



# Eye on Ethics

The Newsletter for Members of Ethics San Mateo

SPRING 2024

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### 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.

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## A Win for the Residents of San Mateo!

On February 5, 2024, the San Mateo City Council held a Study Session with one agenda item: “City Council Guidelines – Updates”. The discussions resulted in a decision to hold further sessions to study revisions to the current document AND to engage an independent organization with expertise in government codes of conduct to moderate the sessions and make recommendations.

Ethics San Mateo has been campaigning for over a year for our City Council to embrace the concept that residents deserve to be served by a city government that operates in accordance with a clearly defined and enforceable set of ethics standards and codes of conduct.

We have repeatedly presented public comments during Council meetings, in writing to the City Council and Letters to the Editor, issued Statements of Position, published on our website, and sent press releases with fact-based information and recommendations about the need for a REAL Code of Conduct and establishment of Ethics Standards. In addition, Ethics San Mateo has presented recommendations which included the use of an independent expert organization.

Although a small step in the right direction, the Study Session decision is at least evidence of the City Council recognizing the need to revise, with expert assistance, the current toothless and highly deficient rules. This “AH-HA!” moment is monumental, as a previous City Council member has commented that an attempt was made years ago to improve the rules and set some standards for ethical behavior, but it never got off the ground.

Has this assured that San Mateo residents will be served as we deserve and that we can now step down from our soapbox? Of course not, as the effort and resistance has just begun. Just read the many Letters to the Editor in the San

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## **A Win for the Residents of San Mateo!** *(continued from page 1)*

Mateo Daily Journal and the comments and replies. Related to this, our Editorial for this edition of Eye on Ethics is about freedom of speech and censorship.

We want our city government to move forward on this task with vigor and transparency. Ethics San Mateo, and the movement we've initiated, will be keeping an eye on their progress.

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

### **Celebrating Freedom of Speech**

As Americans we are fortunate to live, love, study and work in a place where we can express ourselves without interference by the government. There are limits, however. The classic example is that we cannot yell "FIRE" in a crowded theater. Please read the First Amendment to the Constitution of the United States:

*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*

Our courts, especially the Supreme Court, seem to be continuously tweaking the application of this right, but the bottom line remains that generally our government cannot stop us, or penalize us, for speaking our minds.

Ethics San Mateo is a beneficiary of this freedom, as are those who repeatably attempt to discredit our organization and "cancel" those of us who speak out. A number of recent Letters to the Editor in the San Mateo Daily Journal, and the comments and replies, are a clear example of allowing for free speech even beyond the First Amendment's defined limits, as the SMDJ is not part of any government. Although the publisher has the right to refuse to print anything they wish; it appears, as evidenced by the comment free-for-all, that nothing is being barred. But maybe not?

The Eye on Ethics Editorial Board is aware of, as reported by an extremely credible source, that a recent comment to a Letter to the Editor (LTE) regarding Andrew Ryan's Guest Perspective "Hijacking History in Baywood" was rejected in its original form. It wasn't until after censoring, making the revisions demanded by the newspaper's editor, that the comment was published.

The uncensored content was not yelling "FIRE", it was a statement of undisputable facts. It seems the editor felt it too controversial and, in his words, "accusatory". While it may have had that tone, it certainly was not slanderous.

As many of you have read, John Ebnetter, the Chair of the San Mateo City Planning Commission, submitted a rather confrontational LTE, which contained outrageous mistruths and attacks on both the current mayor and the author of an earlier-published Opinion piece. Ebnetter will, despite these attacks and demonstration of bias in his official role, get away with this conduct without any repercussions because the current rules governing behavior of city officials are so weak and unenforceable as to make them useless.

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## **Celebrating Freedom of Speech** *(continued from page 2)*

We ask, why didn't the editor of the San Mateo Daily Journal apply the same restrictions and censorship to Ebnetter's LTE as were imposed on the comment detailed above?

The Editorial Board of Ethics San Mateo states, in response to the attacks by a few anonymous commentators, as well as Planning Commissioner Patel who did identify herself in comments/replies, that we will not be bullied. On the contrary, we are quite honored that our organization is making enough of a positive impact on establishing comprehensive and enforceable rules and standards for ethical behavior, that these detractors feel the ability for the uncontrolled unethical behavior by some in our city government is threatened and they must stop the MOVEMENT that Ethics San Mateo's mission has become. The real people behind our movement celebrate their right, their freedom, to express their demand for a city government that operates to the highest of ethical standards.

