

The Ongoing Tragedy of the Coastal Commission

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On February 10 the Commissioners voted 7-5 to dismiss the Executive Director Dr. Charles Lester, who had been recommended by the previous, long serving Executive Director Peter Douglas to succeed him and unanimously voted in by the Commission in 2011. By all public accounts, Doctor Lester had done an excellent job since assuming office. The key question remains unanswered: Why?

The loss of a devoted public servant like Lester is a great shame, but even more serious is the collateral damage done to the relation between the environmentally-concerned public and the Commission. This relation goes to the heart of the Commission which was created by public action and not legislation 'from above'. (See "Coastal Commission Creator Honored," *Sandpiper* Sept 2015) The failure, indeed the refusal of the Commissioners to justify their decision exacerbates the effects of the ouster and makes it difficult to accept Commissioners' claims that they acted in good faith, as environmentalists committed to upholding the Coastal Act.

The deciding vote was cast by Olga Diaz, acting as alternate to Greg Cox, San Diego County Supervisor. As a City Council Member from Escondido, she also sits on the Board of the Joint Powers Authority that oversees the San Dieguito River Park. Her role was archly dramatized in Union-Tribune columns by Logan Jenkins, both leading up to and after 'the deed'. He quotes her as saying, "This entire circus was of (Lester's) making."

In her remarks, the last of those made by Commissioners at the meeting, she said she found it a bit awkward to have staff speak up in behalf of the executive director. "There is no criticism of staff. There is hardly any criticism of Dr. Lester." This drew audible critical response from the audience.

Olga Diaz expressed surprise that she had not been contacted by any critics of Dr. Lester. She said she had not been lobbied or told how to vote by anybody but those on her side, fellow environmentalists. In fact she felt "attacked for possibly being sold out to developers." Revealingly she said, "It's not hard for me ever to do the right thing," and described her embattled situation as (she implied) the only environmentalist in Escondido. "I've always carried the flag for these issues." When she feels pressure on an unpopular vote, she will dig in her heels and stand her ground.

And so I feel completely free to make a decision on this issue. So I came here thinking, okay, there must be something more than what I know because I am privy to a lot of the performance review material that we cannot share with you and will not share with you. So I had read that stuff. But, okay, I thought, What am I missing? Maybe the same as you, right? And I have had an opportunity now to fill in some gaps. More importantly I want to say to my people, you cannot react in anger because you know most of the commissioners here are like you, environmentalists.

These remarks deserve close scrutiny. Among other things they point to something new and definite that determined her vote, perhaps learned during the closed session which preceded the public meeting. (between "So I came here" and "I have had an opportunity **now**"). It was something other than the "performance review material" that she and the others "cannot and will not" share with us.

Her remarks were followed by a statement by the Chief Counsel of the Commission Chris Pederson which was clearly meant to correct the Commissioners' much too broad interpretation of what they were restricted from discussing. He had made the same point in a memo to all the Commissioners the preceding week.

The Commission may deliberate and vote in public session regarding whether or not to dismiss him. As part of those public deliberations, Commissioners may discuss points raised during the public hearing, other matters of public record, their own current thoughts regarding the executive director and management of the agency, and any other issues that they think are relevant, aside from the executive director's past performance evaluations.

Olga Diaz said she was familiar with the previous performance evaluation material that could not be openly discussed. And that had not been decisive. What was she missing? The same as us, right; only we are still missing it. It seems to be something that could have been openly discussed, had the Commissioners not committed themselves the broadest application of what one of them called the 'gag order'.

This dodging of the main issue was reinforced by another powerful factor, voiced by several commissioners. Collective resentment of their treatment by the Press and by vocal environmentalists who "demonized" them functioned in a way similar to the 'gag order' pretense as a diversion and a screen which allowed them not to address the need for justification. Several commissioners, including Diaz, ridiculed the idea that they were clearing the way for developers, by stating it in the melodramatically exaggerated terms of good vs. evil which they claimed the environmentalists and Press had introduced. The pressures that may influence the Commission without Lester are far more subtle, and the more dangerous because unacknowledged by the Commissioners who disingenuously treat the problem in black-and-white terms.

Diaz became most emotional when she referred to threats from Lester supporters she said others had received. "Not to me – nobody bothered with me....How do environmentalists get so angry?" she asked. Feeling wrongly suspected and accused, badgered and self-righteous, Olga Diaz did (what she thought was) the right thing.

Why is it important to protest the Commission's deliberate opacity? It has to do with the trust that needs to be re-established between the environmentally-minded public and the CCC. Anything that could make the Commissioners' dismissal of Lester seem more responsibly motivated would help. Perhaps what filled in the gaps for Olga Diaz, if it were revealed to us, would still leave us asking 'What are we missing?' But if we the public are left with only the Commissioners' blank refusal to justify their action, that must continue to have a corrosive effect on our trust.

A positive sign – on February 23 a public interest organization, Grassroots Coalition: Environmental Integrity and Public Policy, announced that it has filed a public records lawsuit to try to gain access to the documents relied on by Commissioners in deciding to fire Dr. Lester. Let's hope they succeed and bring some sunlight to this sad process.