

Local Government Corruption Game Score: 1-0

There is a good-government theory, which states that the government closest to the people – for example, city councils, school boards, county boards of supervisors – is government that works best because it is the most responsive to the people it represents.

I could not agree less. Local government, in my experience, is less responsive, less transparent, less accountable, and less open than either state or federal governments. In addition, because of the lack of any meaningful oversight, local government is more prone to cutting corners, acting deceitfully, engaging in insider trading, acting arrogantly, and fostering pissant forms of corruption.

Assuming what I have said to be true, and I strongly believe it to be so, why should this be the case? How can the theory of the “closeness” of government to the people be so far off the mark in the reality of our daily lives?

One reason, I believe, is the lack of media interest, especially in a one-newspaper town. Perhaps it was different when the first local government textbooks were written, but in this day and age, news is first and foremost entertainment, and truth to tell, local government is boring, and then again, more boring. To be sure, the local newspaper provides some weekly coverage, but nothing penetrating, investigative, or questioning. Rather, it waits for the occasional, but inevitable, example of semi-sensational corruption – shoddy fiscal management leading to huge cost overruns or a million-dollar out-of-court legal settlement. These kinds of local government stories are splashed about for a day or two in both the news and editorial sections, but by the third day are forever classified as old news, news without any entertainment value.

Local government itself is hip to transforming its actions into old news. The meetings are held in the evening and frequently extend to nearly midnight, long after the deadlines for the local newspaper and the evening’s TV news. So what appears – only in the newspaper – the following morning is a short, abbreviated report of what happened until, let’s say 9 p.m. That’s the

independent oversight reporting for the week; whatever transpired after the news deadline is classified as old news.

Beyond the lack of media interest is the fact that local government meetings are little more than public theatre presentations. All the debate, the trade-offs, the deals, and the straw votes have been taken long before the public meeting itself. The so-called public forum – receiving staff reports, taking public testimony, and engaging in open discussion – is little more than a charade. Elected local government officials act out their roles for the sake of the public record and for a handful of citizens in attendance, but the outcome is preordained and the tally of final votes is little more than a formality.

On its face, the lack of citizen interest in local government seems incredible. Local government affects almost everything about our day-to-day living: zoning, taxes, schools, social services, permits, parks, recreation, parking, environment, safety – this is the stuff of the grind of daily living, raising a family, experiencing a quality of life, or the conditions to be endured under a fixed-income retirement. Incredible or not, civic participation in local government barely registers even on election days.

Given this indifference and apathy, it is not surprising that local government seizes upon its regulatory authority to control its constituency – fines for violations are simply another form of taxation, and to collect these taxes even more regulatory police enforcement is necessary. Because of the lack of civic oversight or citizen pushback, local government feels free to exempt itself from the very regulations it imposes so freely and with impunity on the citizenry; which in turn leads to secretiveness, manipulation, and fraud – all forms of government corruption.

This was the case with the decision to redesign and refurbish a major municipal golf course in Sacramento. Under the guise of a state mandate that prohibited any future purchases of gas-powered golf carts by public or private golf courses, the city decided to build a cart-charging/storage facility to house newly purchased electric golf carts as part of the proposed golf course reconstruction project. However, the unstated and unpublished purpose of this new facility was to house golf course administration offices. To avoid its own regulations, including public review, the city labeled the building on the EIR site plan as a “storage facility,” with the idea that after it was built, golf

course employees would convert – “in house,” as they say – a major portion of the building into golf course offices.

The city built the storage facility without building permits, without design review, without the environmental permits needed to cut down heritage trees, without construction contracts, without building plans, and without publicly approved financing. More than a million dollars of golf course reconstruction bond funds were spent on an unapproved, substandard behemoth building, which could not pass the city’s own building department inspection. When the money ran out and there were no other city bond funds to tap, the wheels came off the project and a local TV news station and the daily newspaper splashed the story. As you might expect, local government officials said they “knew nothing.” It came as a complete shock, they said; a full investigation would be made. Months later, when the coast was clear, the city appropriated several million dollars to rebuild this huge eyesore of a warehouse building to meet city building codes.

I knew better. Using the state’s Freedom of Information Act for access, I took it upon myself to investigate all the city documents and correspondence made available to me by the city attorney’s office. It took almost a week to sort through it all and figure out what had happened, who was involved, and how it happened. I packaged up my findings in a long letter, which I sent to the mayor and each member of the city council – a total of nine elected local government officials.

I might as well have sent my letter to Santa Claus. I received not a single reply, not even an acknowledgment that any one of the elected officials had even received my letter. In effect, I had publicly accused my elected local government officials of fraud and corruption, and silence was their response. If my charges were far-fetched and baseless, I would have expected that at least one of the council members would have taken issue or demanded an apology, or perhaps asked for more information, but no, nothing.

