



Board of Harbor Commissioners

Virginia Chang Kiraly, President
Nancy Reyring, Vice President
Nancy Reyring, Secretary
Tom Mattusch, Treasurer
Sabrina Brennan, Commissioner
Edmundo Larenas, Commissioner

John Moren, Interim General Manager
William Parkin, District Counsel

San Mateo County Harbor District Board of Harbor Commissioners

“To assure the public is provided with clean, safe, well-managed, financially sound and environmentally pleasant marinas.”

REGULAR MEETING AGENDA

October 16, 2019

6:30 PM

Oyster Point Yacht Club

911 Marina Blvd.

South San Francisco, CA 94080

All Harbor District Commission regular meetings are recorded and posted at www.PacificCoast.tv within 48 hours of the meeting. Pacifica residents can tune into Comcast Channel 26 and residents from Montara through Pescadero can tune into Comcast Channel 27. Copies of the meetings can also be purchased from PCT and mailed for \$18.

Persons requiring special accommodation with respect to disability are directed to make such requests per the Americans With Disabilities Act to the Deputy Secretary to the Board at 650-583-4400, 48 hours in advance.

A) Roll Call

B) 1. Public Comments/Questions

The Public may directly address the Board of Harbor Commissioners for a limit of three (3) minutes, unless a request is granted for more time, on any item of public interest within the subject matter jurisdiction of the San Mateo County Harbor District, that is not on the Regular Agenda. If a member of the public wishes to address the Board on an agenda item, it is requested that a speaker card be completed and given to the Deputy Secretary. The Chair will call your name at the appropriate time. Agenda material may be reviewed at the administration offices of the District, 504 Avenue Alhambra, Ste. 200, El Granada, CA 94018 or online at www.smharbor.com.

2. Commissioner Comments

Commissioners may make public statements limited to five (5) minutes.

- * Commissioners Chang Kiraly and Mattusch report out regarding attendance at CSDA conference.

3. Committee Updates

Standing Committees

- Climate Change Resilience
- Finance
- Governance and Policy
- Oyster Point Liaison
- Social Media/Public Outreach
- Wildlife Protection

Ad Hoc Committees

- General Manager Search
- General Counsel Search
- Strategic Plan
- Office Design

C) Consent

All items on Consent are approved by one motion unless a Commissioner requests at the beginning of the meeting that an item be withdrawn or transferred to Discussion. Any item on Discussion may be transferred to Consent.

ITEMS PULLED FROM CONSENT WILL BE HEARD AFTER DISCUSSION ITEMS.

1. **[Bills and Claims \(van Hoff\)](#)**
Recommendation: Review Pre-Approved Bills and Claims in the amount of \$260,869.07. Pre-Approve \$500,000 in Bills and Claims until next meeting.
2. **[Minutes – Special Meeting September 25, 2019 \(Gehret\)](#)**
Recommendation: Approve Minutes of the Special Meeting of September 18, 2019.
3. **[Minutes – Special Meeting October 3, 2019 \(Gehret\)](#)**
Recommendation: Approve Minutes of the Special Meeting of October 3, 2019
4. **[Monthly Capital Projects Update \(Moren\)](#)**
Receive and file.
5. **[First Quarter – Fiscal Year 2020 \(Q1-20\) Investment Report \(van Hoff\)](#)**
Receive and file.

D) Discussion

6. **Oyster Point Dragons Operations Update; Presentation (Moren)**
Information only, no action required. Receive update on the operations of the Oyster Point Dragons, a non-profit organization promoting community involvement in human powered dragon boat racing.
7. **Commercial Activity Permit Application for Tideline Marine Group, Inc. to Operate as a Commuter Ferry Service out of Oyster Point Marina for the Remainder of 2019 (Moren)**
Recommendation: The San Mateo County Harbor District Board of Harbor Commissioners consider approval of the Commercial Activity Permit application for Tideline Marine Group, Inc. to operate a private commuter ferry service at Oyster Point Marina for the remainder of 2019.
8. **CalPERS Out-of-Class Appointment – John Moren (van Hoff)**
Information only.
9. **Discuss District General Counsel Hiring Process and Provide Direction to Staff, or Approve Appointment of District Counsel (van Hoff)**
Recommendation: Direction to Staff.
10. **San Mateo County Harbor District Code of Ethics and Values; Approve Policy 1.1.1 (van Hoff)**
Recommendation: Approve Policy 1.1.1 San Mateo County Harbor District Code of Ethics and Values.
11. **Policy for Board Meeting Agenda; Recommend Adoption (Governance & Policy Committee)**
Recommendation: Review information from District Counsel and staff regarding current policies in other governmental entities. Adopt Policy 3.3 'Board Meeting Agenda.'
12. **Sexual & Unlawful Harassment Policy; Recommend Adoption (van Hoff)**
Recommendation: Eliminate current Policy 6.2.5 'Harassment, Discrimination and Retaliation Prevention.' Adopt and replace current Policy with Policy 6.2.5 Sexual & Unlawful Harassment Policy.
13. **Policy on Standing Committees; Discuss Assignment of Public Members to Committees (van Hoff)**
Recommendation: Discuss possible amendments to Policy 3.0 'Policy on Standing Committees'. Motion may include direction to revise this policy.

E) Discussion/Action on Pulled Consent Items (if any)

F) Future Agenda Items

G) September Activity Reports: [Int. General Manager/Operations, Administration](#)

Information only.

H) Adjourn

The next Regular meeting will be held on November 20, 2019 at the San Mateo County Harbor District Office, 504 Avenue Alhambra, Ste. 200, El Granada, CA 94018 at 6:30 PM.

Agenda posted as required:
October 9, 2019 at 11:45 AM



Debbie Gehret
Deputy Secretary



Staff Report

TO: Board of Harbor Commissioners

FROM: Kin Yip Chan, Accounting Technician

DATE: October 16, 2019

SUBJECT: Review Bills and Claims in the Amount of \$260,869.07

Total Disbursements being submitted for your review: **\$260,869.07**

Dept. Code	Description	Amount
103	Administration & Commissioners	\$ 61,925.00
201	Pillar Point Harbor	\$ 99,443.12
301	Oyster Point Marina	\$ 15,523.14
	Employee Deductions	\$ 30,656.06
	Payroll / Benefits	\$ 53,321.75
Total Bills & Claims for Review:		\$ 260,869.07

Pre-Approved Payroll Notes:

Payroll Paydate 9/6/19 \$ 126,030.89

Payroll Paydate 9/20/19 \$ 128,815.35

Total Payroll for Period: \$ 254,846.24

Background/Discussion:

On September 25, 2019, the Board pre-approved Bills and Claims up to \$500,000 and all payroll related claims. Actual Bills and Claims paid for the period are \$260,869.07.

Reporting Change

Starting with this report and going forward, the reporting periods for Bills and Claims will be from the first day of the month to the last day of the month (31 days or less, depending on how many days are in the month). The amounts reported will be for the previous month. Pre-approval spending requests will be for the subsequent month. For example, the October Bills and Claims report will show all September spending activity and request for November pre-approval. The November Bills and Claims report will show October spending activity and request December pre-approval.

Previously, we reported spending activity from the date of the last regular board meeting to the date of the next regular board meeting, and this provided challenges for staff when board meetings changed, and we did not get pre-approval for spending. Staff feels that the above changes provide a hard cutoff for reporting instead of having a moving cutoff each month. It

would also give us more time to plan and prioritize spending appropriately in the event staff does not get pre-approval for the next period.

Staff will continue to use Bills and Claims as a vessel to:

- Provide complete transparency of ALL disbursements that the District makes
- Ask the Board for approval for any upcoming disbursements greater than the General Manager authority (\$25,000)
- Ask the Board for pre-approval for the next reporting period (month)

Recommended Motion:

- 1) Accept Bills and Claims in the amount of \$260,869.07.
- 2) Pre-Approve \$500,000 in Bills and Claims and payroll related claims for November.

Attachments:

[Bills and Claims/Cal Card Top 5](#)

[Legal Fees](#)

BILLS AND CLAIMS FOR 10/16/19 BOARD MEETING			PAYROLL EMPLOYEES	PAYROLL BENEFITS	ADMIN & COMM	PILLAR POINT	OYSTER POINT	TOTAL ALL
VENDOR	DESCRIPTION	AMOUNT	DEDUCTION	RELATED	103	201	301	DEPTS
SUB-TOTAL OF PAYMENTS TO BE PROCESSED 10/16/2019		-	-	-	-	-	-	-
A1 SEPTIC TANK SERVICE	REPAIRS & MAINTENANCE	1,025.00				1,025.00		1,025.00
ABDALLAH, JULIO	REIMB UNIFROM RELATED EXPENSES	507.74				507.74		507.74
ADOBE SYSTEMS INCORPORATED	COMPUTER-SOFTWARE	3,058.20			3,058.20			3,058.20
ADP, LLC	PAYROLL PROCESSING	1,054.48			276.92	454.94	322.62	1,054.48
AMAZON CAPITAL SERVICES, INC	REPAIRS & MAINTENANCE	204.99				204.99		204.99
ANDREWS, BEN	REIMB UNIFROM RELATED EXPENSES	120.16					120.16	120.16
AT&T	TELEPHONE/COMMUNICATIONS	258.66				258.66		258.66
BRENNAN, SABRINA	CONFERENCES & MEETINGS	972.52			972.52			972.52
CALIFORNIA CONSULTING INC	GRANT WRITING SERVICES	4,000.00				4,000.00		4,000.00
CALIFORNIA MARINE AFFAIRS AND NAVIGATION CONFERENCE	MEMBERSHIPS & SUBSCRIPTIONS	1,350.00			1,350.00			1,350.00
CALIFORNIA SPEED-SPORTS INC	NEW PATROL VEHICLE	29,018.19				29,018.19		29,018.19
CALPERS	PAYROLL DEDUCTION PAYABLE	38,365.89		38,365.89				38,365.89
CALPERS SUPPLEMENTAL INCOME 457 PLAN	PAYROLL DEDUCTION PAYABLE	14,321.32	14,321.32					14,321.32
CASPIAN IT GROUP	CONTRACTUAL SERVICES-IT	4,726.82			1,597.71	1,596.89	1,532.22	4,726.82
CLARK PEST CONTROL	CONTRACTUAL SERVICES	82.00					82.00	82.00
COLEMAN SECURITY INDUSTRIES, INC	CONTRACTUAL SERVICES	5,902.96					5,902.96	5,902.96
COTCHETT, PITRE & MCCARTHY LLP	LEGAL SERVICES	3,300.00				1,800.00	1,500.00	3,300.00
DAMITZ, BRADLEY SCOTT	CONTRACTUAL SERVICES	8,300.00				8,300.00		8,300.00
DEPARTMENT OF JUSTICE	RECRUITING EXPENSES	32.00				32.00		32.00
DRIFTWOOD LUMBER & HARDWARE	REPAIRS & MAINTENANCE	195.20				195.20		195.20
GARNISHMENT	PAYROLL DEDUCTION PAYABLE	1,411.06	1,411.06					1,411.06
HALF MOON BAY REVIEW	ADVERTISING EXPENSES	1,436.50			708.50	728.00		1,436.50
HENDERSON MARINE SUPPLY, INC	REPAIRS & MAINTENANCE	311.57					311.57	311.57
HIRSCHFELD YACHT LLC dba H & M MARINE	REPAIRS & MAINTENANCE-PATROL VESSEL	6,742.94				6,742.94		6,742.94
HOLMAN PROFESSIONAL COUNSELING CENTERS	EMPLOYEE ASSISTANCE PROGRAM SERVICES	289.00			98.88	102.67	87.45	289.00
KONICA MINOLTA	REPAIRS & MAINTENANCE	285.53			213.36	72.17		285.53
LIGHTHOUSE PUBLIC AFFAIRS LLC	CONTRACTUAL SERVICES	5,797.96			5,797.96			5,797.96
MARINE LIEN SALE SERVICE	LIEN SALES	360.00				200.00	160.00	360.00
MOFFATT & NICHOL ENGINEERS, INC	CONTRACTUAL SERVICES	5,673.50				5,673.50		5,673.50
NAVIA BENEFIT SOLUTIONS	PAYROLL DEDUCTION PAYABLE	207.68	207.68					207.68
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.	LEGAL SERVICES	6,161.50			6,161.50			6,161.50
OPERATING ENGINEERS UNION LOCAL 3	PAYROLL DEDUCTION PAYABLE	1,472.00	1,472.00					1,472.00
PACIFIC BEACH COALITION	MEMBERSHIPS & SUBSCRIPTIONS	210.00			210.00			210.00
PACIFICA COMMUNITY TELEVISION	CONFERENCES & MEETINGS	300.00			300.00			300.00
PENINSULA PUMP & EQUIPMENT	REPAIRS & MAINTENANCE	14,105.60				14,105.60		14,105.60
PHONDINI PARTNERS LLC	CONTRACTUAL SERVICES	4,800.00			4,800.00			4,800.00
PINA, JOHN DBA GOPHER BUSTERS	CONTRACTUAL SERVICES	495.00				495.00		495.00
PITNEY BOWES, INC/ PURCHASE POWER	POSTAGE SUPPLY	123.78				61.75	62.03	123.78
PRINCETON WELDING	REPAIRS & MAINTENANCE	1,268.00				1,268.00		1,268.00
RAUCH COMMUNICATION CONSULTANTS INC	CONTRACTUAL SERVICES	3,369.96			3,369.96			3,369.96
RECOLOGY OF THE COAST	GARBAGE SERVICES	11,140.75				11,140.75		11,140.75
REGIONAL GOVERNMENT SERVICES	CONTRACTUAL SERVICES	184.80			184.80			184.80
ROBERT HALF INTERNATIONAL, INC	CONTRACTUAL SERVICES	12,169.85			12,169.85			12,169.85
SAFETY KLEEN SYSTEMS, INC	USED OIL PICK UP EXPENSES	170.50				170.50		170.50
SAN MATEO COUNTY AIRPORTS	SAND STOCKPILE MONTHLY RENT	4,500.00				4,500.00		4,500.00

Legal Fees - Fiscal Years 2011 to 2020

Sum of Total Spent	Column Labels										Grand Total
	10-11	11-12	12-13	13-14	14-15	15-16	16-17	17-18	18-19	19-20 YTD	
AARONSON, DICKERSON, COHN & COX, WOOTON, LERNER, GRIFFIN, FRANK/LYNN S.	\$ 46,880.38	\$ 84,627.99	\$ 105,733.63	\$ 88,761.42	\$ 340.75	\$ 29,949.79	\$ 3,682.03				\$ 326,344.17
HANSON BRIDGETT LLP					\$ 287,596.29	\$ 301,540.13	\$ 317,484.72	\$ 290,308.67	\$ 361,423.88		\$ 1,558,353.69
JAY RESENDEZ, ATTORNEY AT LAW			\$ 735.00			\$ 3,325.00					\$ 4,060.00
KOTZEBUE/ MARGARET					\$ 26,364.00						\$ 26,364.00
KRAMER/ KAREN				\$ 13,803.00							\$ 13,803.00
LIEBERT, CASSIDY & WHITMORE///	\$ 34,050.00	\$ 5,674.20	\$ 7,097.00	\$ 83,662.55	\$ 92,751.48	\$ 133,292.43	\$ 97,191.79	\$ 18,150.00	\$ 8,259.50		\$ 480,128.95
MCGRATH INVESTIGATIONS						\$ 15,445.00					\$ 15,445.00
OPPENHEIMER/ AMY				\$ 24,381.00							\$ 24,381.00
RICHARDS, WATSON & GERSHON	\$ 11,803.75	\$ 1,770.00							\$ 6,032.21		\$ 19,605.96
TOPLIFF/ MARY L.//								\$ 25,000.00			\$ 25,000.00
GOYETTE/ GRIFFITHS//									\$ 50,429.75		\$ 50,429.75
WITTWER PARKIN LLP									\$ 47,635.43	\$ 28,691.40	\$ 76,326.83
OGLETREE, DEAKINS, NASH, SMOAK									\$ 1,739.50	\$ 8,640.50	\$ 10,380.00
COTCHETT, PITRE & MCCARTHY LLP										\$ 3,300.00	\$ 3,300.00
Grand Total	\$ 92,734.13	\$ 92,072.19	\$ 113,565.63	\$ 221,464.95	\$ 416,195.54	\$ 488,052.35	\$ 418,358.54	\$ 333,458.67	\$ 475,520.27	\$ 40,631.90	\$ 2,692,054.17

*19-20 YTD is invoices received thru August 2019



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SPECIAL MEETING MINUTES

September 25, 2019

5:00 PM

San Mateo County Harbor District
Conference Room
504 Avenue Alhambra, Ste. 200
El Granada, CA 94018

- A) Roll Call** 5:00 PM Commissioners Chang Kiraly, Larenas, Mattusch present.
Commissioners Brennan and Reyerling absent.
5:10 PM Commissioner Reyerling arrives.
- B) Public Comment** None
- C) Closed Session**
- 1) **TITLE: Public Employment**
General Manager
 - 2) **TITLE: Conference with Legal Counsel - Existing Litigation Pursuant to Government Code §54956.9(d)(1)**
McHenry Fisheries, Inc (dba Pillar Point Seafoods) v. San Mateo County Harbor District; Morning Star Fisheries LLC v. San Mateo County Harbor District
 - 3) **TITLE: Conference with Legal Counsel - Anticipated Litigation**
Significant exposure to litigation pursuant to Government Code §54956. 9(d)(2) and (d)(3) (one potential case).
- 6:24 PM – President Chang Kiraly closed Closed Session.
No Reportable actions.
- D) 1. Public Comments/Questions**
- **Celine Gerakin (by Comment card)** – Thanked the Harbor District and staff for the support and help with Coastal Cleanup Day and regular beach cleanups.

2. Commissioner Comments

- **Commissioner Chang Kiraly** – attended Coastal Cleanup Day at Oyster Point Marina, thanked staff for all of their fantastic efforts involved in clean up. Thanks Oyster Point Dragons for their good efforts, too.

3. Committee Updates

Standing Committees

- Climate Change Resilience – September 12 (meeting cancelled)
- Finance – No recent meeting
- Governance and Policy – August 21, September 12
- Oyster Point Liaison – No recent meeting
- Social Media/Public Outreach – August 19
- Wildlife Protection – No recent meeting

Ad Hoc Committees

- General Counsel Search– New
 - General Manager Search – September 4, 9&10
 - Strategic Plan -No recent meeting
 - Office Design – (upcoming) September 30
- **Commissioner Larenas** - reiterated that members of the public and fellow Board members are welcomed and encouraged to attend Standing and Ad Hoc Committee meetings and he has been working with staff and Legal Counsel to allow for more than two Commissioners to attend without violating the Brown Act. Shared that the General Manager Ad Hoc Committee sorted through applications and interviewed candidates.
- **Commissioner Mattusch** – General Manager Ad Hoc Committee reviewed applications and is moving forward to set up interviews for entire Board.

E) Consent

1. Bills and Claims (van Hoff)

Recommendation: Review Pre-Approved Bills and Claims in the amount of \$313,544.13. Pre-Approve \$500,000 in Bills and Claims until next meeting.

2. Minutes – Special Meeting August 21, 2019 (Gehret)

Recommendation: Approve Minutes of the Special Meeting of August 21, 2019.

3. Minutes – Regular Meeting August 21, 2019 (Gehret)

Recommendation: Approve Minutes of the Regular Meeting of August 21, 2019.

4. **Minutes – Special Meeting September 18, 2019 (Gehret)**
Recommendation: Approve Minutes of the Special Meeting of September 18, 2019.
5. **Minutes – Regular Meeting September 18, 2019 (Gehret)**
Recommendation: Approve Minutes of the Regular Meeting of September 18, 2019.
6. **Minutes – Special Meeting September 19, 2019 (Gehret)**
Recommendation: Approve Minutes of the Special Meeting of September 19, 2019.
7. **Fourth Quarter 2018/19 Financial Report (van Hoff)**
Information only.
8. **Fourth Quarter – Fiscal Year 2019 (Q4-19) Rent Report (van Hoff)**
Information only.
9. **Authorized List of Signatures with the San Mateo County Treasurer’s Office and California State Treasurer’s Office; Adopt Resolutions No. 19-12 and No. 19-13 (van Hoff)**
Recommendation: Approve list of Harbor District authorized signers for the San Mateo County Treasurer’s Office and adopt Resolution No.19-12; Approve list of Harbor District authorized signers for the California State Treasurer’s Office and adopt Resolution No.19-13.
10. **Special District Risk Management Authority Amendment to Health Benefit Program Memorandum of Understanding; Adopt Resolution 19-11 (van Hoff)**
Recommendation: Adopt Resolution No.19-11 approving the form of and authorizing the execution of a Memorandum of Understanding (MOU) and authorizing continued participation in the Special District Risk Management Authority’s (SDRMA) Health Benefit Program.
Motion: (Mattusch/Reyering) Approve Consent Items 1-10.
Ayes: All in favor
Motion passed

F) Discussion

11. **Approve Addition of One Deputy Harbormaster Position (van Hoff)**
Motion: (Reyering/Mattusch) Approve addition of one Deputy Harbormaster (DHM) position.
Ayes: All in favor
Motion passed
12. **Emergency Repair to the Pillar Point Harbor Launch Ramp Drain and Area Surrounding Filtration System; per Public Contract Code 22050 (Moren)**

Motion: (Reyering/Mattusch) Authorize the Interim General Manager to enter into an agreement with Andreini Bros. Inc. for an amount not to exceed \$42,761 to conduct emergency repairs to the Pillar Point Harbor (PPH) launch ramp drain and area surround the filtration system, pursuant to the California Public Contract Code (PCC) Section 22050.

