

August 23, 2007

Mr. Tony Condotti
District Attorney
Coastside County Water District
766 Main Street,
Half Moon Bay, CA 94019.

Subject: Complaint regarding violation of CCWD Code of Ethics by Director Chris Mickelsen at August 24, 2006 meeting of the Half Moon Bay Planning Commission (also a noticed public meeting of the CCWD Board of Directors).

Dear Mr. Condotti

The purpose of this letter is to file a formal complaint about the unethical behavior of CCWD Director Chris Mickelsen, who was attending the August 24, 2006 Planning Commission meeting as part of a noticed public meeting of the CCWD board of directors.

A related complaint was filed with the City of Half Moon Bay on August 28, 2006 (attached). In response to my complaint on April 3, 2007 (attached), the City informed me that Mr. Mickelsen's behavior was not covered by the City's ethics or harassment policies.

After reviewing CCWD's Code of Ethics (attached), it is my opinion that Mr. Mickelsen's behavior on August 24, 2006 violated the underlined sections of CCWD's code of ethics. The description of Mr. Mickelsen's behavior on that night are contained in my original complaint letter of August 28, 2006.

I respectfully request that CCWD process my complaint in a formal manner and address Mr. Mickelsen's violation of CCWD Code of Ethics.

Sincerely,



Kevin J. Lansing
Planning Commissioner
City of Half Moon Bay

Home Address: 359 Filbert Street, Half Moon Bay 94019

August 28, 2006

Mr. Adam Lindgren
Mr. Joe Chapman
City Attorneys
City of Half Moon Bay
501 Main Street,
Half Moon Bay, CA 94019.

Subject: Formal complaint about intimidating and harassing behavior by Coastside County Water District (CCWD) Director Chris Mickelson at August 24 meeting of the Half Moon Bay Planning Commission.

Dear Adam and Joe:

The purpose of this letter is to file a formal complaint about being subjected to intimidating and harassing behavior from an elected CCWD official who was in the audience while I was performing my duties as Chair of the Half Moon Bay Planning Commission during the August 24, 2006 meeting of the Commission. The person in question was CCWD Director Chris Mickelson, who was attending the Planning Commission meeting as part of a noticed public meeting of the CCWD board of directors.

On that night, the Planning Commission was considering a Coastal Development Permit application (PDP-072-05) for a project in which CCWD was the applicant. Early in the meeting before PDP-072-05 was heard, Mr. Mickelson stood in the back of the room (off camera) and proceeded to extend his arm and finger to make a motion of shooting me with a gun. He then raised his hand and middle finger to make an obscene gesture. I was completely taken aback by his bold, threatening, and offensive behavior, but I felt it was my duty to continue the meeting uninterrupted in a professional manner and deal with Mr. Mickelson's actions later via a formal complaint.

Later during the meeting, when PDP-072-05 was actually being heard by the Commission, Mr. Mickelsen sat in the audience and repeatedly made obscene gestures with his middle figure in a more-discrete type of way by pretending to be scratching his nose. Mr. Mickelsen appeared to be highly amused by his own actions. From then on, I made a conscious effort to avoid looking in Mr. Mickelsen's direction so as to be able to concentrate on the agenda item.

There is no doubt in my mind that Mr. Mickelsen's actions were designed to intimidate me into not pressing forward on a number of serious Local Coastal Program (LCP) compliance issues that I believe had the strong potential to delay CCWD's pipeline project from being approved that evening. Mr. Mickelsen knew about these LCP compliance issues from comment letters I had submitted in advance of the hearing, which were made available in the August 24 staff report. The message I got from Mr. Mickelsen's gun-shooting gesture was that he was going to use his political influence to "get rid of me" i.e., have me removed from my position on the Half Moon Bay Planning Commission.

Mr. Mickelsen's practice of bullying and intimidating City officials has also occurred at other City meetings. I have attached two letters to the editor of the Half Moon Bay Review that were printed in March 2006. These letters attest to Council meetings where an "atmosphere of intimidation reigns," with "Council meetings marred by jeering." Although the letters do not cite Mr. Mickelsen by name, he fits the description perfectly in the May 31, 2006 letter as a "recently re-elected public official." I have personally observed Mr. Mickelsen on numerous occasions engaging in jeering and intimidation tactics from the back of the room at City Council meetings.

