



TOWN OF DISCOVERY BAY CSD

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Board Members

President-Ray Tetreault
Vice President-Mark Simon
Director-David Piepho

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MINUTES OF A SPECIAL MEETING OF THE BOARD OF THE DIRECTORS OF THE TOWN OF DISCOVERY BAY CSD

WEDNESDAY, November 11, 2009 at 7:00p.m.

1800 Willow Lake Road, Discovery Bay, California
Website address: www.townofdiscoverybay.org

SPECIAL MEETING at 7:00p.m.

A. ROLL CALL

1. President Tetreault called the meeting to order 7:00p.m.
2. President Tetreault led in the Pledge of Allegiance

Director Piepho asked for a moment of silence for the Veterans on Veterans Day.

General Manager Koehne called roll. All three directors were present.

B. NEW BUSINESS FOR BOARD CONSIDERATION

1. **Discussion and Action to fill Two (2) Vacant Board of Director Positions by Appointment by the Board of Directors, or, in the Alternative, to call a Special Election to fill said Vacancies (Board)** President Tetreault asked for a motion to reopen nominations. Vice-President Simon motioned to reopen nominations. President Tetreault 2nd the motion. The motion failed. (2 ayes, 1 no-Director Piepho, 0 abstain) President Tetreault called for the vote on single persons. Legal Counsel asked to have which position is to be filled with the vote. President Tetreault stated that this vote was to fill Shannon Murphy-Teixera's vacancy. He called for a vote on Mr. Graves. Director Piepho commented that he is not in favor of voting for a single person. He stated that he will be voting no, but his vote is not for the candidate but for the process. The vote failed. (2 ayes, 1 no-Director Piepho, 0 abstain) President Tetreault called for the vote on Mr. Dawson. The vote failed. (0 ayes, 3 nos, 0 abstain) Vice-President Simon made a motion to call a Special Election to fill the vacancies on the CSD board. President Tetreault 2nd the motion. Bud Kyle commented that it did not make any sense to hold a costly Special Election when there were nine (9) candidates. Director Piepho commented that the board members did not create the situation, but that they are trying to work through the process. He commented that when they left the last meeting he had asked for it to be continued and during that time one of the nominees dropped out

so there are now two (2) nominees for two (2) positions. He stated he would not be in favor of having the district spend the money on a Special Election. The motion failed. (2 ayes, 1 no-Director Piepho, 0 abstain) Legal Counsel explained what the next steps were now that the board did not vote in any directors. He stated that Shannon's sixty (60) day period is up on the 17th of November, within thirty (30) days after that the Board of Supervisor's must either appoint a person or direct the district to hold a Special Election. He stated that the same would apply for Dave Dove's position except that his time is up on the 25th of November. Director Piepho stated he would be available to meet if they would like to continue this item again. There was discussion about voting in one candidate. President Tetreault commented that he feels it would be another hand to work on the board if they vote in the one person at least. Jeff Barber commented about the fact that if this goes to Special Election that it would not happen until April and that would leave the board short handed for all that time. Bobbie Nugent commented about the great candidates and that with two (2) positions, if one gets elected then that person gets to vote when the open positions were equal to begin with. She asked if they would be open to re-interviewing the two (2) candidates to see if they could change the boards mind. An audience member commented that there were eight (8) candidates and he wondered why they are not bringing back the other candidates. President Tetreault stated that the nominations were not able to be opened again because of the previous vote. Pat Richardson stated that she did not understand why they could not work it out. Bud Kyle commented that the person that will be appointed will only be in office for a short time if they wait until the election. Director Piepho commented that he was not in favor of opening the nominations because at the last meeting after the nominations and vote, all candidates that were not chosen, left the meeting. Walter MacVittie commented about the fact that he had attended many other meetings and has stayed late and that it was a cheap shot. Bob Mankin commented about the temperament that caused the two (2) directors to resign and that they are now talking about spending a large amount of money on a Special Election leaving an eight (8) month window for the person who gets elected and that there is no one compromising. Mark Doran asked if the process of not voting for just one (1) person at a time violated anyone's civil rights. Legal Counsel responded that he was not aware of any civil rights law that a candidate has a right to be voted on. He further stated that this is an appointment not an election and the election laws do not apply to the appointment process. Jennifer Mixon commented that three (3) nominations were voted on unanimously and that the directors should stand behind their original nominations and appoints the two (2) candidates. Director Piepho made a motion to vote on Mr. Graves and Mr. Dawson at the same time since those are the nominations in front of them. The motion was not 2nd. The motion failed.

2. **Discuss and Approve Comment letter on 2-Gates Fish Protection Demonstration Project (Simon)** Vice-President Simon stated he had written a letter which he then read. Director Piepho asked if they could add an addendum from our engineers. General Manager Koehne stated that he had contacted the District Engineer and they would be giving him a letter tomorrow so that it could be included with Vice-President Simon's letter. Director Piepho made a motion to put this letter on letterhead and send it with the addition from the engineers. President Tetreault 2nd the motion. The motion passed. (3 ayes, 0 nos, 0 abstain)

C. ADJOURNMENT

1. The meeting was adjourned at 7:26 pm to the next Regular meeting of November 18, 2009

Lh 11/11/09