Ayes: All in favor

Motion passed

13. Grant Identification and Writing Consulting Services (Moren)

Motion:(Reyering/Mattusch) Authorize the Interim General Manager to execute a Professional Services Agreement (PSA) for Grant Identification and Writing Consulting Services with California Consulting Inc. on an hourly basis consistent with attached proposal for an amount not to exceed \$50,000.

Ayes: All in favor

Motion passed

14. Appointments of Secretary and Committees

Public Comment

- **John Ullom** – Comments directed to Commissioners Reyering and Chang Kiraly.

Motion: (Mattusch/Chang Kiraly) Commissioner Reyering continues in the office of Secretary.

Ayes: Chang Kiraly, Mattusch, Reyering

Nays: None

Abstain: Larenas

Motion passed

Motion: (Mattusch/Reyering) Appoint President Chang Kiraly and Commissioner Reyering to the Strategic Planning Ad Hoc Committee.

Ayes: Chang Kiraly, Mattusch, Reyering

Nays: None

Abstain: Larenas

Motion passed

E) Discussion/Action on Pulled Consent Items (if any)

F) Future Agenda Items

G) Adjourn 6:47 PM Motion: (Mattusch/Reyering) Adjourn meeting.

Ayes: All in favor

Motion passed

Debbie Gehret
Deputy Secretary

Virginia Chang Kiraly
President



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SPECIAL MEETING MINUTES

**October 3, 2019
10:00 AM**

San Mateo County Harbor District
Conference Room
504 Avenue Alhambra, Ste. 200
El Granada, CA 94018

- A) Roll Call**
- B) Public Comment**
- C) Closed Session**

- 1) **TITLE: Public Employment**
General Manager

Report out of Closed Session: Regarding the General Manager search, the Board is moving forward with interviews.

D) Discussion

Public Comment:

- **John Ullom** – not supportive of holding a meeting at Oyster Point Yacht Club.

- 2) **Regular Board Meeting Location Change for October 16, 2019; Adopt Resolution No.19-14 (Chang Kiraly)**

Motion: (Mattusch/Chang Kiraly) Hold the October 16th Board meeting at the Oyster Point Yacht Club at 6:30 PM.

Ayes: Chang Kiraly, Mattusch, Reyerling

Nays: None

Abstain: Larenas

Motion passed.

- 3) **Committee Assignments (Chang Kiraly)**

Public Comment:

- **John Ullom** – Agrees that public members should not have voting rights on committees.

Motion: (Chang Kiraly/) Remove Bud Ratts from Governance and Policy Committee. Commissioner Larenas objects to vote. No second.

Motion: (Chang Kiraly/Reyering) Place the Policy regarding public members standing committees on the October 16th agenda.

Ayes: Chang Kiraly, Mattusch, Reyering

Nays: Larenas

Motion passed.

E) Adjourn 11:50 AM Motion: (Mattusch/Chang Kiraly) Adjourn meeting.

Ayes: Chang Kiraly, Larenas, Mattusch, Reyering

Nays: None.

Motion passed.

Debbie Gehret
Deputy Secretary

Virginia Chang Kiraly
President



Staff Report

TO: Board of Harbor Commissioners
FROM: John Moren, Interim General Manager
DATE: October 16, 2019
SUBJECT: Monthly Capital Projects Update

Recommendation/Motion:

Receive Monthly Capital Projects update.

Fiscal Implications/Budget Status:

All Capital Projects are budgeted appropriately.

Capital Projects Update:

- **PPH Johnson Pier Reconfiguration, H-Dock and Fuel Dock Replacement Project: Initiated Jan. 2017**
 - H-Dock replacement meeting to gain input from public/tenants/stakeholders was held January 23, 2018^{at} the HMBYC.
 - Public input was addressed in a new drawing and sent with an additional questionnaire to all H-Dock tenants on March 21, 2018.
 - Addressed input gathered at first meeting and from questionnaire for H-Dock replacement. Second public meeting held May 15, 2018 at the HMBYC.
 - Terminus reconfiguration preliminary stakeholder/public meetings held on May 29, 2018 and July 17, 2018 to gather input/ideas on needed alterations.
 - Design/engineering consultant M&N provided a project update at the March 20, 2019 Board meeting, along with proposal to combine Johnson Pier Terminus Reconfiguration so that programmatic permitting can be made most cost efficient.
 - Consultant M&N working on D&E and permitting.
- **PPH Johnson Pier Timber Platform Piling Repair Project: Initiated Mar. 2019**
 - Project to be completed as soon as possible to stabilize the timber platform until the reconfiguration construction can take place.
 - Consultant M&N working on Design/Engineering/Permitting.
 - IFB advertised, Pre-Bid conference October 11, 2019

- **PPH Fishing Pier Repair and Access Walkway Rehabilitation: Initiated Mar. 2017**
 - Consultant M&N working on Design/Engineering/Permitting.
 - Initial drawings and technical memos submitted for review 2/22/18
 - 65% submittals reviewed May 2nd, consultant working on revisions.
 - CDP, NWP, and NOI applications submitted on June 22, 2018.
 - CCC CDP waiver approved in October 2018.
 - 95% tech specs for ITB are being completed.
 - Design/engineering consultant M&N provided a project update at the March 20, 2019 Board meeting.
 - Invitation for Bid sent out 6/5/19.
 - Lowest qualified bid was accepted 8/21/19.
 - Contractor working to order materials and set construction start date.

- **PPH West Trail Shoreline Protection Project: Initiated May 2015**
 - Geotech testing, core sampling, took place 11/6/17. CCC issued an Incomplete Filing Status on 1/17/18. Consultant currently revising Project plans and addressing CCC concerns.
 - Met with GHD and their sub-consultant at West Trail on 2/15/18 to discuss soil nail wall construction methods for further submittals to CCC.
 - GHD provided update presentation to Public/Board at April 18, 2018 BoC Meeting.
 - Consultant GHD directed to re-look at beach nourishment alternatives with emphasis on Living Shoreline options per CCC Incomplete Filing Status notification letter. GHD working with Program Manager to apply for Coastal Conservancy Grant for funds assist.
 - Project consultants GHD/ESA provided a project update and proposal for Board consideration at the April 17, 2019 Board meeting. Proposal was approved, GHD/ESA Team working on design, engineering and permitting.
 - Draft Project site ecology memo from Dr. Peter Baye being reviewed by team. Can be shared with district. Rookery survey complete and memo being drafted by GHD. Eelgrass survey complete (no eelgrass within our site). Topo/Bathy survey undergoing QC by ESA team, should be available in next month. Evaluating DWR flood protection grant draft guidelines. Drainage options are being formulated and making our way towards a recommended solution.
 - GHD/ESA Teams to give update presentation 11/20/19.

- **PPH Launch Ramp Dredge Project: Initiated May 2016**
 - Bid Docs 80% complete, awaiting final tech specs CDP submittal. Additional sediment testing was required for use of airport property.
 - Project approved for Disaster Relief Funding by FEMA/CalOES
 - FAA approved staging site within airport boundary.
 - Sediment removed will be beneficially re-used either at Surfers Beach or West Trail.
 - Airport ground lease for sediment staging has been approved.
 - Additional Wetlands Delineation study was found to be necessary, in progress.
 - Project Invitation for Bid advertised March 2019.

- Single bid received is being evaluated by design/engineering team.
 - Single bidder revised bid lower, being brought to Board for consideration 6/19/19.
 - Dredge operation completed, sediment staged at HMB Airport, remaining scope to monitor sediment and remove fencing will be ongoing until sediment beneficially re-used.
- **PPH RV Park Restroom Project: Initiated Nov. 2017**
 - Consultant working on survey and initial drawings. Met with City of Half Moon Bay and CCC on June 1st.
 - Discussed project with CCC on October 3, 2018.
 - HMB Study Session held Jan 8, 2019.
 - Met with City of Half Moon Bay and tenant on Jan 25, 2019, discussed public input from Study Session and potential preferred site location.
 - Met with John Mathews Architects April 1, 2019 to put together alternative drawings for later consultation w/ City of HMB.
 - Preferred alternative considered at 6/19/19 Board meeting.
 - CDP approved, RFP for D&E and permitting underway.
 - RFP for design engineering advertised, Pre-Bid Conference held Sept 20, 2019, Proposals due October 7, 2019.
- **PPH Harbormaster's Office Alterations Project: Initiated Oct. 2017**
 - Project approved by Board at Dec '17 meeting. Tech Specs, Bid Docs and permitting in progress.
 - Preliminary construction drawings currently at 90% completion, CCC/CDP Waiver approved.
 - Consultant and staff working on construction Invitation for Bid docs.
 - IFB advertised 9/4/19. Bid opening September 30, 2019, bids being reviewed.
- **PPH West Trail Restroom and Pave Parking Lot: Initiated Mar. 2018**
 - Project was on hold due to conflicting adjacent parking lot repair project.
 - Project will progress at Board direction after Master Plan has been vetted.
- **PPH Parking Lot B, C2, C3 Repair Project: Initiated May 2018**
 - Slurry/stripe project schedule pushed out due to conflict with Sidewalk Expansion priority project.
 - Project planning will resume after policies for long term oversize vehicle use in lot have been vetted.
- **Surfers Beach Sand Replenishment Pilot Project: Initiated Oct. 2015**
 - Consultant working closely with Sanctuary staff to move forward, clarification request letters sent 11/7/17. Staff attended MBNMS Advisory Council meeting in Monterey December 15, 2017.
 - Staff and consultant hosted combined agency, meeting on site 2/26/18. USACE, Sanctuary, CCC, EPA reps in attendance.

- Consultant Damitz met with USACE, NOAA and GFNMS on 5/3/18 to discuss monitoring strategy.
 - Consultant Damitz presented Project update at May 23, 2018 Board meeting.
 - DBW Grant approved, Board approved Grant Agreement at May 23, 2018 meeting.
 - Engineering and Sediment Sampling/Analysis RFP submissions opened on 8/14/18. Highest ranked respondents awarded contracts.
 - Technical Advisory Group to meet November 8, 2018.
 - Meeting with regulatory authorities to discuss permitting occurred January 31, 2019.
 - Consultant Damitz provided Board update on April 2019. Tech Specs and permitting in progress.
- **PPH EV Parking Spaces Project: Initiated June 2019**
 - Two EV parking spaces included as requirement in RV Park Restroom CDP/RFP. Will be looking into additional EV sites.
 - **PPH Habitat Restoration at West Trail Project: Initiated June 2019**
 - Initiated research into compiling an RFP for D&E and permitting.
 - **PPH Coastal Trail Improvement Project: Initiated June 2019**
 - Initiated research into compiling an RFP for D&E and permitting.
 - **OPM Dock 12 (13,14) / East Dock Replacement: Initiated Mar. 2018**
 - Project design/engineering RFP has been completed. Project will proceed in accordance with Board direction and MOU terms.
 - **Signage/Wayfinding Program Project: Initiated Jun. 2018**
 - Project will include a programmatic plan for new aesthetically pleasing interpretive signage/wayfinding consistent with ADA guidelines. Project will proceed at Board direction after Master Plan has been vetted.



Staff Report

TO: Board of Harbor Commissioners

FROM: Julie van Hoff, Director of Administrative Services
Boomer Henthorne, Accounting Manager

DATE: October 16, 2019

SUBJECT: First Quarter – Fiscal Year 2020 (Q1-20) Investment Report

Recommendation/Motion:

Information only report.

Policy Implications:

None

Fiscal Implications/Budget Status:

None

Alternatives Considered:

None

Background/Discussion:

This report is required by San Mateo County Harbor District Policy 4.4.1 – Investment Policy. The report shows the cash and investment balances that are held by the San Mateo County Harbor District as of September 30, 2019.

The Average Rates are calculated by:

- Local Agency Investments Fund (LAIF) – this is an average of the prior year rate of returns stated on the reports provided to us by LAIF. At the time of this writing, the Q1-20 LAIF interest statement is not available. As such, we are reporting the LAIF average fiscal year rate from 06/30/19.
- San Mateo County Investment Pool – this is an average of the prior year rate of returns stated on the reports provided to us by San Mateo County Investment Pool. At the time of this writing, the 09/30/19 SMC interest report is not available. As such, we are reporting the SMC average fiscal year rate from 08/31/19.

Total Cash and Investments decreased from \$17,537,472 to \$17,005,678 at quarter-end. The decrease was mainly due to the disbursement of large recurring and one-time payments such as (amounts rounded):

- \$322,000 annual payment to CalPERS for our annual Unfunded Accrued Liability
- \$238,000 annual payment to Special District Risk Management Authority for our Worker's Compensation and Property/Liability insurance policies for FY19-20
- \$342,000 payment to Dixon Marine Services for PPH Launch Ramp Dredging project
- About \$83,000 payments to GHD for services performed for West Trail Protection/Living Shoreline project

Summary/Recommendation:

This report is informational only.

Attachment:

[Q1-20 - Investment Report](#)

**SAN MATEO COUNTY HARBOR DISTRICT
QUARTERLY INVESTMENT BALANCES REPORT**

As required by Section 12 (Reporting) of the Investment Policy of the San Mateo County Harbor District, I am submitting to each member of the Board of Harbor Commissioners a Quarterly Investment Report.

The following cash and investments were held by the San Mateo County Harbor District as of September 30, 2019:

<u>CASH</u>	<u>BALANCE AS OF</u>		<u>AVERAGE</u>
	<u>9/30/2019</u>		<u>FY RATE</u>
Petty Cash - per GL balance	2,250.00	A	-
US Bank - Operations - per bank statement balance	1,196,495.05	B	-
US Bank - Payroll	-	C	-
	<hr/>		
Total Cash	1,198,745.05		-
	<hr/>		
<u>INVESTMENTS</u>			
Local Agency Investment Fund (LAIF)	7,260.55	D	2.42%
San Mateo County Investment Pool	15,799,673.15	E	2.35%
	<hr/>		
Total Investments	15,806,933.70		
	<hr/>		
<i>Total Cash and Investments</i>	<u>\$ 17,005,678.75</u>		

The District typically invests in: The Local Agency Investment Fund (LAIF), the San Mateo County Investment Pool, Collateralized CDs and FDIC Insured accounts, which require current statements to satisfy the reporting requirement.

Certifications:

I certify that all investment actions executed since the Investment Policy was adopted on September 15, 2004, have been made in full compliance with the Investment Policy and the San Mateo County Harbor District will meet its expenditure obligations for the next six months.

Julie van Hoff
Director of Administrative Services

Reviewed By:

Tom Mattusch
Treasurer - San Mateo County Harbor District

GENERAL LEDGER REPORT

MONTH: SEPTEMBER
SMCHD

Page: 1
9/27/2019
4:14 pm

Post Date	JE Type	JE No.	Journal Entry Desc Line 1	Beg. Bal.	Debit	Credit	Begin/End Bal.
			GL#: 100-000.000-110.005 Petty Cash				2,250.00
			100-000.000-110.005 Petty Cash	2,250.00	0.00	0.00	2,250.00
			Fund: 100 - General Fund-Mixed Activity Totals:		0.00	0.00	
			Grand Totals:		0.00	0.00	

A



P.O. Box 1800
Saint Paul, Minnesota 55101-0800

3811 TRN 6480 S Y ST01

Account Number:
1 534 5474 6352
Statement Period:
Sep 3, 2019
through
Sep 30, 2019



000240501 01 SP 000638220796986 S
SAN MATEO COUNTY HARBOR DISTRICT
OPERATING ACCOUNT
504 AVENUE ALHAMBRA 2ND FLOOR
PO BOX 1449
EL GRANADA CA 94018-1449



To Contact U.S. Bank

Commercial Customer

Service: 1-877-295-2509

U.S. Bank accepts Relay Calls

Internet: usbank.com

INFORMATION YOU SHOULD KNOW

Effective November 11, 2019, the "Your Deposit Account Agreement" booklet will include updates that may affect your rights. The main updates to note in the revised "Your Deposit Account Agreement" booklet sections, and sub sections include:

- Update *Online and Mobile Financial Services Agreement* document title to *Digital Services Agreement*
- Addition of Applicable Law section
- Owner's Authority section
 - Update to owner authorized actions
- Deposits section, Foreign Currency sub-section
 - Clarification on the foreign currency deposit process
- Returned Deposited and Cashed Items section
 - Clarification on the assessment of fees
- Insufficient Funds and Overdraft section
 - Available Balance and Insufficient Funds sub-sections
 - Clarification of pending merchant transactions regarding posting and impact to available balances
 - Our Fees sub-section
 - Extended overdraft fees are suspended during fraud investigations
- Closing Your Account section
 - Clarification on actions associated with closing your account
- S.T.A.R.T Goals and Rewards section
 - Removal of the Think Twice™ Savings feature option
- U.S. Bank Consumer Reserve Line Agreement section
 - Interest Charges and Fees sub-section
 - Change to Late Payment Fee language

Starting November 11, download a copy of the revised booklet at usbank.com/ttermsandconditions. You may also call your customer service team at the phone number listed at the top of this statement to request a copy.

CORPORATE CHECKING

Member FDIC

U.S. Bank National Association

Account Number 1-534-5474-6352

Account Summary

	# Items		
Beginning Balance on Sep 3		\$	1,455,247.10
Customer Deposits	16		135,253.67
Other Deposits	85		197,074.88
Other Withdrawals	19		285,549.11-
Checks Paid	114		305,531.49-
Ending Balance on Sep 30, 2019		\$	1,196,495.05

B

Customer Deposits

Number	Date	Ref Number	Amount	Number	Date	Ref Number	Amount
	Sep 3	8358120084	2,810.00		Sep 9	8056560670	2,739.60
	Sep 3	8357860109	3,802.00		Sep 13	9254860063	11,824.61
	Sep 3	8358119972	7,830.00		Sep 13	9254085831	15,007.89
	Sep 6	9254506103	12,853.91		Sep 17	8357238825	4,747.92
	Sep 6	9254505995	14,255.53		Sep 17	8357238415	6,605.56
	Sep 9	8056560275	1,376.00		Sep 17	8357239264	13,929.17



P.O. Box 1800
Saint Paul, Minnesota 55101-0800

3811 TRN 6480 S Y ST01

Account Number:
1 534 5474 6360
Statement Period:
Sep 3, 2019
through
Sep 30, 2019



000258815 01 SP 000638220815300 S
SAN MATEO COUNTY HARBOR DISTRICT
PAYROLL ACCOUNT
504 AVENUE ALHAMBRA 2ND FLOOR
PO BOX 1449
EL GRANADA CA 94018-1449



To Contact U.S. Bank

Commercial Customer

Service: 1-877-295-2509

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 - Clarification on the foreign currency deposit process
- Returned Deposited and Cashed Items section
 - Clarification on the assessment of fees
- Insufficient Funds and Overdraft section
 - Available Balance and Insufficient Funds sub-sections
 - Clarification of pending merchant transactions regarding posting and impact to available balances
 - Our Fees sub-section
 - Extended overdraft fees are suspended during fraud investigations
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 - Interest Charges and Fees sub-section
 - Change to Late Payment Fee language

Starting November 11, download a copy of the revised booklet at usbank.com/ttermsandconditions. You may also call your customer service team at the phone number listed at the top of this statement to request a copy.

