

Palomar Airport: The Settlement Agreement, Part V, 238

Ethics

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Assume McClellan-Palomar Airport should expand even if Carlsbad house values suffer and more noise, pollution, and traffic result.

Should you still worry about how council members voted to drop the city CEQA suit against airport expansion? Of course. It may be someone else's ox today, yours tomorrow.

Experience

I worked as an attorney for many years at the LA Harbor Department. I thought it would take a year to "learn the job." It took five.

Several factors bent the learning curve. Working on projects mired in many uncertainties. Working with staff members with different priorities, some hidden. Even working with "conflicted" Board members and management.

I empathize with new Carlsbad council members facing similar challenges.

Ethics

During a work break, I got a UCLA MBA. Since 1970, "running a business guru", private or government, has been the oft-praised Peter F. Drucker --- 39 books in 36 languages --- who said:

*"The other major tradition of ethics in the West is the Ethics of Prudence. Everyone chooses to lead or mislead and **all things that cannot be thoroughly explained or justified should not be enacted. One should not become someone they would not respect themselves.**" (Emphasis added.)*

Forget Mephistopheles: It's not ok to sell your soul to the devil.

The Carlsbad Council Process

Prior posts explained why the Carlsbad Palomar Settlement Agreement terms are nonsensical. But forget the terms. Look at the process. Some soul-searching questions arise? Today, just one: Do council members work for Carlsbad residents?

Absent strong community policy and legal limits, council members should find relevant facts, look at the law, listen to all Carlsbad interests, test their arguments with thoughtful questions, apply their individual expertises, maybe even apply the famous "smell" test, and at the end of the line, vote.

But how should they act in the face of city restrictions? For instance, Carlsbad Charter Section 300 (Local Growth Control Limits), says in part:

"The intent of this Charter is to allow the City Council and the voters to exercise the maximum degree of control over land use matters within the City of Carlsbad."

Not all "laws" are equal. Like the federal and state constitution, city charters rank higher than local ordinances.

An example: "free speech". College administrators find "good reasons" (security, money, micro aggressions) to nix college speakers. But the federal and state constitutions trump (sorry for the maxi or micro aggressions) administrator "wisdom".

So the question for Matt Hall, Keith Blackburn, Barbara Hamilton, and Priya Bhat-Patel voting for the Palomar Settlement Agreement is simple: Can each honestly say that when he or she -

- failed to discuss or even disclose to Carlsbad residents the proposed Settlement Agreement terms before going into Closed Session; and
- remained in Closed Session for several hours – knowing that few residents would remain in council chambers; and
- had the city consultant explain the Settlement Agreement in nebulous terms after the Closed Session -

that you as a council member made any effort to allow Carlsbad residents to "exercise the maximum degree of control" in Carlsbad land use matters? Ask yourself in front of a mirror.

Next Time: The Fallacy of Closed Session Privacy