

**MEETING DATE:** December 14, 2009

**AGENDA ITEM :** Consideration of the Investigation Conducted by the City Manager Related to Landlord-Tenant Mediation Board Member Dee Seehusen and Consideration of Imposition of Disciplinary Action (up to and Including Removal from the Board).

**ATTACHMENTS**

|                                                                                 | <u>Pages</u> |
|---------------------------------------------------------------------------------|--------------|
| 1. City Council Policy 2007-01 (City Commissions)                               | 1-7          |
| 2. Organization and Implementation Guidelines – Landlord-Tenant Mediation Board | 8-15         |
| 3. Letter to the Editor Printed in the November 19, 2009 Culver City News       | 16           |
| 4. City Manager's Investigation Conclusions                                     | 17-18        |

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**WHEREAS**, on May 29, 2007 at a regularly scheduled meeting of the City Council, the City Council discussed a proposed policy related to the City's Commissions; and

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1                   3. The City Manager is hereby authorized to format this policy statement in a  
2 format consistent with other City Council Policy Statements and shall include the final  
3 version of this City Council Policy Statement with other adopted City Council Policy  
4 Statements.

5                   4. The City Manager shall distribute this City Council Policy Statement to  
6 interested parties, which include, but are not limited to: the City's Commissions and City  
7 Staff.  
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9                   APPROVED and ADOPTED this 29<sup>th</sup> day of May 2007.

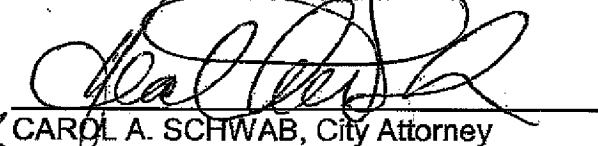
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12 ALAN CORLIN, MAYOR  
13 City of Culver City, California

14 ATTEST:

15 APPROVED AS TO FORM:

16   
CHRISTOPHER ARMENTA, City Clerk

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CAROL A. SCHWAB, City Attorney

**City Council Adopted Policy 2007-01**  
**Adopted by Resolution No. 2007-R029 on May 29, 2007**  
**Subject Matter: City Commissions**

**PURPOSE**

The purpose of this policy is to provide general guidelines on topics related to the City's Commissions. At the time of this policy's adoption by the City Council, the following four Commissions existed:

- Parks and Recreation Commission
- Planning Commission
- Civil Service Commission
- Cultural Affairs Commission

This Policy shall apply to all Commissions, both existing at the time of the adoption of this Policy and subsequent thereto and shall be consistent with the City Charter and other applicable laws.

**BACKGROUND**

This policy is a result of the facilitated meetings held in February, 2007 during which the City Council met with members of the City's Commissions and Executive Management. This policy addresses various issues raised during these meetings by City Councilmembers, City Commissioners, and Executive Management.

**GENERAL ROLE OF THE CITY'S COMMISSIONS**

The City of Culver City prides itself on the participatory nature of its local government. The City's Commissions play an important role in the efficient governance of the City, and provides interested community members with the opportunity to serve their fellow citizens.

As advisory bodies to the City Council, the Commissions' advice on topics within their purview, combined with factual research performed by City Staff, provide the City Council with a more complete picture of many issues. In the role of advisors to the City Council, Commissions administer policies adopted by the City Council. From time to time, Commissions may be asked to interpret and enforce City Council adopted policy. However, unless expressly provided the authority to do so by the City Council, Commissions shall not make policy.

**COMMISSIONER CODE OF CONDUCT**

As representatives of the City Council and the City, it is important that Commissioners set an example of conduct appropriate for their key roles. Therefore, Commissioners are required to adhere to the following:

### Preparation for Meetings

It is necessary for Commissioners to be prepared to discuss the items on the Agenda. Therefore, Commissioners should, whenever possible, be provided with agenda packets at least three business days prior to the meeting date. Questions should be posed to staff prior to the meeting to allow staff the time necessary to prepare and provide responses.

### Punctuality/Attire

As part of making the City's government as open and accessible to the public as possible, the City Council has directed that meetings of all Commissions shall generally be televised. This, coupled with the public nature of the Commission meetings, makes it important for Commissioners to begin meetings on time. Further, when attending official City events, including monthly Commission meetings, Commissioners shall be appropriately attired. Business casual shall be the generally acceptable mode of attire.