CORPORATE CHECKING

U.S. Bank National Association

Account Summary

Member FDIC

Account Number 1-534-5474-6360

	# Items		
Beginning Balance on Sep 3		\$	0.00
Other Deposits	2		215,250.13
Other Withdrawals	4		215,250.13-
Ending Balance on Sep 30, 2019		\$	0.00



Other Deposits

Date	Description of Transaction	Ref Number		Amount
Sep 5	ZBA Credit	From Account 153454746352	0500000040	\$ 105,491.53
Sep 19	ZBA Credit	From Account 153454746352	1900000044	109,758.60
			Total Other Deposits	\$ 215,250.13

California State Treasurer *Fiona Ma, CPA*



Local Agency Investment Fund
P.O. Box 942809
Sacramento, CA 94209-0001
(916) 653-3001

October 01, 2019

[LAIF Home](#)
[PMIA Average Monthly Yields](#)

SAN MATEO COUNTY HARBOR DISTRICT

FINANCE
P.O. BOX 1449
EL GRANADA, CA 94018

[Tran Type Definitions](#)

Account Number: 80-41-001

September 2019 Statement

Account Summary

Total Deposit:	0.00	Beginning Balance:	7,260.55
Total Withdrawal:	0.00	Ending Balance:	7,260.55 D

SMCHD			9/30/2019
San Mateo County Investment Pool Estimate			
Date	Description	Debit (Credit)	Balance
8/31/2019	Balance per stmt - 8/31/19	-	15,799,673.15
8/31/2019	No activity in Sept	-	15,799,673.15

E



Staff Report

TO: Board of Harbor Commissions

FROM: John Moren, IGM/Director of Operations

DATE: October 16, 2019

SUBJECT: Oyster Point Dragons Operations Update; Presentation

Recommendation/Motion:

Information only, no action required. Receive update on the operations of the Oyster Point Dragons, a non-profit organization promoting community involvement in human powered dragon boat racing.

Policy Implications:

Consistent with the District's goal of promoting water-based activities benefiting the public.

Background/Discussion:

Oyster Point Dragons (Dragons) is a tax-exempt organization under IRS Code Section 501(c)(3). All Dragons officials, board members, team members, and paddlers are volunteers.

The District has historically supported the Dragons' activities at OPM, allows them use of shallow draft areas in the marina, landside of the most inner finger piers, which are too shallow for the normal use of power or sailing vessels. These areas are assigned at the discretion of the Harbormaster and used solely for Dragons to store their paddle-powered, shallow draft, 3' beam dragon boats. Dragons are also allowed the use of a Harbormaster approved equipment storage container on the dock and have been granted a CAP for a 24' storage trailer landside, all at no cost.

The Dragon's mission is to promote the sport of dragon boating in a fun and safe environment while fostering team spirit and friendship. Its vision is to expand and promote the sport of dragon boating as a health promotion program, an approach to leadership development, and a team building technique for schools, corporations, and communities in South San Francisco and the Bay Area in general. Dragons mission and vision are guided and guarded by the fundamental values and principles

of Unity, Fairness, Integrity, Compassion, Respect, Training, and Transparency within a positive and supportive environment.

Dragons makes a difference by providing paddlers with multiple supportive relationships with peers and by offering challenging physical activities and health initiatives in a positive and family-friendly environment. Besides its paddling program, Dragons hosts or holds several other programs: water safety clinics; featured talks by a Sports Medicine doctor and by Dietitians; an "Urban Hike" program; and fitness assessments. Dragons also seeks out and participates in local, national, and international events, which all provide Dragons members and guests with excellent team camaraderie and team travel opportunities.

Dragons are a very inclusive team with members of various ethnicity, gender, ages, and health conditions. We welcome anyone who wants to have fun while fostering team spirit and friendship. Their current members range from teens to septuagenarians, some of whom are cancer, stroke, and heart attack survivors, or with other health conditions. All these members are regaining their health, strength, and enjoying support, fun, and friendship as a result of joining Dragons. They also hold sessions for school children who want to learn about teamwork, discipline, and endurance."

On November 20, 2013, Dragons received a commendation from the Board of Harbor Commissioners of the San Mateo County Harbor District for their "Contribution to the Harbor District and the Oyster Point Marina community."

Summary/Recommendation:

Receive Oyster Point Dragons operations update presentation.

Attachments:

[Oyster Point Dragons Presentation](#)

San Mateo Harbor Commissioner Meeting

Oyster Point Dragons
Wednesday, Oct 16, 2019

A Humble Beginning

We found our home at Oyster Point Marina in Feb. 2013

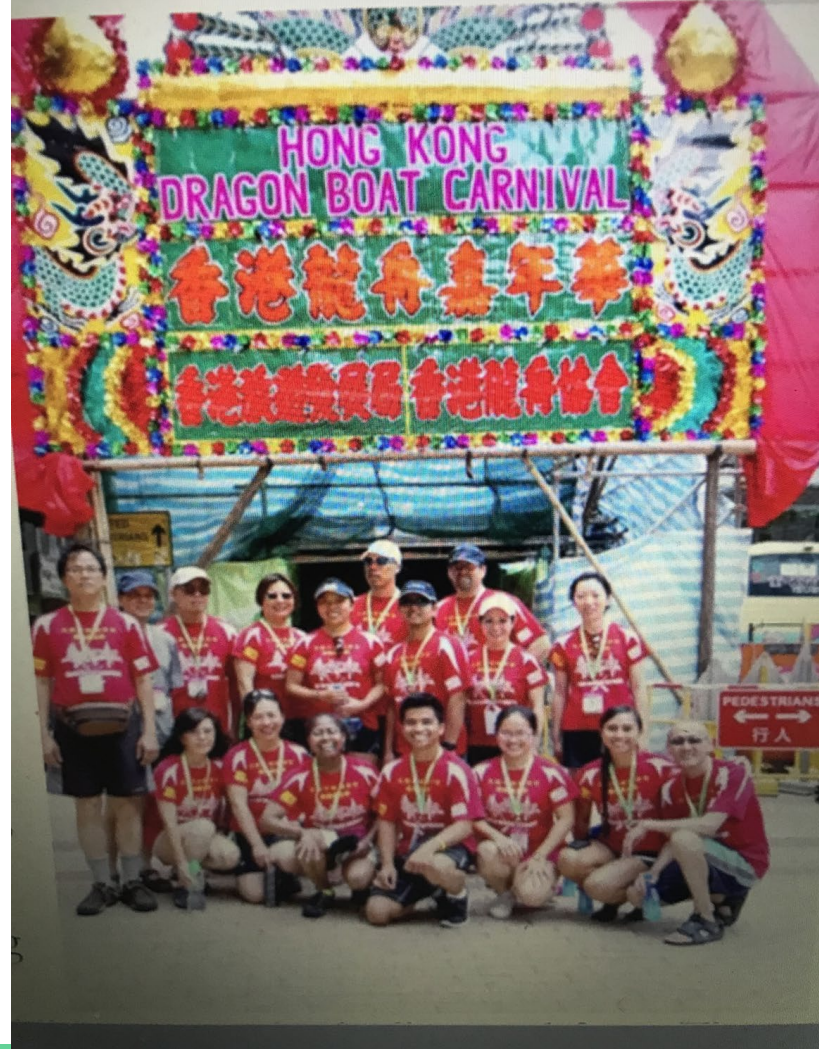


Student Program- First Competition in July 20 15



International Competitions

Hong Kong, China
2016



International Competitions

Vancouver, BC
2017



International Competitions

**Szeged, Hungary
2018**



New Taipei, Taiwan- 2019



Parks & Rec Program

City of S. San Francisco
& Town of Colma



Annual Sunrise Paddling



Urban Hike

Every
Month



Annual Coastal Cleanup



Community Events:



- Oyster Point Dragons (OPD) Presents -
Dragon Boat Training - Lunch & Learn
 Sunday, March 11, 2018, 11AM - 5PM

Our Speakers:



[Injury Prevention for Paddlers at All Levels](#)
Maximize Your Potential!

Brian Soo, Licensed Physical Therapist & OPD Head Coach

Brian holds a Masters degree in Physical Therapy from Samuel Merritt University. With his knowledge in both physical therapy and coaching paddlers ages 10 - 73, he is able to focus on injury prevention for paddlers at all levels. He has been coaching and racing for over 15 years.



[Drummer / Caller Clinic](#)
Ready to Put a Pro on the Seat?

Connie Flesuras, Award Winning Team USA Coach

Connie brings 20 years of dragon boat paddling, team and club management, coaching, and drumming experience to us. As a founding and still active member of Wasabi Paddling Club in Portland, Oregon - one of the largest paddling clubs in the United States, she is ready to share a wealth of knowledge about the sport with the Bay Area teams.

Event Information	Event Schedule
Oyster Point Yacht Club 911 Marina Blvd., South San Francisco, CA 94080 Adult \$35; 18 & under \$25 (Additional \$5 at the door) Sandwiches and drinks are included Contact your team leaders to reserve group seats TODAY! Or email info@oysterpointdragons.org for all reservations Tickets are transferable, but non-refundable	11:00AM - Registration / Check-in 11:30AM - Speaker: Brian Soo 12:30PM - Little Lucca sandwiches lunch 1:30PM - Speaker: Connie Flesuras 4 - 5PM - Drummers on dragon boats <i>This is a fundraiser to support OPD U16's journey to compete in the 11th CCWC in Hungary! 100% of the net proceeds will help defray the team's transportation cost and other race days expenses.</i>

A sincere appreciation to all the Bay Area leaders for helping to make this fundraising event possible. Special thanks to Brian and Connie for their love and support to bring out the best in every paddler, especially the next generation of amazing racers!

SF HEP B FREE PRESENTS

PADDLES UP FOR HEALTH

SEP. 30, 2018
 10AM-2PM

JOIN US FOR OUR FIRST DRAGON BOAT COMMUNITY HEALTH SUMMIT

- Health education presentation
- Free lunch provided
- Raffle contest
- Paddle around Oyster Point Marina

OYSTER POINT YACHT CLUB
 911 MARINA BLVD
 SOUTH SAN FRANCISCO CA 94080

Upcoming Public Event

Free for all

Sunday Oct. 20, 2019

9 AM to 12 Noon

Sponsored by SSF Parks & Rec Dept

A Cultural Connection: Dragon Boating

Hosted by Oyster Point Dragons and
sponsored by the City of South San
Francisco Parks & Recreation



Free Event!

Come enjoy a new and fun cultural activity
by learning about dragon boating!



All ages welcome; anyone 10+
can hop on a dragon boat



- Sunday, October 20, 2019
 - 9 AM to 12 Noon
 - 95 Harbor Master Road, Gate 7, Oyster Point Marina, South San Francisco
 - Adjustable paddles and personal flotation devices (PFDs) provided
 - Restrooms available
 - An electronically-submitted liability waiver is required during on-site registration
 - What to Bring – Water, sunscreen, hat or cap, quick-dry outfits, sandals or water shoes, waterproof windbreaker, towel, and a change of clothes
 - Light refreshments and snacks will be provided
- For more information about us visit our website at oysterpointdragons.org/



Thank you for your time!



Staff Report

TO: Board of Harbor Commissions

FROM: John Moren, IGM/Director of Operations

DATE: October 16, 2019

SUBJECT: Commercial Activity Permit Application for Tideline Marine Group, Inc. to Operate as a Commuter Ferry Service out of Oyster Point Marina for the Remainder of 2019

Recommendation/Motion:

The San Mateo County Harbor District Board of Harbor Commissioners (Board) consider approval of the Commercial Activity Permit application for Tideline Marine Group, INC. (TMG) to operate a private commuter ferry service at Oyster Point Marina (OPM) for the remainder of 2019.

Policy Implications:

Consistent with the District's goal of promoting and providing transportation alternatives.

Fiscal Implications/Budget Status:

Commercial Activity Permit application fee of \$258 has already been received. Permittee shall pay \$900 monthly fee for up to two vessels, \$600 monthly fee for each additional vessel.

Background/Discussion:

TMG is a WETA sanctioned private commuter ferry service between OPM and Harbor Bay Alameda. Private commuting routes do not conflict with WETA routes and TMG is in an operational agreement with the City of Alameda, a private firm and WETA. TMG has been successfully operating out of OPM as an approved sub-lease of the Fathom Marine CAP using their allotted dock space. TMG now requests approval of their own CAP to operate using the OPM Guest Dock, departing 7:40am, 9:10am and arriving at 4:50pm, 6:15pm, Monday thru Friday. All vessels will be operated by a USCG licensed captain. Parking at OPM would not be impacted, as commuters would be parking personal vehicles at the pick-up site. TMG will provide the District with required proof of Comprehensive General Liability insurance policy

with the District listed as an additional insured. TMG would be responsible for all regulatory agency licensing and permitting. Approved CAPs are valid through the calendar year, with annual fees paid and no changes, can be renewed without further Board approval.

Summary/Recommendation:

The District currently has another active CAP with a different commuter ferry service for use of the same Guest Dock space at OPM for 150 to 200 unique passengers each day from 6:00am to 9:30am and 4:30pm to 6:00pm Monday thru Friday, up to three landings during each time slot. Therefore, staff cannot recommend approval, as the usage times for the new TMG CAP application conflict with the existing CAP.

Attachments:

1. [TMG Commercial Activity Permit Application](#)
2. [TMG CAP Application Supplemental Info.](#)



SAN MATEO COUNTY HARBOR DISTRICT

504 Avenue Alhambra, Ste. 200

P.O. Box 1449

El Granada, CA 94018

Phone: (650) 583-4400

COMMERCIAL ACTIVITY PERMIT APPLICATION

The undersigned (hereinafter referred to as "Applicant") hereby applies for a permit to conduct a commercial activity, described below, at facilities owned or operated by the San Mateo County Harbor District, hereinafter referred to as "District," a political subdivision of the State of California.

PROPOSED COMMERCIAL ACTIVITY

1. **PURPOSE:** The purpose of the application is to describe the proposed commercial activity offering of sales or services to the general public:

Please describe in detail the proposed commercial activity. Include information regarding the nature of the activity, the purpose, hours of operation, any fees charged, estimated number of participants/customers, areas of Harbor to be used, Harbor facilities to be used. (use additional sheets of paper if needed.)

2. **RULES AND REGULATIONS:**

- a) Applicant is required to comply with all Federal, State, Local and District laws and ordinances, and represents as part of this permit application process that he/she has reviewed the Ordinance Code of the San Mateo County Harbor District and is fully familiar with the restrictions and laws stated herein.
- b) Applicant is required to submit with this application a valid copy of the Fictitious Business Name Statement from the County of San Mateo Treasurer's Office (required in all unincorporated areas of the County of San Mateo) or a City of South San Francisco Business License (if business is located in South San Francisco) and Seller's Permit issued from the California State Board of Equalization, which entitles Permittee to sell products. License shall be maintained in accordance with law and Permittee must be able to produce license when requested to do so by a representative of the District. Seller's Permit requirement only applies if applicable. The permits issued by the San Mateo County Harbor District will be null and void if applicant is required to have a San Mateo County, City of Half Moon Bay, or a City of South San Francisco Permit or business license and does not obtain said permits or business licenses.

- c) Sales and services under the permit applied for herein shall be permitted during prescribed hours only, within the operating hours of the specific facility involved, without advance written approval from the Harbormaster's office.
- d) All sales, work or other services shall be performed only in the areas designated by District staff as the space within the facility for said service, work or sale.
- e) Any permit authorized pursuant to this application shall be revoked immediately, and shall be null and void, if applicant is found in violation of any of the Terms and Conditions of this permit, or any provisions of law, including the San Mateo County Harbor District Ordinance Code.
- f) The permit issued pursuant to this application shall be valid from January 1 through December 31 of the permit calendar year.
- g) Commercial Activities are covered under Section 5 of the existing Ordinance Code.

3. **PERMIT FEE, PAYMENT AND ACCOUNTING:**

- a) FEES: The non-refundable administrative fee for the term of this permit shall be **Two hundred fifty-eight dollars (\$258.00)** per year plus \$100 per year to add an additional harbor/marina and shall be payable on approval of this application, before issuance of the Commercial Activity Permit. Additional fees may be required such as a percent-of-sales fee. (Contact the Director of Operations and General Manager for additional requirements).
- b) Permittee may be required to post a security deposit of \$500.00, which may be used by the District for payment of any moneys, rents, fees or other charges due and payable to the District, but in arrears for over ninety (90) days. Permittee shall be required to reinstate security deposit within 30 days, and to the satisfaction of the District if District is required to use said security deposit to satisfy Permittee's obligations under this lease.
- c) **PLACE OF FILING AND PAYMENT:** Fees required herein shall be paid to:

San Mateo County Harbor District
 504 Avenue Alhambra, Ste. 200
 PO Box 1449
 El Granada, CA 94018

The fees may be paid with cash, check, or electronic payment made payable to the San Mateo County Harbor District. A thirty-dollar (\$30.00) charge shall be assessed to proposed applicant for any and all returned checks. The permit is then null and void.

4. **LIABILITY OF PARTIES: INDEMNIFICATION: INSURANCE:**

Applicant shall indemnify, hold harmless and defend District for and against any and all injury to and deaths of persons, and injuries to property, and all claims, demands, losses, damages and liability, arising out of the applicant's activities under this permit and the use by applicant of District facilities.

Prior to commencing any activities hereunder, applicant shall furnish to District satisfactory evidence of insurance written upon a form and by a company acceptable to District, insuring District, its directors, officers, agents and employees against any losses or liabilities which may arise out of applicant's use of the facilities, including all costs of defending any action. Said insurance shall consist of a Comprehensive General Liability policy with a Broad Form Endorsement that provides coverage for bodily injury and property damage in the amount of \$1,000,000.00 per occurrence and \$2,000,000.00 in aggregate. Said policy shall be in favor of, and name applicant and District, its directors, officers, agents and employees as additionally insured and shall be maintained in full force and effect during the term of the permit. Said policy shall state by its terms and by an endorsement that said policy shall not be canceled until District shall have had at least thirty (30) days written notice of such cancellation.

To operate a vessel under a Commercial Activity Permit, additional insurance is required in the form of Hull, Machinery, and P&I, including towing coverage.

Absence of insurance makes the Commercial Activity Permit null and void.

5. SIGNING OF APPLICATION

In signing this application, and accepting the permit issued thereby, the undersigned certifies under penalty of perjury that any and all work, services or sales will be made by the applicant personally, or by individuals in the applicant's employment, the names of whom must be provided in advance to the District on this application, or on any future amendment to the application, to enable the District to monitor the use of their facilities by outside business entities.

6. NON-TRANSFERABLE/ASSIGNABLE

Applicant understands that the permit so issued is non-transferable or assignable, and that any attempt to transfer, assign or otherwise encumber or hypothecate this permit shall result in the permit immediately becoming null and void, and all permit fees paid shall be forfeited.

In connection with the performance of this Permit, the Permittee may not discriminate against any customer, or against employee or applicant for employment because of race, color, religion, citizenship, political activity or affiliation, national origin, ancestry, physical or mental disability, marital status, age, medical condition (as defined under California law), veteran status, sexual orientation, gender identity, gender expression, sex or gender (which includes of pregnancy, childbirth, breastfeeding, or related medical conditions), taking or requesting statutorily protected leave, or any other characteristics protected under federal, state, or local laws. The Permittee must take affirmative actions to ensure that applicants are employed, and that employees are treated during their

employment, without regard to their race, religion, color, sex, disability, national origin, or any other characteristic protected under state, federal, or local laws. Such actions must include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation; and selection for training, including apprenticeship.

I/we have read, understand and accept all of the terms and conditions of this permit application, and the information provided herein, and request that the San Mateo County Harbor District issue its permit to me/us to engage in the commercial activity described in Paragraph 1, and that said permit be issued in the name of:

Tideline Marine Group, Inc. covering work by the following person(s):

Tideline Marine Group, Inc - Taylor Lewis



Signature of Applicant

Friday September 6th, 2019
Date

1681 Tiburon Blvd., Suite B Tiburon CA 94920
Address of Applicant

415-488-7722
Phone Number

taylor.lewis@tidelinemarinegroup.com
Email Address

Are you Requesting a Waiver of Fees: Yes No

Non-Profit ID Number (if applicable)

TITLE [If a corporation, attach a corporate resolution authorizing the signatory to enter into this permit agreement]

Please supply the information requested below. Attach additional sheets if necessary, to provide required information. A non-refundable application fee of should accompany this application. You will be notified of the disposition of the application and the necessary steps to secure your final permit. A permit fee signed permit agreeing to reimburse District for any costs incurred by damages and proof of liability insurance named the San Mateo County Harbor District as also insured will be required.

