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July 17, 2003

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Paul Perkovic, Chair
MidCoast Community Council
P.O. Box 64
Moss Beach, CA 94038-0064

Re: MidCoast Community Council
Letter of June 20, 2003 to the California Coastal Commission Regarding the
Crystal Springs Pipeline Project

Dear Mr. Perkovic:

We are in receipt of a copy of the above-referenced letter, transmitting comments from the MidCoast Community Council relating to the appeal of the approval by the Board of Supervisors of a coastal development permit for the Crystal Springs Pipeline Project. We write to remind the Council that, absent Board directions or approval, comments concerning matters upon which the Board of Supervisors has acted or taken a position are inappropriate given Council's role as an advisory agency to the Board of Supervisors.

The Council was formed in 1991 by Board Resolution No. 55042, under the authority granted by Government Code section 31010. The resolution provides that the Council "is established to advise the San Mateo County Board of Supervisors on matters including, but not limited to, public health, safety, welfare, public works and planning which affect the Midcoast." The Council is not a separate legal entity, but instead operates as a subsidiary advisory body to the Board of Supervisors, to provide the Board with advice on issues of concern to the Midcoast. The Council is not empowered to make any final decisions on planning matters.

In particular, the Council is not empowered to appeal or independently comment on a development for which the Board of Supervisors has issued a coastal development permit. A coastal development permit decision by the Board of Supervisors may be appealed to the Coastal Commission (assuming it is an appealable decision) by any aggrieved person. (Zoning Regulations, section 6328.16(d).) "Person", for purposes of the Coastal Act, means "any individual, organization, partnership, limited liability company, or other business association or

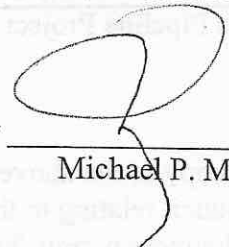
corporation, including any utility, and any state, local government, or special district or an agency thereof." (Public Resources Code section 30111.) The Council is not an organization separate and apart from the Board of Supervisors for matters relating to permits under the California Coastal Act. The same rule would apply to comments made independently by the Council on local coastal program amendments pending before the Coastal Commission. The Council serves as an advisory body only, and thus is part of the County decision making process. Any final decision made by the Board of Supervisors is the final decision of the County, and no subsidiary advisory body or staff member may appeal and take a position contrary to that final decision. In other words, when the Council speaks, it is speaking as a part of the County, just as a staff member is speaking on behalf of the County when he or she appears before another organization. To take a contrary position on a project or a local coastal program amendment finally approved by the Board of Supervisors would be untenable.

We will be forwarding a letter to the Coastal Commission staff advising them of the role of the Council, and asking them to disregard the Council's June 20th letter. We ask that the Council refrain from sending any similar comments to the Coastal Commission on this or any other project without the prior approval of the Board of Supervisors.

Very truly yours,

THOMAS F. CASEY III, COUNTY COUNSEL

By



Michael P. Murphy, Chief Deputy

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