

Golden West Community Service District
P.O. Box 448, El Dorado, CA. 95623
www.gwcsd.org



October 10, 2015- Meeting Minutes for Golden West Community Services District
Special Meeting, held at Fire Station 44
6109 Quartz Dr., El Dorado, CA 95623

1. Call to Order/Roll Call – President MacConnell called the meeting to order at 8:38 a.m. Board Members present were Ken Hasse, Audrey Keebler and John MacConnell, constituting a quorum. Directors Diana Kaighn and Connaught Lindberg were absent. General Manager Ed White, Board Consultant Hope Leja and Secretary Marc Regelbrugge were also present.
2. Approval of Agenda –Hasse moved to approve the agenda as written. Keebler seconded. The motion passed unanimously (3-0).
3. Consideration by Board of cross-defendants' proposal to dismiss GWCSD from cross-complaint in case PC2014-0277 in exchange for waiver of right to seek costs – MacConnell introduced the topic by noting that District Counsel had received a letter from opposing counsel Brunello indicating an offer to dismiss the GWCSD from the Cross-Complaint in exchange for a waiver of any District right(s) to seek remuneration of fees or costs. MacConnell explained that the offer of dismissal was “with prejudice,” meaning that Cross-Complainants “could come back at us again, on those (Cross-Complaint) items.” Discussion focused on a desire to ensure that Cross-Complainants did not retain recourse to resume the suit against the District, and consensus emerged to try to negotiate with opposing counsel toward that end. In that context, Keebler moved to direct District Counsel to contact the opposing attorney to negotiate to dismiss the Cross-Complaint “without prejudice,” and to confirm the District’s waiver to seek fees or costs. The motion passed unanimously (3-0).

Secretary’s Note: The legal term “dismiss with prejudice” actually means that the Court considers the case to have been adjudicated and to have resulted in dismissal, and that Cross-Complainants would, after dismissing Cross-Defendants “with prejudice,” have no further legal standing to pursue the causes of action set forth in the Cross-Complaint against dismissed parties. Hence, in legal parlance, opposing counsel’s offer was actually to dismiss the District “without prejudice,” and the Board’s consensus was actually to negotiate with opposing counsel in order to be dismissed “with prejudice.”

4. Open Public Forum – A District resident complained of drivers speeding on Crystal Boulevard in the straightaway near Oak Ridge Circle South. He cited the danger to the public and to private properties, and requested that the District look into some form of speed control such as speed bumps. The Board agreed to consider the situation and possible remedies under a future agenda item.

5. Adjournment – Hasse moved to adjourn. Keebler seconded. The meeting was adjourned by unanimous (3-0) vote at 9:02 a.m.

Respectfully Submitted,

Marc Regelbrugge
GWCSO Secretary

Attachments:

none