Commercial Activity Permit		
Please check all apply:	<input type="checkbox"/> Sporting Event <input checked="" type="checkbox"/> Water Activity <input type="checkbox"/> Picnic/Wedding <input type="checkbox"/> Services <input type="checkbox"/> Other _____	
Have you ever applied for a CAP with San Mateo County Harbor District	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Applicant Name:	Charlie Gondak	
Organization Name:	Tideline Marine Group, INC.	
Address:	1681 Tiburon Blvd. Suite B	
City, State, Zip Code	Tiburon CA, 92940	
Telephone	Day 415-339-0196	Cell 415-845-5624 Fax
Alternate Contact Person (s) and Phone Number	Danielle Weerth - 415-374-5446	
San Mateo County Resident:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Non- Profit:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Commercial:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Type of Event:	WETA sanctioned commuter service between Oyster Point and Harbor Bay Alameda. Hours of Operation: M-F Morning Service Depart Oyster Point @ 7:40am and 9:10am Evening Service Arrives Oyster Point @ 4:50pm and 6:15pm *TMG does generally operate during King Tides but evaluates on a case by case basis. TMG also does not operate in certain weather situations such as sustained high winds from S, E,NNE,e	
Description of Proposed Activity:	Service is a sanctioned WETA route, and does not conflict with existing operations out of Oyster Point Guest Dock. Tideline is in an operational agreement between the City of Alameda, a private firm, and WETA to provide this service. Service has been operating out of Fathom facility for previous last 6 months.	

Number of Events per year/month/week:	21 days per month for 6 months	
Event Hour:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Set up Time:		
Exit Time:		
Number of Participants/Guests:	approx. 20	
Maximum number of vehicles/parking requirements for the event: (provide parking plan)	None as the company we are contracted with provides a shuttle to it's employees.	
Equipment to be used: (Chairs, tables, tents, microphones, speakers)		
Individual in charge on event day (include name, address and contact number on the day of the event)		

Information will be used to determine whether a CAP will be issued. Completed application must be accompanied by an application fee based on the Permit Fee Schedule. The District may require additional information.

Request for fee waiver:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
-------------------------	------------------------------	----------------------------------------

Reason for request of fee waiver:

Are you familiar with/have you visited the requested area?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Do you plan to advertise or issue a press release before the event?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is there any reason to believe there will be attempts to disrupt, protest or prevent your event? (If yes, please explain on a separate page.)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Do you intent to solicit donations or offer items for sale?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Applicant is required to comply with all Federal, State, Local and District laws and ordinances, and represents as part of this permit application that he/she reviewed the Ordinance Code of the San Mateo County Harbor District and is fully familiar with the restrictions and laws stated therein.

Applicant is required to submit with this application any permit or license if required by the governing local jurisdiction (e.g. San Mateo County, City of South San Francisco, or City of Half Moon Bay wherein the event or activity will take place.) The Event Permit issued by the San Mateo County Harbor District will be null and void if applicant is required to have San Mateo County, City of South San Francisco, or City of Half Moon Bay permit or license and does not obtain said permits or license.


Prior to commencing any activities hereunder, applicant shall furnish to District satisfactory evidence of insurance written upon a form and by a company acceptable to the District, insuring District, its directors, officers, agents and employees against any losses or liabilities which may arise out of applicant's use of the facilities, including all costs of defending any action. Said insurance shall consist of a Comprehensive General Liability policy with a Broad Form Endorsement that provides coverage for bodily injury and property damage in the amount of \$1,000,000 per occurrence and \$2,000,000 in aggregate. Said policy shall be in favor of, and name applicant and District, its directors, officers, agents and employees as additionally insured and shall be maintained in full force and effect during the term of the permit.

Absence of insurance makes the Event Permit null and void.

In signing this application, and accepting the permit issued thereby, the undersigned certifies under penalty of perjury that any and all events or activities will be attended by the applicant personally or by individuals known to the applicant, the names of whom

must be provided in advance to the District on this application, or on any future amendment to this application, to enable the District to monitor the use of their facilities.

The applicant by his or her signature certifies that all the information given is complete and correct, and that no false or misleading information or false statements have been given.

Signature:  _____

Date: September 6th, 2019

Note: This is an application only and does not serve as permit to conduct any use of the Harbor or Marina. If your request is approved, a permit containing applicable terms and conditions will be sent to the person designated on the application. The permit must be signed by the responsible person and return to the San Mateo County Harbor District prior to the event for final approval by the General Manager or his/her designee.

***San Mateo County Board Approval
Requested for
Daily Permitted Landing at Oyster Point Guest Dock***



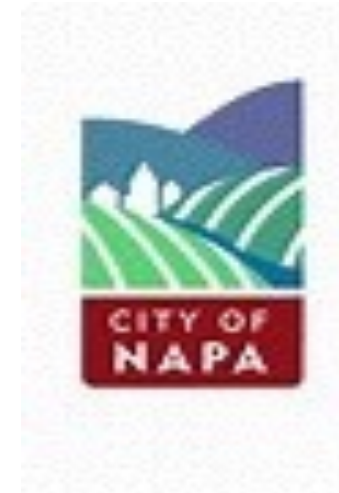
Company Overview



**2012
Founded in San
Francisco**



**25+ Bay Area
Landing
Locations**



**13 Year Contract
with Port of Napa**

Our Services

Tideline Marine Group

- **Private and Public Commuter Transportation**
- **Maritime Consulting**
- **Dock & Concession Management**
- **Ticketed Events**
- **Corporate Commuter Solutions**
- **Full-Service Charters**

Tideline Marine Group, Inc. (TMG) is the leading small scale public and for-hire ferry service in the Bay Area.

Our 25+ landing locations, ability to access existing infrastructure, and lower operating costs allow us to offer affordable, alternative, and more enjoyable transportation options to major corporations and housing developers around the Bay Area at a time when traffic congestion and public transit overcrowding is creating employee retention problems and forcing residents to move outside the Bay Area.

Tideline is a CPUC approved and active Common Carrier and a Department of Boating and Waterways approved 'For Hire' Operator.

An official water taxi
of the Port of
San Francisco



History

- TMG was granted a landing rights agreement from WETA in February 2019 to operate between Oyster Point and Harbor Bay Isle for employees of a public company.
 - In conjunction with WETA's approval, Harbor Bay Isle Association and the City of Alameda are also a party to our agreement.
- TMG extended this agreement with WETA in August 2019 for an additional 6 months in order to grow the service amongst the companies who wish to provide transit solutions for their employees.
- TMG has been, and is currently landing at the Fathom facility, generating revenue for the tenant holder and the city of San Mateo.
- The facility is undergoing various changes with the recent purchase, and the condition of the facility is deteriorating.
- TMG is requesting use of the guest dock at specific times to accommodate this local company.

Harbor Bay - Oyster Point Schedule

Tideline currently runs a scheduled service that successfully operates around WETA's schedule and the current operator at the Oyster Point public dock.

The public dock has a 5 minute loading period, which works with our boarding plan and Tideline will stand off from the dock if the current operator is loading passengers.

Departure (Oyster Point)

Morning Schedule

Arrival (Harbor Bay)

7:40 AM

8:10 AM

9:10 AM

9:50 AM

Departure (Harbor Bay)

Evening Schedule

Arrival (Oyster Point)

4:15 PM

4:50 PM

5:40 PM

6:15 PM

An official water taxi
of the Port of
San Francisco



Oyster Point Guest Dock Request

- TMG currently has a private contract with a public company to provide ferry services to their employees during weekday commute hours. The service runs between Harbor Bay Isle, Alameda and Oyster Point, South San Francisco.
- TMG is growing quickly and we are in discussions with another very large public company located in Oyster Point. They are also interested in providing commuter ferry services for their employees.
- We currently land at the Fathom dock but are requesting a permitted daily landing location at the Oyster Point Guest Dock to as the Fathom dock is in need of repairs. We believe the Oyster Point Guest dock is in much better shape and over the long-term, is the right solution for TMG.

Our Key Business Relationships include:

- **Water Emergency Transportation Authority (WETA)** - TMG works closely with the WETA and we have received their approval for the service offering between Oyster Point and Harbor Bay Isle. We coordinate our ferry schedules to ensure there are no conflicts with WETA's services.
- **Harbor Bay Isle Association** - TMG has a strong working partnership with the Harbor Bay Isle Association and has a license to land at the Harbor Bay Ferry Terminal.
- **Alameda City Council** - TMG worked initially with the Alameda City Council to obtain their approval to dock at the Harbor Bay Isle location. We continue to provide them with regular updates and with any proposed changes to our services.
- **Inland Boatmen's Union** - We are actively engaged in discussions with Inland Boatmen's Union and believe we will have collective bargaining contract in place by year-end for certain ferry services.

The Tideline Solution

Tideline helps the Bay Area by:

- Supporting the public community by offering a commuting alternative to driving, traffic and commuter stress.
- Providing private companies with a water transportation option in order to address employee retention
- Leveraging the San Francisco Bay in a more robust and efficient way
- Partnering with “Save The Bay” and “Bay Area Council,” to provide a “Green” solution helping to environmental degradation
- Offering weekend ticketed charter events to the San Mateo community supporting local organizations such as the Audubon Society, Marine Mammal Society, etc.

Sustainability & Partners

Tideline believes that we all have a responsibility to the water, the native species that inhabit the area, and the communities that depend on the Bay. From how we outfit our boats to the partnerships we seek, we're invested in ongoing sustainability and eco-conscious solutions.

Our business model requires no dredging, uses existing infrastructure and is fuel/energy efficient.

Current sustainability partners include:



APPENDIX

The Bay Area Commuter Crisis



“The Bay Area’s current transportation crisis is struggling to keep up with demand and future growth projections.”

- Between 2010 and 2040, the nine-county San Francisco Bay Area is projected to add 1.1 million jobs, 2.1 million people and 660,000 homes, for a total of 4.5 million jobs, 9.3 million people and 3.4 million homes.
- Overall commute time is at the highest level on record, as are time spent and miles traveled in highway congestion. As of 2015, the Bay Area’s most notorious traffic bottlenecks included U.S. 101 in San Francisco and Interstate 80 (I-80 “The Maze”) in Alameda and Contra Costa counties.
- The Bay Area’s current transportation infrastructure can’t accommodate current demand and future growth projections.
- In 2020, major construction projects (101 & 280 corridor and the Oakland Maze) and lack of reliability on our freeways will result in lost time and longer commutes. And congestion is expected to increase: by 2040, there will be more than 100,000 additional daily trips between San Francisco and the South Bay.

[Source: mtc.ca.gov](http://mtc.ca.gov)

Our Vessels

Osprey & Heron

These sister vessels hold up to 45 passengers and are ideal for events and bay cruises for mid to large sized groups. Osprey and Heron can get into most any port or dock location throughout the San Francisco Bay Area and are perfect for hosting all different types of events, including corporate team building, a day out at the park, or just a nice day out on the bay.

The vessels are outfitted with restrooms, inside / outside seating areas, WIFI, flat screen TV's, and a full liquor license.



An official water taxi
of the Port of
San Francisco



Osprey & Heron



An official water taxi
of the Port of
San Francisco





Staff Report

TO: Board of Harbor Commissioners

FROM: Julie van Hoff, Director of Administrative Services
Boomer Henthorne, Accounting Manager

DATE: October 16, 2019

SUBJECT: CalPERS Out of Class Appointment – John Moren

Recommendation/Motion:

Information only report.

Policy Implications:

None

Fiscal Implications/Budget Status:

By our calculation, a penalty will be imposed on the District after December 13, 2019 if John Moren continues to be in the Interim General Manager (IGM) position. We estimate that if John Moren is the IGM at:

- 12/31/2019 the penalty will be \$7,000,
- 03/31/2020 the penalty will be \$10,200,
- And at 06/30/2020 the penalty will be \$13,500.

Alternatives Considered:

None

Background/Discussion:

District staff is required to report all Out-of-class appointments to CalPERS at the end of each fiscal year by July 31. This is a relatively new requirement from Government Code 20480 (GC). An “out-of-class appointment” is defined as an appointment to an upgraded position or higher classification by an employer or governing board or body in a vacant position for a limited duration. A “vacant position” is a position that is vacant during recruitment for a permanent appointment. Per the GC, a contracting agency will be penalized by CalPERS if the out-of-class appointment exceeds 960 hours in each fiscal year.

Staff solicited assistance interpreting the GC from our employment attorneys and they determined that John Moren, in his capacity as Interim General Manager, is

working an out-of-class appointment. As such, the District will be exposed to a penalty if we continue to have John work as Interim General Manager for more than 960 hours this fiscal year. We calculated that John will reach 960 hours on December 13, 2019.

The penalty to CalPERS is three times the difference between the sum of employee and employer contributions for the new position (Interim General Manager) versus the old position (Director of Operations) plus a \$200 filing fee. Due to the timing of hiring CPS HR Consulting to assist in the General Manager recruitment, the District was not exposed to this penalty in fiscal year 2018-19.

District staff has estimated the penalty to range from about \$7,000 (at 12/31/19) to \$13,500 (at 6/30/20), depending on how long John works in the IGM role. We are allowed 960 hours before the penalty kicks in, so it would only be payable if John is the IGM past December 13, 2019. Staff is providing the estimated penalty amount for the remainder of the fiscal year below:

If John Moren is IGM on...	Estimated Penalty Amount
12/31/2019	\$7,000
03/31/2020	\$10,200
06/30/2020	\$13,500

Summary/Recommendation:

This report is informational only.



Staff Report

TO: Board of Harbor Commissioners

FROM: Julie van Hoff, Director of Administrative Services

DATE: October 16, 2019

SUBJECT: Discuss District General Counsel Hiring Process and Provide Direction to Staff, or Approve Appointment of District Counsel

Recommendation/Motion:

Recommendation/Motion: Discuss options for hiring District Counsel. Provide direction to staff.

Alternative Motions:

- 1) Direct staff to notice a closed session meeting and invite 1) Bill Ford, 2) Adamski, Moroski, Madden, Cumberland & Green LLP, and 3) Richards Watson Gershon to interview with the full Board of Harbor Commissioners.
- 2) Issue a new Request for Proposal (RFP).
- 3) Direct Interim General Manager to enter into an agreement with one of the three firms.

Policy Implications:

None

Fiscal Implications/Budget Status:

None

Background/Discussion:

On August 21, 2019 the Harbor Commission authorized the Interim General Manager to put out an RFP for new General Counsel. Staff prepared an RFP and advertised it in the Half Moon Bay Review and the San Mateo Daily Journal, the District's website and social media. Also, the RFP was sent to the following law firms: 1) Best, Best & Kriegerllp, 2) Meyers Nave, 3) Jarvis, Fay & Gibson, 4) Jones & Mayer, 5) Adamski, Moroski, Madden, Cumberland & Green LLP, 6) Law Offices of Bill Ford, 7) Moscone, Emblidge & Otis LLP, 8) Shute, Mihaly & Weinberger LLP, 9) Nielsen Merksamer, 10) Remcho Johansen & Purcell LLP, 11) Renne Public Law Group, 12) Foley & Lardner LLP, and 13) Hanson & Bridgett LLP.

Three proposals were received by the September 23, 2019 deadline including: 1) Law Offices of Bill Ford, 2) Adamski, Moroski, Madden, Cumberland & Green LLP, and 3) Richards Watson Gershon.

On September 19, 2019, an Ad Hoc General Counsel Selection Committee was formed to review the proposals. After discussion with Committee members it was recommended that all three firms move forward to the interview process with the full Board at a Special Meeting. However, subsequent communications to staff indicate that there may be additional ideas about the hiring process.

Staff recommends the Board of Harbor Commissioners discuss alternatives and direct staff accordingly. Alternative recommendations include directing the Interim General Manager to enter into an agreement with one of the three firms due to the immediate need to hire District Counsel.

Attachment:

1. [Law Offices of Bill Ford Proposal](#)
2. [Adamski, Moroski, Madden, Cumberland & Green Proposal](#)
3. [Richards Watson Gershon Proposal](#)

Law Offices of Bill Ford
PROPOSAL FOR GENERAL COUNSEL SERVICES
FOR
San Mateo County Harbor District

Date of Submittal: September 23, 2019

Submitted to:
Attention: Deputy Secretary
San Mateo Harbor District
504 Avenue Alhambra, 2nd Floor
El Granada, CA 94018

DIGITAL COPY



Submitted by:
Bill Ford: Principal Attorney
The Law Offices of Bill Ford
San Rafael Office:
711 Grand Avenue, Suite 150
San Rafael, CA 94901
Email: admin@billfordlaw.com
Main: (415) 306-7840
Fax: (415) 358-0460



The Law Offices of Bill Ford

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TECHNICAL PROPOSAL

San Mateo County Harbor District
Request for Proposals (RFP) 2019-09
General Counsel Legal Services



Law Offices of Bill Ford

A. Cover Letter

September 20, 2019

Julie van Hoff
Director of Administrative Services
San Mateo County Harbor District
P.O. Box 1449
El Granada, CA 94018

Re: San Mateo County Harbor District RFP 2019-09: General Counsel Legal Services

Dear Ms. Van Hoff:

The Law Offices of Bill Ford is pleased to submit its technical and price proposal through this letter of interest to the San Mateo County Harbor District (SMCHD) in response to the above-referenced Request for Proposal (RFP) for General Counsel legal services.

Since our founding in 2013 in San Francisco, California, the Law Offices of Bill Ford has set the standard in legal services. Our attorneys provide the highest quality legal services on time and at a reasonable cost. Through our quality relationships, we can best understand, address and anticipate each client's unique legal and procedural needs. Our firm counsels and represents public entities and property owners, landlords and property management companies in unlawful detainer matters, a variety of litigation cases and offers excellent representation to clients in a variety of business transactional and litigation matters. Our prior experiences, both in private practice and as public employees have made us extremely well qualified to provide General Counsel services to SMCHD. Using our collective knowledge, skills and strong work-ethic, we believe we can provide SMCHD with sound, cost efficient legal advice that will exceed SMCHD's expectations.

Mr. Ford, the Principal Attorney at the Law Offices of Bill Ford, has over 25 years of litigation experience and has been rated [AV Preeminent by Martindale-Hubble®](#), the highest possible rating in both legal ability and ethical standards. The Law Offices of Bill Ford has successfully represented public and private entity defendants at trial and settlement conferences in civil cases throughout California, including landlord-tenant, real estate, casualty, personal injury, premises liability, property damage, employment, labor relations, land use, construction defect, civil rights, business torts, breach of contract, and a variety of general civil and business litigation cases.



As the former Assistant General Counsel for the San Francisco Housing Authority, Mr. Ford ran the unlawful detainer department for the Authority, including managing the work of two associates and staff, and tried or successfully settled hundreds of unlawful detainer cases on behalf of the Authority. As a private Practitioner, Mr. Ford's law firm is General Counsel to the Housing Authority of the City of Livermore, the Alameda County Housing Authority (PACH), the Housing Authority of the City of Benicia, Outside Counsel to the Sacramento Regional Transit District (SacRT), the San Joaquin Regional Transit District, Special Outside Counsel to the Port of Oakland, handles eviction services for the Oakland Housing Authority, the County of Alameda Housing Authority, the City of Alameda Housing Authority, the City of Benicia Housing Authority, the Livermore Housing Authority, the City of Richmond, Mercy Housing, Arrowhead Housing Inc. and CBM Management and is on the approved legal defense panel for three large governmental entity risk pools – the Housing Authority Risk Retention Group (“HARRG”), the Housing Authorities Risk Retention Pool (“HARRP”), and the North Bay Schools Insurance Authority (“NBSIA”).

The Law Offices of Bill Ford has successfully demonstrated that it is a trusted and reliable vendor. Our firm is a California DGS Certified Small (Micro) Business and dedicated to providing exceptional legal services to our governmental entity clients. Mr. Ford has handled litigation matters for a variety of public entity clients including, municipalities, housing authorities, police officers, public schools, parks and recreation, and the California Department of Transportation in state and federal courts throughout California.

Mr. Ford is our firm's designated lead attorney to provide General Counsel services for the SMCHD. Mr. Ford will negotiate and contractually bind the firm and hereby agrees, that if successful in being chosen as the District's Legal Counsel, will bind the firm to the proposed Scope of Services and Cost Proposal for one hundred and twenty (120) calendar days after the proposal has been opened.

Mr. Ford's contact information is provided below:

Name:	Bill Ford
Address:	711 Grand Avenue, Suite 150, San Rafael, CA 94901
Telephone:	(415) 306-7840
Fax:	(415) 358-0460
Email:	bford@billfordlaw.com
Website	www.billfordlaw.com

The Law Offices of Bill Ford has no conflict of interest that would limit our firm from providing the requested legal services. Mr. Ford will receive assignments from the SMCHD as necessary and

San Mateo County Harbor District
Request for Proposals (RFP) 2019-09
General Counsel Legal Services



Law Offices of Bill Ford

will coordinate with firm staff, Ms. Buchanan, Mr. Burns and Ms. Leask to assist with General Counsel matters and any other legal support services as needed.

As you read through the proposal, you will find our legal experience to be an attractive component of our firm. The Law Offices of Bill Ford has proven experience and the financial capacity to support our proposed services and can provide legal and value- added services on contract inception without any hesitancy.