### Conduct at Meetings

In compliance with the State's Open Meetings Law, commonly known as "The Brown Act," Commissions can only take action on items that appear on the Agenda. Commissioners wishing to have an item agendaized for discussion must obtain a majority of Commissioners' support to place an item on a future agenda. Commissioners who believe they may have a concern related to Brown Act compliance shall consult with the City Attorney.

While considering items at Commission meetings, disagreements may arise which is normal and part of the process in a participatory government. However, it is important that Commissioners conduct meetings with proper decorum and respect.

To facilitate proper decorum, Roberts Rules of Order shall be the parliamentary standard when conducting meetings.

### Fair and Unbiased Consideration of Issues

Pursuant to the letter and spirit of the Brown Act and appropriate ethical standards, Commissioners shall approach items before the Commission in a fair and unbiased manner. Consistent with this requirement, Commissioners shall conduct themselves in an appropriate manner at all times, including prior to and during meetings and while in contact with the press and members of the public.

### Role of the Chair

The Chair is the presiding officer of the Commission meeting. In that role, the Chair is responsible for maintaining order and decorum. The Chair calls the meetings to order, recognizes speakers, and manages the agenda. It is also the Chair's responsibility to ensure the person who has the floor is given the attention of other members and the public and is allowed to speak without undue or inappropriate interruption and members of the Commission, those addressing the Commission, and members of the Public are treated with due respect.

During certain proceedings, such as an official Public Hearing, legal procedures are in place to ensure all persons are able to address a Commission during consideration of an Agenda Item. The Chair is responsible for guiding the Commission's discussion in accordance with the procedures either contained in the staff report or reported by staff.

#### Meeting Minutes

Meeting minutes are an important summary of the actions taken by the Commission on items that appear on the Commission Agenda (Action Minutes). They are not meant to capture each word (Verbatim Minutes). To facilitate more rapid production and transmittal of the minutes, Staff shall prepare and Commissions shall approve Action Minutes similar to those produced for the City Council meetings. Commissioners or members of the public interested in additional information may seek a copy of the audio/video recording of the meeting.

With the adoption of this standardized form of minutes, it shall be the goal of each Commission to consider approval of their minutes at the next regularly scheduled meeting of their Commission.

#### Commissioner Misconduct

As appointees of the City Council, Commissioners serve at the pleasure of the City Council. Violations of this Code of Conduct shall be handled in the following manners:

- (1) Minor Misconduct: Issues will be reported to the Department Head of the department that provides staff support to the Commission. The Department Head shall then attempt to resolve the issue with the City Council Liaison, Commission Chair, and Commissioner.
- (2) Major Misconduct: Issues of this level will involve the City Council Liaison, Commission Chair, and the City Manager's Office.

In the case misconduct involves the Commission Chair, the Commission Vice Chair shall act in-lieu of the Chair

Additionally, the City Manager shall report Commissioner misconduct to the City Council.

#### Commissioner Attendance and Forfeiture of Commission Seat

Annually, in May, the City Manager shall provide the City Council with a summary of attendance by Commissioners at Commission meetings.

The Municipal Code provides for the following:

"Any Commissioner who is absent from three (3) consecutive meetings of the Commission or a total of five (5) meetings in any six (6) month period shall thereby automatically forfeit his membership in said Commission, provided, however, that there shall be no such forfeiture in the event of any of the following:

A. When a Commissioner is unable to attend due to illness or physical incapacity.

B. When a Commissioner is unable to attend because of business or vacation.

C. When the City Council has determined before forfeiture that an absence is justified."

### **COMMISSION INTERACTION WITH THE CITY COUNCIL**

One common theme discussed at the facilitated meetings was the importance of having regular interaction between the City Council and Commissioners. Therefore, the following shall be scheduled:

- Annual Joint Meeting of all Commissions with the City Council (at the regularly scheduled Commission meetings in September of each year); and
- Designation of a Council Liaison to each Commission in April of each year (with the Mayor functioning as an alternate).

