

April 12, 2023

Statement of Position

Regarding the District Attorney's Findings – Accusations of Brown Act Violation

Ethics San Mateo has been closely monitoring the events and activities that were initiated by Mayor Amourance Lee's accusations of unlawful acts on December 7 [corrected date], 2022.

We stated in our second SOP¹ on this matter, published on December 11, 2022, the following:

Ethics San Mateo will attempt to follow the progress of the investigations, as allowed by the City Attorney, City Manager and Police Department. At this time, we will not conduct any independent research into this; with the possibility that a felony has occurred in addition to a breach of ethical standards, we wish to avoid interfering with the formal Law Enforcement and City Attorney's investigations.

¹ Both the first and second SOPs are available on our website, www.EthicsSanMateo.com

On April 7, 2023, the *San Jose Mercury News* published an article, written by Aldo Toledo, reporting the results of the San Mateo County District Attorney's investigation. The San Mateo Daily Journal also published an article reporting the District Attorney's findings.

Both articles clearly stated that there had been no violation of the law as had been charged in impassioned statements by (then) Councilmember Lee during public City Council meetings. These accusations and highly charged comments are a matter of public record, available for viewing through the City's website. Our previous SOPs detail the events.

Ethics San Mateo has verified the facts reported in the newspaper articles regarding the District Attorney's investigation. We have read both the letter to the City Attorney, Prasanna Rasiah, and the detailed report prepared by the District Attorney's office.

The letter summarizes the findings:

"We have completed our review and find no basis to conclude there was any violation of the Brown Act nor evidence of an illegal attempt to corrupt the voting process."

The above are facts.

ETHICS SAN MATEO

DEDICATED TO TRUTH, TRANSPARENCY AND ETHICAL CONDUCT IN CITY GOVERNMENT

Now we have an official investigative finding from the District Attorney's office which confirms what many San Mateo residents believed; that the accusations were unfounded. Period.

Lee has stated numerous times that she is "the most experienced" member of the San Mateo City Council. The DA's report contains her statement that *"she had attended all of the required training with the City Attorney, City Clerk, and the State required ethics training"*. She either did, or should have, understood the Brown Act sufficiently to make her seek legal advice before creating a virtual political eruption. If Lee had simply talked with the City Attorney and City Manager prior to making her outlandish accusations in an official public forum, in front of a large audience both in chambers and on live video, and provided honest and complete details of the events, and had followed wise legal advice, none of this would have occurred. Cliff Robbins, a candidate for the remaining fifth Council seat, would not have had his reputation smeared, Lee would not have been able to remove Robbins summarily and independently from consideration, the time of so many people would not have been wasted, investigative costs avoided, and the confidence in our city leadership would not have been further eroded.

Mayor Lee's theatrics resulted in the most qualified person being summarily dismissed, allowing her favored candidate to be elected. Lee had an agenda and was going to stop at nothing to get what she wanted. Her actions severely affected the fair and impartial City Councilmember selection process. Mayor Lee's statement responding to the District Attorney's report only defended her actions and minimized the chilling effects on local democracy her actions have had.

Ethics San Mateo condemns her actions in the strongest of terms. Mayor Lee holds a position of public trust. Along with the duties and responsibilities of any member of the City Council, her powers as mayor allow her to set the agenda for City Council meetings, thereby controlling Council activity. Rather than using her position for the public good, she instead has been using it as a bully pulpit to further her agenda. Her unsubstantiated claims of Brown Act violations is one of the strongest examples yet, and goes at the heart of what Ethics San Mateo is all about.

Her unfounded accusations and outrageous envelope-producing theatrics have caused her to lose credibility and the respect of the residents of San Mateo. In tampering with the City Council member selection process, she has stepped so far away from the ethical standards we demand from our city leadership that she cannot govern and must resign.