



Published March 21st, 2018

City continues to hash out conflict of interest policy

By Pippa Fisher

The conversation at the Lafayette City Council continues on how best to restore trust in local governance, specifically within the commissions.

In the fall Vice Mayor Cam Burks and Council Member Ivor Samson formed a subcommittee to revise and update the recusal policy applying to commissions and committees, particularly addressing conflicts of interests in cases of those with financial interests presenting to boards on their own, or their firm's projects. Samson explained at the March 12 meeting that in addition to updating this recusal policy draft (Version B), the subcommittee also drafted a resignation policy (Version A) - a much stricter policy that Samson described as a "solid conflict of interest policy." He said that although they tightened up the recusal policy in Version B, he still did not think it was meaningful, likening it to putting "lipstick on the pig."

Essentially, in Version A commissioners would not be able to recuse themselves or abstain from participation in a situation of conflict, but would have to resign and furthermore a one-year post-service period of exclusion would apply.

Mayor Don Tatzin expressed concern about the quality of commissioners the city would be able to attract on the board if conditions are made too punitive, pointing to the potential for loss of business for a year after service. "Just don't join to begin with," he worried would be the reaction of some.

Samson pointed out that since this is a large metropolitan area there is a talent pool of people who don't do business in Lafayette. "Public service is a privilege and part of that is saying I'm willing to put aside that sort of financial opportunity for a time."

Several members of the public spoke favoring the stricter policy. Several said they had experienced unfair decisions against them as a result of "reciprocal voting" - commissioners voting for each other's projects, with one speaker saying, "Recusal by itself is just window dressing."

Lafayette resident and attorney Scott Sommer reminded the council of specific instances of reciprocal voting and pointed to the involvement of Planning Commissioner Thomas Chastain and ex-Design Review Commissioner Bob Cleaver's firms in current Lafayette developments. In his opinion he said that concerns are exaggerated over finding qualified commissioners.

"The bigger concern here is that many citizens have no confidence in the fairness of the land-use process in Lafayette and will probably never vote in a majority for any bond or sales tax measure you propose until you clean this kind of thing up," warned Sommer.

Ex-Mayor Brandt Andersson disagreed and said he'd prefer to see the more lenient Version B. He spoke of the importance of the many volunteers who give so much to the city, spending many hours of their time for no pay in what he called the "virtuous cycle." He said Version A was a "direct assault on the virtuous cycle." Burks and Samson both agreed with Andersson that volunteerism is very important to the city but said that it is precisely because of that, that the integrity of the government must be restored.

Council Member Mark Mitchell said that the violations in 2004 and 2016 were troubling and noted that erosion of trust in governance is a problem.

With Council Member Mike Anderson absent, the council decided to hold their vote until the March 26 meeting.

Reach the reporter at: pippa@lamorindaweekly.com

[back](#)

Copyright © Lamorinda Weekly, Moraga CA