

~~SECRET~~

C.19
12-8-09

Mary Piepho/BOS/CCC

12/07/2009 09:32 PM

To David Twa/CAO/CCC@CCC

cc Kathy Sinclair/COB/CCC@CCC, Susan
Bonilla/BOS/CCC@CCC, Tomi Van de
Brooke/BOS/CCC@CCC, Lea Castleberry/BOS/CCC@CCC,
bcc

Subject For Tuesday 12-8 Fw: Discovery Bay CSD Selection

FYI for tomorrow's meeting and the public record. Please share with board members at the dais. M.

Supervisor Mary N. Piepho
Contra Costa County, District III
Ph: (925) 820-8683 or (925) 240-7260
Fax: (925) 820-6627

----- Forwarded by Mary Piepho/BOS/CCC on 12/07/2009 09:31 PM -----



Michael McCleery
<mmccleery@sbcglobal.net>

12/07/2009 02:38 PM

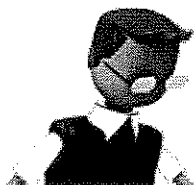
To MPiep@bos.cccounty.us

cc

Subject Discovery Bay CSD Selection

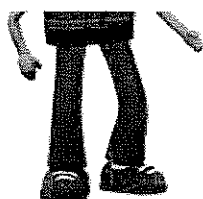
Supervisor Piepho: I have received several emails today from people who think I have been misquoted and do not support the two remaining candidates for the open CSD positions. I want you to know that I DO SUPPORT both Brian Dawson and Kevin Graves. In fact, one of the reasons I withdrew my name was I felt both of the other two candidates were more experienced at Discovery Bay governance than I was.

I am amazed at the internet blogs that dig up dirt about CSD, especially about Brian Dawson. People here in "Drama Bay" seem to feel he is not qualified because he is a smoker, a renter, and a comic book artist. I think he could reach out to a younger portion of our population and maybe help get the community center started. OK....he needs to quit smoking! This is only for a one year time frame before elections. Right now, the Board is paralyzed with a requirement for a unanimous vote.



Thank you,

Mike McCleery



Mary Piepho/BOS/CCC

12/07/2009 10:44 PM

To David Twa/CAO/CCC@CCC

cc Kathy Sinclair/COB/CCC@CCC, Susan
Bonilla/BOS/CCC@CCC, Lea Castleberry/BOS/CCC@CCC,
Tomi Van de Brooke/BOS/CCC@CCC, Karyn
bcc

Subject Fw: No Special Election!

David, For the public record and Supervisor's for tomorrow's meeting. Thank you, M.

Supervisor Mary N. Piepho
Contra Costa County, District III
Ph: (925) 820-8683 or (925) 240-7260
Fax: (925) 820-6627

----- Forwarded by Mary Piepho/BOS/CCC on 12/07/2009 10:44 PM -----



Jannine Becker
<janninebecker@yahoo.com>

11/26/2009 07:27 PM

To Dist4@bos.cccounty.us, dist5@bos.cccounty.us,
Dist1@bos.cccounty.us, gayle@bos.cccounty.us,
MPiep@bos.cccounty.us

cc

Subject No Special Election!

Dear County Supervisors,

I am writing in regard to the attempt by two members of the DBCSD, rather than accepting the two nominees in front of them (to fill two vacancies!), to push the appointments to a .Special Election., and why it is so unnecessary. I pray you see how ridiculous the whole idea is.

I have been a Discovery Bay resident for nine years and this is the first time I can say I am ashamed of the town leaders. Here we have two very intelligent men that actually care about the community they live in. One of the nominees, Brian Dawson, not only cares but he is passionate about making Discovery Bay the best it can be. He's not trying to bring crime in (we have that already), he's not trying to bring division into the community (we already have that also). In fact he recently went in front of the board on behalf of the young men (my son included) who live in the Centex Development - and encouraged them to speak to the board themselves - in his attempt to move forward the Regatta Park basketball court. Already he is thinking improvement of the quality of life here. That's the kind of person we need on the board, the kind of person that thinks of good change. He is trying to change the bad and work on making it better a better place to "live where you play" as Discovery bay is known for.