## **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 necessarily of Ethics San Mateo. If you are interested in submitting an article, please contact us at [Information@ethicssanmateo.com](mailto:Information@ethicssanmateo.com).***

As San Mateans continue to wait for a robust Code of Ethics for our councilmembers and appointed commissioners, it's not lost on us that Councilmember Lee and Planning Commissioners Seema Patel and John Ebnetter took it upon themselves to attend yesterday's Board of Supervisor's meeting. They did so strictly to support Supervisor Corzo, who, per your\* reporting, ended up pulling an agenda item since her fellow supervisors so clearly understood it to be out of their purview.

But there they were, our San Mateo 'representatives,' who continue to draw from the "Just Call Them Racists" playbook in order to obtain their goal du jour. This time, the goal was to drive a wedge between residents and the state, disrupting the policy in place.

Tomorrow's effort will be some other subject, but the path is the same. Without a stringent Code of Ethics, San Mateo residents will continue to be trampled by these 'community leaders.' Short of living in their heads or scanning every line of every agenda for every meeting everywhere, that strong Code of Ethics needs to get here fast...followed by real enforcement.

Lisa Taner

***\* NOTE FROM THE EDITOR: This was originally published as a Letter to the Editor in the San Mateo Daily Journal on 3/4/24 and has been submitted by Lisa Taner to Eye on Ethics for publication under her name.***



**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.**

In our previous “The Flashlight” we reported that we were researching and developing a Statement of Position regarding conflicts of interest and bias, especially in the Planning Commission. SOP 2024-1 has been released and judging from the howling of some of our detractors, we hit a nerve. We have been working on two other issues which might deserve further illumination.

The first issue is the City’s appeal process for new cellular communications sites. The installation of new 5G sites has caused much concern among a significant number of residents. Ethics San Mateo received a request from NoCellOuts (a grassroots San Mateo organization) to investigate a possible incident of a special favor regarding the location of a 5G site being granted to a homeowner who also happens to be a member of a city committee. Once we gather the preliminary information from NoCellOuts, the ESM Board will further discuss if we will investigate in detail the appeal process, what criterion are applied to grant an appeal to not install a site, then look for any anomalies that may indicate any special favors have been granted by the City.

We also opened an investigation into the Housing Survey conducted by a contractor hired by the city, True North Research, Inc. The qualifications of this firm, and its leadership, seem to be unquestionable. However, we had questions regarding the options the survey respondents were given, how much (if any) influence the City (staff and elected/appointed officers) inserted into the development of the questions, and the sample size and demographics of the invited respondents.

Why did we have any concerns about this survey? Individuals and special interest groups immediately seized upon bits and pieces of the survey results to make claims supporting their agendas. We wanted to make sure the results of the survey reflected the full picture of what the sampling of residents consider as the best plan to increase housing units, not just the lesser of two evils.

In preliminary emails sent to the city, we asked about the development of the questions. The city responded:

“No outside community members were involved in the development or review of the questions, and aside from the initial direction, City Council members did not participate in development of the questionnaire.”

We then requested and received documentation about the contract, scope of work, and exchanges between the City and True North Research. There are some pieces of information that aren’t in the documentation, but we have found a couple of items that we wanted to shine our flashlight on, as illuminated in the next paragraph.

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## **The Flashlight** *(continued from page 4)*

The documentation received did not identify the actual process of how, and with whom, the questions were developed. However, we did receive very credible information about the one survey question we were most concerned about. Respondents were given a choice between higher buildings near transit, higher density housing spread out through neighborhoods, or "Prefer not to Answer". We interpreted the e-mail response from the city (above), literally. However, the choice between higher buildings near transit or in the neighborhood WAS reflective of a public discussion and decision made by the City Council, apparently PRIOR to the survey questions being developed. Staff would have properly informed True North about that choice. Therefore, in effect, the City Council did have input to the survey questions, but it was done properly. It was transparent, and according to what ESM believes, was done in an ethical manner. The Board of Directors has decided not to further pursue the matter of the development of the survey questions.

We are still concerned about the use of partial results and biased interpretation of the survey results, a tactic which we have observed being employed by special interest groups and individuals. This will probably become more prevalent as the date of the election to modify some of the height limits in Measure Y grows nearer.

In all matters, Ethics San Mateo will not take any position for or against a specific issue. We will not support or oppose more or less housing density and heights, nor the specific placement of a cell site. We will only look for breaches of ethical standards in how decisions were made, or findings determined.

If any Regular Member wishes to work on investigations and developing Statements of Position and Ethics Watches, please let us know.

**Our flashlight is on.**

### ***ESM Board of Directors***

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