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Published June 13th, 2018

Lafayette residents question city's relationship with PG&E

By Nick Marnell

As Lafayette Vice Mayor Cameron Burks spearheads a proposed public meeting for the Pacific Gas and Electric Company to polish its image in front of its Lafayette customers, some city residents say that Lafayette needs to repair its own image as well, claiming that recent actions between the utility and the city have been compromised by conflicts of interest.

Burks called out PG&E for its "uneven level of correspondence and communication with city residents" at two May city council meetings, and he requested a public meeting for the utility to appear before residents and city officials to "build public trust in the area of safety." Among the list of topics for which Burks seeks clarity from PG&E include its Community Pipeline Safety Initiative, in which the utility proposes to remove a number of trees that it says pose public safety concerns, and the pipeline construction occurring this summer along St. Mary's Road. Burks requested that representatives from the utility's regulator, the California Public Utilities Commission, attend the meeting, tentatively planned for September.

The city and the utility are financially linked in the tree-removal program that Burks referred to. According to a March 27, 2017 staff report, PG&E will pay the city a mitigation fee of $531,000 to remove 272 trees on private and public Lafayette property. The company deemed that the trees have to go as they prevent first responder access and safety inspections, and that the tree roots could damage underground pipes.

A local citizens group, Save Lafayette Trees, sued the city and the utility. "The city failed to conduct any environmental review before entering into the contract with PG&E," said Stephan Volker, Save Lafayette Trees attorney. The court dismissed the case in December, and the community group has appealed.

"PG&E is saving costs by cutting trees, which help them survey the line cheaply by airplane, and the city is working on PG&E's behalf to promote this program instead of ensuring public safety. It's a conflict of interest in the highest order," said Save Lafayette Trees representative Michael Dawson. Burks declined to comment on pending legal action.

Not only are the city and PG&E joined as codefendants in the Save Lafayette Trees lawsuit, but PG&E has agreed to reimburse the city for its legal costs. City Manager Steve Falk - who once interned with PG&E - explained the rationale for the reimbursement in an April letter to a city resident, who accused the city of not representing its constituents. "It is their pipeline safety program that is being challenged," Falk wrote. According to information supplied by the city, the company has reimbursed Lafayette more than $84,000 in legal fees through April.

The city also filed for reimbursement of charges for preparation of case documents, and the court ordered Save Lafayette Trees to pay $11,553. The plaintiff contested the charges and a hearing is scheduled for June 14. "It's a sham. The city is billing us for costs they never paid," Volker said. Jennifer Wakeman, city financial services manager, confirmed that the money, if collected, would go to PG&E.

Reported conflicts of interest involving PG&E and Lafayette officials include those of Mayor Don Tatzin and Council Member Ivor Samson, who recuse themselves from PG&E public discussions. Samson collects a pension from PG&E, having worked there as an attorney for 12 years, and Tatzin said that a high pressure gas pipeline runs under the street in front of his home, and some of the trees that are in the public right of way and on his lot were marked for removal by PG&E.

"The issue here is not only safety, but the issue of trust," said a Lafayette resident at the May 29 council meeting. "Not only for PG&E, but for the city council."

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