I wonder if the residents who sport that famous expression on their license plates have any idea how shameful their city leaders act on Wednesday evenings. I wonder if they read all the inaccuracies plastered all over the local newspaper blog that completely degrade his

character, as well as the character of other leaders and community members. I am sure if all the residents in DB knew what was going on here they would be outraged – especially at the fact that some of our town leaders were pushing for a .Special Election. because they apparently don't like one of the nominees personally. Shouldn't they be more concerned with his abilities than what he drives, or what he does for a living....these have all been part of the slander they write about him. Never once have they been able to say that he cannot do the job!

So they want to spend who knows how many thousands of dollars for a special election? Are you kidding me? We have two seats available and two candidates eager to take part in making this town better. Am I the only one who sees that this is a no brainer? Why spend money in an economy such as this when the problem is already solved? Let's stop this nonsense talk of a .Special Election. and move on to more important issues. This is obviously the goal of the two candidates the board nominated. I hope you make it yours as well.

Thank you in advance for your consideration of this matter.

Sincerely,

Jannine Becker

Mary Piepho/BOS/CCC

12/07/2009 10:43 PM

To David Twa/CAO/CCC@CCC

cc Kathy Sinclair/COB/CCC@CCC, Susan Bonilla/BOS/CCC@CCC, Tomi Van de Brooke/BOS/CCC@CCC, Lea Castleberry/BOS/CCC@CCC,
bcc

Subject Fw: Discovery Bay CSD Appointments

David, FYI for tomorrow's meeting and the public record. Please make sure Supervisors have copies of the dais in the morning. M.

Supervisor Mary N. Piepho
Contra Costa County, District III
Ph: (925) 820-8683 or (925) 240-7260
Fax: (925) 820-6627

----- Forwarded by Mary Piepho/BOS/CCC on 12/07/2009 10:42 PM -----



"Jennifer Finetti"
<jen@niacreative.com>

11/18/2009 02:21 PM

To <MPiep@bos.cccounty.us>

cc

Subject Discovery Bay CSD Appointments

Dear Supervisor Piepho,

I am writing to you regarding the 2 open seats on the Discovery Bay Community Services District (CSD) Board.

As you may know, the appointment process has not gone well and now the decision will be made by the Board of Supervisors. Given this is the situation, as a resident of Discovery Bay, I feel compelled to share with you a few thoughts:

- We have 2 open seats, and 2 nominees. Both nominees (Kevin Graves and Brian Dawson) are well-qualified for the position, and it would seem that the CSD should have appointed both nominees to the available seats. There had been a 3rd nominee, but he dropped out so that would leave just Graves and Dawson.
- All 3 CSD Directors (President Ray Tetreault, Vice President Mark Simon and Director David Piepho) supported the appointment of Mr. Graves.
- Initially President Tetreault and Director Piepho supported the appointment of Mr. Dawson, while Vice President Mark Simon voted "no" on his appointment. Then in a follow-up meeting, President Tetreault voted "no" along with Vice President Mark Simon.
 - When asked why he voted "no" on Mr. Dawson, Vice President Mark Simon indicated he was concerned that Dawson had not lived in Discovery Bay for a long time and felt that he didn't have strong enough ties to the community. He did not indicate any other reason for not supporting Dawson's appointment.
 - President Tetreault did not comment on why he changed his vote.

I reviewed the flyer calling for applicants when the seats were first vacated, and the flyer listed no requirements regarding length of residency or a specific need for certain ties to the community. In fact, right now the CSD is searching for a new General Manager for the Town, and Discovery Bay residency isn't even required for that position.

Additionally, it should be noted that I was a candidate for the CSD in the 2008 election. When I ran for the Board, I had only lived in Discovery Bay since August of 2006, and I moved here with my husband and children simply because we wanted to live in Discovery Bay. We had no other friends or relatives who lived anywhere in East County. There were no stipulations that I must have resided in the Town for a certain number of years, nor were there any stipulations that I must have been a regular attendee of CSD meetings. And in fact, I received endorsements for my candidacy from Supervisor Mary Piepho, 3 CSD Directors, Byron Union School District Superintendent Eric Prater and ALL members of the Byron Union School District School Board. Clearly my shorter residency was not a deterrent to our local elected officials who felt that I was well-qualified to be a CSD Director.

