at 661-297-1999.

There's a lot more interesting quotes that I couldn't include here, so if you want to hear the entire interview, go to www.newsbyte.com and click on the link.

Bruce McFarland is the president of the Democratic Alliance for Action of Santa Clarita, for more information, go to www.DAA.org.