



Eye on Ethics

The Newsletter for Members of Ethics San Mateo

OCTOBER 2023

VOLUME 1

In This Issue

ISSUE 1 - OCTOBER 2023

In This Issue:

- *A Play on Words*
- *Editorial*
- *Voices*
- *The Flashlight*



Publication Information

Eye on Ethics is a publication of Ethics San Mateo, a California Nonprofit Public Benefit Corporation. The purpose of this publication is to provide our members with information in fulfillment of our mission to educate and to provide benefits to our members. With the accomplishment of our mission, the residents of San Mateo as a whole will benefit.

All information provided is either fact-checked and verified, or so identified as unverified or an opinion.

Editorials, Commentaries, Statements of Position and Ethics Watches, or other writings in this newsletter may contain opinions of Ethics San Mateo. Unless otherwise attributed, all writings included in this publication are attributed to Ethics San Mateo.

Copyright 2023 - Ethics San Mateo, a California Nonprofit Public Benefit Corporation

A Play on Words

Back in October 2022, one of the first actions by our fledgling organization was sending a questionnaire to San Mateo City Council members, Commission and Board members, and City Council candidates for Districts 1, 3 and 5. It was one simple question:

Do you support the establishment by the San Mateo City Council of an independent Ethics Commission? (Yes/No)

Only one council member and three candidates, replied "Yes". None replied "No", and one respondent wanted to know more about who sent the questionnaire. This is an interesting point, as during that time candidates for City Council were being sent requests by various and sometimes questionably organized groups to answer questionnaires regarding their stance on topics ranging from public transportation to abortion. At least one group was so bold as to announce that failure to respond would be considered as a negative response. Ahhhhh, politics!

Out of dozens of city officials and potential city officials only FOUR were willing to step up and say "AYE" to Ethics. We published the results, and two of the three Council candidates who answered "Yes" won.

We certainly understood the complex nuances and complications of establishing any commission, let alone one focused on the ethical behavior of city officers and officials. We believed, and still do, that the need for city government, each officer and official, to be committed to ethical behavior is critical to good governance, and, to democracy.

Since those early days of Ethics San Mateo, we have become a California Nonprofit Public Benefit Corporation and accomplished some important successes. We've done so by our unrelenting determination to press our agenda and mission in front of city government.

(continued on Page 2)

A Play on Words *(continued from page 1)*

We are actually amused that there is “opposition” to our bottom line – holding our city’s officials to the highest of ethical standards. Perhaps some believe it is to their best interest to have government that is not expected to behave in an ethical manner and are not held accountable for actions that violate whatever, and however insufficient, rules of conduct that may exist. Sad, very sad. We probably won’t see campaign materials with statements like “I do not support ethical standards or conduct.” However, we do see obstructionist behavior by members of our city government as the residents of San Mateo increasingly become aware of ethical misbehavior.

So, as this is our first newsletter, we ask that when you read “Eye on Ethics” your thoughts move to the need for our city government to say, “Aye on Ethics”.

Editorial ***Editorials are the collective opinions of the ESM Board of Directors***

Our Corporate DNA

As this is the first edition of the *Eye on Ethics* newsletter, we thought it might be good to provide our members with our viewpoint about why we exist and how we embrace it as our core.

We exist for one purpose. It is our mission 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 want the residents of San Mateo to be aware of how ethical conduct by our city officials, elected and appointed, can affect their lives – good and bad. We want to make sure San Mateo residents have a strong voice in decisions made at City Hall.

As difficult as it is at times, we are committed to being issue-agnostic. Although individual members may have opinions or positions for or against any specific item, our core is to focus only on the ethical conduct of those influencing and making decisions. The Board of Directors, at times with the assistance of our Advisory Council and working groups, discuss, fact check, and challenge all our work to ensure we abide by these core values.

We also strive to be organizationally driven, not dependent on a few people. We are a volunteer organization. Many volunteer organizations tend to be overly dependent on one or two people with a vision. We have avoided this potential pitfall by becoming a corporation with a Board of Directors with equal voting power and a clear distribution of responsibilities, as do other non-profit corporations. We consistently push at instilling this operating model into our Corporate DNA.

Our Code of Conduct is also a key element of our DNA. Any of us who step away from our commitments contained in the code are held accountable. We firmly believe adhering to the code will help us maintain the credibility we need to be successful in our mission.

We will happily and respectfully debate the item at issue with those who are in opposition to our findings and opinions. To those who simply oppose Ethics San Mateo, and our Core Values, we ask: “Do you not believe government should act within high standards of ethical behavior?”