Here are the facts:

- Brian Dawson DOES live in Discovery Bay.
- Mr. Dawson is married and he and his wife have 2 children. One of their children is school-aged and attends Discovery Bay Elementary.
- Mr. Dawson was born and raised in the Bay Area. He moved out of state for a few years and then moved to Discovery Bay where his parents and siblings have lived for many years. He chose Discovery Bay specifically because of those family ties, and because he wanted to raise his children in a safe town near his extended family.
- Mr. Dawson has attended nearly every CSD meeting since moving to Discovery Bay. He is well-aware of the issues facing our community, and has participated actively in meetings as well as made valuable contributions to the community via that participation. I feel confident that I can state that Dawson has attended more CSD meetings since he has lived in Discovery Bay than most lifelong-Discovery Bay residents have attended in all the years they have lived here.
- Mr. Dawson has been active politically prior to living in Discovery Bay, and has had a long-standing interest in public service.

Based on these facts, I do feel that Vice President Mark Simon's perspective was not based on Brian Dawson's actual situation, but instead was based on rumor and innuendo. As I think the Board of Supervisors is aware, there is a small group of individuals who have continually badgered our CSD Board in an attempt to take control over our town's governance. This may sound bizarre, and it truly is.

- These individuals have pretty much crippled our Town staff by endless PRA requests as well as lawsuits and threats of litigation. These individuals - led by Bill Richardson, Don Flint and Jeff Barber - wreak havoc at CSD meetings and have harassed the Directors in our local newspaper and in blogs etc. This has been going on for the last few years, but has gotten steadily worse over the last 2 years with no end in sight. In fact, it is well-known in our community that these issues were the cause of the resignations of Shannon Murphy-Teixeira and Dave Dove, which then left us with the 2 open seats that we now need to fill.
- As you might expect, this small group of individuals objects to Brian Dawson's appointment to the Board, yet the individuals do not have anything factual or credible that supports their perspective. They simply don't want him on the CSD Board.

Those who support Mr. Dawson appreciate his qualifications, and also appreciate the fact that he represents a broader Discovery Bay:

- Currently there are no CSD Directors who live in Discovery Bay West, an expansive section of

our community with thousands of residents whose views are not currently represented by the present makeup of the CSD.

- Mr. Dawson also represents young families, an ever-growing contingent in our community.
- Mr. Dawson is not a wealthy homeowner living on deep water, nor does he own a boat. Again, he represents thousands in our community who feel their voices are not heard due to their working-class/middle income status.

One could infer that the reason that a small handful of folks don't want Mr. Dawson on the Board is simply BECAUSE he represents a broader Discovery Bay. But our community needs to be INCLUSIVE rather than exclusive.

I encourage the Board of Supervisors to appoint both of our current nominees, Kevin Graves and Brian Dawson, to fill the 2 open seats on our CSD Board. Both nominees will do a fine job of representing our community and getting the Town's business done.

Thank you for taking the time to view my email - feel free to contact me if you have questions or would like further clarification on my perspective.

Sincerely,

Jennifer Finetti
6454 Green Castle Circle
Discovery Bay, CA 94505
Home: 925-634-8099
Cell: 408-838-7704

Mary Piepho/BOS/CCC

12/07/2009 10:42 PM

To David Twa/CAO/CCC@CCC

cc Kathy Sinclair/COB/CCC@CCC, Susan Bonilla/BOS/CCC@CCC, Tomi Van de Brooke/BOS/CCC@CCC, Lea Castleberry/BOS/CCC@CCC,
bcc

Subject Fw: CSD Board appointments for Town of Discovery Bay

David, for tomorrow's meeting and the public record. Please make sure Supervisor's have copies at the dais in the morning. M.

Supervisor Mary N. Piepho
Contra Costa County, District III
Ph: (925) 820-8683 or (925) 240-7260
Fax: (925) 820-6627

----- Forwarded by Mary Piepho/BOS/CCC on 12/07/2009 10:41 PM -----



"Chris Finetti"
<chris@niacreative.com>

12/01/2009 12:01 AM

To <MPiep@bos.cccounty.us>

cc

Subject CSD Board appointments for Town of Discovery Bay

Dear Supervisor Piepho,

I am writing to you and the entire BOS in regards to the 2 open seats here on the Discovery Bay Community Services District (CSD) Board.