### **Appeal to City Council of Commission Decisions**

The various appeal schedules are mentioned in various sections of the City Code and currently vary from Commission to Commission. The City Manager is directed to prepare a proposed unified appeal process for consideration by the City Council within 60 days of the date of the adoption of this Policy.

### **COMMISSION INTERACTION WITH THE CITY STAFF**

One of City Staff's many roles is to provide information to the Commissions. As part of maintaining proper decorum and respect, Commissioners shall interact with staff with proper politeness and courtesy. Whenever possible, issues and concerns of Commission Members and/or City Staff shall be addressed to the Department Head of the department that provides staff support to the Commission. Should resolution not be reached after consultation with the Department Head, Commission Members may consult with the City Manager's Office.

Commissions, as bodies, and individual Commissioners may make routine informational requests to City Staff that do not require significant research or other allocation of staff resources. Neither Commissions nor individual Commissioners shall provide direction to City Staff (other than to place items on future Agendas). Agenda item requests which require the dedication of significant time resources shall not be undertaken without the approval of the Department Head and/or the City Manager. Major policy items may also be presented to the City Council for consideration and direction prior to allocation of staff resources by the City Manager.

## **COMMISSIONER TRAINING/ORIENTATION**

Commissioner Training/Orientation is important to prepare new commissioners for the key role they play. Ongoing training for Commissioners is also important to keep Commissioners abreast of the latest developments in their field(s).

### **New Commissioner Training**

The City Manager and City Attorney are hereby directed to immediately develop and implement a New Commissioner Training Program which will provide new commissioners with training in the following basic areas:

- General City Operations
- The State Open Meetings Law (The Brown Act)
- General Parliamentary Procedure (Roberts Rules) and Etiquette
- Ethics (AB 1234) – Including proper use of Commissioner Title and Business Cards
- Electronic Voting System

### **Existing Commissioner Training and Ongoing Training**

The City Council shall consider funding that would provide ongoing training to Commissioners during the fiscal year. Commissioners are encouraged to recommend applicable training for inclusion in future year budgets. This training should include training specific to the area of responsibility of the Commission. One source of important and credible training is the League of California Cities.



ORGANIZATION AND IMPLEMENTATION GUIDELINES  
CULVER CITY LANDLORD-TENANT MEDIATION BOARD

A. BOARD ORGANIZATION

(1) Name of the Board

The name of the Board shall be "The Culver City Landlord-Tenant Mediation Board."

(2) Objectives of the Board

The objectives of the Board shall be as follows:

- (a) To reduce tensions in the rental housing market by requiring the parties involved in a rent increase dispute to participate in a good faith mediation session with objective conciliators/arbitrators. The sessions will facilitate a means of resolution of disputes between tenants and landlords of residential rental properties related to rent raises, through the process of mediation. In addition, the opportunity for voluntary arbitration will be provided.
- (b) To educate the parties about the landlord and tenant relationship and the rights and responsibilities of both parties.
- (c) To submit an annual report on/by May 31 of each year to the Council recounting the Board's ability and success in meeting with its objectives.

(3) Sponsorship and Authority

To establish the credibility of the Board within Culver City, and to differentiate this Board from other rental housing activities taking place elsewhere in the Los Angeles area, the Culver City Mediation Board shall be authorized to represent itself as an entity sponsored by the City of Culver City.

(4) Confidentiality

- (a) In submitting a dispute to mediation all parties shall acknowledge that the proceedings of the mediation shall be privileged and confidential and any admission or concession made by any party shall not prejudice the positions of any party or be introduced as evidence in any litigation or proceedings in accordance with California Evidence Code Section 1152.5.
- (b) In submitting a dispute to arbitration, all parties shall acknowledge that the proceedings shall be privileged and confidential. The arbitration shall be conducted in accordance with the provisions of the California Arbitration Law, Section 1280-1294 Code of Civil Procedure. The award of the arbitrator(s) shall be final and binding on the parties as to the issue or issues presented for arbitration.

