

Following months of public controversy and a marathon 10 1/2 hour hearing Wednesday in Morro Bay, a closely-divided California Coastal Commission voted to fire its Executive Director, Charles Lester. The Commission vote to remove Lester was 7-5.

Lester, who as Executive Director has led the Commission staff for the past 4 1/2 years, is the first Executive Director to be terminated in the 44-year history of the Commission.

Over the past two months, several unnamed members of the Commission worked behind the scenes to force Lester's ouster. They had hoped to do so quietly, out of public view. But the Commission's embattled Executive Director foiled those back-room efforts by invoking his right to a public hearing on the question of whether he should be terminated. That long and contentious hearing took place on Wednesday.



Dr. Charles Lester testifies at the public hearing on his possible dismissal on Feb. 9th, 2016

As a result, what some commissioners and members of California's development community had hoped would be a quick and bloodless coup morphed into the Commission's biggest political controversy in over a decade. A number of state legislators, local governmental officials, former Coastal Commissioners, environmental organizations, private citizens and at least one coastal development corporation (the Pebble Beach Company) rallied to Lester's defense, with many protestants decrying efforts to remove him as motivated by pro-development sentiments. The Commission reportedly received between 17,000 and 28,000 written statements objecting to the Executive Director's termination. In over nine hours of public testimony, hundreds of speakers demanded Lester's retention, while only a single witness urged the Commissioners to terminate him.

In the end, the efforts of Lester's defenders were for naught. Rejecting public demands that they deliberate in public, the Coastal Commissioners recessed into a closed (private) session to decide Lester's fate. One hour later, they emerged to announce publicly their vote to terminate the Commission's Executive Director. The marathon hearing was then quickly gaveled to a close. (Several commissioners were hurriedly escorted out of the hearing chamber by law enforcement officers without explaining their votes.)

The Commission is composed of 12 voting members: four appointed by the Governor, four by the State Assembly Speaker, and four by the Senate Rules Committee. Notably, all four gubernatorial appointees voted to remove Lester. Assembly appointees to the Commission split 2-2 on the question, while the Senate-appointed commissioners voted 3-1 to retain Lester.

This is actually the second time in the history of the Coastal Commission that there's been a nasty public battle over whether to fire the Commission's Executive Director. Two decades ago, then-Executive Director Peter Douglas faced a similar move by some Coastal Commissioners to depose him. Like Lester, Douglas refused to go quietly, invoking his right to a public hearing on the question of whether he should be removed. As with Lester, the run-up to that 1996 hearing saw environmentalists and other Douglas backers rally to his defense, along with newspaper editorials from around the state decrying efforts to force Douglas out. Ultimately, the effort to remove Douglas failed, and he went on to serve for a quarter century as the leader and public face of the Coastal Commission before Douglas' untimely death in 2012.

Peter Douglas was a passionate defender of California's 1100-mile coast who waged many public, high-profile battles with development interests, winning those confrontations more often than not. (The Los Angeles Times accurately described Douglas as "an aggressive and hard-nosed environmentalist.") Coastal developers and property rights advocates generally

despised Douglas, while he was an iconic and beloved figure to California's environmental community and coastal access proponents.

Lester, by contrast, has been a far more low-key, non-confrontational leader of the Coastal Commission staff. Unlike Douglas, Lester until now preferred to stay out of the public spotlight, working quietly and professionally behind the scenes. So it's more than a little ironic that the polarizing, controversial Douglas was ultimately able to stare down efforts by some of his commissioner bosses to fire him, while Lester ultimately proved unable to hold onto his job.

So what happens now?

Those commissioners voting to remove Lester insist that their action was motivated by concerns over the Executive Director's management style, rather than any pro-development sentiments on their part. Many observers—including California newspaper editorial boards—are not buying that explanation, and fear that Lester's firing signals a philosophical shift making the Coastal Commission more amenable to coastal development interests.

We won't have to wait long to get at least an inkling of the Commission's future policy course: at its March meeting, the Commission is scheduled to consider a massive new coastal development project proposed for the Orange County coast. How the Commission votes on that high profile, controversial project should provide interested observers with some sense of whether Executive Director Lester's ouster does indeed signal a more pro-development stance by the Commission.

2016 marks the 40th anniversary of the landmark 1976 legislation that made the Coastal Commission a permanent feature of California environmental law and policy. Over the past four decades, the Commission has emerged as one of the state's most powerful and controversial regulatory bodies. Given its weighty authority and profound challenges, it's unfortunate that the California Coastal Commission's highest profile action in many years has focused on a contentious personnel dispute rather than on more fundamental questions of coastal law, planning and policy.

(Author's note: U.C. Davis law students and research assistants Sean Drake and Meredith Hankins contributed to this post.)