

From: [Art Liberman](#)
To: [Council, City](#)
Subject: Regarding City Protocols Handbook and Council Member ethical responsibilities
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This email is in connection with the update to the City Protocols Handbook, item #17 on the agenda of the Nov 27, 2023 City Council meeting.

What do you do, Council Members, if a fellow Council member has a personal conflict of interest but does not recuse him or herself?

The previous version of the City Protocols Handbook had an Ethics Addendum which stated: "members shall not use their official positions to influence decisions in which they have a material financial interest or where they have an organizational responsibility or **personal relationship**, which may give the appearance of a conflict of interest."

The version adopted in April relies on State Law and the FPPC whose recusal requirements state: "Certain officials (including city council members ..) ...must disqualify from decisions made at a public meeting...and must publicly identify a conflict of interest and leave the room before the item is discussed."

So, if a Councilmember has a conflict of interest and does not recuse, that Council member is in violation of state law.

Palo Alto Council Members have been careful to recuse themselves when they have a business or financial connection to a party connected with an issue before the Council. However, a certain member of the City Council has not acted in an appropriate manner when it comes to personal relationships.

I will give you some details, but first some background. In 2006, a plume of nitric acid vapor was released from what was then CPI's recently rebuilt plating shop, which abuts homes on Chimalus Drive in Barron Park. For 10 years, I led the neighborhood effort to find a resolution to the issue of having a plating shop storing and using large amounts of hazardous materials so close to residents' homes. I worked with City of Palo Alto consultants, Stanford Real Estate, the Fire Department, the Planning Department, and the County Hazardous Materials officials. This effort involved many appearances by me and other neighbors before the City Council. In 2016, the Council approved and CPI signed an Amortization agreement.

Council Member **Pat Burt** was on the City Council during this time, including a period as Mayor. **Pat Burt** had several personal conflicts of interest but he never recused himself. Let me list those I know of:

- 1) Pat Burt was a professional associate of Jim Miille, the consultant for CPI who redesigned the CPI plating shop

- 2) Pat Burt and Jim Mille wrote articles together and co-authored a book.
- 3) Pat Burt was the president, until 2010, of a plating company
- 4) Pat Burt knew the plating personnel and plating operation at CPI from having been, at one time, the president of the Metal Finishing Association of Northern California, a professional association of metal plating companies.
- 5) Pat Burt had a personal relationship with CPI's then President, Bob Fickett, a friend of his brother-in-law

Pat Burt never disclosed these personal conflicts of interest with the public, nor did he recuse himself from the discussions about hazardous materials at CPI. I don't know if he discussed these personal conflict-of-interest issues with the City Attorney or with the FPPC.

Pat Burt has contributed to the citizens of Palo Alto through his public service. But ignoring his conflicts of interest and not recusing from the discussions about CPI was a grave ethical lapse. A black mark will remain next to his name, as a permanent stain on his legacy.

Let me ask you: What will you do if an issue like the one I described comes before you again?

Arthur Liberman
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