Should you have any questions regarding our experience or processes, please feel free to reach out to Mr. Bill Ford at (415) 306-7840, via email at bford@billfordlaw.com or fax (415) 358- 0460.

Very truly yours,

Bill Ford
Principal Attorney
The Law Offices of Bill Ford

B. Approach to Scope of Services

The Law Offices of Bill Ford is highly qualified and experience in offering General Counsel and Litigation services to public entities. Our prior experiences, both in private practice and as public employees have made us extremely well-qualified to counsel the SMCHD. Our collective knowledge, skills and strong work-ethic, provides and delivers an excellent quality control program, providing the SMCHD with sound and cost-efficient legal advice that will exceed the SMCHD's expectations.

The Law Offices of Bill Ford has not previously provided General Counsel or Litigation services to the SMCHD. We can provide and adapt our forms, documents and reports to the SMCHD's standards and needs and have the capability to submit reports and documents via mail, fax and internet as well as in person.

Since our founding in 2013, The Law Offices of Bill Ford has set the standard in legal services. Our attorneys provide the highest quality legal services on time and at a reasonable cost. Through our quality relationships, we can best understand, address and anticipate each client's unique legal and procedural needs.

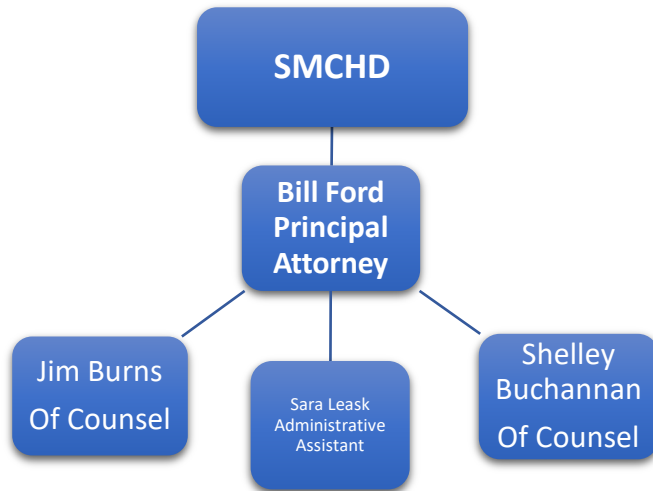
Mr. Ford will receive assignments from the SMCHD as necessary and will coordinate with firm staff, Ms. Buchanan, Mr. Burns and Ms. Leask, to assist with research, filing pleadings and motions, discovery and investigation, contacting claimants, and any other legal support services as needed.

Management and Staffing Plan and Experience

Proposed Attorney(s)	Proven
Bill Ford, Principal Attorney – Primary Contact for the SMCHD: District Counsel and Litigation	See biography and resume
Shelley Buchanan, Of Counsel	See resume
Jim Burns, Of Counsel	See resume



Management and Staffing Plan and Experience (continued)





C. Proposer's Qualifications and Experience

1. Standing

The Law Offices of Bill Ford is highly qualified in offering General Counsel and Litigation legal services to SMCHD. Our prior experiences, both in private practice and as public employees have made us extremely well qualified to counsel SMCHD. Using our collective knowledge, skills and strong work-ethic, we believe we can provide SMCHD with sound, cost efficient legal advice that will exceed SMCHD's expectations. Our attorneys are in good standing and members of the State Bar of California.

2. Experience

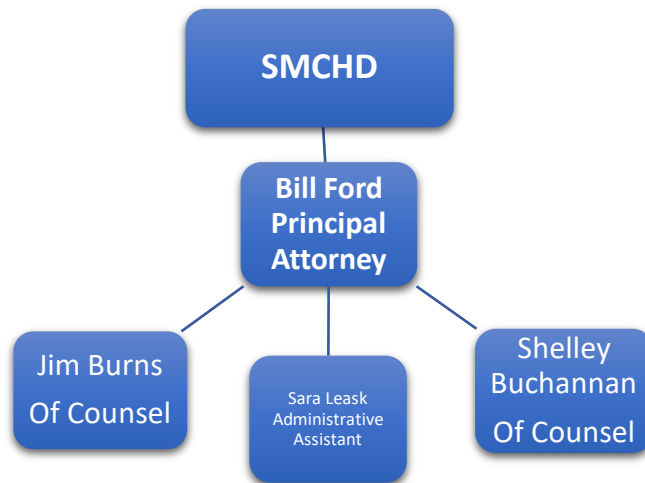
Exhibit 1 summarizes our understanding and capability in supporting SMCHD. Mr. Ford and his team all have at least five (5) years of experience providing general counsel legal services for special districts, municipalities or other local public agencies.

Exhibit 1 – Understanding and Capability

Proposed Attorney(s)	Proposed Practice Area	Proven Experience
Bill Ford	District Counsel, Municipal Law and Litigation	See Biography on Page-16 - and Resume on Page - 18 -
Shelley Buchanan and Jim Burns	Municipal Law and Litigation	See Resume on Pages: 21 and 22



Exhibit 2 – Staffing Plan



3. Demonstrated Legal Expertise

As a former public employee and Assistant General Counsel to the San Francisco Housing Authority, Mr. Ford's experiences, along with those of Ms. Buchanan and Mr. Burns, and current representation of public entities, gives our firm a unique niche in the area of Municipal Law.

Our experience includes land use and development, open public meeting laws, and the California Records Act. We are highly qualified in supporting SMCHD on ethics laws, the Brown Act, Public Records Act, taxes and fees, analysis and advice concerning Municipal codes effecting the SMCHD and administrative hearings. Using our collective knowledge, skills and strong work-ethic, we believe we can provide SMCHD with sound, cost efficient legal advice that will exceed the SMCHD's expectations. With over 15 years of experience both working with and for public entities, we are confident in our ability to assist SMCHD with the needs identified.

a) Laws and regulations pertaining to Elected Official Boards

Our firm has counseled and represents public entities in matters, including:

Mr. Ford has years of experience counseling and advising public entities on matters concerning open meeting rules, governance, and reducing the risk of tort or contractual liability.



- Review of BOC meeting agendas
- Ethics laws
- Brown Act
- Public Records Act
- Tax issues and fees
- Governance, including advising and counseling on various Codes of Federal Regulations
- Risk Management including reducing the frequency of preventable accidents, safety and security programs, and ADA and EEOC laws and compliance

b) Environmental Law and Regulations

Our firm has experience is providing guidance and legal advice in the area environmental law, adding value to the services we provide our clients in the area of real estate transactions and maintenance. We understand the foundational areas of the law in CEQA, NEPA, Endangered Species, coastal environmental issues, and climate change and anticipate changes in environmental regulations and precedent that could potentially impact our clients. In every matter that we handle we partner with our clients to minimize risks and advance our clients' short and long-term objectives.

c) Real Estate and Government Contract and Procurement Laws and Regulations

As a former public employee and Assistant General Counsel to the San Francisco Housing Authority, legal advisor and defense attorney for the Oakland Housing Authority, and Special Outside Counsel to the Port of Oakland, Mr. Ford's experiences, along with those of Mr. Burns and Ms. Buchanan, and current representation of public entities, gives our firm a unique niche in the area of rules and

Our firm provides advice to public entities on various real estate transactions, including acquisition, deposition, and land use lease agreements, low-income tax credits, the Tax Reform Act, real estate tax implications, public-private-partnership, and negotiating real estate development deals with local governments, including boards of supervisors, city councils, zoning boards and planning and redevelopment agencies, as well as with state and federal agencies that oversee environmental and land use issues.

The Law Offices of Bill Ford has extensive knowledge regarding municipal Law & public finance and our firm has made available legal services in the areas of underwriter's counsel,



trustee's counsel, counsel to credit enhancement providers, counsel to purchasers of municipal bonds and borrower's counsel in connection with all types of tax-exempt and tax-credit bond financings to cities, districts, and local agencies throughout California.

d) Claim Process for a Public Agency

The Law Offices of Bill Ford is an accomplished legal firm with proven experience in assisting public entities and government agencies and a deep understanding of the California Torts Claims Act (the "Act"), Government Code sections 800 et seq. and affirmatively defending claims based on failure to comply with the Act before commencing suit.

Our capability enables us to provide strategic and technical advice when representing SMCHD during all stages of litigation. The following strategies are applicable to government claims, procedures and defenses; and complex business/real estate litigation strategic planning and execution:

- Risk Management
- Claims Response and Investigation
- Pre-Litigation Strategy
- Actual Litigation

Mr. Ford, the Principal Attorney at the Law Offices of Bill Ford, has over 25 years of litigation experience and has been rated [AV® Preeminent™ by Martindale-Hubbell®](#), the highest possible rating in both legal ability and ethical standards. Mr. Ford has successfully represented public and private entity defendants at trial and settlement conferences in civil cases throughout California, including casualty, personal injury, premises liability, property damage, employment, landlord-tenant, construction defect, civil rights, business torts, breach of contract, and a variety of general civil and business litigation cases.

Mr. Ford has handled litigation matters for a variety of public entity clients, including municipalities, police officers, public schools, housing authorities, parks and recreation, and the California Department of Transportation in state and federal courts throughout California. Mr. Ford's law firm is currently on the approved legal defense panel for the Port of Oakland. In addition, our firm, is on the approved legal defense panel Sacramento Regional Transit District (SacRT), San Joaquin Regional Transit District (San Joaquin RTD) and three large governmental entity risk pools – the Housing Authority Risk Retention Group ("HARRG"), the Housing Authorities Risk Retention Pool ("HARRP"), and the North Bay Schools Insurance

Authority (“NBSIA”).

We are a reputable law firm and considered as a competitive leader in our industry. The Law Offices of Bill Ford has many positive attributes that will be of beneficial use in enhancing the legal services of SMCHD. Our practice primarily focuses on the representation of public entity clients and has the requisite experience to advise and defend governmental entities. Prior to opening our firm, Mr. Ford was, for several years, the Assistant General Counsel for the San Francisco Housing Authority. In this capacity, Mr. Ford defended the Authority against federal and state lawsuits from case inception through trial, including claims involving premises liability, personal injury, discrimination, federal civil rights violations, employment discrimination and wrongful termination, wrongful eviction, violations of the Americans with Disabilities Act, and breach of contract; prepared for and tried numerous unlawful detainer cases and cases for injunctive relief to abate nuisances; represented the Authority in business and construction litigation matters; managed the litigation department for the Office of the General Counsel, including supervising and mentoring junior attorneys and legal support staff, and worked closely with outside counsel on insurance defense matters, including personal injury, premises liability, landlord-tenant, and property damage cases; and provided legal advice to the board of commissioners concerning property development, land use, employment, federal procurement rules, contractual and business matters, conflicts, litigation involving the Authority, corporate governance, and Brown Act procedures.

With over 25 years of litigation experience and 15 of those years dedicated to providing the highest quality insurance defense work on behalf of insurance carriers and their insureds, Mr. Ford is able to successfully defend public and private entities in numerous general liability cases through settlement and trial. As an insurance defense attorney, with offices located in San Francisco, San Rafael, and Sacramento, California, Mr. Ford has represented defendants in civil cases throughout California, including casualty, personal injury, wrongful death, premises liability, property damage, employment, landlord-tenant, construction defect, civil rights, business torts, breach of contract, and a variety of general civil and business litigation cases. Mr. Ford has successfully handled approximately 26 trials, including 15 bench trials and 10 jury trials. Mr. Ford was the former Assistant General Counsel to the San Francisco Housing Authority, is currently General Counsel to four public entities in the Bay Area and the vast majority of Mr. Ford’s practice is devoted to defending governmental entities.

With a deeply rooted insurance defense background and years of experience handling general liability matters on behalf of public entities, Mr. Ford has a unique and significant advantage in defending his governmental entity clients against a variety of claims. Moreover, by maintaining a low overhead, his firm is able to offer the highest quality legal services at a very affordable



rate.

Mr. Ford's philosophy is simple: First he listens attentively to understand his clients' legal issues and objectives. Then he aggressively, efficiently, and effectively asserts or defends their interests in court. While Mr. Ford is a vigorous advocate in the courtroom, he maintains openness to advantageous settlement or other alternatives to trial whenever possible. That is how Mr. Ford is able to provide his clients with high-quality and cost-effective solutions while assuring them of the strongest possible positions at all stages of the legal process.

e) Maritime Law

Having worked for a law firm in San Francisco that specialized in asbestos and maritime injury litigation, Mr. Ford has the legal knowledge necessary in this area to provide to his governmental clients. Mr. Ford worked on cases involving injured fishermen, maritime workers, and their families and is well-versed in the body of laws, conventions, and treaties that govern private maritime business and other nautical matters, such as shipping or offenses occurring on open water.



4. Biography / Resume of the Firm

1) Qualifications

Since our founding in 2013 in San Francisco, California, the Law Offices of Bill Ford has set the standard in legal services. Our attorneys provide the highest quality legal services on time and at a reasonable cost. Through our quality relationships, we can best understand, address and anticipate each client's unique legal and procedural needs.

The Law Offices of Bill Ford provides outstanding general counseling to public entities and litigation defense services to both public and private entities in a wide range of general litigation matters, including personal injury, employment, property damage, premises liability, landlord-tenant, toxic tort, wrongful death, property damage, breach of contract, real estate, land use, construction and general business litigation matters throughout California.

Our firm counsels and represents public entities and property owners, landlords and property management companies in a variety of litigation cases and offers excellent representation to clients in a variety of business transactional and litigation matters.

Within the past five years there has not been any significant developments in our organization such as changes in ownership, resizing or personnel / reorganizations. We do not anticipate future significant changes in our firm.

The Law Offices of Bill Ford is highly qualified in offering General Counsel and Litigation services to public entities. Our prior experiences, both in private practice and as public employees have made us extremely well qualified to counsel SMCHD. Using our collective knowledge, skills and strong work-ethic, we believe we can provide the District with sound, cost efficient legal advice that will exceed the District's expectations.

With over 25 years of legal experience and 13 of those years dedicated to providing the highest quality legal advice to, and representation of, public entities, Mr. Ford and his attorneys are able to provide the best legal advice to the Agency. No matter how complex the problem, the Law Offices of Bill Ford will provide a solution.

Mr. Ford's philosophy is simple: First he listens attentively to understand his clients' legal issues and objectives. Then he efficiently and effectively provides his clients with the most advantageous and cost-effective legal advice possible.

Mr. Ford is currently General Counsel or Special Outside Counsel to the following Public Entities:



- Provides advice and defends the Oakland Housing Authority and housing authorities throughout California against general liability claims and the breach of warranty of habitability.
- General Counsel to the Housing Authority of the City of Livermore.
- Outside Counsel to the City of Richmond,
- Outside litigation Counsel to the Sacramento Regional Transit District
- Outside Counsel to the San Joaquin Regional Transit District representing all legal areas as needed.
- General Counsel for the City of Benicia Housing Authority.
- Special Outside Counsel to the Port of Oakland and qualified to represent the Port in the areas of litigation, leasing and real estate, municipal law and insurance cost recovery.
- Approved Panel Counsel for the North Bay Schools Insurance Authority.
- Defense counsel for the Housing Authority Risk Retention Group and the Housing Authority Risk Retention Pool, representing and defending housing authorities against tort and contract claims all over California.

2) Proposed District Counsel and Key Personnel

Management and Staffing Plan and Experience

Proposed Attorney(s)	Proven
Bill Ford, Principal Attorney – Primary Contact for the SMCHD: District Counsel and Litigation	See biography and resume
Shelley Buchanan, Of Counsel	See resume
Jim Burns, Of Counsel	See resume



2) Lead Counsel and Key Personnel

Biography – Bill Ford



Bill Ford has over 25 years of litigation experience. Mr. Ford worked for several years as a litigation paralegal for prominent law firms throughout the San Francisco Bay Area. As an attorney, Mr. Ford has successfully represented plaintiffs and defendants at trial and settlement conferences in civil cases throughout California, including personal injury, insurance defense, real estate, land use, landlord-tenant, construction defect, civil rights, business torts, breach of contract, social security disability, public entity defense, and a variety of general civil and business litigation cases. Mr. Ford has earned the listing [AV® Preeminent™ Peer Review Rated by Martindale-Hubbell®](#) for his professional abilities and adherence to ethical standards.

Mr. Ford also has substantial experience in offering public and private entities general business advice and representation and was the former Assistant General Counsel for the San Francisco Housing Authority and is currently General Counsel to number of public entities. Additionally, Mr. Ford has significant experience in preparing and negotiating contracts, lease agreements, license agreements, and service agreements on behalf of public entities and private companies.

Mr. Ford's extensive background in representing plaintiffs, defendants, and public and private entities has given him the well-rounded training, experience, and strategic insight necessary to successfully assess, evaluate, prosecute, and defend cases on behalf of his clients. Mr. Ford has proven his competence and determination by consistently providing the best possible legal advice to his clients and emerging victorious even in cases that were difficult to win. He offers a strong track record of success and has been commended by clients, employers, colleagues and adversaries for his excellent knowledge of the law, case preparation, and legal research and writing skills.



Mr. Ford received his Bachelor of Science degree and his Juris Doctor degree from the University of San Francisco.

Mr. Ford was admitted to practice law in California in 2003 and is also admitted to practice before the U.S. Court of Appeals, Ninth Circuit and the U.S. District Court, Northern District of California.

The following graphic provides a portfolio of the prestigious accomplishments, memberships, affiliations and certifications.

- AV Preeminent™ Peer Review Rated by Martindale-Hubbe®
- AV Preeminent™ Judicial Edition by Martindale-Hubbe®
- America's Most Honored Professionals, Top 1%
- The State Bar of California
- California: U.S. Court of Appeals, Ninth Circuit
- U.S. District Court: Northern and Eastern Districts of California
- Housing Authority Defense Attorneys (HADA)
- Association of Governmental Risk Pools ("AGRIP")
- East Bay Rental Housing Association (EBRHA)
- California Apartment Owner's Association
- Affordable Housing Management Association of Northern California and Hawaii (AHMA-NCH) California DGS Certified Small (Micro) Business (#1802469)
- System for Award Management (SAM)



Bill Ford Resume

- State Bar Number: 225664
- Telephone: (415) 306-7840
- Fax: (415) 358-0460
- Email: bford@billfordlaw.com

Education

- J.D., University of San Francisco School of Law, 2001
- B.S., Organizational Behavior, University of San Francisco, 1995

Membership

- California; U.S. Court of Appeals, Ninth Circuit; U.S. District Court, Northern District of California, U.S. District Court, Eastern District of California

Legal Experience

Apr 2013 – Present, Law Offices of Bill Ford, San Francisco, CA, Proprietor and Principal Attorney

- Represents the Oakland Housing Authority, Oakland Affordable Housing Preservation Initiative, the Housing Authority of the City of Alameda, the Housing Authority of the County of Alameda, Livermore Housing Authority, the Housing Authority of the City of Benicia and Mercy Housing in unlawful detainer matters.
- Represents individuals, private and public entities, including housing authorities throughout California, and insurance carriers and their insureds in civil litigation matters from inception through trial, including matters involving real property (sale and purchase agreements, quiet title actions, encroachment cases, and water intrusion matters), personal injury, wrongful death, premises liability, property damage, toxic tort, product liability, employment, construction defect, landlord-tenant, business litigation, civil rights, and breach of contract.
- Provides advice and defends the Oakland Housing Authority and housing authorities throughout California against general liability claims and the breach of warranty of habitability.
- General Counsel to the Housing Authority of the City of Livermore.
- Outside litigation Counsel to the Sacramento Regional Transit District
- Outside Counsel to the San Joaquin Regional Transit District representing all legal areas as needed.
- General Counsel for the City of Benicia Housing Authority.
- Special Outside Counsel to the Port of Oakland and qualified to represent the Port in the areas of litigation, leasing and real estate, municipal law and insurance cost recovery.
- Counsel to large property management companies throughout Northern California.
- Counsel to large electrical subcontractor in the Bay Area, providing advice and counsel on contracts, contract negotiation, and real estate issues.
- Approved Panel Counsel for the North Bay Schools Insurance Authority.
- Defense counsel for the Housing Authority Risk Retention Group and the Housing Authority



Risk Retention Pool, representing and defending housing authorities against tort and contract claims all over California.

- Counsel for Mercy Housing Corporation, one of the largest low-income housing providers in the United States, offering general counsel advice on personnel and tenant related issues, and providing unlawful detainer eviction services for low-income properties in Sacramento, Stockton and Yolo County, California.

