

Opinion: Unethical behavior threatens public trust in Santa Clara

49ers' influence is impacting the ethical behavior of city's public officials



Levi's Stadium is photographed in Santa Clara, Calif., on Thursday, May 15, 2014. (Karl Mondon/Bay Area News Group)



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American democracy is at a breaking point, and it's happening at all levels of government, not just in our nation's capital. Many people blame political polarization. But the root of the problem is the decline in ethical behavior of our civic leaders. When public figures cross ethical lines, public trust suffers. Cross the line enough times, the line disappears forever. Trust is destroyed. Without public trust, democracy dies.

As a professional ethicist, I worked with the City of Santa Clara from 1998 to 2015 to develop a practical code of ethics and award-winning training programs for its political campaigns and government decision making. Today in the city, I see the most egregious collapse of ethics of any institution I've worked with in three decades.

The decline started in 2010 when the San Francisco 49ers won a campaign to build a new stadium and started their dominance of Santa Clara politics. They've been shaping the politics of the city ever since. The team's influence has spilled over into city government and impacted the ethical behavior of its public officials.

In 2020, 49ers CEO Jed York spent nearly \$3 million to elect a City Council majority through an independent expenditure for Anthony Becker, Suds Jain and Kevin Park. This happened in a city of approximately 127,000 people where candidates accept a voluntary expenditure cap of \$10,000.

The independent expenditure was legal. The impact was destructive. In the last two years, a 49er-friendly City Council majority approved every major team request, frequently over the objection of Mayor Lisa Gillmor, Councilwoman Kathy Watanabe, professional city staff and residents. More significantly, many decisions were made without regard to conflicts of interest, a requirement of ethical decision making. After the council majority fired the city manager and city attorney at the urging of the team, there was no truly independent evaluation of team proposals and, therefore, no way to build public trust.

The most dramatic example of Santa Clara's decline happened last month when the City Council majority accepted a legal settlement offer in a closed-door meeting after rejecting the numerous requests for a public discussion and for an independent financial analysis. Ethical leaders would have embraced the opportunities, not shut them down.

Equally egregious was the decision of Councilmembers Raj Chahal and Karen Hardy to participate in the decision. Chahal was absent for the final settlement vote, but he was involved in the initial deliberations. Both councilmembers are currently under investigation by a state agency for allegedly accepting gifts from the 49ers. Yet, they would not recuse themselves from voting on the team's settlement offer despite numerous requests. Ethical leaders would have done so to avoid the appearance of impropriety.

Inexplicably, the City Council majority did not even bother to report, defend or explain their action to the public after the closed-session vote, as is customary. Regardless of the issue or outcome, ethical leaders must be transparent about their decisions if they desire to keep public trust.

The largest local government scandal in California history happened in the City of Bell, near Los Angeles just over a decade ago. Bell's leaders abandoned their ethics code and their duty to work for the public interest rather than their own. They ignored the need for transparency and avoiding conflicts of interest. Small transgressions led to larger ones and ultimately to major political corruption.

While the circumstances today in Santa Clara are substantially different than the Bell scandal, I see the same type of unethical behavior that erodes public trust and should serve as a major warning sign. That's why it's important for all of us to call out unethical behavior when we see it. The first step to fixing a problem is acknowledging it exists. From what I've witnessed in Santa Clara, I don't believe the City Council majority has an understanding of ethics or a concern for public trust. It would be disastrous and sad if Santa Clara became the Bell of Northern California.

Tom Shanks is a former executive director of Santa Clara University's Markkula Center for Applied Ethics. He recently founded Ethics for America, a website and newsletter about ethics and public trust.



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