

Observer Culver City

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LETTERS

Dear Editor:

Culver City is an ethical desert due to lack of state-mandated ethics training and City Attorney Carol Schwab's lax attitude toward ethics.

In matters involving factual determinations the City Council is legally required to be a "reasonably impartial, noninvolved reviewer." Politics and common law bias—"an interest ... of such importance [] that it could have influenced [] judgment"—are verboten.

At the September 12, 2016 City Council meeting, after presenting indisputable proof, we complained about the biases of former Council Member Andrew Weissman and Council Member Jeffrey Cooper and asked that Cooper recuse himself. Cooper sat silently. After being asked by Mayor Jim Clarke, no City Council member wished to discuss any ethical issue.

At the September 12, 2016 City Council meeting the City Attorney stated: "There are certainly numerous state laws that prohibit council members and employees from engaging in unethical conduct. We have trainings that are provided to the Council, mandatory trainings—AB 1234—that Council members attend, commissioners attend, on a regular basis, and are required to attend. And we provide that through the City Attorney's office." How well did the City Attorney fulfill her responsibility to provide ethical training? Not very well.

State law requires that every two years City Council members, among others, undergo ethics training on various subjects, e.g., common law bias, and the City maintain records of training compliance for five years. Culver City's response to my Public Records Act request for those records demonstrates that Cooper and Clarke, among others, received absolutely no such state-law-required ethics training. None. Rien. Nada.

There is further evidence that the City Attorney does not take common-law-bias issues seriously; each City Council member need not disclose relationships and may silently decide for him/herself whether each is biased or appears to be biased. The May 17, 2015 City Council minutes reflect the City Attorney's approach where it states: "Carol Schwab, City Attorney, discussed instances where a conflict of interest arises; the appearance of bias; and she clarified that it is up to the individual Councilmember to make the decision." The City Attorney is willing to sit silently when untrained City Council members make decisions involving ethics. More importantly, those decisions may taint an entire proceeding, making it susceptible to legal attack.

The City Attorney should have learned from the immortal words of Weissman where he was quoted in the March 23, 1986 edition of the Los Angeles Times as stating, "Culver City is entitled to the independent judgment of city council members whose impartiality is untainted.... The responsibility that the elected official has is to disclose... [T]he individual has to be sensitive enough to mention the potential conflict[.]" Yes, this is the same former City Council member Weissman who failed to disclose his industrial-strength relationships with Ken Smith—VIP at Grace Evangelical Lutheran Church—when the Church carried favor before the City Council and Weissman championed the Church's cause.

Bottom line, the City Attorney enables Culver City's ruling elite to remain uneducated in ethical matters and to do what they want to us peasants—whether or not their actions involve questionable ethical conduct. But we peasants pay Carol Schwab's earnings of \$300,000-plus per year. It is time for her to go to pasture. We need new, ethical blood to be the conscious of Culver City's government.

Les Greenberg