May 2009 – Apr 2013, San Francisco Housing Authority, Office of the General Counsel, San Francisco, CA, Assistant General Counsel

- Prepared for and successfully tried or settled hundreds of unlawful detainer cases and cases for injunctive relief to abate nuisances.
- Defended the Authority against federal and state lawsuits from case inception through trial, including claims involving premises liability, personal injury, discrimination, federal civil rights violations, employment discrimination and wrongful termination, wrongful eviction, violations of the Americans with Disabilities Act, and breach of contract.
- Represented the Authority in business and construction litigation matters.
- Managed the litigation department for the Office of the General Counsel, including supervising and mentoring junior attorneys and legal support staff, and worked closely with outside counsel on insurance defense matters, including personal injury, premises liability, landlord-tenant, and property damage cases.
- Provided legal advice to the Board of Commissioners concerning property development, employment, procurement rules, contractual and business matters, conflicts, litigation involving the Authority, ethics, corporate governance, Brown Act procedures, civil rights, fair housing and ADA laws, rules, procedures, and operations, including advising all departments, including Section 8, public housing, financing and human resources on applicable legal and procedural issues.
- Acted as liaison between the Mayor's Office of Housing and the Authority concerning housing issues affecting the City.
- Developed policies and procedures for the various departments within the Authority.

Mar 2005 – May 2009, Clapp Moroney Bellagamba Vucinich Beeman Scheley, San Bruno, CA Associate Attorney

- Represented insurance carriers and their insureds in personal injury and property damage litigation, premises liability, public entity liability, complex product liability and toxic tort cases, civil rights litigation, breach of contract and business litigation matters, construction defect, employment, and landlord-tenant cases from case inception through trial or settlement.
- Prepared for and assisted during trial, including preparing examinations of witnesses and arguing motions in limine and jury instructions.
- Prepared appellate briefs and pretrial motions, including discovery motions and motions for summary judgment.
- Prepared pleadings, prepared and responded to discovery requests, and defended and took party, percipient witness, and expert witness depositions.



Aug 2003 – Mar 2005, John F. Prentice & Associates, San Francisco, CA, Associate Attorney

- Represented clients in criminal and civil litigation matters, including personal injury, elder abuse, employment, landlord-tenant, family law, and business litigation cases through settlement, trial, and appeal.



Shelley S. Buchanan Resume

- State Bar Number: 178779
- Telephone: (415) 306-7840
- Fax: (415) 358-0460
- Email: shelley@billfordlaw.com

Education

- University of California Hastings College of the Law, J.D., 1994
- Golden Gate University, San Francisco, CA. MBA / Accounting, 1991
- Mount Holyoke College, South Hadley, Mass. B.A., *magna cum laude*, Latin Am. Studies, 1986

Membership and Honors

- Honors: Thurston Society, Scholastic Honor Organization of Hastings College of the Law American Jurisprudence Awards: Legal Writing and Research; Trial Advocacy
- Member, The Hastings Law Journal, 1992-94, Note topic - ERISA's Preemption of Private Retirement Plans

Legal Experience

April 1996 to Present: Solo Attorney and Of Counsel for the Law Offices of Bill Ford

- Litigation: business disputes; real estate
- landlord-tenant (defense and eviction); class counsel (mobile home park litigation);
- employment litigation (employer and employee);
- Trial work: 2nd chair in 43-day civil jury trial, contested probate trials, unlawful detainer trials, administrative hearings (Civil Service, MSPB, Labor Commissioner, Rent Commission, Kaiser Arbitration), 3-day personal injury trial, family law trials, fraud/breach of fiduciary duty trials, wage and hour bench trial in federal district court, 10-week elder abuse trial
- Appellate work: appellate briefs, writs and oral arguments
- Independent contract work performing legal research, drafting motions, discovery, trial prep. for business, real property, personal injury and medical malpractice (Kaiser arb.) litigation attorneys
- Estate, Tax Planning and Probate - litigation and trial
- Employment Law - discrimination and harassment, wrongful termination, wage and hour, class action
Personal Injury, Family Law

October 1994 – April 1996, Tax and Business Advisory Services, Arthur Andersen LLP, San Francisco CA

- Member of the Family Wealth Planning Group.
- Performed tax planning and prepared individual, fiduciary, partnership, and corporate tax returns and related financial statements for individual taxpayers and their related business entities.



James Burns Resume

- State Bar Number: 241864
- Telephone: (415) 306-7840
- Fax: (415) 358-0460
- Email: JBurns@billfordlaw.com

Education

- University of San Francisco Law School, J.D., 2005
- University of California, Davis, Bachelor of Arts in Political Science and History, 2002

Legal Experience

February 2019 to Present: Of Counsel for the Law Offices of Bill Ford

- Representation of government entities, businesses and individuals in tort actions ranging from personal injury and habitability to construction and commercial disputes. Responsible for all phases of litigation from intake through appeal.

October 2013 – January 2019, Kronenberg Law P.C., Associate Attorney

- Responsible for large caseload of diverse matters, including catastrophic personal injury, product liability, business and commercial litigation, landlord-tenant, construction matters and professional liability. Responsible for all phases of litigation from intake to trial.
- Recently served as trial counsel in wrongful death matter. Plaintiffs asked for \$30,000,000, and after a four week trial the jury awarded \$750,000, reduced to \$525,000 for the decedent's comparative fault.
- Experience taking and defending 200+ depositions, drafting and arguing 100+ dispositive motions, attendance at 100+ mediations and settlement conferences and preparation of 50+ matters for trial.
- Left Murphy Pearson with senior partner William Kronenberg to start Kronenberg Law, P.C., a boutique firm specializing in high exposure trials.

July 2012 – June 2013, Murphy Pearson Bradley & Feeney, Associate Attorney

- Experience representing entities in business and commercial litigation, contract disputes, property damage, product liability, consumer fraud, personal injury and professional liability.
- Primary responsibility for depositions, dispositive motions, ADR and trial preparation.

March 2006 – June 2012, Clapp Moroney Bellagamba Vucinich Beeman Scheley, San Bruno, CA Associate Attorney

- Extensive litigation experience representing government entities, manufacturers, retailers, entertainment companies and others in matters including personal injury, contract disputes, ADA litigation, excessive force by police officers, consumer fraud, toxic tort and First Amendment matters.
- Broad experience with written discovery, depositions, dispositive motions, ADR and trial preparation



3) References

The Law Offices of Bill Ford is a distinguished law firm with a strong portfolio of experience describing our capabilities. The following 3 (three) references are provided for your consideration.

References	Contact Information
Andres Manriquez Chief Operating Officer, Oakland Housing Authority	1619 Harrison Street, Oakland, CA 94612 amanriquez@Oakha.org (510) 874-1512
Vanessa Cooper, Executive Director, Housing Authority of the City of Alameda	701 Atlantic Avenue, Alameda, CA 94501 VCooper@AlamedaHsg.org (510) 747-4320
Olga Sanchez-Ochoa, Deputy Chief Counsel, Sacramento Regional Transit District	1400 29th St, Sacramento, CA 95812 OSanchez-Ochoa@sacrt.com (916) 556-0471

Public Entity Experience

Mr. Ford has over 15 years of public entity experience. The Law Offices of Bill Ford is currently on the approved panel as Special Outside Counsel to the Port of Oakland, Sacramento Regional Transit District, San Joaquin Regional Transit District, General Counsel to the Housing Authority of the City of Livermore, litigation counsel to the Oakland Housing Authority, Housing Authority of the County of Alameda and Housing Authority of the City of Alameda and on the approved legal defense panel for three large governmental entity risk pools – the Housing Authority Risk Retention Group (“HARRG”), the Housing Authorities Risk Retention Pool (“HARRP”), and the North Bay Schools Insurance Authority (“NBSIA”). The Law Offices of Bill Ford also serves as general counsel to many public agencies in the Bay Area, some of which we also represent in insurance defense and unlawful detainer matters.

Below are three examples of matters pertaining to public entity experience:

1. Mr. Ford is currently undertaking an expansive investigation into employment discrimination and harassment on behalf of his public agency client and assisting that client in implementing to its personnel.
2. Mr. Ford is currently prosecuting a high-dollar breach of services contract agreement on behalf of his public entity client.
3. In a personal injury case filed in Alameda County Superior Court against Mr. Ford’s housing authority client, where the plaintiff suffered a severe shoulder injury as a result of an alleged defect in her backyard, and where the plaintiff demanded \$300,000 in general damages, \$60,000 in special damages, punitive damages and attorneys’ fees, Mr. Ford was able to obtain a dismissal, with prejudice, of the case due to substantial inconsistencies in plaintiff’s responses to discovery and deposition testimony, and testimony from plaintiff’s treating doctor where he affirmed the contents of his medical



report that indicated that the cause of plaintiff's fall was a result of something completely different than what she alleged in her pleadings and during the discovery of the case.

D. State the Size, Structure, and Location(s) of Firm

The Law Offices of Bill Ford is certified as a Small (Micro) Business by the State of California's Department of General Services.

Since our founding in 2013 in San Francisco, California, the Law Offices of Bill Ford has set the standard in legal services. Our attorneys provide the highest quality legal services on time and at a reasonable cost. Through our quality relationships, we can best understand, address and anticipate each client's unique legal and procedural needs. Currently, we operate in three offices located in San Francisco, San Rafael, and Sacramento, California.

Mr. Ford is the owner and principal attorney at the Law Offices of Bill Ford located in San Francisco, California. Mr. Ford is an AV® Preeminent™ rated attorney and the Law Offices of Bill Ford is a State of California DGS Certified Small Business (#1802469) specializing in providing exceptional services to its public entity clients at a very affordable rate.

The Law Offices of Bill Ford provides outstanding general counseling to public entities and litigation defense services to both public and private entities in a wide range of general litigation matters, including personal injury, property damage, premises liability, landlord-tenant, unlawful detainer, toxic tort, wrongful death, breach of contract, construction and general business and litigation and employment and administrative matters throughout California.

Since our founding, the Law Offices of Bill Ford has set the standard in legal services. Our attorneys provide the highest quality legal services on time and at a reasonable cost. Through our quality relationships, we can best understand, address and anticipate each client's unique legal and procedural needs.

Within the past five years there has not been any significant developments in our organization such as changes in ownership, resizing or personnel / reorganizations. We do not anticipate future significant changes in our firm.

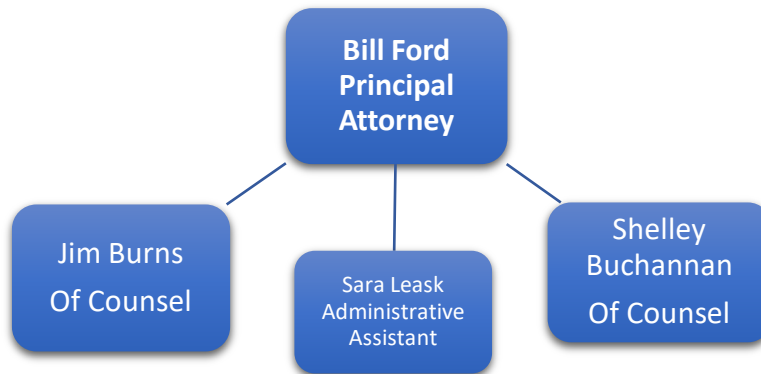
The Law Offices of Bill Ford's accessible location benefits the SMCHD as we have offices located at two centralized locations.

- 711 Grand Avenue, Suite 150, San Rafael, CA 94901 (Head Office)
- 75 Broadway, Suite 202, San Francisco, CA 94111

Our firm's attorneys, Mr. Ford, Ms. Buchanan and Mr. Burns are experienced in providing exceptional legal representation and advice in the areas of Government/Public Entity litigation defense and counseling, insurance defense, landlord-tenant, labor and employment, municipal and general business law.



Organizational Chart



E. Financial Stability

The Law Offices of Bill Ford will provide our tax attorney as a reference of our financial stability should SMCHD require us to do so. In addition, we can confirm that there are no administrative proceedings, claims lawsuits, settlements, or other exposures pending against us.



F. Acknowledgement of Addenda (Attachment C), if applicable

SAN MATEO COUNTY HARBOR DISTRICT

ACKNOWLEDGEMENT OF ADDENDA

The undersigned Proposer acknowledges receipt of the following addenda, if issued, to the RFP Documents. If none received, write "None Received."

Addendum No. 1, dated September 19, 201


Addendum No. _____, dated _____

Addendum No. _____, dated _____

Date: 09/20/2019

Firm: Law Offices of Bill Ford

Print Name: Bill Ford

Signature: 

Title : Principal Attorney

San Mateo County Harbor District
Request for Proposals (RFP) 2019-09
General Counsel Legal Services



Law Offices of Bill Ford

COST PROPOSAL FORM



COST PROPOSAL FORMS

Pursuant to the Notice Inviting Proposals, the undersigned Proposer herewith submits a Proposal on the Proposal Form or Forms attached hereto and made a part hereof and binds itself on award by the San Mateo County Harbor District under this Proposal to execute a Contract in accordance with its Proposal, the Proposal Documents, and the award. The attached Notice Inviting Proposals and Addenda, if any, are made a part of this Proposal and all provisions thereof are accepted, and all representations and warranties required thereby are hereby affirmed.

THE PROPOSAL BELOW INCLUDES ANY AND ALL LABOR, MATERIALS, APPLICABLE TAXES, INSURANCE, SUBCONTRACTOR COSTS, TRAVEL EXPENSES, TELEPHONE COSTS, COPYING COSTS, PROFIT, ADMINISTRATIVE AND OVERHEAD FEES, AND ALL OTHER COSTS NECESSARY FOR THE PERFORMANCE OF ALL THE SERVICES CALLED FOR UNDER THE FOLLOWING CONTRACT. ANY PROPOSED REIMBURSABLE COSTS SHALL BE SEPERATELY IDENTIFIED (E.G. OVERNIGHT DELIVERY, UPCHARGE ON 3RD PARTY INVOICES).

Position	Unburdened Hourly Rate	All inclusive Hourly Rate*	Estimated Hours per Month**	Example of Duties
District Counsel	\$155.00	\$155.00	10-20	District Counsel and Litigation
Alternate District Counsel	N/A	N/A		
Of Counsel	\$155.00	\$155.00		Litigation

The Law Offices of Bill Ford’s fees will be based upon actual time expended by attorneys as specified above. The costs associated with clerical support have been incorporated into the attorney rates. All time for services will be fully described and billed monthly in increments of 1/10 of an hour. Payment will be expected within 30 days of SMCHD’s receipt of our monthly invoice.

The Law Offices of Bill Ford will not charge SMCHD for regular postage or for photocopying, wherever possible. We will only submit billing for photocopying in regard to large projects which must be sent outside the firm for photocopying. The Law Offices of Bill Ford will also charge its actual cost for express mail and for local or overnight courier service. Third-party invoices , (such as process of service, court fees), will be billed at cost with no upcharge to SMCHD.



NAME UNDER WHICH BUSINESS IS CONDUCTED

CONTACT INFORMATION OF PERSON AUTHORIZED TO EXECUTE CONTRACT

Name: Bill Ford, Principal Attorney

Business Address: Law Offices of Bill Ford, 711 Grand Avenue, Suite 150

City/State/Zip: San Rafael, CA 94901

Telephone Number: (415) 306-7840 Facsimile Number: (415) 358-0460

E-Mail address: bford@billfordlaw.com

MANDATORY SIGNATURE(S)

SOLE OWNER, sign here: I sign as sole owner of the business named above.

PARTNERSHIP, one or more partners sign here: The undersigned certify that we are partners in the business named above and that we sign this Proposal with full authority to do so.

San Mateo County Harbor District
Request for Proposals (RFP) 2019-09
General Counsel Legal Services



Law Offices of Bill Ford

CORPORATION OR LLC, sign here*: The undersigned certify that they sign this Proposal with full and proper authorization to do so.

Entity Name:

By: _____ Title: _____

By: _____ Title: _____

Incorporated under the laws of the State

** If the Proposer is a corporation, this Cost Proposal Form must be executed by two corporate officers, consisting of: (1) the president, vice president or chair of the board; and (2) the secretary, assistant secretary, chief financial officer or assistant treasurer. In the alternative, this Cost Proposal Form may be executed by a single officer or a person other than an officer provided that evidence satisfactory to the District is provided demonstrating that such individual is authorized to bind the corporation or LLC (e.g. a copy of a certified resolution from the corporation's board or LLC's board or a copy of the corporation's bylaws or LLC's operating agreement.)*

IF JOINT VENTURE, officers of each participating firm sign here: The undersigned certify that they sign this Proposal with full and proper authorization to do so.

Joint Venture Name: _____

By: _____ Title: _____

By: _____ Title: _____

**ADAMSKI MOROSKI MADDEN
CUMBERLAND & GREEN LLP**

ATTORNEYS AT LAW

Post Office Box 3835 • San Luis Obispo, California 93403-3835
T 805-543-0990 • F 805-543-0980 • www.ammcglaw.com

September 20, 2019

San Mateo County Harbor District
P.O. Box 1449
El Granada, CA 94018
Attention: Deputy Secretary

**Re: Statement of Qualifications and Proposal for Legal Services in Response to
Request for Proposal for Legal Services**

Dear President Brennan and Harbor Commissioners:

We are pleased to submit the attached Statement of Qualifications and Proposal for Legal Services in Response to the Request for Proposal for Legal Services for the San Mateo County Harbor District. We have reviewed the San Mateo County Harbor District ("District") meeting dates, Ordinance Code, Resolutions, and other procedures available on the District website. We would be honored to have the opportunity to meet the Board regarding our firm's qualifications and to provide legal services in support of the District goals and objectives.

Jeffrey A. Minnery would serve as the District Legal Counsel primarily responsible for performing legal services for the District with assistance and support from Joshua M. George, as necessary. The approach of having designated back-up support attorneys has proven very effective for the firm's other agencies, and it assures there is always capable and effective legal counsel available to the District General Manager, staff, and the Board of Harbor Commissioners.

Mr. Minnery is currently District Counsel for the Port San Luis Harbor District, the San Luis Obispo County Air Pollution Control District, the San Luis Obispo County Integrated Waste Management Authority, the Oceano Community Services District, the Cambria Community Healthcare District, the Los Osos Community Services District, the San Simeon Community Services District, the Heritage Ranch Community Services District, and the San Luis Obispo County Children and Families Commission. He has also worked on litigation and non-litigation matters for the San Luis Coastal Unified School District.

Mr. George has twelve years of experience representing public agencies throughout the County of San Luis Obispo in litigation matters, and he also serves as District Counsel for the Santa Maria Public Airport District. His experience in representing public agencies includes, but is not limited to, public works projects, employment matters, public meetings/Brown Act, defense of injury claims against public agencies, and defense of civil rights claims. The specific qualifications of Mr. Minnery and Mr. George are set forth in detail in the attached Statement of Qualifications and Proposal.

San Mateo County Harbor District
September 20, 2019
Page 2

The firm's long-time representation of many diverse public entities and the broad skill levels of the firm's various attorneys in numerous areas of governmental law, gives it an understanding of and appreciation for the important public policy and political issues faced by the District and its Board of Harbor Commissioners. AMMCG prides itself on its sensitivity to not merely the procedural and legal levels of the matters it handles for public entities, but also the political and public policy underpinnings of those matters.

We hope that you will give our Statement of Qualifications and Proposal for Legal Services serious consideration. While we accept the Sample Agreement as presented, we suggest that rates for legal services be subject to reasonable adjustment from time to time in coordination with the District General Manager.

AMMCG understands that the proposed Scope of Services and Cost Proposal will remain open for acceptance by the District for one hundred and twenty (120) calendar days. At this point, we are aware of no conflicts of interest that would limit our ability to provide the requested services.

If you need any additional information or clarification on any of our experience or services presented, please let me know.

Very truly yours,

ADAMSKI MOROSKI MADDEN
CUMBERLAND & GREEN LLP



JEFFREY A. MINNERY

**STATEMENT OF QUALIFICATIONS AND PROPOSAL FOR LEGAL
SERVICES IN RESPONSE TO REQUEST FOR PROPOSALS FROM THE
SAN MATEO COUNTY HARBOR DISTRICT**

The law firm of Adamski Moroski Madden Cumberland & Green LLP would provide legal services for the San Mateo County Harbor District (“District”) in accordance with the terms set forth in the Request for Proposals, this Statement of Qualifications and Proposal, and as requested by the District. Jeffrey A. Minnery would serve as the District’s Legal Counsel primarily responsible for performing legal services for the District, with assistance and support from Joshua M. George as necessary.

