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From: **Malissa Mckeith** <malissacurepres@gmail.com>

Date: Thu, May 6, 2021 at 17:58

Subject: Comments

To: Malissa Mckeith <malissacurepres@gmail.com>

1. Criticism of process is not criticism of individual. This is not personal.
2. This process does not capture the real concerns of residents - that fraud waste, unlawful behavior or malfeasance goes unreported. I'd like to see an audit of how much ethics has spent just on the Gaby issues. How much money has your action ever saved us?
3. Complaints are not confidential. Staff or people fearing retaliation will never report.
4. The expectations that council people or committee members cannot rely on the city attorney is a serious problem. Are we suppose to hire separate council to avoid complaints however baseless. This has a deterrent effect on the workings of committees.
5. This is waaaaay to legalistic. It's going to end up with people filing writs and complaints.

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MEMORANDUM

TO: INCLUSIVENESS COMMITTEE

FROM: Malissa Hathaway McKeith

DATE: June 2, 2021

RE: Options for Improving Ethics Process

The past several hearings of the Ethics Committee highlight the shortcomings of a well-intended process that requires rethinking before it loses credibility with the City Council and the public. I attempted, through the clerk, to reach out to Chair Nelson to discuss some of these recommendations; however, he did not respond. I have spoken to Mr. Hunter concerning the history behind the Ethics Code and Commission.

Representatives of the Ethics Commission did appear before the Clarke Charter Commission to address its limitations: namely that the Ethics Code does not apply to senior staff including the City Attorney or City Manager, and that it requires a citizen to investigate and prosecute any claimed violation under an overly legalistic process. Many prior ethics complaints and even the current Placentia proceedings are focused on relatively minor rule violations. Though lesser infractions should not be ignored, this Commission is not equipped or permitted to weed out fraud, waste and abuse at the levels needed to ensure accountability in what is now a billion dollar entity operation.

The current Charter Commission is actively evaluating whether a Chief Accountability Officer with authority to confidentially investigate staff, council and board members might be part of the solution. This individual would be independent from the City Attorney and City Manager's office and would have some legal or judicial background. He or she would be equipped to receive and investigate confidential complaints and, where appropriate, hold hearings, the goal of which would be to make recommendations to council or referrals to the District Attorneys office. This individual might also serve as a mediator to resolve disputes between the City and its residents before litigation. Under the current structure, the City Attorneys office has a fiduciary duty to advocate for the City rather than serve as a neutral.

Charter will be inviting the Ethics Committee to once again weigh into this issue when concrete proposals are publicized after the GFT is resolved in July. We would welcome input from everyone in trying to advance the accountability efforts of the City. Thank you.