

Final ACTION MINUTES

At Commissioners request, staff has presented discussion info. Staff not in favor of such minutes and suggests going back to action minutes.

I. Roll Call:

Absent: Grossman, Chiang (for Chatterjee). **Chair**, Gordon Wozniak. **Secretary**, N. Al-Hadithy. **Intern**, J. Tulloch

II. Report From Chair:

Chair did not give report on advise from commissioners.

III. Announcements from Commissioners:

- LA Wood – Just appointed by Cnclr. Shirek. Advised CEAC not to recognize Wozniak as Acting Chair.

IV. Comments from the Public:

- **Wendy Cosin – staff** – strongly advised full public participation on IFEU workshop.
- **Mark McDonald**, Peace & Justice Commission (PJC) – cannot support Wozniak continuing on commission due to conflict of interest. Wishes to see community workshop happen. Wishes to see close relationship between citizens of Berkeley and contractor (Bernd Franke). No strong lab presence.
- **Elliot Cohen**, representing self – Charged city with violation of his 1st Amendment right for government body to treat members of the public differently. Will sue City Attorney. Comment on inconsistent opinion of City Attorney and wishes to send resolution to City Council regarding such. PJC proposed that City Council create independent Office of the Commission Advocate, to advise commission independently of Manuela Albuquerque.
- **Susan B. Rodriguez, CMTW** – Has problem as resident to being contaminated continually by LBL tritium.
- **Tom Kelly** – concerned about Wozniak presence on commission appears to be conflict of interest. City should treat tritium as harmful until proven safe.
- **Leuren Moret, former Staff Scientist at LBL** – Opposed Wozniak on commission. Articles submitted: “Science On Trial: On the Biological Effects and Health Risks following Exposure to Aerosols produced by the use of Depleted Uranium Weapons,” and “Nuclear Skullduggery,” by Chris Busby, PhD.
- **Robert Clear** – Would like secretary to confirm that comments submitted to IFEU were received by Franke. Supports Wozniak’s position on Commission. Pointed out unlikely circumstances adopted in the IFEU fire scenario.
- **Evie Wozniak** – Supported husband’s position. Identified Gordon’s successful suit of Rad. Lab over free speech issue.
- **Joanne Lorber** – Supported Wozniak. Letter read of support to CEAC from Schacht & Gage – reprinted in Plant 2.28.01.
- **Nancy Carleton, Parks & Recreation/Zoning & Adjustment Board** – supported the right of the public to serve the community and had problem with CA’s position on members of Landmarks Preservation and Wozniak. Supported the public/CMTWs efforts on identifying LBL pollution issues.
- **Gene Bernardi** – CMTW – stated Wozniak has incompatible employment and conflict with the CEAC.
- **Pamela Sihvola** – CMTW – neighbor of Lab and has concern re Wozniak’s statements to Council. Supplied secretary with copies of communications re Wozniak. Wants Wozniak to step down.
- **G. Wozniak** attempted to respond to public comments but various commissioners objected on grounds of improperly engaging public on debate.

Several interruptions were made during this section of the meeting. Commissioners and staff asked, sometimes vociferously, that the public respect the CEAC proceedings but opposition to Wozniak’s attendance continued.

V. TMD Staff Report

Delayed until March meeting.

VI. Agenda Prioritization

Attention was given to IFEU visit.

Webster also asked for the Commission Advocate, as proposed by Cohen PJC, to be on March agenda. Approved. Secretary requested that CEAC not take a position on this subject until CM report was read by CEAC.

Morgan: move to strike elections. Stick to agenda and discuss IFEU.

VII. Discussion/Action on IFEU Visit April 2, 2001

Wood – Objected to Wozniak participating on IFEU issue on grounds of conflict of interest and asked Wozniak to recuse himself. Wozniak refused.

Webster: For the record asked Wozniak to recuse himself as a gesture of good faith. Wozniak said no. Caseber, Webster, Wood walked out in protest.

Luten: asked if there was a quorum. Answer was negative. Meeting adjourned.