

MINUTES
JULY 1, 2010
CONTRA COSTA COUNTY MAYORS' CONFERENCE
City of Pinole
Pinole Senior Center, 2500 Charles Avenue

CALL TO ORDER / PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:35 p.m. in Pinole, California, by Conference Chair Ed Balico. Contra Costa County Supervisor Gayle Uilkema led the Pledge of Allegiance.

ROLL CALL OF CITY DELEGATES:

Mayor Pro Tem Rocha, Antioch
Mayor Taylor, Brentwood
Mayor Stratford, Clayton
Mayor Bjerke, Concord
Vice Mayor Stepper, Danville
Mayor Abelson, El Cerrito
Mayor Valstad, Hercules
Mayor Andersson, Lafayette
Mayor Schroder, Martinez
Mayor Chew, Moraga
Mayor Anderson, Oakley
Absent, Orinda
Mayor Long, Pinole
Absent, Pittsburg
Mayor Mitchoff, Pleasant Hill
Mayor McLaughlin, Richmond
Mayor McNeil, San Pablo
Mayor Wilson, San Ramon
Mayor Rainey, Walnut Creek

1. FEATURED SPEAKER:

Dr. Joseph Ovick, Superintendent of the Contra Costa County Office of Education, addressed the Conference discussing the challenges faced by local public agencies, including schools, during the current difficult economic times as well as the current state of affairs of County schools.

2. Approval of Minutes of May 6 and June 3, 2010 meetings.

MOTION was made, seconded and carried unanimously to approve the minutes for the Conference meetings of May 6th held in El Cerrito and June 3rd held in Martinez.

3. **Announcement of Upcoming Appointment: Airport Land Use Commission:** The Conference appoints two members to the Airport Land Use Commission, each serving four-year terms. Robert Brockman, Brentwood Councilmember has resigned. His term ends May 1, 2012. Nominations are now open for this vacancy and anyone wishing to apply should file a nomination letter by e-mail to the Conference Executive Director no later than 5 p.m., Wednesday, July 21, 2010.

Chair Balico announced the upcoming appointment to the Airport Land Use Commission as highlighted above.

4. **Announcement of Upcoming Appointment: ABAG Hazardous Waste Management Facilities Allocation Committee:** Sue Rainey, Walnut Creek Mayor, has served on this Committee for several years. She has announced her resignation because of scheduling conflicts. The Committee meets several times per year. Nominations are now open for this vacancy and anyone wishing to apply should file a nomination letter by e-mail to the Conference Executive Director no later than 5 p.m., Wednesday, July 21, 2010.

Chair Balico announced the upcoming appointment to the ABAG Hazardous Waste Management Facilities Allocation Committee as highlighted above.

5. **Contra Costa Transportation Authority: Update on proposed DMV license fee increase to support local transportation projects**

Contra Costa Transportation Authority Executive Director Randy Iwasaki addressed the Conference delegates and provided an update on the Authority's plans to propose a November ballot measure for a DMV license fee increase to support local transportation projects.

6. **Executive Committee's Report and Possible Recommendation(s) Regarding a Letter from Conference Appointees to LAFCO Pertaining to the Measure F Election in Brentwood**

Executive Director Blubaugh reviewed the background for the matter coming before the Conference. The issue included communications received from the Executive Director of Save Mount Diablo which raised questions and concerns about a letter signed by Helen Allen and Rob Schroder regarding Brentwood's Measure F relating to expansion of the Urban Limit Line. The letter included language that the two individuals represented Contra Costa's 19 cities as the Mayors' Conference appointees on the Local Agency Formation Commission and the letter was signed as LAFCO Commissioners.

Mr. Blubaugh reported that the Conference Executive Committee met earlier in the afternoon to review the matter. Committee members present were Chair Ed Balico, Past Chair Sue Rainey, and at large members Mike Harris (Pleasant Hill) and Newell Arnerich (Danville). He clarified that Committee member Bob Taylor (Brentwood) abstained from the discussions due a potential perceived conflict of interest because the issues dealt with Brentwood and that Committee member and Conference Vice Chair Dave Trotter (Moraga) abstained from the discussions due a

potential perceived conflict of interest because he is a member of the Board of Directors of Save Mount Diablo.

Mr. Blubaugh noted that the Executive Committee received input from LAFCO Commissioners Allen and Schroder, from Save Mount Diablo representatives and from members of the public. Following deliberation, he advised that the Committee had developed a recommendation for the Conference to consider.

Chair Balico summarized the Executive Committee's recommendations (which were also distributed in written format to the Conference delegates and which are included the content of the below adopted motions in bold typeface.)

Ron Brown, Executive Director, Save Mount Diablo, addressed the Conference presenting Save Mount Diablo's concerns over the actions of the Mayors' Conference appointees to LAFCO when they misused their authority. His comments were detailed in correspondence submitted to Conference delegates.

Concord Councilmember and LAFCO representative Helen Allen addressed the Conference reading a letter responding to comments by Save Mount Diablo representatives indicating she wrote the subject letter in response to numerous questions. She stated she understood the letter was misperceived by some and she apologized to all.

Martinez Mayor and LAFCO representative Rob Schroder addressed the Conference clarifying that he did not sign the letter in question with the intent that it be used by either side of the ballot measure nor did he intend that the letter be considered a reflection of the views of the Conference and he apologized for what transpired.