The fact that the decision is now in your hands is due to a culmination of events that, as a resident of Discovery Bay, I am not proud to mention but inclined to offer input, as I believe that I can add perspective to the unfortunate situation we find ourselves in. Basically, it comes down to a little disagreement, as well as a little ego flexing between the 3 remaining CSD directors regarding the final 2 nominees.

Originally, this decision was understandably more challenging, as there were 3 nominees - Kevin Graves, Mike McCleery and Brian Dawson - chosen from amongst the applicants. But once Mike McCleery dropped out a day after being nominated, the appointments of Kevin Graves and Brian Dawson should have been a CSD board slam-dunk. Unfortunately, the CSD Board has NOT been able to complete the task of appointing these 2 nominees to the 2 open seats due to disagreements regarding the process as well as disagreements over Candidate Dawson. These issues created a cascade of events that has placed the appointment decision in your hands.

I am writing this letter to respectfully urge the board to simply appoint the final 2 candidates (Brian Dawson and Kevin Graves) to the Discovery Bay CSD. I believe not doing so would represent a measurable injustice to the democratic process as well as indirect support of prejudicial behavior, which I believe occurred here in our little town - albeit unintentional, acceptable does it not make.

Before I state facts supporting my belief I want to state for the record that I think the three existing CSD directors are not only qualified for the honorable positions they serve but that

they have done an outstanding job communicating with each other and the people of Discovery Bay in the absence of the 2 resigned directors. In spite of some formidable barriers they have agreed unanimously on almost every vote for months and did so before the vacancies occurred. I say this to illustrate that I hold no allegiance to any particular CSD director. I have had ongoing communications with all of them since at least the last election and I enjoy their capacity to talk about the issues that face us locally and statewide.

With that said, here are the facts as I see them:

- Two seats became available due to resignations of existing board members.
- The CSD posted a request for applicants for the position, and 9 people applied. All met the minimum qualifications as stated in the posting.
- On 11/04/09, the applicants were to present their statements and respond to questions at a public CSD meeting, 1 applicant withdrew his application and 1 was a no-show. As a result, there were then 7 applicants remaining.
- From those 7, three were nominated by the CSD Board based on the applicants' presentations and responses to questions. The Board voted to close nominations after they selected those 3 candidates. Presumably they closed nominations because they felt that the remaining 4 applicants were not as qualified.
- The Board attempted to appoint 2 of the 3 nominees; however, they could not agree on a process for nominations and could not agree on which 2 candidates should be appointed.
- A follow-up meeting was scheduled for 11/11 so that the CSD Directors could have another shot at coming to consensus, but on 11/05 – the very next morning, Candidate Mike McCleery formally withdrew his application:

"After being conflicted all night, I have come to the conclusion that I am too new to Discovery Bay and lack the experience to be an effective director," said McCleery. "There were nuances in last night's meeting that literally went over my head ... I would like to apologize profusely for dropping out at this late moment. I feel I was naïve and really didn't do my homework. I believe I need several years of working in the community before I would consider myself eligible for the position. I feel the other two candidates you have nominated to fill the vacancies understand the community better than I do. I would like to thank the directors for the honor of being nominated for the position."

Due to McCleery's withdrawal and outward support of the remaining 2 candidates, it seemed an easy decision for the Board to simply appoint the remaining candidates.

- Unfortunately, this did not occur and in fact, President Tetreault and Vice President Simon preferred to hold a special election. Director Piepho voted "no" to the special election and stated that he wanted to seat the remaining 2 candidates for the 2 open seats.

I am not certain why Director Simon did not want to seat Brian Dawson. He was unwilling to go on the record explaining the reason behind any of his votes for or against a nominee. From where I sit, Dawson is as qualified as the other nominees if not more so as he has attended nearly every CSD meeting since moving to Discovery Bay and has also contributed to the community through his participation in meetings as well as encouraging the Board to support a new basketball court in a park that is lacking in facilities for older youth. Based on what I have seen when in CSD meetings, Mr. Dawson has strong opinions, and perhaps

that bothers some members of the community. But those opinions are nearly always in SUPPORT of the current CSD Board and their accomplishments. As such, I am confused as to why Vice President Simon is reluctant to appoint him to the Board. I am even more confused as to why he and President Tetreault preferred to hold a special election rather than appointing Dawson and Graves to the Board. Considering the fact that Dawson and Graves would only be serving a few months before having to mount a re-election campaign to hold on to their seats, it seems to me it would be incredibly wasteful to hold a special election. This is even MORE wasteful when one considers that the election wouldn't be held until April, which is just 7 months before the November election. Appointing them both now would enable the community to gauge how well they might perform for the next term, and would also save the community the cost of a special election.