I sent a copy of my report to the two newspaper reporters who had written the previous articles when the public scandal was first exposed. They were excited to receive it – at least, they sounded excited and even giddy on the telephone – but later, one of the reporters told me that the golf cart barn story had “no traction” with his editors.

I can only conclude, and I did so, that the council members themselves – despite their protestations to the contrary in the media – had been fully briefed and had been aware of the city’s illegal activity, but when the story broke, they decided en masse to stonewall the public scandal through the strategy of silence. Sure enough, within a day or two after the original story hit the local newspaper, the entire issue became old news and lacked any further media entertainment value

Game Score: 1-0. Local government corruption wins the first game.

If any reader is still with me, I realize that including my letter to the city council in this Easy Essay is beyond necessary, and you have my dispensation to skip it. On the other hand, this letter meant a great deal to me. I feel strongly about these kinds of local good-government issues, and I judge this essay to be incomplete without including it.

Sacramento City Council Golf Cart Barn Letter

October 13, 2002

Dear Mayor and Members of the Sacramento City Council,

I believe the mayor and the city council owe the citizens of Sacramento a complete explanation of the role of the city manager and his staff concerning the construction of the golf cart barn at the Haggin Oaks golf course. Your continued silence about this public scandal only serves to fuel speculation that the council itself, especially the mayor and the acting mayor, were complicit in its illegal construction and now in its cover-up.

If I, or any citizen, attempted to clear-cut a section of city urban forest in order to build a 19,000 square foot metal building without the benefit of design review (a public meeting) and a building permit (which would include a site plan, elevations, floor plan, and a landscape plan), I would be made a laughing stock by the city and held up for public ridicule. And I daresay each and every council member would have something public to say about my outrageous conduct. Not only that, but I would be subjected to city legal action seeking fines and the demolition of the building – and rightly so.

Why is the situation any different when the city itself is the violator?

Almost a year ago, because of the scandal surrounding the construction of the golf cart barn, the city manager was quoted in the Sacramento Bee promising to make a complete report to the mayor and the council about what happened. Did you receive the report? What did it say? Did you make any public comments about it? Is the report available to citizens like myself?

I have spent many hours reviewing the golf cart barn documents* made available to me pursuant to Government Code section 6253, and with some assurance I can make the following comments:

1. More than 70 city employees, ranging from department heads and middle managers to analysts and administrative services personnel, had a role to play in the planning, financing, processing, and construction of the golf cart barn. (For your convenience, I attach a list of names.**)
2. Some employees knew from the first day that building permits would not be sought, some knew the environmental review was a sham, some knew that construction had actually started weeks before the environmental process was even completed, some knew that golf personnel offices were planned for the golf cart barn but later erased from the floor plan before it was submitted as an exhibit with the EIR, so that this space could be called a “storage area” (the notation on the document says, “build out will occur later”), some knew that city urban forest (including majestic trees) had to be clear-cut to make way for the cart barn, and some knew there was not enough money appropriated for the building itself, but additional construction funds would be available through council-approved “change orders” to already existing vendor contracts associated with the reconstruction of the golf course bridges.

How is it possible that city employees could be a party to so many violations of city codes, city processes, and city policy and not one person objected or refused to participate in this scheme? Common sense says that city staff knew the fix was in. The powers-that-be wanted this golf cart barn to be exempted from the usual process and they wanted it expedited, therefore it must be ok. It's as if the city said, since we make these rules,

it's all right if we do not follow them. Or perhaps one should believe that city staff always manages city projects in this manner. I trust that is not the case.

3. The only event that stopped the opening of the cart barn – as unsafe and as poorly constructed as it was for its intended purpose – was the fact that the capital improvement project ran out of money, literally. The council had approved the final change orders to pay off the vendors but there was no money left in the till and the only way to put more money in was to go back to the council.
4. The game was up September 11, 2001. The email reads, “I have the happy duty of drafting the council report and trying to bring this beast back into the ‘process box’. . . Unfortunately, Dan Arnold’s management of this project included having the vendors do the work, promising them quick payment and giving me the whole bag when he left on 9/31. . . I recognize this might get ugly (I think we’re already there). Ann and I have proposed a meeting with Procurement Services to talk about this as well, but I don’t see any way around going to Council for at least two of the vendors on this project.”
5. And then on September 20, 2001, still grasping at straws, the email reads, “We would like to pay Outerbridge and Scott Watson under City manager authority and not have to go to City Council since both of these are under \$100,000 . . . Also, can your staff give us their take on whether or not the amounts being paid for this work are reasonable? Barbara also wants to know if we have any legal problems with bidding laws, etc. Do you want me to contact our City attorney to discuss this with us?” (Asking these kinds of questions at the conclusion – and not at the beginning – of a multi-million-dollar project doesn’t give a citizen like myself much confidence in city project management.)
6. The cost of the golf cart barn, in my view, is much closer to \$2.4 million than the \$1.4 million figure given to the Sacramento Bee by the city manager’s office. The original appropriation (December 12, 2000) approved by the city council for the design and construction of the golf cart barn was \$1 million. During the course of construction of the golf course bridges and the golf cart barn, the city council approved 13 change orders. Change Orders 9, 10, and 11 were specifically used for the golf cart barn and totaled \$209,000. Change orders 12 and 13 totaled more than \$310,000 and much

