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## Council postpones action on conflict of interest policy

By John T. Miller

Much to the consternation of the Save Lafayette group, the City Council at its meeting last week delayed action on the conflict of interest issue dealing with committees and commissions.

The issue particularly involves members of the Lafayette Planning Commission and the Design Review Commissions advocating illegally for their clients before their own and other city commissions, violating the California Political Reform Act.

The proposal before the City Council was a continuance from the Sept. 11 meeting when council members Ivor Samson and Cam Burks were tasked with creating a new policy to eliminate conflict of interest within the city's commissions.

Much discussion centered on whether commissioners should recuse themselves or be forced to resign over conflicts of interest, and whether or not it would apply to all commissions or just the two in question.

Samson and Burks favored resignation, with Samson saying, "We may lose a lot of good knowledgeable hard-working people, but a black-and-white distinction is easier to apply to all commissions."

During public input, one Lafayette resident addressed the issue of qualified people, saying, "I prefer an unbiased layman who can read and apply the Lafayette municipal code to a real estate lawyer or an architect that thinks the planning commission is a business opportunity."

Council Member Mark Mitchell favored recusal as an incremental step: "It's better than going further with resignation; it's difficult to go backward."

Mayor Mike Anderson agreed, saying, "If we're going to tighten, let's tighten the recusal policy. We need to communicate clearly that there is state law, and, in our policy, we want to go beyond state law."

Bob Cleaver, who resigned as a commissioner, approved of the proposal. "I couldn't comfortably serve on a commission and serve my clients at the same time," he said.

The council voted 3-2 for recusal rather than resignation. Anderson summed up the next step, sending it back to the subcommittee and the city attorney to look at the details of the policy and applying it for all commissions and committees. The report is due back next month.

Burks, who along with Samson will head the subcommittee, said, "Maintaining, preserving and protecting the integrity of the public process is important. When we see a fundamental erosion of trust in the way we run our city we need to act swiftly."

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