Approach to Scope of Services

In the interest of a concise reply, the firm represents that we understand the Scope of Services and the request for the highest level of legal services. We are confident that we would meet and exceed your expectations in this regard. In an effort to respond to the detailed nature of the District’s request, we respond as follows:

- a) Task 1. *District Counsel shall attend Board of Commissioners regular meetings, and special meetings as determined by the District Board President or the District General Manager and the firm must be accessible to provide legal assistance to the District on an emergency basis. District Counsel shall render advice and opinions with respect to all legal matters which may arise during such meetings.*

APPROACH: Mr. Minnery is able to accommodate the District’s meeting schedules, including special meetings, either in person or telephonically as desired by the Board. In addition, the firm will always provide designated back-up attorneys to assist Mr. Minnery in emergency and/or non-emergency circumstances. The approach of having designated back-up attorneys has been extremely successful for other clients of the firm. Both Mr. Minnery and Mr. George are sufficiently experienced to render advice and opinions on matters that arise during meetings.

- b) Task 2. *Attend meetings of other committees or bodies, and of staff, of the District, when requested to do so by the District’s General Manager with the Board President’s prior consent, for the purpose of rendering legal advice and opinions.*

APPROACH: See above.

- c) Task 3. *Prepare or review resolutions, notices, agendas, contracts, lease agreements, development agreements, ordinances, and other legal documents necessary for the conduct of the District’s business, when requested to do so by the District; and examine all documents submitted to Counsel by the District for legal sufficiency.*

APPROACH: Mr. Minnery has experience in the preparation and review of all documents identified in this request. Where appropriate, the firm will utilize paralegals on more routine documents in order to limit costs to the benefit of the District.

- d) Task 4. *Respond to and remain in reasonable contact with the District. Keep the Harbor Commission properly informed and fully explain matters that are crucial to significant activities.*

APPROACH: It is our experience that regular and consistent communication with the General Manager is essential to providing high quality legal services. Discussion with the Commissioners on legal matters will primarily occur in closed session as is appropriate.

- e) Task 5. *Resolve as soon as practicable, claims or disputes where liability is reasonably clear (including informal settlement negotiations).*

APPROACH: With the diverse array of activities at the District, disputes are inevitable. Mr. Minnery's approach is and has always been to work through disputes toward resolution as quickly as possible. Litigation is seldom the best alternative.

- f) Task 6. *Collect necessary information about a matter as quickly as possible and prepare an evaluation of the matter with an appropriate case handling plan to the Harbor Commission. The plan should include a description of the matter, an estimated timeline for disposition, a discussion of early disposition potential, and estimated costs.*

APPROACH: In coordination with the General Manager and District staff, matters of concern will be prepared and provided to the Commission as is appropriate and necessary. It is imperative that the Commissioners are kept up to date on cost and disposition of matters so as to never be "blind-sided" by a matter that was within staff and legal counsel's knowledge.

- g) Task 7. *Explain proposed legal tactics and strategies and receive direction from the Harbor Commission prior to proceeding.*

APPROACH: Mr. Minnery will serve at the pleasure and at the direction of the Harbor Commission. All legal strategies will be developed with the Board as legal counsel has no independent authority to act without Board approval.

- h) Task 8. *Reevaluate case posture to ensure best possible outcome and communicate with the Harbor Commission when new facts, legal issues, or other matters are discovered.*

APPROACH: Where on-going matters exist, regular closed sessions are necessary to ensure that (1) the matter is progressing toward resolution; (2) the Board remains aware of any changed circumstances whether factual or legal; and (3) the Board is amply

informed to provide direction. Mr. Minnery will ensure this process is followed in all pending matters of concern.

- i) Task 9. *If informal settlement negotiations fail but other alternatives become at all encouraging, Counsel, in consultation with the Harbor Commission, shall seek the use of programs such as mediation or stipulated arbitration.*

APPROACH: See above.

- j) Task 10. *Settlements/offers/demands shall be discussed in advance with the Harbor Commission before being communicated to others. Final settlement requires approval of the Harbor Commission.*

APPROACH: The California Rules of Professional Conduct require all settlement offers and demands to be presented to the client (i.e. – the Harbor Commission). Legal Counsel has no authority to act without direction of the Board.

- k) Task 11. *Provide necessary legal services for acquisition of lands or easements, which services are to be considered administrative until Counsel is directed to commence eminent domain proceedings, unless the Board hires outside counsel as may be needed. Administrative duties shall not include direct negotiations with landowners.*

APPROACH: Mr. Minnery is experienced in land use matters, including but not limited to easements, eminent domain, and land acquisition. In 2017 and 2018, Mr. Minnery successfully negotiated a 50-year lease for the Port San Luis Harbor District for the development of a high-end recreational park.

- l) Task 12. *Assist and cooperate with the District, its officers, agents and employees on all general legal matters pertaining to the District including enforcement of State and local laws and codes.*

APPROACH: Through regular communication with the General Manager and District staff, this task is routine.

- m) Task 13. *Respond annually, in a timely manner, to the District's outside auditor regarding legal confirmation letters.*

APPROACH: This is a routine task of District Counsel.

- n) Task 14. *Provide necessary legal services in various areas of law as identified in Section 7.C. of the RFP.*

APPROACH: Mr. Minnery has experience to meet the qualifications as identified in Section 7.C as is addressed below.

- o) Task 15. *Perform other related legal services as may be requested and provide recommendations and advice when requested by the Harbor Commission pertaining to the retention of an employment of outside law specialists.*

APPROACH: From time to time, Mr. Minnery may advise the Harbor Commission that certain outside legal expertise is advisable. In such a case, Mr. Minnery shall provide the District with recommendations and remain in contact with any outside counsel to ensure a high level of service is being provided.

- p) Task 16. *Make written or oral reports to the Board as necessary regarding status of any legal actions in which the District may be involved.*

APPROACH: Mr. Minnery shall be in attendance at meetings of the Harbor Commission as requested and prepared to provide updates on pending matters.

- q) Task 17. *Provide analysis of proposed and enacted legislation, published legal opinions and other matters that may have an impact on the operations of the District upon request of Commissioner(s) or General Manager.*

APPROACH: This task is part of professional representation and should be expected from any legal counsel serving the District.

- r) Task 18. *Provide written status report every 60 days or sooner if it is warranted by significant developments.*

APPROACH: This task is part of professional representation and should be expected from any legal counsel serving the District.

- s) Task 19. *Render legal services required in connection with claims against the District.*

APPROACH: This task is part of professional representation and should be expected from any legal counsel serving the District.

- t) Task 20. *Represent the District in all legal proceedings required in the enforcement of District ordinances.*

APPROACH: Mr. Minnery is experienced in enforcement actions. As a general and practical matter, Mr. Minnery would initially work with the General Manager to encourage voluntary compliance through education. However, where necessary, legal action may be necessary.

Qualifications and Experience

- 1) All of the firm's attorneys are duly admitted to practice law in the State of California and none of the firm's attorneys have been subject to disciplinary action by the State Bar or any other bar association.
- 2) Jeffrey A. Minnery would serve as District Counsel primarily responsible for performing legal services for the District, with assistance and support from Joshua M. George as necessary. The approach of having designated back-up support attorneys has proven very effective for the firm's other agencies and would assure there is always capable and effective legal counsel available to the General Manager, District staff, and the Harbor Commission. Attachment A provides biographical information for Mr. Minnery and Mr. George, including scholastic and professional honors and affiliations.

Mr. Minnery has more than ten years of experience representing multiple public entities and he currently serves as District Counsel for the Port San Luis Harbor District, the Oceano Community Services District, the Heritage Ranch Community Services District, the San Luis Obispo County Integrated Waste Management Authority, the San Luis Obispo County Air Pollution Control District, the Cambria Community Healthcare District, the Los Osos Community Services District, the San Simeon Community Services District, and the San Luis Obispo County Children and Families Commission.

Mr. George has twelve years of experience representing public agencies throughout San Luis Obispo County in litigation matters and also serves as District Counsel for the Santa Maria Public Airport District. He regularly represents cities in San Luis Obispo and Santa Barbara Counties including San Luis Obispo, Paso Robles, Arroyo Grande, Grover Beach, Carpinteria, and Santa Maria, as well as other entities such as the Port San Luis Harbor District. His experience in representing public agencies includes, but is not limited to, public works projects, employment matters, public meetings/Brown Act, defense of injury claims against public agencies, and defense of civil rights claims.

- 3) Mr. Minnery routinely advises his public entity clients on matters such as the applications of the Ralph M. Brown Act, the California Public Records Act, Political Reform Act, CEQA application, and other routine matters that arise with local agencies. Mr. Minnery has made public presentations to the San Luis Obispo County Bar Association regarding public entity representation, and he has lectured at California Polytechnic State University at San Luis Obispo on CEQA and its applications.

Mr. Minnery has experience in real estate negotiations and litigation and recently negotiated a multi-million-dollar real estate deal for the Port San Luis Harbor District for the development of a 36-acre site on District property.

Mr. Minnery also has knowledge of claim processing for public agencies and experience in maritime law and litigation. Recently, Mr. Minnery, along with co-counsel, successfully defended the Port San Luis Harbor District in a Jones Act claim brought by a former employee. The District prevailed in the matter with a Motion for Judgment on the Pleadings shortly before trial.

References

The following individuals are the chief administrative officers of their respective agencies which we currently represent. We urge you to contact them directly regarding their experiences with our legal services, particularly with regard to our commitment to providing prompt, expert, effective, and reasonable legal assistance on a regular basis.

Port San Luis Harbor District

Andrea Lueker, Harbor Manager

Phone: 805-595-5400

Email: andreal@portsanluis.com

Scope of Work: General District legal counsel and litigation as needed.

Start Date: 2002 – present.

Brief description of work: Mr. Minnery has assisted the Port in lease negotiation, pier reconstruction, large development projects, lease disputes, and multiple matters of litigation.

Oceano Community Service District

Paavo Ogren, General Manager

Phone: 805-481-6730

Email: paavo@oceanocsd.org

Scope of Work: General District legal counsel and litigation as needed.

Start Date: 2013 – present.

Brief description of work: Mr. Minnery has assisted the OCSD in general District matters and litigation, including but not limited to, litigation related to the adjudicated groundwater basin.

Heritage Ranch Community Services District

Scott Duffield, PE, General Manager

Phone: 805-227-6230

Email: scott@heritageranchcsd.ca.gov

Scope of Work: General District legal counsel and litigation as needed.

Start Date: 2008 – present.

Brief description of work: Mr. Minnery has assisted the HRCSD in general matters and litigation as necessary.

San Luis Obispo County Air Pollution Control District

Gary Willey, Air Pollution Control Officer

Phone: 805-781-5912

Email: gwilley@co.slo.ca.us

Scope of Work: General District legal counsel and litigation as needed.

Start Date: 2002 – present.

Brief description of work: Mr. Minnery has assisted the APCD in general matters and litigation, including but not limited to, the on-going litigation related to the dust mitigation required in the State Parks riding facility at the Oceano Dunes. Mr. Minnery successfully defended the APCD in a trial related to alleged Brown Act violations. Mr. Minnery prevailed at trial on all counts.

Adamski Moroski Madden Cumberland & Green LLP/ Financial Stability

Adamski Moroski Madden Cumberland & Green LLP (AMMCG) was established in 2001. The firm currently has 14 attorneys, including partners and associates. The firm is rated by Martindale-Hubbell as “AV,” the highest rating given to law firms and attorneys based on their legal ability, ethics, reliability, and diligence. All of the firm’s attorneys are duly admitted to practice law in the State of California and none of the firm’s attorneys have been subject to disciplinary action by the State Bar or any other bar association.

The firm’s attorneys represent a number of significant public entities, including: the Port San Luis Harbor District, the City of San Luis Obispo, Oceano Community Services District, Heritage Ranch Community Services District, the City of Santa Maria, the City of Pismo Beach, San Luis Coastal Unified School District, San Luis Obispo County Air Pollution Control District, San Luis Obispo County Integrated Waste Management Authority, Santa Maria Public Airport District, San Luis Obispo County First Five Commission, the Cambria Community Healthcare District, and numerous other cities and public entities. A list of the public entities represented by the firm is attached to this Statement of Qualifications as Attachment B.

The firm’s long-time representation of many diverse public entities, particularly those in San Luis Obispo County, and the broad skill level of the firm’s various attorneys in numerous areas of governmental law, give it an understanding of and appreciation for the important public policy and political issues faced by the District and its Board of Harbor Commissioners. AMMCG prides itself on its sensitivity to not merely the procedural and legal level of the matters it handles for public entities, but also the political and public policy underpinnings of those matters.

AMMCG’s attorneys represent governmental, corporate, and individual clients in a diverse array of litigation and transactional matters involving government and administrative law, governmental and tort claim defense, labor and employment law, land use and environmental law,

eminent domain, construction law, real property counsel and litigation, business formation and counseling, business litigation, business transactions, real estate, and water rights.

AMMCG has offices in Avila Beach and the City of Paso Robles. There are no known claims, lawsuits, or administrative proceeding pending against the Firm. The firm is financially stable.

Acknowledgement of Addenda

Please see attached Acknowledgement of Addenda Form.

Cost Proposal

Please see attached Cost Proposal Form and Supplemental Cost Proposal.

ATTACHMENT A
ATTORNEY BIOGRAPHIES



Jeffrey A. Minnery

Jeffrey A. Minnery joined the firm in April 2008 and is a partner with Adamski Moroski Madden Cumberland & Green LLP. Mr. Minnery represents public and private entity clients in the areas of land use, real estate, construction, and various litigation and transactional matters. Mr. Minnery also has experience representing numerous public entities, and he is currently District Counsel to the Port San Luis Harbor District, the San Luis Obispo County Integrated Waste Management Authority, the Cambria Community Healthcare District, the Oceano Community Services District, the Heritage Ranch Community Services District, the San Luis Obispo County Air Pollution Control District, San Simeon Community Services District, the Los Osos Community Services District, and San Luis Obispo County First Five Commission. Mr. Minnery graduated *summa cum laude* from Santa Clara University School of Law in 2004, where he was an editor of the Santa Clara Law Review and a member of the Trial Team. Mr. Minnery has successfully prevailed in civil trials and arbitrations and regularly advises clients on business transactional matters.

Before joining AMMCG, Mr. Minnery was an attorney at Gibson, Dunn & Crutcher LLP where he practiced in a variety of fields including federal securities class actions, shareholder derivative suits, labor and employment, intellectual property, as well as general commercial matters. Mr. Minnery is a member of the California Bar Association and the San Luis Obispo County Bar Association. He is admitted to practice in all Superior Courts and multiple Federal Courts in the State of California. In the community, Mr. Minnery is an active member of the San Luis Obispo Chamber of Commerce and a 2013 graduate of Leadership SLO. In 2009, he was recognized as one of the County's top "40 under 40" by the Pacific Coast Business Times. Mr. Minnery also serves on the Arroyo Grande Community Hospital Foundation board.

Mr. Minnery's publications include: Co-Author, *Trends in Claims Against Lawyers*, Securities Litigation Report (February 2007); Co-Author, *Liability Issues for Audit Firms - The Risk of Catastrophic Exposure Prompts Calls for Liability Reforms*, Securities Litigation Report (April 2007); Contributing Author, *Current Trends in Federal Securities Litigation*, ALI-ABA Post-Graduate Course in Federal Securities Law (June 2007); and Contributing Author, *Current Trends in Federal Securities Litigation*, Practising Law Institute, Securities Litigation and Enforcement Institute (October 2007).

Mr. Minnery lives in San Luis Obispo with his wife and two daughters.

Jeffrey A. Minnery
6633 Bay Laurel Place, Avila Beach, CA 93424
Phone: (805) 543 - 0990
Email: jminnery@ammcglaw.com

EXPERIENCE

Adamski Moroski Madden Cumberland & Green LLP, Partner (April 2008 – present)

Practice includes public entity law, litigation, land use, real estate, construction defect law, and various business and transactional matters.

- Represented and advised multiple public entity clients including the Port San Luis Harbor District.
- Successfully defended the Integrated Waste Management Authority and the Air Pollution Control District in writ of mandate actions.
- Litigated multiple construction defect cases in both commercial and residential contexts.
- Successfully negotiated settlements with government entities in eminent domain matters.
- Represented developers in various actions against both public entities and private litigants.
- Represented clients in cases involving petroleum contamination of real property.
- Defended cosmetic industry clients in civil and state actions alleging product labeling violations.
- Argued motions and regularly attended court hearings, mediations, and settlement conferences.
- Drafted purchase and sale agreements, security agreements, promissory notes, and leases.

Gibson, Dunn & Crutcher, Litigation Associate (September 2004 – April 2008 and Summer 2003)

Practiced litigation in a wide variety of fields including federal securities class actions, shareholder derivative suits, labor and employment, intellectual property, as well as general commercial matters.

- Drafted briefs in connection with motions to dismiss, motions for summary judgment, motions *in limine*, and various pretrial briefing.
- Defended depositions and took depositions.
- Defended client at a hearing before the California Labor Commissioner.
- Litigated cases regarding wrongful termination and claims for unpaid wages.
- Represented and advised retired aircraft carrier, the USS Hornet, in various matters.

Law Offices of Philip R. McCowan (Summer 2002)

Researched legal issues and drafted motions and memorandums. Attended hearings and depositions.

Musician/Songwriter (1995-2000)

Pursued a career in music as the singer and songwriter of a rock band and as a children's recording artist.

EDUCATION

Santa Clara University School of Law, J.D. Earned, 2004, *summa cum laude*

Ranked 2nd among 230 students, Order of the Coif

Law Review Editor; Certificate of Excellence in Legal Analysis and Writing

Trial Team member (Winner of Outstanding Oral Advocate) and Moot Court Finalist

Witkin Awards for Secured Transactions; Corporations; Employment Discrimination

B.T. Collins Scholarship Award for Public Service

University of Colorado at Boulder, B.S. Journalism, 1995

PUBLICATIONS

- Co-Author, *Liability Issues for Audit Firms - The Risk of Catastrophic Exposure Prompts Calls for Liability Reforms*, Securities Litigation Report (April 2007)
- Contributing Author, *Current Trends in Federal Securities Litigation*, ALI-ABA Post-Graduate Course in Federal Securities Law (June 2007)
- Contributing Author, *Current Trends in Federal Securities Litigation*, Practicing Law Institute, Securities Litigation and Enforcement Institute (October 2007)

AWARDS

Recognized as one of San Luis Obispo County's top "40 Under 40" in the Pacific Coast Business Times. Recognition award for pro bono service in 2006 and 2007.



Joshua M. George

Mr. George is a partner with Adamski Moroski Madden Cumberland & Green LLP and a graduate of Cal Poly San Luis Obispo and McGeorge School of Law. The main focus of his practice is business litigation, personal injury, real property litigation and public entity defense. In addition to his private clients, he represents cities and other public entities throughout San Luis Obispo and Santa Barbara counties in a wide variety of litigation matters.

Mr. George has worked as a litigator for his entire career. His current practice is focused on both public and private civil litigation as well as counsel in non-litigation matter for local entities.

Mr. George successfully defended the City of San Luis Obispo against a multi-million dollar claim made by a contractor in a matter arising out of the construction of improvements at the City's water reclamation facility. He has also represented cities and other local government entities in numerous personal injury, employment, and construction claims. His private litigation practice covers similar areas and also includes real property and contract matters. He serves as District Counsel for the Santa Maria Public Airport District.

During law school, Mr. George clerked at the firm of Andre, Morris & Buttery in San Luis Obispo, working primarily in their civil litigation department. He also interned with the Sacramento and San Luis Obispo County District Attorney's offices and served on the McGeorge Law Review. After passing the bar in 2006, he was hired as an associate attorney at Cumberland, Coates & Duenow LLP where he began his current practice. Mr. George joined Adamski Moroski Madden Cumberland & Green LLP in 2009.

Mr. George is admitted to practice in all courts of the State of California and United States District Courts, Northern, Eastern and Central Districts of California. He is the past President of the San Luis Obispo County Bar Association and current Chair of the Committee for the Lawyer Referral and Information Service.

Mr. George has a Bachelor of Arts (Agribusiness), California Polytechnic State University, San Luis Obispo, and a Juris Doctor, University of the Pacific, McGeorge School of Law.

Mr. George is married, has two children and resides in San Luis Obispo.

JOSHUA MICHAEL GEORGE

6633 Bay Laurel Place, Avila Beach, CA 93424 • (805) 543-0990 • george@ammcglaw.com

WORK EXPERIENCE

Adamski, Moroski, Madden & Green LLP, Avila Beach, California

Partner January 2015-Present

Associate Attorney July 2009-December 2014

- General Civil Litigation Work in Areas of Personal Injury, Real Estate/Land Use, Employment, Public Contract and Construction Defect Primarily with Regard to Government Entities including all aspects of litigation and trial.
- District Counsel for the Santa Maria Public Airport District.