of it was to be used for the golf cart barn construction. Add to this the \$850,000 golf cart barn loan reported in the Sacramento Bee (March 13, 2002) and we approach \$2.4 million as the cost of the golf cart barn, or \$125 a square foot for a metal building.

In addition to these known costs, vendors are suing the city for several hundred thousand dollars, which means we have to pay for the legal costs associated with these lawsuits and their eventual settlements. And the city has yet to design and pay for the lavish landscaping promised to those citizens who rightly objected to the clear-cutting of urban forest and heritage trees.

7. None of the documents made available to me by the city provided an itemized list of the costs of the golf cart barn. Perhaps such documentation may not even exist. On October 16, 2001, the city employee assigned to sort out these costs wrote to the city manager's office, "The problem here (Golf Division) is that the records are so non-existent that I have no way of knowing what was really cart barn expense and what was bridge expense."
8. Two months later, November 27, 2001, the golf cart scandal became public when Channel 3 interviewed the city's special project manager. After the interview he emailed the city's public information officer, "Deirdre Fitzpatrick followed up this morning on the cart barn issue. I think the interview went ok. She did it in my office and did not request to see the cart barn. Main focus was on how did this happen and who was responsible. I repeatedly made the point that we were looking into the situation and would not have answers until we received the civil engineer's report later this month. Got in that phase 1 & 2 were quite successful and that this was only a small part of the project. She asked what should have occurred and I outlined the building process. She wanted to know what went wrong and I said that our review was incomplete and it would be unfair to speculate. She wanted to know when the cart barn would be finished. Told her we would not know until we had the report and knew what needed to be done. She left here after 11:00 so I think this will not air until 5 or 6. Spin away!"

And the spin continued later in the day when the public information officer emailed the mayor and city council members, "As you have been briefed, this is phase 3 of the \$7 million improvement at Haggin Oaks Golf Course (phase 1 & 2 are completed and went very well). Staff is currently conducting its fact finding report relative to the issues of the Cart Barn Project. Completion of report is anticipated mid-December, at which time,

it will be shared with the Mayor and members of the City Council. This information was essentially conveyed during the interview, which may appear during this evening's newscast. Please let either myself or Bob Thomas know if you receive any media calls regarding this issue."

Of course city documents show that a "phase 3" never existed, the cost of the metal building now sits at \$2.4 million (1/3 of the cost of the total golf course reconstruction project) and the Sacramento Bee reported that the golf bridges built in phase 2 were done without benefit of city permits.

9. After the Sacramento Bee broke the cart barn story on December 21, 2001, the spin went into high gear: a rogue city employee; requested criminal investigation from District Attorney, therefore cannot comment; waiting for the engineer's report; the city system worked not at the front end but at the tail end; because there is a threat of litigation we cannot comment; and finally, we never discuss personnel matters. So predictable and so sad.

Today, October 13, 2002 – a year behind schedule – the golf cart barn is finally open. I believe it is now time for the mayor and city council to put a stop to the "spin" by giving citizens a complete and unvarnished report about what happened, how it happened, and why. What steps have been taken to hold city employees accountable for their violations of city codes, policies, and procedures? What safeguards will be put in place to insure this kind of public scandal will not occur again?

We all know the touchstone of good government is transparency and accountability. To date, neither quality has surfaced with respect to the golf cart barn scandal. I urge you to reassert yourself and to provide us with the leadership that good government requires in the face of such public scandal.

Finally, I leave you with the same advice the city golf director gave to her colleagues when the golf cart barn went bust: "Lastly, don't let this stuff get to you – keep your perspective – and we will get through this – remember how you eat an elephant, one small bite at a time."

Let us publicly examine this elephant, one small bite at a time, until it has all been eaten.

Thank you for your consideration.

LeRoy Chatfield

*Hundreds of documents (my estimate) from the city manager's office about the golf cart barn construction were not provided for my inspection. At my own expense I could hire an attorney to seek the release of these documents, but all the council has to do is request them and they will be made available, I'm sure.

**I would have provided you with each employee's city job classification and department assignment, but the city would not provide me with this information despite the fact it is public record.