- (c) Except as is necessary to enforce, affirm, modify or vacate an award in arbitration, all matters connected with conciliation efforts under this resolution are privileged and confidential and shall not be examined or inspected, except by a party to the arbitration or conciliation, and shall not be offered or accepted into evidence in any later arbitration, litigation or judicial proceeding.
- (d) In order to preserve the confidentiality of the mediation process and/or arbitration process, the identity of the parties to a dispute shall be confidential, except insofar as disclosure of the parties' identity may be necessary in furtherance of the provisions of Chapter 32 of the Culver City Municipal Code.
- (e) No person shall make an electronic, photographic or stenographic recording of the whole or any part of any mediation or arbitration session unless permission is given by all participating parties.

(5) Report of the Board

The Board shall make an annual report to be submitted to the City Council, concerning its activities to further establish Board objectives.

(6) Composition of the Board

The Board shall consist of 9 members as follows:

- 3 - tenant representatives
- 3 - landlord representatives
- 3 - member-at-large representatives

(7) Alternates

Alternate members of the Board shall sit only on a mediation panel and then only when it is otherwise impossible to convene a mediation panel because of unavailability of a regular member, or if the Chairman determines that all available panels are engaged and that the case load justifies use of an extra panel.

(8) Selection of Board Members

Due to the dispersion of rental properties in Culver City, it shall not be necessary to have representation based on geographical or neighborhood areas. "Landlord" and "tenant" representatives, however, shall preferably include one owner and one tenant representative from buildings or complexes of less than 10 units, one owner and one tenant representative from buildings or complexes comprised of from 10 to 30 units, one owner and one tenant from buildings or complexes of 31 or more units within the City of Culver City.

In selecting Board members from the owner/manager/real estate professional category, preference for membership shall be given to owners of residential rental properties located within the City of Culver City.

All Board members shall be selected by the City Council without regard to race, creed, color, religion, national origin, sex, income, age, handicap, or marital status.

Individuals wishing to volunteer to serve as mediation board members shall complete and submit an application.

All eligible applicants names shall be submitted to the City Council for consideration. Prior to appointment by the City Council, all applicants shall be given an opportunity to address the City Council at a regular City Council meeting(s).

(9) Qualification of Board Members

All tenant members shall be tenants of residential rental property within the City of Culver City, and neither the applicant nor the applicant's spouse or dependents shall have any financial interest in residential income-producing property either in Culver City or elsewhere.

All landlord representatives shall either own, manage or have a residential income property interest within the City of Culver City, and shall preferably be residents of the City of Culver City.

"Members-at-large" members shall neither be tenants nor shall they own or have an ownership interest in any residential income-producing property in Culver City. Furthermore, preferably, neither "member-at-large" applicants or their spouse or dependents shall have any direct business or financial relationship with either landlords, property managers or real estate professionals within the City of Culver City or elsewhere. "Member-at-large" applicants shall be residents of the City of Culver City.

(10) Disclosure and Disqualification

If a Board member is a party in a case before the Board, the other party at the outset shall be so advised and further advised that the Board member will not participate in any way as a Board member in any matter relating to the case.

(11) Terms of Board Members

Board members shall serve terms of three years.

All members and alternates shall serve at the pleasure of the City Council.

(12) Absences of Board Members

The name of any member who within any one-year period has more than one absence of a regularly scheduled meeting, excused or unexcused, shall be referred to the City Council for consideration of removal.

(13) Appointments to Fill Vacancies

If a Board vacancy occurs, the alternate member who has the qualifications for the vacated category shall be appointed. If a vacancy occurs in the Alternate Membership, the Council shall appoint a qualified replacement.

(14) Designation of Officers

The Board shall elect its own officers consisting of a Chairman and Vice Chairman, and Council Liaison. The Chairman shall appoint a publicity Chair.

The Chairman and Vice Chairman of the Board shall be elected annually by a majority vote and shall serve at the pleasure of the Board.

(15) Duties of the Officers

The duties of the Board Chairman shall consist of presiding over all general Board meetings, review an approved annual report of the Board activities as prepared by staff and submitted to the City Council, and, in general, to supervise the affairs and activities of the Board.

The Vice Chairman shall perform the duties of the Chairman when that person is absent and/or if the Chairman is unable to complete his or her term as Chairman for any reason.

(16) Compensation of Board Members

The Board members shall be compensated at the rate established by City Council resolution.

(17) Meetings

- (a) General Meetings. The Board shall meet at least four times per year during the months of January, April, July and October, within the City of Culver City, at a time and place to be decided by the Board. The Board shall also be subject to the call of the Chairman as necessary to accomplish the objectives of the Board.

