

COASTSIDE COUNTY WATER DISTRICT

766 Main Street

Half Moon Bay, CA 94019

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS

January 28, 2003 - 5:30 p.m.

- 1) **ROLL CALL:** President John Muller called the meeting to order at 5:34 p.m. Present at roll call were Directors Jim Larimer and Chris Mickelsen. Director Eleanor Wittrup was absent due to a family emergency. Also present were Ed Schmidt, General Manager; Anthony Condotti, Legal Counsel; Elias Borba, acting Superintendent of Operations; JoAnne Whelen, Executive Secretary and acting Recording Secretary for tonight's meeting; Gina Brazil, Office Manager; Anne Marie McGraw, Senior Associate, and Lisa Whitman, Lead Planner, from Essex Environmental; and two candidates for the open Director's position on the Board, Everett Ascher and Ric Lohman. There were approximately six people in the audience.
- 2) **PLEDGE OF ALLEGIANCE:** Everyone stood for the Pledge of Allegiance.
- 3) **APPROVAL OF THE AGENDA:** President Muller asked that Mr. Condotti give some background on the criteria for a "Special Meeting" of the Board. Mr. Condotti gave an explanation of the Brown Act, the statute which governs the notice and agenda requirements for special Board meetings. He cautioned the Board that they should confine their discussions during this meeting to agenda items only and, although members of the public may speak at a special meeting, Board members are prohibited by the Brown Act from discussion or deliberation regarding any items addressed by any speaker. President Muller then called for a Motion that the Agenda for the meeting be approved with an amendment added to allow for a public forum for comments only.

ON MOTION by Director Mickelsen, seconded by Director Larimer, the Board voted unanimously to approve the Agenda for the Special Meeting with the addition of an amendment to allow for a public forum to hear comments only.

- 4) **SPECIAL ORDER OF BUSINESS:** Prior to discussion of Item A, the Board heard from the following member of the public:

Paul McGregor, 171 Coronado, Half Moon Bay addressed the Board regarding the issue of the sale of American Water. He explained that a number of his neighbors would want to see the CCWD purchase American Water because they believe the CCWD would manage it appropriately.

A. Discussion and interview of applicants and possible appointment to fill vacant Board position; alternatively, Consideration of Call for an Election for the November 2003 Ballot

The General Manger explained that the application process had been open to the public until 5:30 p.m. this evening, and that there were two candidates present this evening, Mr. Everett Ascher and Mr. Ric Lohman. He further explained that candidates would be interviewed individually, with the other candidate waiting in an adjacent room.

Larry Kay, Half Moon Bay asked to speak. He reminded the Board that previously, applicants were interviewed separately by the Board.

Mr. Lohman volunteered to step out of the room and allow Mr. Ascher to be interviewed first.

The Board then interviewed the following candidates by allowing them to make a brief introduction of their qualifications and experience and then presented questions for their response.

Everett Ascher, 114 Cypress Point Road, Half Moon Bay

Richard B. Lohman, 420 First Avenue, Half Moon Bay

President Muller, Director Mickelsen and Director Larimer spoke about phone calls they had received from associates of Mr. Lohman in support of Mr. Lohman's candidacy for the Board position.

Leonard Woren, El Granada, spoke regarding his support of holding an election for the vacant Board position, his opposition to the appointment of a new Board member, and his personal support of Ric Lohman.

Director Mickelsen re-visited the questions he had asked of the two candidates and then discussed his qualifications, beliefs and practices in serving on the Board. Director Larimer made comments regarding issues of importance to him as a CCWD Board member and specifically addressed the important issue of the 16-inch El Granada Transmission pipeline. President Muller thanked the candidates for submitting their applications and making presentations to the Board, and commended their public service, stating that he felt both were good candidates that are committed to the Board. He then nominated Ric Lohman, to which there was no second. Director Larimer then nominated Everett Ascher and Director Mickelsen seconded the nomination. Mr. Condotti stated that because the Board had three members in attendance this evening, it would require a majority vote for the nomination to pass.

The roll call vote to accept the nomination of Everett Ascher to the vacant Director position on the Board was as follows:

Director Larimer	Aye
Director Mickelsen	Aye
President Muller	Aye

President Muller congratulated Mr. Ascher in his nomination to the Board of Directors.

The Board then took a brief break so that the Essex Environmental presentation could be set up.

B. A presentation titled “Overview of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) presented by the staff from Essex Environmental

Ms. Anne Marie McGraw, Senior Associate, and Ms. Lisa Whitman, Lead Planner, presented an overview and comparison of the policies, processes and wetlands regulations of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). In addition, they presented information about the U. S. Army Corps of Engineers, which regulates all U. S. waters. Following their presentation, Ms. McGraw and Ms. Whitman took questions from the Board. In addition, the following members of the public spoke:

Keith Mangold, El Granda, questioned the presenters regarding the statute of limitations in regards to a negative declaration that could be proven wrong.

Leonard Woren, El Granada, asked about the kinds of things on the coast that come under NEPA and what kinds of penalties could be assessed if a CEQA process was not followed.

President Muller thanked the presenters for a very informative and professional presentation.

C. Consideration of an amendment to Section 4.05 “Health Insurance” of Coastside County Water District Personnel Manual concerning Kaiser Health Plan Coverage

Mr. Condotti presented an overview of the District’s employee health insurance plans, currently with Blue Cross and Kaiser, stating that the purpose of addressing this issue is to consider a resolution clarifying the language in the Personnel Manual used to interpret the difference in comparable rates that are used in determining any employee related costs for coverage in the Kaiser plan. Following discussion among the Board members and some input from Mr. Condotti, President Muller called for a vote to accept the amendment.

ON MOTION by Director Larimer and seconded by Director Mickelsen, the Board voted unanimously by roll call vote to accept the amendment to Section 4.05 of the CCWD Personnel Manual concerning Kaiser Health Plan Coverage.

- 5) **ADJOURN:** The Special Meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Ed Schmidt, General Manager

APPROVED:

John Muller, President

