

PESCADERO MUNICIPAL ADVISORY COUNCIL (PMAC)  
MEETING NOTICE AND PROPOSED AGENDA

[www.pescaderocouncil.org](http://www.pescaderocouncil.org)

Thursday, April 14, 2005, 7:30 PM, Multi-Purpose Room  
Pescadero Elementary School  
620 North St., Pescadero CA 94060

1. CALL TO ORDER/ROLL CALL
2. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA  
Note: Public comment is limited to 5 minutes per speaker
3. ANNOUNCEMENTS/PRESENTATIONS—Introducing Jackson Robertson, PMAC candidate for District 2. Q&A from the floor.
4. APPROVAL OF MINUTES OF REGULAR MEETING, March 10, 2005.
5. FINANCIAL REPORT – Paisley Nash-Dooley
6. REPORTS FROM CURRENT COMMITTEE CHAIRS, including any budget requests.
  - A Emergency Preparedness –Lary Lawson or Pattie Brixen
  - B Housing Committee - status of Warheit Site project- Catherine Peery
  - C Land Use– Parking Lot status- John Dixon
  - D Flood Committee – Roy Brixen (or Pattie in his absence)
  - E Website and e-mail update - Rodger Reinhart
  - F Public Works – roads and water – Herb Hamor
  - G Community Services – outreach strategies – Paisley Nash-Dooley
7. OLD BUSINESS:
  - A District 2 candidate
8. NEW BUSINESS:
  - A Written Committee Reports (Rodger)
  - B Meg DeLano has resigned, search for Loma Mar candidate
9. Next Meeting May 12, 2005.
10. Adjournment

Meetings are accessible to people with disabilities. Individuals who need special assistance or a disability-related modification or accommodation (including auxiliary aids or services) to participate in this meeting; or who have a disability and wish to request an alternative format for the agendas, meeting notice, agenda packet or other writings that may be distributed at the meeting, should contact Catherine Peery at least 3 working days before the meeting at 650-879-1846, fax 650-879-1847, [cpeery@pescaderocouncil.org](mailto:cpeery@pescaderocouncil.org). Notification in advance of the meeting will enable PMAC to make reasonable arrangements to ensure accessibility to this meeting and the materials related to it.

**PMAC Summary of Accounts**  
**Jan 1st - April 14th 2005**

**PMAC Checking Account 14009250**

<u>Date</u>	<u>Deposit</u>	<u>Exp. Chk#</u>	<u>Amount</u>	<u>Running Balance</u>	<u>To Whom</u>	<u>For What</u>
Balance from 2004				\$5,625.74		
3/1/05		520	\$9.00	\$5,616.74	Geoff Allen	audio tapes
		521	\$117.04	\$5,499.70	Catherine Perry	Housing flyer

**Totals**                      \$0.00                                      \$126.04      \$5,499.70

**Copier Checking Account 14008572**

<u>Date</u>	<u>Deposit</u>	<u>Exp. Chk#</u>	<u>Amount</u>	<u>Balance</u>	<u>To Whom</u>	<u>For What</u>
Balance from 2004				\$618.88		
1/4/05	\$0.05			\$618.93		interest
2/4/05	\$0.05			\$618.98		interest
2/10/05	\$107.00			\$725.98		
3/4/05	\$0.05			\$726.03		interest
3/5/05		523	\$60.17	\$665.86	MBA of California	- copier maintenance
4/14/05		524	\$52.54	\$613.32	MBA of California	- copier maintenance

**Totals**                      \$107.15                                      \$112.71      \$613.32

<u>Summary of Accounts</u>	<u>Expenses</u>	<u>Balance</u>
PMAC		\$ 5,499.70
Copier		\$613.32
<b>Total</b>		<b>\$6,113.02</b>



## COUNTY COUNSEL

THOMAS F. CASEY III

## CHIEF DEPUTIES

CHRIS E. MOTLEY

MICHAEL P. MURPHY

# COUNTY COUNSEL

## COUNTY OF SAN MATEO

HALL OF JUSTICE AND RECORDS • 6<sup>TH</sup> FLOOR

400 COUNTY CENTER • REDWOOD CITY, CA 94063-1662

TELEPHONE: (650) 363-4250 • FACSIMILE: (650) 363-4034

*Please respond to: (650) 363-4756*

March 25, 2005

Terrence D. Gossett  
Californians for Property Rights  
Box 282  
Moss Beach, CA 94038

Re: Incompatibility of Office

Dear Mr. Gossett:

Your inquiry as to whether an elected member of a special district may also serve on the MidCoast Community Council was referred to our office for response. In short, the doctrine of incompatibility of office is inapplicable to members of the MidCoast Community Council because Council membership is not a public office.

The application of the common law doctrine of incompatible public offices involves a two-step process; first, to determine whether the positions in question are public offices; and second, if they are, to determine whether the offices are incompatible. The Attorney General's Office has consistently construed the doctrine of incompatibility of offices as having no application to positions which were not public offices. (See 57 Ops.Cal.Atty.Gen. 583 (1974, membership on Committee of Bar Examiners not an office); and 58 Ops.Cal.Atty.Gen. 109, 111 (1975, members of city personnel board not officers).) A public office requires the vesting in an individual of a portion of the sovereign powers of the state. *Parker v. Riley* (1941) 18 Cal.2d 83. (allowing state legislators to be members of the California Commission on Interstate Cooperation). The Court of Appeal stated:

The positions here created do not measure up to so high a standard. They involve merely the interchange of information, the assembling of data, and the formulation of proposals to be placed before the legislature. Such tasks do not require the exercise of a part of the sovereign power of the state.

## DEPUTIES

AIMEE B. ARMSBY

JOHN C. BEIERS

DEBORAH PENNY BENNETT

BRENDA B. CARLSON

PETER K. FINCK

TIMOTHY J. FOX

PORTOR GOLTZ

LEIGH HERMAN

LISA SOTO HERNANDEZ

JUDITH A. HOLIBER

KIMBERLY A. MARLOW

JOHN D. NIBBELIN

PAUL A. OKADA

MARY K. RAFTERY

DAVID A. SILBERMAN

MIRUNI SOOSAIPILLAI

WILLIAM E. SMITH

V. RAYMOND SWOPE III

LEE A. THOMPSON

CAROL L. WOODWARD

Terrence D. Gossett  
March 25, 2005  
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Here, the Members of the Mid-Coast Community Council do not have any sovereign power, but merely act in an advisory capacity to the Board of Supervisors. The fact that membership on the Commission is by election rather than by appointment does not make the position a "public office."

Very truly yours,



THOMAS F. CASEY III, COUNTY COUNSEL

cc: Members, Board of Supervisors  
John Maltbie, County Manager  
Marcia Raines, Director of Environmental Services Agency