

What Happens When a Lobbyist has a Commissioner for Lunch?

Ethics

By Doug Epperhart

Since ethics is the topic du jour for neighborhood councils, here's a story illustrating the real problem facing city officials—the cozy relationships between government and the people who want something from government.

There's no Form 700 or 52 or 53 that discloses what happens when a lobbyist has lunch with a commissioner. In fact, most commissioners aren't required to tell anyone about these outside communications.

Even when commissioners have obvious conflicts, they tend to be overlooked or deliberately ignored. But not always. A Century City-based developer, Robert Bisno, wants to put nearly 2,000 condos on Western Avenue in San Pedro. The three nearest neighborhood councils—Northwest San Pedro, Coastal San Pedro, and Harbor City—are on record opposing the project known as Ponte Vista.

A community advisory committee created by Councilwoman Janice Hahn spent nearly a year looking at the project and voted to oppose it. Recently, the planning department rejected Bisno's tract map.

The developer created an "advisory board" whose primary function seems to be cheerleading for the project. He has lavished money on advertising, made donations to local charities, and hired an army of lobbyists.

Despite this, Bisno has not had a lot of success. So far.

Enter the Harbor Area Planning Commission (HAPC). Because Ponte Vista is too big to fall within the group's jurisdiction, they are not part of the legal process involved in creating the specific plan that guides the project.

However, the Harbor Area planning commissioners asked that Ponte Vista be put on their agenda. The planning department agreed to allow "review and comment" by the HAPC because a specific plan is involved.

Two of the commissioners run chambers of commerce that have endorsed Bisno's project. Their organizations have taken thousands in sponsorship money from Ponte Vista. The board chairman of one of these chambers is a paid lobbyist for Bisno. A third commissioner is in charge of a nonprofit that has received thousands in contributions from Ponte Vista. This commissioner has also publicly testified at a planning department hearing on behalf of the project.

Commissioners' pro-developer bias seems clear to many of us. Even though this

commission has no authority in this case, their opinion becomes part of the record and may carry added weight with the decision-makers downtown.

An added bonus for Bisno would be a press release probably headlined “Commission approves Ponte Vista.”

The HAPC put Ponte Vista on their agenda for November 18.

The Coastal San Pedro Neighborhood Council passed a resolution asking the city attorney to rule on whether the three commissioners in question had conflicts of interest. A second letter questioning the commissioners’ potential conflicts was sent by several individual members of the Northwest San Pedro, Central San Pedro, and Harbor City neighborhood councils.

We have yet to receive a reply from the city attorney’s office. However, our city attorney liaison told us the matter was being acted on. Subsequent conversations with Councilwoman Hahn’s staff, the planning department, and at least one HAPC commissioner confirmed that the two commissioners who manage chambers of commerce were informed they should recuse themselves.

We have heard the third commissioner is being given a pass because the HAPC won’t have a quorum if this individual can’t participate.

I’ve had numerous discussions regarding ethics and conflicts of interest with city attorneys advising our neighborhood council during the past six years. I’ve also had talks with staff at the city ethics commission. I have no doubt that all three HAPC commissioners would have been told in no uncertain terms they should recuse themselves if they were serving as neighborhood council board members, even if it would kill the quorum.

If there’s a different standard for commissioners, I’d like someone to explain it to me.

The most distressing thing is that it apparently never occurred to the HAPC commissioners their participation might violate the city’s ethics rules, particularly since L.A. claims to adhere to an “appearance of conflict standard” that says if it looks like a conflict, it is a conflict.

By the way, the November 18 meeting of the Harbor Area Planning Commission was canceled. It has tentatively been rescheduled for December 2, only one week before the city planning commission will be meeting to vote on Ponte Vista.