Even if you DO appoint these candidates to the Board and they turn out to be disastrous Directors, the 3 existing CSD Board members would have a majority vote ANYWAY so the likelihood of our community being run into the ground is extremely slim. And considering the fact that we have 2 open seats and only 2 remaining nominees, it seems like this decision is pretty straightforward and can be easily resolved. Therefore, I highly encourage the Board of Supervisors to appoint candidates Kevin Graves and Brian Dawson.

Sincerely,

Chris Finetti
Discovery Bay, CA

Mary Piepho/BOS/CCC

12/07/2009 10:39 PM

To David Twa/CAO/CCC@CCC

cc Kathy Sinclair/COB/CCC@CCC, Susan
Bonilla/BOS/CCC@CCC, Tomi Van de
Brooke/BOS/CCC@CCC, Karyn Cornell/BOS/CCC@CCC

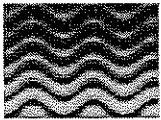
bcc

Subject Fw: Agenda item C-19 BOS meeting December 8, 2009

David, FYI for tomorrow's meeting. Please have copies available for Supervisors at the dais. M.

Supervisor Mary N. Piepho
Contra Costa County, District III
Ph: (925) 820-8683 or (925) 240-7260
Fax: (925) 820-6627

----- Forwarded by Mary Piepho/BOS/CCC on 12/07/2009 10:38 PM -----



Lea Castleberry/BOS/CCC

12/07/2009 01:30 PM

To mpiep@bos.cccounty.us

cc tvdb@bos.cccounty.us, kcorn@bos.cccounty.us

Subject Fw: Agenda item C-19 BOS meeting December 8, 2009

FYI - From Mark Simon

Lea Castleberry
Deputy Chief of Staff
Supervisor Mary N. Piepho
Contra Costa County District III
309 Diablo Road
Danville, CA 94526
Ph: (925) 820-8683
Fax: (925) 820-6627

----- Forwarded by Lea Castleberry/BOS/CCC on 12/07/2009 01:28 PM -----

BOS District3/BOS/CCC

12/07/2009 01:29 PM

To Lea Castleberry/BOS/CCC@CCC

cc

Subject Fw: Agenda item C-19 BOS meeting December 8, 2009

Office of Supervisor Mary N. Piepho
Contra Costa County, District III

309 Diablo Road
Danville, California 94526
Ph: (925) 820-8683
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181 Sand Creek Road, Suite L
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SUPERVISORIAL STAFF:

Tomi Van de Brooke, Chief of Staff
Lea Castleberry, Deputy Chief of Staff
Marion Murphy, Scheduler/Office Operations
Karyn Cornell, East County Field Representative
Jennifer Quallick, South County Field Representative

----- Forwarded by BOS District3/BOS/CCC on 12/07/2009 01:24 PM -----

"Mark Simon (Hotmail)" <marsi1950@hotmail.com>

12/07/2009 08:12 AM

To <dist3@bos.cccounty.us>

cc

Subject Agenda item C-19 BOS meeting December 8, 2009

Dear Supervisor Piepho,

My intention was to attend the BOS meeting scheduled for December 8, 2009 and to speak against the appointment of Brian Dawson to the CSD board. Unfortunately, I will not be able to attend the meeting and in lieu of that, I would like to make several points that will address my concerns with Mr. Dawson's consideration for our board vacancy.