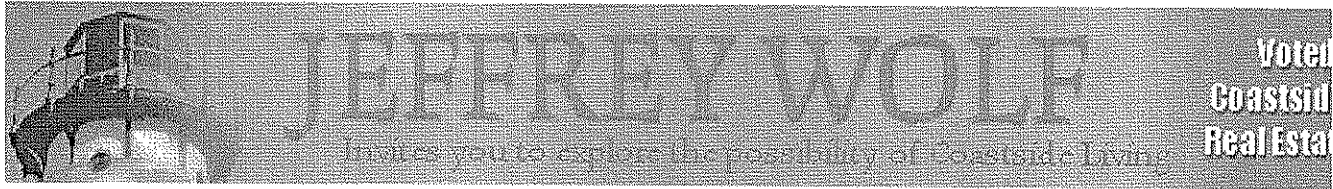
Mr. Mickelsen's unethical behavior on August 24 occurred while he was participating in a publicly-noticed meeting of the CCWD Board of Directors. As such, I believe Mr. Mickelsen's actions represent a violation of the laws that govern ethical behavior by public officials. I would ask the City of Half Moon Bay to pursue the appropriate sanctions against Mr. Mickelsen for violating these ethics laws.

Lastly, I would note that Mr. Mickelsen's actions have not only disgraced himself and CCWD, but also reflect poorly on the Half Moon Bay Chamber of Commerce, where Mr. Mickelsen serves as the Chair of the Governmental Affairs Committee.

Sincerely,

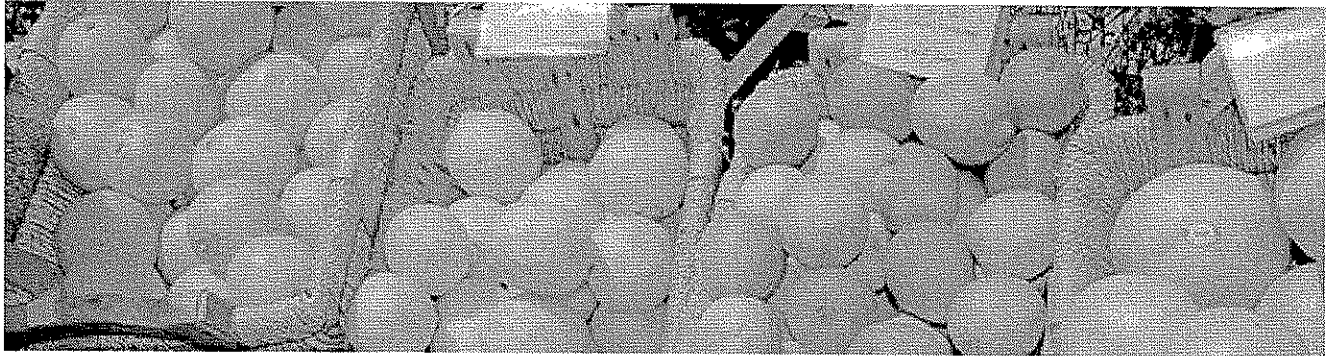
A handwritten signature in black ink that reads "Kevin J. Lansing". The signature is written in a cursive style with a long, sweeping underline.

Kevin J. Lansing
Chair, Half Moon Bay Planning Commission



halfmoonbayreview.com

Monday, August 28, 2006



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Council meetings marred by jeering

Dear editor:

The last Half Moon Bay City Council meeting (May 16) was marred, as usual, by a few members of the audience who sit in the back row and audibly jeer and mock council members and speakers with whom they don't agree. At this particular meeting they were cheered on by a recently re-elected public official, the same individual who thought it his duty to go up to the podium at a previous City Council meeting and lecture the community about proper behavior. He cited himself as a shining example. I only wish that it were so. Public officials need to be held to a higher standard than other members of the audience. Unfortunately the viewing public is unaware of what goes on in the audience, as the only voices they hear are from those at a microphone.

It is an understatement to say that the combination of derision and applause which accompanies public presentations, depending on the point of view expressed, does not create a friendly forum for diversity of opinion.

Unfortunately Mayor Fraser is unwilling or unable to control the audience, the majority of whom appear to be her political allies.