Voices

“Voices” are submissions by members of Ethics San Mateo. Published submissions must comply with our Code of Conduct. Only submissions by verified members of Ethics San Mateo will be accepted. These are the opinions of the submitting members, not of Ethics San Mateo. If you are interested in submitting an article, please contact us at Information@ethicssanmateo.com.

The Flashlight

The Flashlight articles are discussions of items Ethics San Mateo has identified, or has been alerted to, as possible ethical issues. Information may not be verified, and Ethics San Mateo is not attesting to the accuracy of unverified statements, information or accounts of events, nor making any accusations. We are simply letting our members know that we are looking at something.

The Flashlight is currently shining on what we believe may be the core of ethics issues in several city functions. We are receiving inquiries about some members of the Planning Commission. The Planning Commission is responsible for a fairly broad range of items, and as a primary advisory body to the City Council, holds a lot of power.

The general purpose of all commissions is detailed in the city's Boards and Commissions Rules and Procedures <https://www.cityofsanmateo.org/DocumentCenter/View/46841>. However, a full reading of the Charter, the referenced rules, and other documents provide little in the way of enforceable standards for Commissioners or Council Members to be held accountable.

Ethics San Mateo has been advocating for the City to establish a detailed, comprehensive, enforceable Code of Conduct and set of Ethical Standards. We were successful in pushing the City Council to prioritize a study of potential changes to what now exists. Baby steps. Because of the lack of enforceable standards to rein in the behavior of Commissioners, our City Council has been unwilling to even look into ethical misbehavior. Refer to our Statement of Position regarding the theft of campaign signs. We continue to investigate activities of those we believe have violated the existing rules or are behaving in such a manner that question their ability to be fair and unbiased in their decision-making and in making recommendations to City Council.

Preliminary study has resulted in the following questions and concerns:

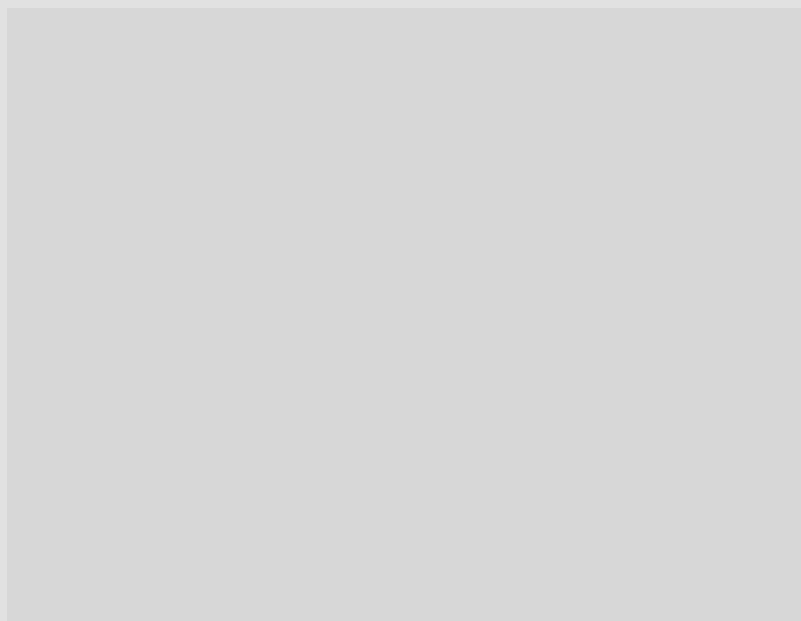
- Do certain circumstances of employment cause an inherent conflict of interest?
- Can a city official claim to separate statements and writings that show bias as an individual from their position in government?
- Does the mere existence of strongly expressed advocacy, and perhaps activism, in matters coming before the Planning Commission or City Council clearly indicate a conflict of interest and inability to abide by the Rules and Procedures referenced above?
- First Amendment rights allow expressions of opinions, but when those opinions show a bias, does it indicate a conflict of interest and should it be cause for recusal from a Commission meeting, or even removal from the commissioner post?
- Is there a First Amendment issue when a city official can perform censorship actions, even if not part of official duties?

None of the actions are apparent violations of law, and the Rules of Conduct and other city regulations do not either address these actions nor have a reasonable enforcement mechanism. However, they do raise a significant question of whether the Planning Commission can be fair, impartial, and unbiased. To compound the potential impact of ethical breaches, existing Commission Rules allow even completely clear conflicts of interest to be ignored.

The Flashlight *(continued from page 3)*

We believe that it is time for a change. It's time to establish a Code of Conduct and Ethical Standards which are clear, detailed and enforceable. San Mateans deserve much better than what now exists, which is essentially nothing.

Ethics San Mateo will be investigating and welcomes member input. *Our flashlight is ON.*



HAPPY ANNIVERSARY!

Ethics San Mateo was founded on October 19, 2022