All regular Board meetings shall be open to the public and duly noticed at least five working days prior to the meeting.

A majority of the Board members, to include at least one representative from each membership category, shall constitute a quorum for the transaction of general business.

At these meetings, the Board shall report on all mediation sessions conducted and business transacted at special meetings, if appropriate, since the last regular Board meeting. In addition to general business transactions of the Board, minutes issued following regular Board meetings shall note, regarding all mediated disputes, the case number of the dispute, the nature of the dispute, resolution and Board recommendation, if any.

- (b) Special Board Meetings. Special Board Meetings may be called as necessary with at least five working days' notice given in advance of a special meeting.

At Special Board Meetings, a majority of the Board members, to include at least one representative from each category, shall constitute a quorum for the transaction of general business.

#### B. STAFF SUPPORT

The City shall provide a staff member to act as liaison who shall:

- (1) work under the general supervision of the City Housing Administrator and shall be located in the Housing office;
- (2) respond to initial calls from landlords or tenants requesting information and referral or for a mediation hearing appointment and conciliate and encourage communication between a landlord and tenant, but shall not mediate;
- (3) complete intake data re: a landlord/tenant rent raise dispute and to verify such information with the assistance of other City staff members;
- (4) coordinate mediation hearing appointments with the Board Chairman;
- (5) take minutes, and coordinate with the Chairman the preparation and dissemination of required reports;
- (6) perform follow-up activity deemed necessary by the Board, and maintain a reference file on agencies, services and other groups for use in the mediation process and for referral for residents not wishing to initiate mediation;
- (7) report to the Board at their regular meetings all calls involving requests for information and referral as well as cases in progress and follow-up activities performed by the staff liaison; and
- (8) verify information submitted by candidates for positions on the Board.

C. CONCILIATION PROCESS POLICIES AND PROCEDURES

- (1) Landlords and/or tenants may contact the staff for basic information and referral regarding landlord/tenant rights and responsibilities. The Board, however, shall provide conciliation and arbitration services only regarding rent raises and matters relating to same.
- (2) Following receipt of a Complaint Form regarding a rent raise related dispute, the Mediation Board staff shall determine if it was filed within fifteen (15) days of receipt of a notice of rent increase and, if so, shall schedule a mandatory mediation session at a time prior to the effective date of the rent increase.
- (3) Following receipt of a Complaint Form regarding a rent raise related dispute which was filed after the 15th day of receipt of a notice of rent increase, staff shall contact the charged party, either by telephone or in writing, of the nature of the complaint and to provide the other party an opportunity to voluntarily settle the dispute with the assistance of the mediation process. If the party wishes to participate, the staff liaison shall schedule a mediation session before a panel at the earliest convenience of all parties. Both parties to the dispute, and/or their authorized representatives who have the power to act on behalf of a party to the dispute, must voluntarily agree to be present and participate in the mediation process.

D. MEDIATION/CONCILIATION

- (1) As used herein the terms "mediation" and "conciliation" shall mean that process whereby a person or persons not a party to the dispute attempt to assist the parties to the dispute through proposals or arguments to come to a voluntary agreement. A mediator or conciliator does not render a decision.
- (2) Mediation/Conciliation sessions shall be closed to the public and shall take place at a location, date, and time convenient to all parties to the dispute.
- (3) Mediation/Conciliation shall be conducted in a session attended by all parties to the dispute; provided that if any party declines to so meet, the mediation/conciliation may be conducted in separate sessions.
- (4) A Mediation/Conciliation panel in each case shall consist of one "landlord," one "tenant" and one "member-at-large" representative, provided however, that when unusual circumstances exist which prevent the assembly of a three-member panel, a panel of two or a single member may mediate; provided further, that in such unusual circumstances, a panel of less than three may mediate if:

- (a) The parties in the dispute consent in writing to the waiver of a three-member board and agree to mediation by a board of less than three members; and
  - (b) If a panel of two members cannot be convened, a single mediator may be utilized, provided however, that such a mediator shall be selected from the member-at-large representatives.
- (5) If mediation/conciliation leads to an agreement between the parties, such agreement shall be reduced to writing and signed by the parties and the member(s) of the panel. If mediation/conciliation reaches an impasse, the panel shall advise the parties of the availability of arbitration or give the parties other information that the majority of the panel considers appropriate.