Sofia Freer

Half Moon Bay

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Wednesday, May 31, 2006

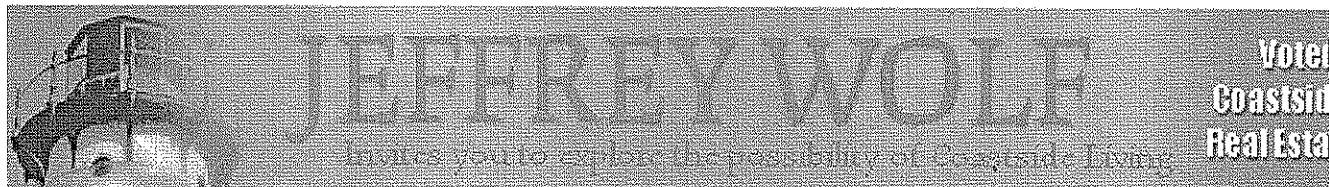
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Monday, August 28, 2006



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Atmosphere of intimidation reigns

Wednesday, March 01, 2006

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Dear editor:

Representative government in Half Moon Bay died on Feb. 22. It was a long and agonizing death, cheered by an unruly audience whom Mayor Marina Fraser made little effort to control. In the name of democratic rule (to paraphrase Mayor Fraser), Councilmember Jim Grady's nominee to the Planning Commission was denied, based not on experience or ability, but solely on political grounds. Apparently, while we decry using ideological arguments to rule against Supreme Court justices, we welcome them at City Hall.

There seems to be a deep ideological divide in the city. While I'm pretty sure it's not about abortion, prayer in schools, evolution, global warming, spying on Americans, or the war in Iraq, I don't know if any of us really understand the roots of our own political divide.

On the surface, we're all agreed to a growth limit of 1 percent, so if the divide is about growth it must be more subtle. Maybe it's about finding ways to get around the 1 percent growth mandate, or maybe it's about building wherever and whatever we want and the heck with the neighbors or the environment, or maybe it's about hating the Coastal Act and the California Coastal Commission and building a grassroots movement toward their destruction.

In any case, it bears mentioning that many of the same people who exhibited rude, disruptive behavior during this and other City Council meetings, are the ones who were so adamant about purging the Planning Commission, charging commissioners with lack of respect for the public. What these people bring to public meetings is an atmosphere of intimidation, in which no local government should have to conduct the business of the electorate.

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BREAKING NEWS



TO: Kevin Lansing, Chairman of the Planning Commission

FROM: Marcia Raines, City Manager *MR*

SUBJECT: Complaint Dated August 28, 2006

DATE: April 3, 2007

The City response to your complaint date August 28, 2006 is attached. Please contact me if you have any questions or wish to discuss the response in greater detail.



TO: Marcia Raines, City Manager
FROM: Gary Rogers, Human Resources Consultant
SUBJECT: Complaint Dated August 28, 2006
DATE: April 3, 2007

Pursuant to your request, I have evaluated the Kevin Lansing harassment complaint dated August 28, 2006. Based on a review of the complaint, attorney response and our files, it has been determined that there was not a violation of ethics laws or other adopted City Policy.

Mr. Lansing recently served as the Chair of the Half Moon Bay Planning Commission. He expressed concern regarding the behavior CCWD Director Chris Mickleson, who attended the August 24, 2006 Planning Commission Meeting. A copy of a letter from Lansing to the City Attorney's Mr. Lindgren and Mr. Chapman is attached.

After reviewing Mr. Lansing's letter, City Attorney Joe Chapman opined that there are no violations of ethics laws that can be addressed by the City in regard to the reported incidents. Further, the activity described in the complaint is not a violation of the City's Harassment Policy as it does not present itself as a verbal harassment based on race, religious creed, national origin, ancestry, sex, age, physical handicap, medical condition, marital status or other protected class. Additionally, the "visual" forms of harassment described are not based on a protected class status. The activities that occurred at the August 24, 2006 Planning Commission Meeting were interpersonal in nature and did not constitute an action that was in violation of ethics or the City's Harassment Policy.

If Mr. Lansing believes behavior of a member of the public equates to verbal threats of physical violence there may be criminal matters that he may wish to explore further with the Half Moon Bay Chief of Police or the San Mateo County District Attorney.

Please contact me if you have any questions.

Attachment

cc. Adam Lindgren, Joe Chapman

Chapter 3.36

CODE OF ETHICS

Sections:

3.36.010	Preface.
3.36.020	General Intent and Interpretation.
3.36.030	Purpose.
3.36.040	Statement of Ethical Principles.
3.36.050	Application.

