

Neighborhood parking issue ignites debate

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Gary Walker

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By

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A Farragut Drive homeowner is accusing three of the five members of the City Council of not disclosing what he thinks are relevant conflicts of interest during the Sept. 8 council meeting where the city's governing body deliberated about the possibility of changing the existing preferential parking zone for one block of Farragut Drive at the behest of Grace Lutheran Evangelical Church.

In a Sept. 10 letter to City Attorney Carol Schwab, Les Greenberg asked Schwab to investigate whether Councilmen Andrew Weissman and Jeffery Copper and Vice Mayor Michael O' Leary were conflicted during a discussion of a possible revocation of the preferential parking district for the 10700 block of Farragut. The council did not take a vote but asked members of the city staff to examine if a study is needed in order to revisit the veracity of the parking designation.

The state attorney general's office's conflict of interest guidelines only cover direct financial conflicts, not the type that Greenberg alleges in his letter to Schwab.

But a former city attorney for several California cities who is an expert in conflict of interest cases, disagrees with that characterization and feels that no member of the council should have been ineligible to hear the parking agenda item.

Greenberg cites a fundraiser that Kenneth Smith and his wife Jozelle hosted for Weissman during his reelection campaign in 2012. The Smiths are members of Grace Lutheran Evangelical Church and Jozelle Smith, a former Culver City Mayor, was Weissman's honorary campaign manager.

"Weissman, an attorney, failed to disclose that conflict of interest. During the hearing, Weissman advocated a 'back to scratch' approach whereby 32 years of permit-only parking on Farragut would be annulled," Greenberg wrote. "Weissman's comments inflected the discussion due to his failure to recuse himself."

Greenberg was referring to the councilman's suggesting after a prolonged discussion at the council meeting that he and his colleagues might not have been able to reach a clear-cut decision that night.

Reached at his law office, Weissman responded "absolutely not" when asked whether he thought his statements at the meeting represented a conflict.

Greenberg, who is also an attorney, said O'Leary and Cooper also should have recused themselves. He similarly points to the Smiths endorsing Cooper and Beverly O'Brien, the church's Sunday school superintendent, who hosted a Nov. 13, 2013 reelection party for the councilman as associations that should have been revealed and were not.

As far as O'Leary goes, Greenberg posits that if the council decides to reevaluate Farragut's preferential parking restrictions, at a later date the council could consider revoking permit parking on Commonwealth Avenue near O'Leary's bar, Joxer Daly's on Washington Place. If the council commences down the 'slippery slope' of reevaluating locations with the grandfathered permitonly restrictions, O'Leary could financially benefit with the ability to request that the parking restrictions on Commonwealth be revoked,' Greenberg alleged.

"I request that the city attorney investigate and determine whether Cooper or O'Leary has sufficient conflict of interest that he not be allowed to participate further on this matter," he added.

Michal Martello, the senior counsel of the Institute of Local Government, said the job of a legislator is to meet and get to know residents of a city or county, especially in a small city like Culver City. "Based on what I have heard, nothing was done that would have generated a conflict of interest," said Martello, who is also the former chair of the League of California Cities Fair Political Practices Commission Committee. "If a councilman was a clergyman or a member of the church's board, that would be different."

Greenberg insists that these associations are relevant and should have been divulged. "When you conceal them, they start looking a little more material," he said.

Martello said the councilmen should have considered making the associations with the Smiths and others only if there had been discussions with their campaign supporters from the church on the parking matter prior to the meeting.

An ex parte communication in a hearing were evidence was presented might be different," he explained. "What happened [at the council meeting] sounds like a legislative function."

Schwab could not be reached for comment.