E. ARBITRATION

- (1) As used herein, the term "arbitration" shall mean that process whereby the parties to a dispute agree to submit issues to a panel which will hear and adjudicate the matter and which shall render a written decision which shall be binding upon all parties to the dispute.
- (2) At the time the parties are asked to agree to voluntary mediation, they shall be afforded the opportunity of agreeing to voluntary binding arbitration as an alternative.
- (3) If a mediation session reaches an impasse, the parties will be given the opportunity of agreeing to voluntary binding arbitration before a new panel.
- (4) Both parties to the dispute and/or their authorized representatives who have the power to act on behalf of a party to the dispute, must voluntarily agree to be present and participate in the arbitration process. Should either party decline to participate or to send an authorized representative to participate on his or her behalf, other options shall be made available to the original complainant to include, but not be limited to referral to other agencies or services. Such information and/or referral shall not include the rendering of legal advice and shall not be considered as such.
- (5) An arbitration panel in each case shall consist of one "landlord," one "tenant" and one "member-at-large" representative. When unusual circumstances exist preventing the assembly of a three-member panel, a single "member-at-large" representative may arbitrate with the written consent of all parties.

F. OTHER POWERS OF THE BOARD

(1) Procedures

The Board shall have the power to establish procedures for implementing its responsibilities under these guidelines including without limitation:

- a. Procedures for assignment of members to mediation and arbitration panels and assignment of cases to the several panels;
- b. Procedures for rotation of assignment of cases to panels;
- c. Procedures for replacement of members who are for any reason disqualified to serve on a panel;
- d. Procedures for conduct of the Board meetings, e.g., adoption of Robert's Rules of Order Newly Revised.

- (2) If a complaint is filed which presents a question as to whether a rent raise issue is presented, the matter shall be presented to the Board for its determination.



# We Want Your



## Letters Policy:

The Culver City News welcomes your letters. They should be typewritten with the writer's real name, address and phone number. The phone number is for verification purposes only. Anonymous letters and letters with initials or pseudonyms will not be published. Letters under 400 words are preferred. The News reserves the right to edit letters for length, grammar, spelling, punctuation, libel, good taste or any reason deemed necessary. Ideas and opinions expressed in letters printed are not necessarily those of the Culver City News or its staff. All letters become property of the News and cannot be returned.

Letters can be sent in the following ways:

- Only letters sent exclusively to the News will be published.
- The e-mail address is [editor@culvercitynews.org](mailto:editor@culvercitynews.org).
- The fax number is (310) 391-9068.
- The mailing address is: Editor, Culver City News, 4351 Sepulveda Boulevard, Culver City 90230.

Questions? Please call (310) 437-4401.

Dear Editor,

Why aren't kids wearing helmets while riding their bikes? My family and I see children and teens alike riding around with no protection. Kids can be inattentive and reckless. They need helmets and should follow the helmet law. There are really cool helmets available for less than \$20. By the way, I looked up the code and it also covers inline skates, scooters and skateboards too.

Jennifer Stewart  
Culver City

Dear Editor,

In your newspaper [page 4] there is a missing person's notice for a man named Phillip Agre.

I knew Phil as a professor in the Graduate School of Education and Information Studies at UCLA, where I was studying. Phil's a brilliant guy, an internationally known and respected scholar, whose publications are used in Information Technology syllabi in research universities around the world. His newsletter *Red Rock Eater* was read

by thousands, and was one of the first blogs, before the term was even coined.

Phil has also been diagnosed with bi-polar disorder, and during the last year he took a leave of absence from his job and basically walked away from his life. He abandoned his apartment, stopped contacting his friends and family and has occasionally been spotted walking on Sepulveda Boulevard in Culver City and West Los Angeles.

I'm writing this for two reasons. First, to ask the public to keep an eye out for Phil. If you see him, or someone who may be him, please call the UCLA Police, or the Culver City Police and let them know. Second, I needed to remind myself that the vast majority of our homeless population is not homeless by their own choice. They're homeless because they're sick, mentally and/or physically, and they've fallen through the cracks of what's left of our safety net.