3.36.010 Preface.

The mission of the Contra Costa Water District (CCWD) is to strategically develop, maintain and enhance water resources at the lowest possible cost. In order to accomplish the mission, it is necessary to satisfy several objectives, including interagency cooperation, securing the highest quality water possible, providing the best possible service to the public served, obtaining input from customers, and ensuring that employees have an opportunity to grow and develop in their employment. To further these objectives, certain ethical principles shall govern the conduct of directors, officers, employees, and other persons acting on behalf of CCWD, as set forth in this Code of Ethics. (Res. 92-18 (part))

3.36.020 General Intent and Interpretation.

A. The Code of Ethics is intended to establish ethical principles to guide the decisions and actions of directors, officers, employees, and other persons in the performance of their official duties and functions on behalf of the CCWD.

B. The principles established by the Code are rules of reason and not rules of law, and they do not themselves seek to impose duties or obligations not otherwise required of affected persons. Rather, the principles seek to recognize the expectations inherent in public service through public opinion and perception and to define the special responsibilities that arise through the representation and authority of a special district. Likewise, the Code does not attempt to exhaust the moral and ethical values that must guide CCWD actions, nor does it displace professional knowledge, skill or judgment. No set of rules or standards can do so, and every person in public service must also be guided by personal conscience and the independent ideals of their profession, as well as the legal duties imposed upon them. These principles, therefore, should be interpreted with reference to the purpose of public service and the unique stature of public professionalism. (Res. 92-18 (part))

3.36.030 Purpose.

A. The Code of Ethics is intended to establish ethical principles which are to be followed by those persons who act for or on behalf of the CCWD in the performance of their duties and responsibilities. Public

service employment is a public trust and those who serve the public must perform and discharge their duties consistent with the highest ethical principles, serving always the best interests of the public and those customers to whom services are provided.

B. It is, therefore, the purpose of this Code of Ethics to ensure that those affected:

1. Maintain high ethical values that are beyond reproach;
2. Increase public confidence in the integrity of the officials and employees of the CCWD;
3. Avoid the appearance of impropriety in the performance of duties and responsibilities on behalf of CCWD;
4. Establish a positive, effective, and comprehensive statement concerning ethical principles. (Res. 92-18 (part))

3.36.040 Statement of Ethical Principles.

The primary purpose of the statement of ethical principles is to establish a theoretical and moral foundation for this Code of Ethics. These principles also establish criteria for interpretation and enforcement of the principles themselves.

A. Principles of Good Faith. Each provision of this Code shall be consistent and implemented with sincerity, integrity and a good-faith commitment rather than evade the purpose and spirit of the provision.

B. Principles of Public Trust.

1. Ensuring Respect, Trust and Support. Persons affected by this Code shall act so as to ensure the reality and perception that the activities of CCWD are conducted in accordance to the ethical principles described herein and are worthy of public respect, trust and support.

2. Avoiding the Appearance of Impropriety. Persons affected by this Code shall not engage in any conduct which they know or reasonably should know is likely to create in the minds of reasonable, objective, fair-minded observers the perception of that they have used their public position improperly or otherwise have not conducted themselves in accord with the ethical principles of this Code.

C. Principles of Public Interest.

1. General Rule. Persons affected by this section shall treat their positions as a public trust, using the powers and resources of public office only to advance the interests of the public served, and not to attain personal benefits or pursue any other private interest incompatible with the public good.

2. Pursuing Broad Public Good. In pursuing the public interest, persons affected by this section should:

a. Put loyalty to their conscientious convictions about the overall public good above loyalty to a narrow constituency or individual interests which are inconsistent with the general public interest;

b. Allocate public funds and formulate general public policies only after evaluating information objectively and deciding what is best for the public as a whole, not just a narrow constituency or individual interests;

c. Take whatever steps are necessary to safeguard and protect the reputation of the CCWD and the integrity and efficiency of their positions, subordinating the interests of superiors, colleagues and friends to the interests of CCWD.

D. Principle of Accountability. Persons affected by this Code shall assure that the business of the CCWD is conducted openly, efficiently, equitably and honorably in a manner that permits the citizenry to make informed judgments and hold CCWD officials accountable.

E. Principle of Respectability. Persons affected by this Code shall safeguard public confidence in the integrity of public service by engaging in no conduct which demonstrates they are not fit to fulfill their duties and responsibilities or which unreasonably casts discredit on the CCWD.

