



ETHICS SAN MATEO

DEDICATED TO TRUTH, TRANSPARENCY AND ETHICAL CONDUCT IN CITY GOVERNMENT

25 March 2024

Ethics Watch

Ethics San Mateo is keenly aware of the contentious discussions regarding the Baywood Historic District. The issue has been a topic of many San Mateo Daily Journal (SMDJ) Letters to the Editor and comments.

Ethics San Mateo is issue-agnostic; we neither support nor oppose the establishment of a Baywood Historic District, or any other such designation anywhere in San Mateo. It is a fact that some of our members are associated with the San Mateo Heritage Alliance, but we are separate, distinct, and unrelated organizations. Our focus is clearly stated in our Mission Statement: To lead and support efforts by the residents of San Mateo to ensure our city is served according to the highest level of ethical standards and behavior.

We are watchful that all our members, including the Board of Directors, maintain neutrality on specific issues when participating in ESM's efforts. We will only consider for study ethics-related events, independent of the subject itself.

When our organization was brought into the SMDJ on-line comment foray, we responded with information and rebuttals when attempts were made to discredit our organization. As a result, some individuals accused Mayor Diaz Nash of breaching ethical standards, and challenged us to prove our authenticity by investigating. Although the initiation of our examinations usually come about by more credible means, by identifiable sources, our Board of Directors determined we should investigate the allegations made.

As always, our Ethics Watches and Statements of Position state as factual only items we can verify, and we include documentation. If information we receive is not verifiable, we so state. We also clearly identify when we are stating our opinions, which are based on the facts.

The Accusations

The following is taken directly from the San Mateo Daily Journal Letters to the Editor (LTE) and footnoted as a link so the complete thread can be read¹.

¹ Outreach of San Mateo Heritage Alliance

To view the LTE's and the complete set of Replies/Comments, it is necessary to subscribe to the E-Edition

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Instead of avoiding the topic due to the appearance of a conflict of interest, members of Ethics San Mateo have raised concerns, but ONLY about the people who are speaking out against the San Mateo Heritage Alliance. Not a peep about Mayor Nash who publicly stated she would recuse from discussions or votes on the topic of a Baywood Historic District, but then failed to do so - twice!

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districting effort. Despite her written promises, including on her own social media, to recuse herself from the issue, she has failed to uphold that promise and has actively voted on the matter. This kind of dishonesty towards her constituents is deeply troubling. While we generally hold Mayor Nash in high regard, it is disheartening to witness her veering so far off course. If she supports undemocratic efforts to take property rights away, then we cannot support her going forward.

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On August 7th, Mayor Nash made the following statement on her Facebook page:

"There is a community discussion going on about the potential of applying to the State to designate San Mateo's Baywood neighborhood as a 'Historic District.' I have been advised that, as the neighborhood's City Council representative, there is no legal reason for me to recuse myself. Nevertheless, after careful research and consideration, and to avoid even the appearance of conflict since I own property in the neighborhood, I will be recusing myself from any Council discussion about the Baywood Historic District through the end of 2024. Please feel free to reach out to me at idiashnash@cityofsanmateo.org with any questions on this or any other San Mateo issue. I look forward to seeing you around the District, downtown, or at a future City Council meeting. Many thanks."

It was an explicit commitment to recuse herself, which has apparently been repeated on multiple occasions to her constituents. However, this commitment has been violated on multiple occasions, e.g. when taking votes on the matter in her function as Mayor. Concerned community members have shared stories of further undisclosed dealings in support of the districting, although I cannot independently verify these allegations and thus refrain from providing specific details here. Nevertheless, these are matters that deeply concern the community. Additionally, Mayor Nash failed to acknowledge the extensive involvement of her husband in her public statement, which raises questions about her ability to make impartial and independent decisions on the matter.

In light of your clear indication that this is a suitable case for Ethics San Mateo to address, I encourage you to follow through, investigate, and issue one of your Ethics statements. Doing so would undoubtedly alleviate concerns that Ethics San Mateo lacks independence and is merely a toothless entity. In addition, taking action in this matter would uphold the ethics and transparency that we all seemingly cherish so much.

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² Reply from "JJ94402" Mar 9, 2024 11:15am

³ Reply from "GasCar1956" Mar 9, 2024 2:25pm

⁴ Reply from "GasCar1956" Mar 9, 2024 6:51pm



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In summary, the accusations are that (now) Mayor Diaz Nash failed to keep a promise made in a Facebook post where she made “an explicit commitment to recuse herself”⁵. The accusers clearly indicated that the recusal was in context of the Baywood Historic District discussion. They claim that Mayor Diaz Nash has failed to honor that promise made in her social media posting, in City Council voting, and in discussions/involvement about the Baywood Historic District. In fact, her recusal relates ONLY to the Baywood Historic District, as clearly written in her Facebook page posting, included below, NOT to historic districts in general or regarding the Council’s prioritized policies and ordinances regarding historic preservation.

From the City’s website:

“Historic preservation helps residents maintain a tangible connection to San Mateo’s past. Efforts to safeguard and carefully adapt the City’s historic resources can enhance the community’s economic, cultural, and environmental character and support a strong sense of place and identity.”⁶

Investigation/Findings

Ethics San Mateo gathered the available documentation and reviewed the video of the November 20, 2023 City Council meeting, which we believe was the “vote” which the SMDJ LTE replies referred to. We also found the Diaz Nash Facebook post (below), quoted by “GasCar1956”.