Thanks.

Scott Wyant  
Culver City

Dear Editor,

The reason I am writing this letter is to say that my husband and I voted our choices for new school board members via lawn signs and our absentee ballots. As fate would have it, we did not vote for either of the homosexuals, (Paspalis and Silbiger, Nov. 5 *Culver City News*.)

A note to Silbiger regarding your statement in the Nov. 5 issue that you have "always been open with anyone who asked about my sexual orientation." I think the public would have liked to have known before the election. Why? Because I do not believe you would have been elected had the public known, and that is what I think.

Dee Seehusen  
Culver City

## TICKET from page 1

restrained.

Currently, California has a seat belt usage rate of

*It or Ticket* mobilization.

Given the years of public awareness campaigns, including hundreds of *Click It or Ticket* highway signs,

# Culver CITY

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## INTEROFFICE MEMORANDUM

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**DATE:** 12/10/2009  
**TO:** The Honorable Members of the City Council  
**FROM:** Mark Scott, City Manager  
**SUBJECT:** Conclusions of Investigation into Alleged Misconduct  
Landlord-Tenant Mediation Board Member Dee Seehusen

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At the November 23, 2009 City Council meeting, I was asked by the City Council to contact Landlord-Tenant Mediation Board (Board) Member Dee Seehusen to inquire about recently published comments relating to gay and lesbian community members. At issue was the suitability of Mrs. Seehusen to serve on the Board given the City's obligation under local, State, and Federal laws and regulations to protect the rights and ensure equal treatment of all citizens regardless of race, gender, age, ethnicity, disabilities, sexual orientation, religion and other protected status. The Board must, for instance, be able to address disputes between parties without preference for or bias toward any of the above. They are also bound, as is the City, by Federal and State fair housing laws.

Based on the above concern, I was asked to investigate the published comments of Mrs. Seehusen questioning whether gay or lesbian community members should serve on a school board and whether candidates should be obligated to disclose their sexual orientation to the electorate while running for office. I was also asked to consider whether such a bias affects a person's ability to represent the City on the Landlord-Tenant Mediation Board.

I have spoken to Mrs. Seehusen on three occasions since November 23. She confirmed that the published comments are hers, and she confirmed that she believes gays and lesbians should not be involved in the education of children. She feels she has been mischaracterized as "homophobic" but holds onto "her principles" that the sexual preference of gay and lesbian community members could negatively affect their teaching of children, selection of books, and other key decisions. She argues, however, that this belief would not conflict with her ability to mediate a solution to a landlord-tenant problem or otherwise conduct her role as a Board Member. She asked that the City Council be advised that she and her husband rent property to a gay couple.

Mrs. Seehusen has been most cooperative with me in our discussions, and I believe she addressed the issues with full candor. I advised her of my conclusion that, regrettably, her participation in the Landlord-Tenant Mediation Board (a voluntary, at-will body appointed by the City Council) could put the City

at risk based on actual and/or perceived biases relating to sexual orientation. The ability of mediators and arbitrators to provide non-bias services is compromised when their personal beliefs are at odds with laws and policies affecting our housing programs.

Based on the above, I have asked Mrs. Seehusen if she would consider resigning. She has chosen not to do so. She responded that the City Council may terminate her, but she does not wish to resign because it would indicate that she is wrong.

Under the laws we operate, I believe that Mrs. Seehusen's stated beliefs compromise her ability to provide services in a fair and unbiased manner. Such a compromise could create an untenable situation for the City in our effort to meet the letter and spirit of the law. Therefore, I must regrettably recommend that Mrs. Seehusen's appointment to the Landlord-Tenant Mediation Board be terminated by the City Council.

I have advised Mrs. Seehusen that this matter will be on the City Council's December 14, 2009 meeting agenda and that she will be given the opportunity for written or oral response at her discretion.

Certainly, there must be a place in the world for people to disagree and to express those disagreements. Mrs. Seehusen is welcome to speak through whatever forum she chooses, including any City Council meeting. This recommendation is based solely on my conclusion that Mrs. Seehusen's publicly stated attitudes puts the City at risk relating to her role as a Board Member. I must therefore recommend termination of that discretionary appointment.