F. Principle of Independent Judgment. Persons affected by this Code shall employ independent objective judgment in performing their duties, deciding all matters on the merits, free from conflicts of interest and both real and apparent improper influences.

G. Principle of Honesty. Persons affected by this Code should be scrupulously and consistently honest by:

1. Being truthful, sincere, forthright and, unless professional duties require confidentiality or special discretion, candid, straightforward and frank;

2. Not cheating, stealing, lying, deceiving, acting deviously, nor intentionally misleading another by omission, half-truth or other means.

H. Principle of Integrity. Persons affected by this Code should demonstrate integrity in the exercise of their duties and responsibilities by:

1. Acting in ways that are consistent with core ethical beliefs and assuring that practices are congruent with principles;

2. Honoring and adhering to the principles of public service ethics, the mission and values of their organizations, and their own moral beliefs with courage and character regardless of personal, political, social and economic pressures;

3. Expressing and fighting for their concept of what is right and upholding their convictions to the best of their ability.

I. Principle of Promise-Keeping. Persons affected by this Code should demonstrate trustworthiness by:

1. Keeping promises, fulfilling commitments and abiding by the letter and spirit of agreements which bind them;

2. Interpreting contracts and other commitments in a fair and reasonable manner and not so as to rationalize non-compliance or create justifications for escaping a commitment;

3. Exercising prudence and caution in making commitments, considering unknown or future factors which could make fulfillment of them impossible, difficult or undesirable;

4. Seeking to assure that when commitments are made, the nature and scope of the obligations undertaken are clear to all parties.

J. Principle of Loyalty. Person affected by this Code should demonstrate loyalty by:

1. Advancing and protecting the interests of those with legitimate moral claims from personal and institutional relationships;

2. Safeguarding confidential and proprietary information;

3. Refusing to subordinate other ethical obligations such as honesty, integrity, fairness and the obligation to make decisions only on the merits, without favoritism, in the name of loyalty.

K. Principles of Fairness. Persons affected by this Code should demonstrate fairness by:

1. Making decisions with impartiality and objectivity, based on consistent and appropriate standards;

2. Demonstrating a commitment to justice, the equitable treatment of individuals, and appreciation for diversity in all actions;

3. Exercising authority with open mindedness and a willingness to seek out and consider all relevant information, including other alternatives and opposing perspectives;

4. Voluntarily correcting personal or institutional mistakes and improprieties and refusing to take unfair advantage of mistakes or ignorance of others;

5. Scrupulously employing open, equitable, and impartial processes for gathering and evaluating information necessary to decisions.

L. Principle of Caring and Concern for Others. Persons affected by this Code should demonstrate a concern for the well-being of all those affected by their actions by:

1. Striving to carry out official, managerial and other responsibilities with a firm commitment to maximize benefits and minimize harm;

2. Being caring, considerate and, to the extent compatible with official duties, kind, compassionate and generous in all their actions.

M. Principle of Respect for Others. Persons affected by this Code should demonstrate respect for others by:

1. Acknowledging and honoring the right of those affected by their professional and personal decisions to autonomy, privacy, and to be treated with dignity;

2. Treating others with courtesy and decency;

3. Exercising authority in a way that provides others with the information they need to make informed decisions about their own lives and about matters within the scope of their professional duties.

N. Principle of Civic Duty/Responsible Citizenship. Persons affected by this Code should act as responsible citizens and uphold the rule of law by:

1. Honoring and respecting the principles and spirit of representative democracy and setting a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules;

2. Exercising their civic duties and rights by voting, expressing informed views, and demonstrating social consciousness and a commitment to the public good.

O. Principle of Pursuit of Excellence. Persons affected by this Code should seek to perform their duties with excellence by:

1. Being diligent, persevering, reliable, careful, prepared and informed;

2. Continually seeking to develop knowledge, skills and judgment necessary to the performance of their duties. (Res. 92-18 (part))

3.36.050 Application.

This Code of Ethics shall apply to all persons affiliated with the CCWD as herein set forth:

A. To all elected officials serving on the CCWD Board of Directors;

B. To all persons appointed or hired as employees of the CCWD;

C. To all persons, whether compensated or not, who perform personal services for or on behalf of the CCWD. (Res. 92-18 (part))