First of all, as I'm sure you are unaware, Mr. Dawson addressed the full CSD Board last year and at that time, advised the board and the residents who were attending the meeting, that he could hack into the computer of any board member or resident in less than half an hour. That statement was recorded along with the minutes and is available upon request. Furthermore, Mr. Dawson has on local blogs, (allthewaytodiscoverybay) invited those who disagree with his comments to settle the disagreement with a fistfight. I would also like to point out, that Mr. Dawson was in the Discovery Bay Town Offices parking lot with his shirt off, at the conclusion of our November 11, 2009 meeting, waiting to fistfight a resident who had insulted him during that meeting. I believe the Board of Supervisors should also be made aware, that Mr. Dawson has had contact with a local resident, which resulted in that resident feeling afraid for his and his families safety and finding it necessary to file a report with our local Sheriffs office. Over the past two years, Mr. Dawson has owned and operated a vehicle that per his own admission, was illegal in the State of California. The vehicle was operated on Florida license plates, even though Mr. Dawson claimed his residence is here in California. Since applying for the CSD Board opening, Mr. Dawson has now registered his vehicle. I believe the State of California is owed registration, smog and penalties for the two years the car was not legally registered in this state. Does Brian Dawson really sound like the type of candidate, you would feel comfortable appointing to an important position such as CSD Director for a growing town.

During the nomination process for CSD director, Mr. Dawson was rejected by the majority of the board. The only support he received was from your husband Director David Piepho. To say the least Supervisor Piepho, I am deeply concerned that will play a major role in Mr. Dawson's appointment and that appointment will go against the wishes of the board majority. I believe that appointing Brian Dawson to the CSD Board by our county supervisors, will be a direct slap in the face to the CSD Board and to the residents of Discovery Bay. I have received numerous emails and phone calls from concerned residents who do not want Brian Dawson appointed to the CSD Board.

I would like to suggest, that if it is possible, the board should consider appointing one candidate and then extending the time limit to appoint the second candidate by thirty days. By doing this, the CSD board will now have four voting members making the voting process much easier to conclude. Mr. Graves is a candidate that the entire CSD board was in agreement on and I feel that by seating him first, the CSD board would be able to nominate and elect a fifth board member without the Board of Supervisors having to make the final appointment. Appointing Brian Dawson to the CSD Board will serve no purpose, other than to divide the existing members and the community.

In the event that extending the nomination process is not possible, I would suggest, that the Board of Supervisors appoint Kevin Graves to the CSD Board and then request that the CSD Board hold one more special meeting before December 28, 2009 to fill the last vacancy. In conclusion Supervisor Piepho, I urge you to not support the appointment of Brian Dawson to the Discovery Bay Community Services Board.

Sincerely,
Mark Simon
Vice President
Town of Discovery Bay
Community Service District

Mary Piepho/BOS/CCC

12/07/2009 09:42 PM

To David Twa/CAO/CCC@CCC

cc Kathy Sinclair/COB/CCC@CCC, Susan Bonilla/BOS/CCC@CCC, Tomi Van de Brooke/BOS/CCC@CCC, Lea Castleberry/BOS/CCC@CCC,
bcc

Subject Fw: Agenda Item C.19 from 12/8/2009 Agenda - Discovery Bay CSD Appointments

FYI for tomorrow's meeting and Supervisor's reference at the dais. Please make copies available for board members. M.

Supervisor Mary N. Piepho
Contra Costa County, District III
Ph: (925) 820-8683 or (925) 240-7260
Fax: (925) 820-6627

----- Forwarded by Mary Piepho/BOS/CCC on 12/07/2009 09:41 PM -----



"Don Flint"
<dflint@klsglobal.com>

12/07/2009 12:25 PM

Please respond to
<dflint@klsglobal.com>

To <jgioi@bos.cccounty.us>, <gayle@bos.cccounty.us>, <fglov@bos.cccounty.us>, <sboni@bos.cccounty.us>, <MPiep@bos.cccounty.us>

cc

Subject Agenda Item C.19 from 12/8/2009 Agenda - Discovery Bay CSD Appointments

Honorable Supervisors,

Agenda Item C.19 from tomorrow's Consent Calendar references the appointment of the replacement directors for the DB-CSD. I have attached a copy. I ask that this item be removed from the Consent Calendar and be placed on the agenda for discussion.

I have previously expressed my suggestion that Supervisor Piepho publicly recuse herself from any decision making process at the County level regarding the Discovery Bay Community Services District (DB-CSD) director appointments prior to the meeting of November 6th. In failing to take action while the local district board was deliberating the issue Mary Piepho allowed the process to be corrupted by the conflict and incompatibility of office issues that results from her marriage to DB-CSD Director David Piepho and the boards upon which they serve.

