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Subject: Part 2 - The Latest Controversy at City Hall - the "City Council Code of Conduct"
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Greetings Fellow Residents. In Part 1 about this latest controversy at City Hall I described the real reasons Councilman Tony Wu wants a "City Council Code of Conduct" written that **would include a provision preventing City Staff from attending and participating in Town Hall Meetings:** Simply put, Wu doesn't not want City Staff answering questions outside of Council meetings. Inside of a Council meeting Wu can summon Staff to the podium, exercise intimidation, and ensure a matter is addressed in a manner consistent with what he wants to hear. Here's a link to Part 1 if you missed it: https://www.westcovinaneighbors.org/files/ugd/840b23_f6b22f2726b24ddaa034d59a7e22b122.pdf

On to Part 2 of this controversy. To start it's helpful to know that West Covina already has a City Council Code of Conduct. **Given what Councilman Wu has said publicly so far, it sounds like he's unaware of that. Figures.**

Yes, let's update the City Council Code of Conduct, but let's do it in a meaningful way - a way that actually helps the residents of West Covina and the City's employees. **Let's include a provision in the Code of Conduct that ensures Councilmembers are prohibited from directing, interrogating, or reprimanding City employees and Contractors.** For years, one Councilmember in particular has treated City employees and Contractors like they work for him. That's Councilman Tony Wu.

While we should expressly add this to the City Council Code of Conduct, it's important to note that this conduct by Councilmembers is already unlawful. And that's already been successfully litigated in the state of California. Please read beyond the image below for more about that.



Our city has a Council-Manager form of government. It's the most common form of local governance in the state of California. 97% of the cities in California have Council-Manager form of government.

Under this form of governance a City Council sets policies, approves budgets, enacts ordinances, and so on. The City Manager is the Chief Executive whose job it is to carry out the City Council's decisions and run the City. **It is solely the City Manager's responsibility (or his/her Directors, Managers and Supervisors) to direct and supervise City employees and Contractors - not the City Council**

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For example, we have one relatively senior City employee that indicates he/she has lost track of how many times a week that Councilman Tony Wu phones or stops by his/her office to tell him/her what to do, or how to do it, or to reprimand him/her. That employee is not alone. Countless employees of the City of West Covina are regularly phoned or physically intercepted by Councilman Wu and given direction about how to do their job...and reprimanded when they have not done as he wanted. City Staff are afraid to report it, because they fear Wu will have them fired. Just like City employees Fire Chief Larry Whithorn and Police Chief Marc Taylor were fired (and others too). Councilman Tony Wu's fingerprints all over these firings... which have already cost the residents of West Covina millions of dollars.

Over two decades ago the city of Mountain View, California was facing this same problem - a Councilman that was treating City employees like his own staff, seemingly employed to do his own bidding, and reprimanding or threatening them when it suited him. That case is a landmark one in municipal governance. It even has its own name - "**Councilmanic Interference**". What happened in that case was that Councilman was put on trial, convicted, and removed from office. **If you'd like to understand more about this landmark lawsuit here is a link to the details:** https://icma.org/sites/default/files/5549_Councilmanic.pdf It's a long article, but an easy and worthwhile read. If you read it, at times you'll swear it was written about West Covina's Councilman Tony Wu.

So let's get back to Councilman Tony Wu's request for a "City Council Code of Conduct" that prevents City Staff from attending Town Hall Meetings. **Instead let's modify the existing City Council Code of Conduct so that it clearly states that our City has a Council-Manager form of government and accordingly Councilmembers can NOT direct City Staff, can NOT reprimand City Staff, and can NOT ask City staff to do their bidding.** If a Councilmember needs something, their point of contact is the City Manager under the Council-Manager form of government. That's how our City was legally formed and how it is supposed to function.

At the same time we need to protect our City Staff. That means our current City Manager and the Human Resources Director need to do several things. First, immediately put a confidential hotline in place so that any City Employee or Contractor can report a Councilmember contacting them and trying to direct them, reprimand them, intimidate them, or otherwise interact inappropriately. Second, ensure any City Staff or Contractor reporting such conduct by a Councilmember is immediately protected from any retaliatory action. Third, launch an investigation into the reported Councilmember misconduct.

Yes, we do need an updated City Council Code of Conduct. But NOT one that prevents City Staff from attending Town Hall Meetings. We need one that stops City Councilmembers, one in particular, from violating our City Charter, by demanding City Staff and Contractors do his bidding, and interferes with the ability of the City Manager, City Directors, City Managers, and City Supervisors to do their jobs, without Councilmanic Interference.

Any Councilmember: Please feel free to read this letter into the Council meeting record next time this matter comes up. I can't do that because it takes more than 180 seconds to read this letter...and that is all the time which Councilman Wu allows for Public Comment during Council meetings...because Tony Wu is all about control, control, control...

The foregoing is my opinion. Also it does not necessarily reflect the views of any civic group I am involved in. I urge each reader to come to their own conclusions regarding the "City Council Code of Conduct."

Sincerely,

Brian Jobst
A 36-year resident of West Covina

cc:
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