

City Clerk, Carmel-by-the-Sea

Re: Proposed Police Station

From: James A. Ardaiz



To the City Council

I have spoken publicly before the Council regarding the recommendation in the report to the Council by the Ad Hoc Committee composed of two members of the Council to build a new police station on the Vista Lobos site. I write to memorialize my comments as well as further address my concerns regarding this project and the process to determine whether it is appropriate.

To begin with, I want to reiterate that I do not have a fixed opinion on the renovation or replacement of the police station. What I do have is a fixed opinion on the appropriate process. From the very nature of the report of the two-member Ad Hoc Committee it is apparent that significant costs were undertaken, significant decisions were unilaterally made to demolish the present police station and build a new one, locations were recommended without preliminary evaluation as to suitability or legality, and significant recommendations were made to undertake design and interim locations without any determination as to whether the location could be used.

Even more concerning is that when asked, a member of the Ad Hoc Committee acknowledged that *not a single member of the community or resident of the affected neighborhood was consulted*. This was all done outside of the public view.

Transparency and accountability are the benchmarks of providing confidence in governmental actions. The California Brown Act is simply a codification of those concerns. While Ad Hoc Committees are not specifically addressed in the Brown Act, such committees are generally very limited in scope and address specific issues for the purpose of reporting back to a legislative body to provide guidance. They do not undertake significant discretionary policy decisions involving multiple issues that require factual determinations without disclosure of the underlying basis. If they exceed those limited actions, they are standing committees which are expressly subject to the Brown Act. It is not the title of the committee that determines their nature, it is the function they perform.

All of the requirements of public transparency are designed to ensure that as much as possible the public has confidence that what was done by their elected leaders was done objectively, with sound judgment and with full understanding of the issues. The process is intended to provide trust and with trust comes acceptance.

In the present case, the virtual entirety of the work and recommendations by the Ad Hoc Committee were performed in secret. How decisions were arrived at, the factual basis for recommendations, if any, the nature of the analysis of site, and balancing of significant construction recommendations were all undisclosed. When questioned about underlying reports, a member of the Ad Hoc Committee stated that there was no disclosure of underlying reports “for security reasons,” allegedly relating to the police department. It is further my understanding that the underlying reports were not even supplied to the other members of the Council at the time the Ad Hoc Committee report was tendered to the Council.

Whether or not the Ad Hoc Committee has crossed the line into a standing committee is, in my opinion, beside the point. It is the process that was and remains inappropriate. I am aware that after significant pushback from members of the public a decision was made to have public meetings. This is, as my grandma used to say, “closing the barn door after the horse is gone.”

I attended one meeting by Zoom and another in person because Zoom contribution was precluded. However, in my view, the present process of holding meetings is totally not only ineffective but also inappropriate as process. The process should have included public members from the inception. The process should have evaluated the construction issues, including cost/benefit and expansion of the present facility before recommendations were made. The process should have evaluated potential locations and issues related to those locations as to suitability before any recommendation was made. And, at the very least, the process should have included talking to the community and to people directly affected.

Those recommendations have now been made in a non-transparent and non-participatory way. Holding meetings where people are simply reacting to conclusions without understanding and being immersed in the issues is simply ineffective, meritless, and non-productive. The process needs to be redone. Objectives and issues need to be clearly defined and community members need to be involved in making the recommendation, if any.

Yesterday or today, the underlying report redacted was disclosed. Too little, too late. My concern is the process that has already been used. Trying to patch that up by now presenting a report that lacked public input in the first instance does not provide credibility or viability to the report.

Further, the idea of spending hundreds of thousands of dollars without public participation and input is unfathomable. The recommendation to incur \$20-\$30 million dollars in public debt without significant balancing of necessity and community commitment is unfathomable.

Respectfully and simply put, create a proper process consistent with the nature of the issue *and start over*. There is no demonstrable urgency to this decision, and it is too important to rush. Stop trying to put lipstick on a pig by holding meetings to try and look like community input is being respected. There will be no confidence in the decision and there is no confidence in the recommendation. *Do it over, do it with transparency, and do it right.*

James A. Ardaiz