The actions of the Piephos have made it essential that you give the utmost deference to the recommendations of DB-CSD President Ray Tetreault and Vice President Mark Simon.

The Piephos' conflict/incompatibility of office has unfortunately become central to the process. As I have demonstrated in my prior communication to you, Director David Piepho, with any lack of unanimity, would have the ability to bring the issue to his wife at the CCC-BOS. That being the case, Director Peipho simply became disagreeable and now the issue is coming before his wife and the CCC-BOS.

In this case, Director David Piepho insisted that the candidates be voted on in pairs rather than one at a time. I think it is clear that he did this so that he could ensure his candidate (Brian Dawson) was elected to the DB-CSD by the remaining directors or would be appointed by his wife at the CCC-BOS. The other directors did not want to vote for pairs of candidates, but Director Piepho insisted. He claimed that in his experience on other boards this was how it had been handled. He also claimed that that this was preferable under Roberts Rules of Order, but did not provide any specifics on these two claims of he

made.

After the stalemate he orchestrated was determined, Director Piepho stubbornly refused to reopen nomination despite the wishes of the Board majority. Now the situation appears clear, that with two nominations and two openings it is a fait accompli as the imbalance of power has led Director David Piepho to initiate these bazaar maneuvers to ensure his political will is followed. I hope when you review the situation you will see it for what it is and ensure that Mary and David Piepho are not allowed to force their candidate onto the board as a result of these orchestrated moves. Because of his wife's position, Director Piepho has certainly imposed his will on this issue – to a greater degree than his singular elected office is entitled. At this time it is essential that you give great credence to the opinions and wishes of the majority of the CSD which consists of President Ray Tetreault and Vice President Mark Simon.

Also, since your decision is indeed a political one, I will point out that Director David Piepho and Supervisor Mary Piepho supported the two candidates who were defeated by Directors Tetreault and Simon in last fall's election. This demonstrated a frustration and lack of confidence with the existing political atmosphere on the CSD board on which David Piepho has served since its inception. I believe these election results justify greater consideration to Tetreault and Simons' recommendations.

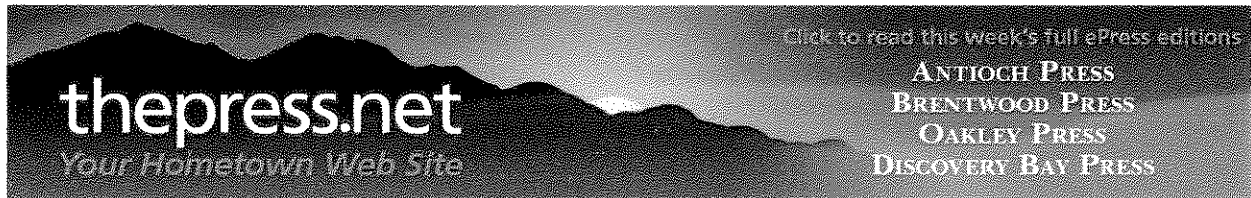
Supervisor Piepho could have helped alleviate this problem by publicly recusing herself from the process, but she did not. Given the situation that was caused by their marriage and Director Piepho's failure to take the appropriate steps to mitigate these concerns, it is necessary for you, the Board of Supervisors, to consider this issue very carefully.

Thank you,
Don Flint
2345 Wayfarer Drive
Discovery Bay, CA 94505



ag_memo_pdf_popup.pdf

~~SECRET~~
C.19
12-8-09



Editorial: Politics of destruction crippling Discovery Bay

Nov 27, 2009 |

Rick Lemyre, Editor

The dictionary defines the expression "collateral damage" as "damage unintended or incidental to the intended outcome." It originated with the United States military, but one need look no farther than the Town of Discovery Bay for an example that has resulted in the loss of some the town's autonomy.

The local example seems to have its roots about two years ago in a dispute over the Town's landscaping, what should be done to improve it, and who should be consulted in making the decisions. Resident Bill Richardson, whose offer to help was not accepted by the CSD Board of Directors, continued pressing his case that the issue was being poorly handled, sending increasingly voluminous and strident letters bemoaning the board's performance. As time went by, the focus of his effort increasingly became one director in particular: David Piepho.