Jeff Rubin, Pinole Community Services Commissioner and Pinole resident, urged that the Conference take strong action and consider a motion to remove Ms. Allen and Mr. Schroder from their LAFCO Board positions.

Peter Murray, Pinole Councilmember, expressed concern with the actions taken by Ms. Allen and Mr. Schroder stating that it is important that LAFCO commissioners remain impartial in all matters and there was a responsibility to the public that all issues stay above reproach.

In proposing the following motion, Danville Vice Mayor Stepper noted that Conference appointees to various agencies do not come back to the Conference before taking votes on various agency business; their votes on the agency boards they serve on are often based on a great deal information that is provided; representatives make the best decisions possible; and they know that their votes do not represent the views of the Conference.

MOTION was made, seconded and carried unanimously directing the Executive Director to draft an amendment to the Conference Policies and Procedures statement that the Conference can take positions on actions following discussion and deliberation and that no appointee of the Conference may assert directly or by inference that their individual action is the will of the Conference. Said motion carried by a unanimous (17-0) roll call vote.

In proposing the following motion, Pinole Mayor Long expressed her concern with the actions of Ms. Allen and Mr. Schroder. She questioned whether there was an appearance of a Brown Act violation because two LAFCO commissioners commented on a potential future LAFCO annexation hearing (and their letter was then agreed to by three additional LAFCO commissioners). She stated, if the Conference did not take action, it could send a message that transparency in government was not needed. She also questioned whether developers had undue influence on the LAFCO commissioners.

MOTION was made and seconded to remove Helen Allen and Rob Schroder as the Contra Costa Mayors' Conference representatives to the LAFCO Board of Directors. Said motion failed by the following roll call vote:

NOES: Antioch, Clayton, Concord, Danville, Hercules, Lafayette, Martinez, Moraga,
Oakley, Pleasant Hill, San Ramon, Walnut Creek
AYES: Pinole, Richmond, San Pablo, El Cerrito
ABSTAIN: Brentwood
ABSENT: Orinda, Pittsburg

In making the following motion, Walnut Creek Mayor Rainey noted her comments during the earlier Executive Committee meeting stating she was disappointed in the letter as it was inappropriate. She noted that the Conference has had no formal policy on the specific matter even though most elected officials know the letter should not have been written as it was. Further, she felt that it was appropriate that the Commissioners were put on notice regarding their actions. As part of the vote for the following motion, Danville Vice Mayor Stepper stated she would give the individuals the benefit of the doubt and, while she was disappointed, she did accept their apologies.

MOTION was made and seconded stating the Conference is disappointed with the actions taken by its appointees to LAFCO for writing a letter stating that they represented the 19 cities on LAFCO as Mayors' Conference representatives, and then outlining possible consequences of a "NO" vote on Brentwood Measure F relating to amending the Urban Limit Line. Unless prohibited by LAFCO or state law, elected officials are free to express opinions on issues. Further, the Mayors' Conference is not in the business of taking issues on individual city matters and especially when pitting one city against another. Further, the only one who can speak on behalf of the Conference is its chair or other designated representative after the matter has been discussed and acted upon by the Conference. The Conference never took a position on Measure F. Said motion carried by the following vote:

AYES: Antioch, Clayton, Concord, El Cerrito, Hercules, Lafayette, Moraga,
Oakley, Pinole, Pleasant Hill, Richmond, San Pablo, San Ramon, Walnut Creek
NOES: Danville
ABSTAIN: Brentwood, Martinez
ABSENT: Orinda, Pittsburg

7. Chair's Time – No Items

8. League of California Cities Update: Eric Figueroa, Regional Representative

Mr. Figueroa announced that the speaker for the July East Bay Division meeting would be Jim Wunderman.

9. Mayors' Time

Walnut Creek Mayor Rainey reported that the new Walnut Creek Downtown Library would be officially opened on July 17th with the August 5th Mayors' Conference meeting scheduled at the facility.

Oakley Mayor Anderson announced that Oakley was celebrating its 11th anniversary.

Danville Vice Mayor Stepper announced the ground breaking for the new Danville Veterans Hall.

San Pablo Mayor McNeil announced this would be his last meeting representing San Pablo as its mayor as the Council will be conducting their annual reorganization in July and he anticipated that Vice Mayor Calloway would become their new mayor.

10. County Supervisor's Time

Contra Costa Supervisor Uilkema welcomed the Conference to District 2. She reported that earlier in the day the County Assessor's Office released earlier the new assessed valuation figures. She summarized the changes in the valuations and provided a copy to Executive Director Blubaugh to email to Conference delegates.

11. Public Communications

Tina King Neuhausel, Executive Director, Sustainable Contra Costa, announced and invited everyone to the upcoming 2010 Sustainable Contra Costa Awards Gala on September 29th.

12. Welcome to Pinole by Mayor Debbie Long

Pinole Mayor Debbie Long welcomed the Conference to the City of Pinole and introduced current and former Pinole Mayors and Councilmembers and City staff.

13. Adjourn to August 5 meeting in Walnut Creek

The meeting was adjourned at 8:40 p.m. to the next regular Conference meeting to be held in Walnut Creek on August 5, 2010.

Respectfully submitted,

Don Blubaugh
Executive Director