

**MINUTES**  
**SAM REGULAR BOARD MEETING**  
**July 28, 2008**

**1. CALL TO ORDER:** Vice-Chair Fraser called the meeting to order at 7:04 p.m. at the SAM Administration Building, located at 1000 N. Cabrillo Highway, Half Moon Bay, CA.

**ROLL CALL:** Present: Muller, Fraser, Boyd, Harvey, Lohman, Woren  
Absent: None  
Alternate Present: None

**PRESENT:** Manager Foley, General Counsel Copeland, Recording Secretary Turbay, Tanya Yurovsky, Lisa Pezzino, Lou Wall, Bob Ptacek, Dave Dickson, James Larimer, George Muteff.

**1A. ATTORNEYS SPECIAL REPORT**

Manager Foley presented the staff report and memo from General Counsel Copeland addressing the question as to which Director should preside over the Board meetings. In that memo, Counsel Copeland opined that, as codified in California Government Code Section 1302, an officer whose term has expired continues to discharge the duties of his office until his successor has qualified. Director Woren asked what was the evidence that this provision applies below state-wide offices. Counsel Copeland stated that this statutory provision is codification of the common law policy against having a vacancy in public office. Director Harvey requested a clarification on the Board's appointment of an Interim Treasurer at its January 2008 Board meeting. Director Woren expressed his disagreement with Counsel Copeland's opinion and suggested SAM get another opinion. No Board action was taken.

**1B. ELECT SAM OFFICERS**

Vice-Chair Fraser opened the nominations for Chair. Director Muller nominated Director Fraser. There were no other nominations. The vote on the nomination for Fraser was 4 Ayes/4 Noes. The nomination did not pass.

**2. PUBLIC COMMENT/ ORAL COMMUNICATION - NONE**

**3. CLOSED SESSION - NONE**

**4. CONSENT AGENDA**

Director Harvey asked that Item A, Approve Minutes – June 23, 2008 SAM Board Meeting, be removed from the Consent Agenda for further discussion.

Director Muller moved and Director Harvey seconded the motion to approve the following Consent Agenda Items as presented:

- B. Receive and File Manager's Monthly Report for June 2008
  - a. Monthly Flow Report

- b. Financial Statements
- c. Monthly NPDES Permit Data
- d. Collection System Data
- e. Wet Weather Flow Management Program Grant Opportunities
- f. Recycled Water Program Grant Opportunities

C. Approve Disbursements – July 2008

Muller/Harvey/8 Ayes/0 Noes

**Consent Agenda Item A – Approve Minutes – June 23, 2008 SAM Board Meeting**

Director Harvey asked that Item 2A. Special Order of The Day – Election of SAM Officers, line 5 be changed. A period will be placed after the word year and the remainder of the sentence taken out. Director Boyd moved and Director Lohman seconded the motion that the minutes be approved as amended.

Boyd/Lohman/8 Ayes/0 Noes. The motion passed.

**5. OLD BUSINESS**

**5A. Discuss and Possibly Take Action on Recycled Water**

Manager Foley presented the staff report on recycled water and the articles attached therein. Following Manager Foley's presentation of the staff report, no Board action was taken.

**5B. Receive and File Progress Report on Recycled Water Study**

Manager Foley introduced Tanya Yurovsky of SRT Consultants. Ms. Yurovsky discussed the status of the recycled water study, and the proposed next steps. She advised the Board that her study on financial options will be ready for the August 25, 2008 Board meeting. A discussion ensued. Staff will be researching a pilot program, with reduced size of facilities, with the highest level of treatment that is practical and with an affordable product. Following discussion, no Board action was taken.

**6. NEW BUSINESS**

**6A. Review and Possibly Take Action on Grand Jury Reports**

Manager Foley reviewed the Grand Jury reports of July 10, 2008. He informed the Board that staff will send response letters and those letters will be found on the Grand Jury website when they have been submitted.

**6B. Wet Weather Flow Management Program Committee**

**6Ba. Receive Committee Report**

Director Lohman reviewed the Wet Weather Flow Management Program (WWFMP) Committee meeting of July 14, 2008. He requested that Directors Fraser and Muller schedule an update with

the HMB City Council to review the lower-cost project and reconsider financial participation in the project. A discussion ensued. Bob Ptacek, resident of Montara, addressed the Board regarding his concerns on project costs.

**6Bb. Approve Minutes – July 14, 2008 Wet Weather Flow Management Program**

Director Boyd moved and Director Woren seconded the motion to approve the minutes for the July 14, 2008 WWFMP Committee meeting.

Boyd/Woren/4 Ayes/0 Noes. The motion passed. Vice-Chair Fraser commented that HMB does not vote on this item.

**6Bc. Review and Possibly Take Action on Wet Weather Flow Management Program**

The WWFMP Committee directed staff to proceed with CEQA work for the WWFMP.

**6C. Adopt Resolution No. 5-2008, A Resolution Honoring Montara Water & Sanitary District Upon Its Fiftieth (50<sup>th</sup>) Anniversary Commemoration**

Manager Foley presented Resolution No. 5-2008, A Resolution Honoring Montara Water & Sanitary District Upon Its Fiftieth (50<sup>th</sup>) Anniversary Commemoration. Director Fraser moved and Director Boyd seconded the motion to adopt resolution 5-2008.

Fraser/Boyd/8 Ayes/0 Noes. The motion passed.

**7. MANAGERS INFORMATIONAL REPORT**

Manager Foley reviewed and discussed the various topics in the staff report. A discussion ensued. Director Muller elaborated on the report's discussion of Mandatory Minimum Penalties (MMP). Manager Foley reported that SAM had one instance that may result in an MMP. Following discussion, no Board action was taken.

**8. ATTORNEY'S REPORT**

General Counsel Copeland informed the Board of a recent Appellate Court case in which the Tracy Press had asserted that e-mails between council members and third parties, on their personal computers through private e-mail accounts, were required to be produced under a Public Records Act request; Chapter 124 (SB1185), being emergency legislation, which automatically extends the expiration date under the Subdivision Map Act on existing tentative maps and vesting tentative maps; and a recent Appellate Court case where the court held that "payment under protest" was necessary before pursuing a claim for refund of sewer service fees collected under tax role asserted to be invalid.

**9. DIRECTORS' REPORT - NONE**

**10. TOPICS FOR FUTURE DISCUSSION**

Director Woren requested that staff schedule an agenda item to discuss the televising of SAM Board meetings.

**11. PUBLIC COMMENT/ORAL COMMUNICATION - NONE**

**12. ADJOURNMENT**

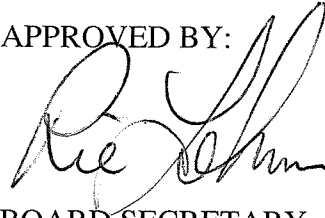
The meeting was adjourned at 8:40 P.M., to the regular SAM Board meeting scheduled for August 25, 2008.

Respectfully submitted,



Recording Secretary  
Susan Turbay

APPROVED BY:



BOARD SECRETARY