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Local News

Controversy heats up under FPPC investigation

By Ashley Ratcliff, Peninsula News
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RPV — As the Rancho Palos Verdes City Council rift intensifies meeting by meeting, so do the severity of accusations made about fellow members.

Councilman Peter Gardiner dropped another bombshell at the opening of Monday night's organizational assessment workshop: the Fair Political Practices Commission recently opened an "active investigation" into the conduct of Mayor Doug Stern and Councilman Tom Long's campaigns for the Nov. 6, 2007, election.

"Part of that investigation," Gardiner said, "is the alleged improper actions of the city manager and city staff under her direction in improperly assisting [Long and Stern's] campaigns. I also understand that the commission does not just open investigations any time someone complains. It looks carefully at complaints ... and only investigates where true merit to the complaint appears to exist."

According to Gardiner, his constituents have said that City Manager Carolyn Lehr's performance needs to be "scrutinized" in numerous areas.

As the climate of City Council meetings heats up, Stern said on Monday that he was growing tired of Gardiner's continuous "character assassinations."

"You have slandered our staff; you have slandered our city manager; you have slandered myself and Councilman Long. Your hatchetman lawyer has slandered the entire council," Stern said. "Your accusations, sir, are delusional. They are paranoid. Your choice of words evidences a mental problem on your behalf. Your accusations are false — entirely false ... As has been your habit, you have made everything up at every single step of the way ..."

Long and Stern said they haven't been contacted by the FPPC or obtained the documents filed with the complaint. Long on Tuesday said he had to make a Public Records Act request of his own for the documents in the FPPC claim, which Gardiner's attorney, Chip Rawlings, turned over to City Attorney Carol Lynch on Monday.

"If the FPPC is investigating, I welcome that investigation. If and when they contact me — which they haven't — I will respond to their questions," Long said.

The FPPC received on Nov. 16, 2007, a complaint filed by RPV resident Eglantina Maron, with the assistance of her Sacramento-based attorney, Brian Hildreth, an associate with Bell, McAndrews & Hiltachk LLP.

"My client believes, as she should, that as citizens and voters, we have a responsibility to hold accountable our elected officials," Hildreth said. "The Political Reform Act, under the watchful eye of the Fair Political Practices Commission, gives voters and citizens the tools necessary to ensure our elected officials conduct their public affairs in an open and transparent manner. My client is concerned that full disclosure by Messrs. Long and Stern has not been a priority and, as a result, she has asked the FPPC to investigate."

About 125 pages were submitted to the FPPC "in support of" Maron's complaint, Hildreth said. "The evidence speaks for itself. The FPPC has determined that, based on the evidence we have presented, there is reason to conduct a full investigation of Messrs. Long and Stern during their 2007 campaigns," he said.

Incidentally, Hildreth said Maron isn't one of his anonymous clients behind the city's first Public Records Act request made last October. But he did say on Tuesday, "The FPPC complaint and Public Records Act request are linked in that they are both driven by a growing group of concerned RPV residents who feel that the time has come to clean up their city."

Part of the FPPC complaint stems from what Hildreth described as Long and Stern's "failed compliance" with the California Political Reform Act, including "unreported payments and/or contributions [related] to 1) Use of a campaign Web site to promote their respective campaigns; and 2) Access to e-mail account(s) to send and receive campaign-related communications."

According to Hildreth, the councilmen never disclosed the fact that they obtained a free Web page from city information technology provider Palos Verdes on the Net in their campaign financial statements.

Hildreth provided the FPPC with information from Stern and Long's Web page and campaign financial disclosure statements — which show all monetary and non-monetary compensation, loans and payments — as evidence.

But the councilmen posed the same question: How do you disclose something that has no value?

"There are a lot of free Web pages out there," Long said. "The League of Women Voters gives free Web pages to every candidate. All of us in the last election — except Don Reeves — had one, and I think candidates in prior elections have used them as well ... If in fact Mr. Hildreth's broad view of what constitutes an improper gift is applied consistently, the means by which most candidates have been trying to communicate other than mailers, which are very expensive, will be deemed to be illegal. I hope the FPPC doesn't take that course."

For several years, Stern said, PV on the Net has offered a free Web site to RPV council candidates as public service. He said many candidates — including Gardiner — have used the free Web page.

"You are to report [campaign contributions] based upon the value of them," Stern said. "Based upon the fact that free Web sites are available, it had no value that I could ascertain in terms of placing a monetary amount."

Hildreth cited government code 82025.5 in the FPPC claim: "A non-monetary contribution (such as a discounted or free use of e-mail or Web hosting services) must be valued at its 'fair market value' by the donor in making the donation to the campaign committee."

No determinations have been made yet in the FPPC investigation.

City manager targeted

Amid the allegations against Stern, Long and Lehr, the evaluation of Lehr's performance — including a proposed \$23,000 raise per year (a \$173,000 salary), 18 months of severance pay at her contract's termination and a \$450 monthly automobile allowance — was agendized for the Monday night council meeting.

Council later that night voted 4-1 (Gardiner dissented) to grant Lehr a \$163,000 salary, 12 months' severance pay and the \$500 allowance.

Gardiner on Monday said it was "highly inappropriate" to address Lehr's salary while the FPPC investigation was open.

However, Lehr was of a different opinion.

"I'm not aware of any such investigation that would have any impact on my performance review or any other aspect of my employment," she said. "My performance review is based on clear, measurable performance goals that were identified at beginning of my employment with the city one year ago. The council evaluated me on my success in achieving those goals."

Gardiner said Stern and Long wanted their proposal voted on before he had a "chance to have a true evaluation of what she does behind the scenes."

Said Stern, "I had nothing whatsoever to do with any of the terms that appear in that contract. That was from the city manager telling the city attorney what she would request in the way of a contract. It was irresponsible beyond belief for Peter to be able to make his false accusations about who put the \$173,000 contract term and the severance pay terms on the agenda."

Rawlings said Wednesday that he intended to write a letter to Lynch asserting council's vote on Lehr's salary is "invalid for a number of reasons."

Stern reprimanded Gardiner for not attending the previous three sessions when Lehr's salary and performance were up for review.

The first meeting Gardiner missed, Rawlings said, was because the councilman "rushed to the bedside of his mother who was extremely ill, and she passed away while he was there." The second absence, Rawlings said, was due to the meeting being "scheduled without lengthy notice" when Gardiner was working "night and day" on his company's proposal with the Federal Aviation Administration.

At the third closed session on Feb. 19, Gardiner wasn't allowed to bring Rawlings in on the discussion as he requested.

To "ensure full council participation," the city postponed the matter and brought it forth four times Lehr said. The performance evaluation was delayed for six months due to Gardiner's absences, she added.

aratcliff@pvnews.com