Richardson's lament resulted in a lawsuit against the district alleging that CSD board violated the law by not recording meeting minutes properly, not conducting its business in public and acting without properly voting. After the town spent some \$100,000 to defend the suit, Richardson dropped it last November in return for the board's simple acknowledgement that there were laws governing its conduct. **No findings were made that the town had broken any of those laws.**

A Press editorial at the time said, "The entire episode was rife with personal attacks, name calling and disrupted meetings, and cost nearly \$200,000 in legal expenses on both sides. The reputation of the town as a whole suffered, as mean-spirited invective replaced reasonable discussion as a way to get things done. The case was likely a major reason residents elected a pair of new directors, **Mark Simon and Ray Tetreault, who ran together on a slate for change.** ... **"We hope that the change ... will signal the beginning of a genuine effort to change the way differences are settled in Discovery Bay."**

But that didn't happen. A number of other constituents, for various reasons, were drawn to the fray, their intense disapproval spreading to virtually every issue Piepho addressed, as well as to those who agreed with him, voted with or for him, or, in the case of County Supervisor Mary Piepho, lived with him.

The group, nominally perhaps as many as three dozen but whose core is half that, has met from time to time to discuss strategy. **Minutes from those meetings note some participants' primary objective: the destruction of the Piephos' political future.** They have hammered at the Piephos over public records, ZIP Code boundaries, a no-tow zone ordinance, open meeting laws, meeting stipends, residential growth, advisory council (AC) duties, AC funding, AC boundaries, the community center, the response to sewage spills, the posting of meeting announcement signs, availability of meeting agendas, expenditure of P6 law enforcement funds, commission

appointments, boat storage zoning, the town's Web site, fiscal policy, representation on the county Local Agency Formation Commission, security cameras, water discharge quality, Byron's sewer system, conflicts of interest and responsibility concerning the Piephos' offices, safety improvements to Highway 4, eBART station sites and highway right-of-ways. There are probably more.

While a few of these topics remain hotly debated – including the ongoing effort to solve the vexing problem of copper-contaminated discharge that has resulted in steep fines – official findings of fault on the CSD board's part have thus far been few, including the failure to publicly notice a subcommittee meeting and the order in which business is conducted at the beginning of some CSD meetings. Both of those items have since been addressed.

The ceaseless attacks, accompanied by a torrent of public-records requests, vitriolic Internet postings and confrontations at board meetings and in public, caused heightened resistance and deeper entrenchment on Piepho's part and brought his equally fervent supporters to the surface. The result has been a no-holds-barred battle between the two factions. Lines were drawn in concrete as the missiles flew both ways. Finally, the melee resulted in an atmosphere so toxic that two directors – including the group's one ally – resigned from the board.

The effort to replace the directors then became the latest frontline in the battle of wills. Forced by their reduction in numbers to vote unanimously in order to appoint new directors, the board was unable to do so. The matter of choosing the town's new representatives will now be decided by the County Board of Supervisors, including Mary Piepho, instead of the people of Discovery Bay or the town's elected board.

All government bodies have their shortcomings, especially those with part-time officials. Dissatisfaction is bound to arise and flaws are sure to be found regarding policy, procedure, performance and – a big one in Discovery Bay – attitude. This is what elections are for. But even the election of directors Simon and Tetreault failed to quell the disturbance, and the "slate for change" is now also under attack.

It is certainly within the rights of the Piephos' antagonists to pursue their agenda through any legal means available to them, just as it is within the rights of the Piephos and their supporters to defend themselves through the means at their disposal. But it should be clear by now that the tactic of all-out assault against all things Piepho has proven ineffective, and the collateral damage to the town's reputation and ability to govern itself is inexcusable.

We believe it's high time for the hostile politics in Discovery Bay to end. The Piephos and their backers must re-learn compromise and strive to conduct the town's business from the middle ground instead of from the ramparts of self defense. For that to happen, though, their opponents must change their approach, and use the laws of governance to improve the town, not encumber or tear it apart.

They should find and put forth candidates they truly believe in and who have positive ideas on how to address the town's problems. **For their current course, seeking the destruction of one or two individuals regardless the collateral damage, now echoes too strongly a ludicrous argument from the Vietnam War: that it's OK to destroy a village in order to save it.**

It's not. If they believe the village needs to be saved, they must find another way to do it.