

Vice mayor announces intent to participate in Deerhill Road development decisions



Photo Jeff Heyman, city of Lafayette

The vice mayor (center) read her statement of intent to participate in decisions on the Terraces at the beginning of the Aug. 12 city council meeting.

By Pippa Fisher

Lafayette Vice Mayor Susan Candell surprised many in attendance at the Aug. 12 city council meeting with a statement announcing that having sought her own independent legal counsel, she now intends to participate in future discussions and decisions regarding the controversial Deerhill Road housing development known as the Terraces.

“On the matter of the Terraces,” said Candell, “I have retained my own counsel to give me legal advice and I have been told that my earlier recusal was not necessary as a matter of law. I am, therefore, going to participate in all matters related to the Terraces going forward.”

Candell explained, “I retained this legal advice from Steve Churchwell, of Churchwell, White LLP in Sacramento. The reason I chose him, along with his many legal accomplishments including two 7-0 victories in the California Supreme Court, is that he was the general counsel for the Fair Political Practices Commission, the FPCC, from 1993 to 2000. He therefore is an expert in ethics and conflicts of interest cases such as mine.”

Candell, whose springboard to running for office in 2018 was her involvement opposing both the proposed 315-unit apartments and then the later-modified 44 single-family homes (which, following the defeat of Measure L, led to the developer O’Brien Homes reinstating the initial apartments project), had been advised by Attorney Robert

Hodil of Coblenz, Patch, Duffy and Bass – the outside counsel hired by the city – that she should recuse herself on all matters pertaining to the project.

The developer’s attorney, Bryan W. Wenter of Miller Starr Regalia, was quick to respond.

“Lafayette residents are well aware that Ms. Candell actively opposed the project for the past seven years, which we freely acknowledge was her right as a private citizen,” said Wenter. “As an elected official, however, Council Member Candell took an oath to support the federal and state constitutions, both of which provide us the right to fair and unbiased decision-makers. Council Member Candell’s long and vocal opposition to the project demonstrates her bias and nothing in the law supports her participation in any aspect of evaluating the Terraces.”

Noting that Candell’s decision goes against the city’s counsel, Wenter continued, “Should she ultimately participate, her decision will raise the city’s risk and conflict with the advice provided by the city’s special land use counsel, who has explained that ‘Council Member Candell has agreed to recuse herself due to her past opposition to the Terraces of Lafayette project.’”

Michael Griffiths, of the preservationist group Save Lafayette that has opposed Deerhill Road development, says Candell’s statement speaks for itself.

At the time of going to press, Mayor Mike Anderson said the city did not have any comment to make yet, although was expected to soon.

National Night Out – gaining popularity in community



Photo provided

Neighbors gather Aug. 6 as police officers and first responders visit community events during National Night Out.

This year’s National Night Out on Aug. 6 saw five separate events across Lafayette, with a total of 90 people attending gatherings on Mt. Diablo Boulevard, South Silver Springs Road, Solana Court, Black Forest Court, and at Lafayette Pointe. Several other events were held in Lamorinda.

One of them was even a lemonade stand organized by an enterprising young resident. Police officers including Chief Ben Alldritt made a point of stopping by

all Lafayette events, taking the opportunity to inform residents about the Community Awareness System, and wildfire preparedness and evacuation.

Also in attendance along with first responders were City Manager Niroop Srivatsa, Council Member Cam Burks, Crime Commissioner Larry Bellusa, and Emergency Preparedness Commissioners Carol Yates and Michael Melewicz.

- P. Fisher



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