The post from (then) Council Member Lisa Diaz Nash clearly states, “I will recuse myself from any Council discussion about the Baywood Historic District through the end of 2024.” There is a limitation to the recusal – “Council discussion”. Note that the Facebook page carries her current title “Mayor”, which did not appear in the original post.

⁵ Reply from “GasCar1956” Mar 9, 2024 6:51pm

⁶ <https://www.cityofsanmateo.org/4775/Historic-Resources>



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Lisa Diaz Nash, Mayor, City of San Mateo ...

Aug 7, 2023 · 🌐

There is a community discussion going on about the potential of applying to the State to designate San Mateo's Baywood neighborhood as a "Historic District." I have been advised that, as the neighborhood's City Council representative, there is no legal reason for me to recuse myself. Nevertheless, after careful research and consideration, and to avoid even the appearance of conflict since I own property in the neighborhood, I will be recusing myself from any Council discussion about the Baywood Historic District through the end of 2024.

Please feel free to reach out to me at ldiaznash@cityofsanmateo.org with any questions on this or any other San Mateo issue. I look forward to seeing you around the District, downtown or at a future City Council meeting.

Many thanks.

1. Although the discussion memorialized in the video of the November 20, 2023 City Council meeting (beginning at 3:42:00) showed some significant level of confusion, it does record (then) Council Member Diaz Nash stating she did not support putting (then) Mayor Lee's item regarding putting something about the Baywood Historic District on a future agenda⁷. It is clear from the video record that Lee's explanation of the item was somewhat convoluted, and it appears one or more council members, as well as the City Manager, had trouble understanding what she was asking for.

The non-support for agendizing a very confusing item is essentially a "recusal"; Diaz Nash did not want to discuss it (whatever it was), thus fulfilling her promise.

2. As stated by the City Attorney, there could be no vote. Additionally, (then) Mayor Rick Bonilla, sent an email (below) admonishing Ethics San Mateo for potentially suggesting an illegal vote was taken in a previous, unrelated, matter. The matter was in regard to Planning Commissioner Adam Nugent's behavior.

⁷ <https://www.youtube.com/watch?v=aDW94SMTALK>



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From: Rick Bonilla <rbonilla@cityofsanmateo.org>

Date: November 11, 2022 at 1:14:11 PM PST

To: ethicssanmateo@ , City Attorney's Office
<CityAttorneysOffice@cityofsanmateo.org>, "City Council (San Mateo)"
<CityCouncil@cityofsanmateo.org>, City Mgr <citymgr@cityofsanmateo.org>

Cc: Jon Mays <jon@smdailyjournal.com>

Subject: Re: Ethics San Mateo Statement of Position 11 Nov 2022

Mr. Cohen and founding members,

I would appreciate it if you did not make it sound or look as if the City Council had violated the Brown Act by voting on an issue which had not been agendaized. What transpired was a discussion where the question of agendaizing was the subject. To make this very clear, No voting took place.

Rick Bonilla
Mayor, City of San Mateo

During the lengthy discussion at the November 20, 2023 City Council meeting, Diaz Nash stated what was envisioned and was planned for the council-prioritized historic preservation policies and ordinance. These statements were not specifically about the Baywood Historic District. Mayor Diaz Nash never stated her support or opposition to any specific historic district. All her general statements were neutral regarding the establishment of any historic district. She did not support, along with several other council members, the City Council interjecting themselves into the Baywood Historic District debate by agendaizing Lee's agenda request. Her comments were about making sure the residents of the city, as well as the City Council, were properly informed of the requirements for, and conditions imposed by, a Historic District designation.

During the City Council meeting of March 18, 2024, Council Member Lee tried again to get a resolution regarding a voting process about the Baywood Historic District on a future agenda. Mayor Diaz Nash recused herself from stating support or opposition to that specific item, the agendaizing of a resolution about the Baywood Historic District, adhering to her Facebook page posting. Contrary to the incorrect comments by Lee, insisting the mayor was failing to follow her recusal promise, the statements Mayor Diaz Nash made were only about the Council-prioritized city-wide program and ordinance. Those statements were NOT contrary to her promise, as they were not about *any* specific historic district.

It also is noted that our Statement of Position 2024-1, examining bias on the part of some of our city's leadership, provides information about Lee's prejudiced statements and actions regarding the establishment of the historic district.



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There was no proof, documentation, or other specific information to investigate regarding the accusation of Mayor Diaz Nash talking to anyone outside of City Council meetings, and if verifiable proof is found, it would NOT breach the Facebook posting's "recusal" promise, which is limited to "Council discussions". "GasCar1956" writes "I cannot independently verify these allegations".⁸

Conclusion

It is Ethics San Mateo's conclusion that because of content, as well as the confusion around the proposed agenda item submitted by (then) Mayor Lee on November 20, 2023, there was no actual breach of (then) Councilmember Diaz Nash's promise of recusal, as there was no clear understanding among council members and staff about the agenda item itself. There was a convoluted discussion about *what* the agenda was about, no statements of the Baywood Historic District itself, and there was (*by law*) no vote.

As noted, in 3., above, the mayor recused herself from voting on the Baywood-specific item, and explained why, during the City Council meeting on March 18, 2024.

Since the date of her Facebook page post, we have not found any evidence that Mayor Diaz Nash has stated during city council meetings that she supports or opposes the effort to establish a Baywood Historic District.

All other accusations are baseless, as her promise did not apply to the undocumented specific actions enumerated in the LTE comments/replies.

Ethics San Mateo is therefore closing this Ethics Watch. If we have sufficient and credible evidence that any member of our city's leadership has breached ethics standards, we will investigate.

⁸ Reply from "GasCar1956" Mar 9, 2024 6:51pm