Cumberland, Coates & Duenow LLP San Luis Obispo, California

Associate Attorney June 2006-June 2009

- General Civil Litigation Work in Areas of Personal Injury, Real Estate/Land Use, and Construction Defect, Primarily with Regard to Government Entities.
- Drafted Pleadings, Demurrers, Ex Parte Motions, Motions for Summary Judgment/Summary Adjudication, Motions for Judgment on the Pleadings, General Correspondence and Discovery Documents.
- Acted as second chair on two multi-week trials.
- Argued motions and attended Case Management Conferences.

Andre, Morris, & Buttery, San Luis Obispo, California

Summer Associate May-July 2005

- Performed legal research and drafted memoranda, primarily with regard to litigation issues.
- Drafted Pleadings, Demurrers, Ex Parte Motions, General Correspondence and Discovery Documents.
- Prepared litigation outlines from general documents and depositions.
- Attended motion hearings.

EDUCATION

University of the Pacific, McGeorge School of Law, Sacramento, California

Class Rank Top 2%, (3/216) GPA: 3.87

Honors

- Witkin Awards for highest grade in Contracts, Torts, Civil Procedure, and Wills and Trusts
- Dean's Honor Roll 2003-2006
- Traynor Honor Society
- Awarded Honors in Trial Advocacy

Activities

- MCGEORGE LAW REVIEW comment staff 2004-2005
- Students for a Better McGeorge Third Year Representative
- Research/Teacher's Assistant for Professor Gerald Caplan

California Polytechnic State University San Luis Obispo, San Luis Obispo, California
B.S. in Agribusiness with a concentration in Policy, *summa cum laude*, June 2003

GPA: 3.86

- Dean's List, 5 semesters
- President's List, 2000-2001 academic year

ATTACHMENT B
REPRESENTATIVE PUBLIC ENTITY CLIENTS

- Arroyo Grande Cemetery District
- Atascadero Unified School District
- California Joint Powers Insurance Authority
- California Valley Community Services District
- Cambria Community Healthcare District
- Cambria Community Services District
- City of Arroyo Grande
- City of Atascadero
- City of Grover Beach
- City of Lompoc
- City of Morro Bay
- City of Paso Robles
- City of Pismo Beach
- City of San Luis Obispo
- City of Santa Maria
- City of Solvang
- Heritage Ranch Community Services District
- King City Union School District
- Lompoc Unified School District
- Los Osos Community Services District
- Lucia Mar Unified School District
- Orcutt Union School District
- Oceano Community Services District
- Paso Robles Joint Unified School District
- Port San Luis Harbor District
- San Luis Coastal Unified School District
- San Luis Obispo County Air Pollution Control District
- San Luis Obispo County Integrated Waste Management Authority
- San Luis Obispo County Local Agency Formation Commission
- San Luis Obispo County Pension Trust
- San Luis Obispo County Children and Families First Five Commission
- Santa Maria Bonita Unified School District
- Santa Maria Cemetery District
- Santa Maria Public Airport District
- Schools Insurance Program for Employees
- Self-Insured Schools of California
- State of California, Department of General Services
- State of California, Department of Mental Health
- State of California, Department of Transportation
- William S. Hart Union High School District

For contact information please see the list of references included in the response.

**SAN MATEO COUNTY HARBOR DISTRICT
REQUEST FOR PROPOSALS (RFP) 2019-09
GENERAL COUNSEL LEGAL SERVICES**

SAN MATEO COUNTY HARBOR DISTRICT

ACKNOWLEDGEMENT OF ADDENDA

The undersigned Proposer acknowledges receipt of the following addenda, if issued, to the RFP Documents. If none received, write "None Received."

Addendum No. 1, dated September 19, 2019

Addendum No. _____, dated _____

Addendum No. _____, dated _____

Date: September 20, 2019

Firm: Adamski Moroski Madden Cumberland & Green LLP

Print Name: Jeffrey A. Minnery, Esq.

Signature: 

Title: Partner

**SAN MATEO COUNTY HARBOR DISTRICT
REQUEST FOR PROPOSALS (RFP) 2019-09
GENERAL COUNSEL LEGAL SERVICES**

COST PROPOSAL FORMS

Pursuant to the Notice Inviting Proposals, the undersigned Proposer herewith submits a Proposal on the Proposal Form or Forms attached hereto and made a part hereof and binds itself on award by the San Mateo County Harbor District under this Proposal to execute a Contract in accordance with its Proposal, the Proposal Documents, and the award. The attached Notice Inviting Proposals and Addenda, if any, are made a part of this Proposal and all provisions thereof are accepted, and all representations and warranties required thereby are hereby affirmed.

THE PROPOSAL BELOW INCLUDES ANY AND ALL LABOR, MATERIALS, APPLICABLE TAXES, INSURANCE, SUBCONTRACTOR COSTS, TRAVEL EXPENSES, TELEPHONE COSTS, COPYING COSTS, PROFIT, ADMINISTRATIVE AND OVERHEAD FEES, AND ALL OTHER COSTS NECESSARY FOR THE PERFORMANCE OF ALL THE SERVICES CALLED FOR UNDER THE FOLLOWING CONTRACT. ANY PROPOSED REIMBURSABLE COSTS SHALL BE SEPERATELY IDENTIFIED (E.G. OVERNIGHT DELIVERY, UPCHARGE ON 3RD PARTY INVOICES).

Position	Unburdened Hourly Rate	All inclusive Hourly Rate*	Estimated Hours per Month**	Example of Duties
District Counsel		\$300	40	See Proposal
Alternate District Counsel		\$300	5	See Proposal
(add positions as necessary)	*Continued on	attached Supplemental Cost		Proposal.

*Hourly Rate should include overhead costs as listed above. Time spent traveling to and from District meetings held within San Mateo County and any travel costs associated with such travel is ~~not reimbursable~~ subject to negotiation.

**Estimated Hours should be based on comparable size and complexity of similar governmental entity.

The Cost Proposal Form must be signed on the next pages (page 2 or 3 of Attachment A). Proposals submitted in any other form will be considered non-responsive and may be rejected. Signatures herein bind Proposer to the entirety of its Proposal, including all documents submitted with these Cost Proposal Forms.

**SAN MATEO COUNTY HARBOR DISTRICT
REQUEST FOR PROPOSALS (RFP) 2019-09
GENERAL COUNSEL LEGAL SERVICES**

DOCUMENTS TO ACCOMPANY COST PROPOSAL:

Items 7 A-F of the Proposal Content must accompany the Cost Proposal for a Proposal to be deemed responsive.

NAME UNDER WHICH BUSINESS IS CONDUCTED: Adamski Moroski Madden Cumberland & Green LLP

CONTACT INFORMATION OF PERSON AUTHORIZED TO EXECUTE CONTRACT

Name: **Jeffrey A. Minnery, Esq.**

Business Address: **Mailing:** P.O. Box 3835

Physical: 6633 Bay Laurel Place

City/State/Zip: **Mailing:** San Luis Obispo, CA 93403-3835

Physical: Avila Beach, CA 93424

Telephone Number: **(805) 543-0990**

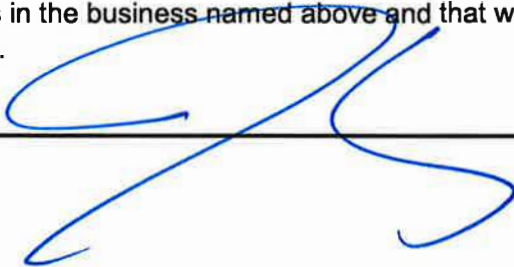
Facsimile Number: **(805) 543-0980**

E-Mail Address: **jminnery@ammcglaw.com**

MANDATORY SIGNATURE(S)

SOLE OWNER, sign here: I sign as sole owner of the business named above.

PARTNERSHIP, one or more partners sign here: The undersigned certify that we are partners in the business named above and that we sign this Proposal with full authority to do so.



**SUPPLEMENTAL COST PROPOSAL FOR STATEMENT OF
QUALIFICATIONS AND PROPOSAL FOR LEGAL SERVICES**

Position	Unburdened Hourly Rate	All-Inclusive Hourly Rate	Estimated Hours Per Month	Example of Duties
District Counsel	N/A	\$300	40	See Proposal
Alternate District Counsel	N/A	\$300	5	See Proposal
Paralegal	N/A	\$115	10	Client contact; draft contracts and other legal documents or correspondence; legal research

Mr. Minnery and any attorney of AMMCG are proposing \$300.00 per hour for all services rendered to the San Mateo County Harbor District (“District”). Although the law firm’s normal hourly billing rates are substantially higher than the rates quoted in this proposal, the law firm is willing to provide legal services to the District at a reduced rate. However, due to the geographical distance between AMMCG and the District, the firm must be compensated for travel time; however, the firm is willing to negotiate rates with this in mind. To the maximum extent possible, the law firm will endeavor to minimize its charges to the District throughout the duration of the contract.

- ***Fees for Clerical Staff and Paralegals.***

The firm does not intend to charge for clerical staff in the ordinary course of business. However, if certain projects can be performed by firm paralegals in a manner that ensures the highest level of representation with a decreased cost to the District, the firm will do so at a rate of \$115.00 per hour.

- ***Reimbursable Expenses.***

The firm will pass through costs to the District, with no upcharge, for conference call services, legal research, registered/certified/overnight mail, third-party invoices, and court filing fees, as necessary.

- ***Charges and Expenses for Incidentals.***

The firm will not charge the District for copying, telephone charges, fax charges, or any other standard charges incidental to the practice of law.

- ***Hourly Increments.***

The firm's billing statements will appear in the "block billing" format. In other words, while the work performed by firm attorneys on any given day will be stated in some detail, the time spent in performing those tasks will be aggregated and will appear as a single time entry for each attorney on that day. The minimum billing block is 0.2 hours for each task.

RICHARDS WATSON GERSHON

San Mateo County Harbor District

Proposal for General Counsel Legal Services

September 23, 2019

Trisha Ortiz

44 Montgomery Street, Suite 3800
San Francisco, California 94104-4811
Telephone: 415.421.8484
E-mail: tortiz@rwglaw.com



In Your Community
At Your Side

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Attachments:

Attachment C Acknowledgement of Addenda

September 23, 2019

San Mateo County Harbor District
504 Avenue Alhambra, 2nd Floor
El Granada, California 94018
Attention: Deputy Secretary

Reference: ***Response to Request for Proposals for General Counsel Legal Services
San Mateo County Harbor District***

Dear Deputy Secretary:

Richards, Watson & Gershon (RWG) is pleased to respond to the San Mateo County Harbor District's Request for Proposals for General Counsel Legal Services.

RWG is very excited by the opportunity to provide general counsel services to the District. Having represented public entities for most of its over 60-year history, RWG understands the District's mission, guiding principles, and dedication to serving the public. We welcome the opportunity to assist the District in furthering its goals.

If selected, I will serve as District General Counsel and your primary contact person. I have represented public agencies throughout my entire legal career. As such, I am keenly aware of the need to provide legal services that are cost effective, responsive, and respectful of the public.

I will be assisted by a strong team of attorneys in RWG's San Francisco office, including Elena Pacheco as Assistant General Counsel and T. Peter Pierce as the lead litigation counsel. Our legal team is backed by more than 60 other attorneys at RWG, with expertise in all areas of municipal law, including specialized areas such as environmental law and CEQA, public works construction, municipal finance, real estate, eminent domain, affordable housing, and land use. Working as a team, we will provide the San Mateo County Harbor District with high quality, goal oriented, and proactive legal services to meet all of the District's legal needs.

I live in San Mateo and our team is located in RWG's San Francisco office. This means that we readily can travel to the District when requested to do so. Our contact information is as follows:

Richards, Watson & Gershon
44 Montgomery Street, Suite 3800
San Francisco, California 94104-4811
Telephone: 415.421.8484
Facsimile: 415.421.8486

Trisha Ortiz
E-mail: tortiz@rwglaw.com
Telephone: 415.421.8484

Elena Pacheco
E-mail: epacheco@rwglaw.com
Telephone: 415.421.8484

T. Peter Pierce
E-mail: ppierce@rwglaw.com
Telephone: 415.421.8484

I am pleased to present the District with this proposal. Our proposal and fee schedule are valid and binding for 120 days following the proposal due date of September 23, 2019.

Conflicts of Interest Disclaimer Statement: We have completed a preliminary check for conflicts of interest that would limit RWG's ability to provide General Counsel services to the District. At this time, we are not aware of any actual legal or business conflicts that would preclude us from representing the District. RWG has no interest in or ownership of any contractor that may be recommended to the San Mateo County Harbor District. The Firm has not received, and does not anticipate receiving, any remuneration from such a contractor.

Comments to Professional Services Agreement: If selected as General Counsel, we would request a small number of revisions to the insurance provisions to conform to our Firm's insurance program and to the nature of the services provided under the agreement. In addition, we would request clarification of the term "administrative duty" in Section 4, and its application. Finally, we would request confirmation that Section 7.A. is subject to an exception for matters involving a conflict of interest.

I believe that the highly qualified team we are proposing, backed by RWG's extensive resources, will provide exceptional representation to the San Mateo County Harbor District. I look forward to discussing our proposal with you. If you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Trisha Ortiz".

Trisha Ortiz
Shareholder, Richards, Watson & Gershon

B. Approach to Scope of Services

RWG proposes to provide legal services that assist the District in carrying out its mission to assure the public is provided with clean, safe, well-managed, financially sound and environmentally pleasant marinas. RWG has specialized in the representation of public entities of all types for over 60 years. We regularly provide all of the legal services listed in Attachment D of the RFP, Scope of Services.

Specifically, we are prepared to assist with all legal issues involving:

- Governance of public entities, including the Brown Act, Public Records Act, Political Reform Act and conflicts of interest, elections, public agency fiscal powers, and internal organization documents and policies;
- Meetings, including participation in or attendance at regular and special meetings as requested;
- Preparation and review of resolutions, ordinances, staff reports, legal opinions, contracts, deeds, leases, and all other legal documents;
- Litigation (either prosecution or defense of lawsuits) when necessary, including settlement and judgment enforcement, as well as code enforcement;
- Environmental law and regulations, including the California Environmental Quality Act (CEQA), federal National Environmental Policy Act (NEPA), California and federal Endangered Species Acts, California Coastal Commission, and California climate change and sustainability initiatives;
- Public works, surety claims, government contract and procurement laws, and public bid requirements;
- All aspects of public finance, including bond financing, debt and investment policies, and taxes, assessments and fees;
- Employment and labor law; and
- Real estate transactions, eminent domain and inverse condemnation.

As demonstrated throughout this proposal, we are exceptionally well qualified to provide legal services to the San Mateo County Harbor District. We will provide these services in the manner and the style that the District desires, and we will tailor our services to best fit the District's needs, budget, and style of governance. We recognize that not all public agencies are alike and we are committed to working with the District to learn how we best can serve the District's needs. We are versatile and can be as involved as the District would like; some clients reach out to us with discrete questions, others want us to be involved more regularly with the flow of their service to the public. Based on our review of the District's legal budget over the last few years and a comparison with similar clients, we have estimated in the attached cost proposal, that our General Counsel legal services will amount to approximately 45 hours per month. Even so, we will commit to tailoring our services to the District's needs and budget.

We have developed the legal expertise, technological support services, and team approach to enable us to meet deadlines and provide a full range of quality advisory and litigation services. We are known for resolving difficult issues with creative, cost-effective, and practical solutions under the highest standards of professionalism and ethics.

Staffing

We believe that a stable client service team with well-defined roles is critical for ensuring that your needs and service expectations are continuously met. In the RWG model, the General Counsel manages legal resources to ensure that assignments are completed promptly, quality is maintained, and legal costs are controlled. RWG attorneys with relevant expertise will be assigned to work on specific matters to provide the highest quality product and promote efficiency.

Our San Francisco office is comprised of a team of nine attorneys who are backed by all of the other attorneys at RWG with expertise in all areas of municipal law. Our communication infrastructure and technology resources allow us to work seamlessly with attorneys in each of RWG's offices.

RWG's attorneys are supported by paralegals and administrative services staff that includes a records center, general office services, courier services, and information technology services. We also have technological resources that include teleconference, video conference and electronic legal research. Our broad range of staff and professionals, paired with the latest in technology and management practices, allows us to serve each of our client's unique needs in a timely, cost-effective, and productive manner.

Working Relationship

RWG has a strict philosophy that the role of the General Counsel is to be a legal advisor and facilitator, not a policy maker. Our attorneys are professional and non-partisan at all times and have significant experience maintaining this role. We will participate in public meetings at the level desired by the District. Unless a significant legal question or issue arises, we will interject in meeting discussions only upon the request of a District official or staff member.

We recognize that the District's governance and legislative decision-making is exercised through its Board of Harbor Commissioners as a whole. We likewise recognize that while we represent the Board as a whole, it is important to have productive relationships with, and the trust of, individual Board members. To that end, we always make ourselves available to meet or speak with individual Board members as requested and to answer all questions.

Similarly, we realize that much of the Board's day to day work is handled by the General Manager and other staff. We work collaboratively with staff, again recognizing that we are there to provide legal services and to assist staff in carrying out the District's mission. We are responsive, timely, and succinct, allowing District staff to get the information they need and not get bogged down in legalese.

Legal Updates

To effectively monitor pending lawsuits and control litigation costs, RWG has developed a litigation tracking log that is updated on a monthly basis, or on any other schedule as preferred by the client. In addition, we will provide periodic reports to the Board of Harbor Commissioners and the General Manager about pending or threatened litigation as the matter warrants. We expect that for matters we are handling, the District always will hear about relevant developments directly and promptly from us – not from reading a newspaper article or otherwise being caught by surprise.

We likewise check in with staff regularly on advisory work and projects. We provide cost and time estimates before starting on any significant project and discuss developments along the way that may impact those estimates. We also can implement a chart-based tracking log for major projects, should the District desire.

Track and Manage Legal Costs

In addition to the specifics discussed above under Legal Updates, RWG aids public entity clients in the management of legal expenses in other important and tangible ways.

First, our proposed fee structure and our commitment to keep the rates in effect for the first two years of the contract provides the District certainty regarding its legal fees for at least two years. Second, the General Counsel will regularly provide the Board of Harbor Commissioners with detailed billing summaries of the monthly and year-to-date costs incurred for each matter handled by our office. Third, RWG's large public entity client base means that any one entity client will pay only a small fraction of the cost for legal work on matters that are common to other public entity clients. Examples of such matters include annual reports on new legislation and the drafting of ordinances or policies in response to new court decisions. Fourth, our extensive library of forms minimizes the time spent by attorneys on routine documents such as standard contracts and standard easements.

Proactive Advice

RWG believes that training by the General Counsel's office is vitally important to risk management and cost control. RWG regularly holds training sessions for our public agency clients on a variety of topics including: ethics and open government (AB 1234); CEQA and land use; contracting; records retention and the Public Records Act; employee evaluation; sexual harassment prevention; and the conduct of internal investigations. Our training sessions are designed to increase efficiency, improve performance, and reduce legal costs. We also provide to our clients handbooks (in paper and electronic form) that explain the Brown Act, the Public Records Act, and the Political Reform Act.

The Firm's attorneys review new cases and new legislation and prepare comprehensive letters to inform our clients of issues that may interest them or may affect their daily operations. The Firm also prepares brief "e-alerts" to advise our public entity clients about important legislation, new cases, and other current issues of interest to public entities as they occur. The frequency of these letters and e-alerts depends on the nature of the new case or legislation and the urgency with which our clients may need to be informed.

We also issue spot as much as possible to help the District stave off problems that may arise in the normal course of business. Oftentimes, proactively addressing an issue can avoid additional expenses or litigation; we believe it is our role to spot these opportunities whenever possible and provide the District with options for how to proceed.

Accessibility and Responsiveness

When it comes to interactions with District Staff or the Board of Harbor Commissioners, we regard accessibility and responsiveness as two of the most critical factors in the provision of legal services. Each of the proposed members of the team can be reached by telephone, cellular phone, and e-mail, including when the attorney is out of the office or traveling. The proposed legal team is located in our San Francisco office. All of our attorneys are available to attend meetings in person on short notice. Furthermore, we take pride in our ability to provide a complete and accurate response to assignments and inquiries within whatever reasonable time constraints are imposed and to manage our cases with extensive client communication and input.

C. Proposer's Qualifications and Experience

General Counsel



Trisha Ortiz

44 Montgomery Street, Suite 3800
San Francisco, California 94104-4811
Telephone: 415.421.8484
E-mail: tortiz@rwglaw.com

California Bar, December 2003

Trisha is a shareholder in the San Francisco office and she began her career at RWG more than fifteen years ago. Trisha counsels local governments on all aspects of municipal governance, including public meetings, elections, transactional matters, land use matters, the interpretation, application of, and compliance with the Brown Act, Public Records Act, Political Reform Act, and other conflict of interest and ethics laws.

Trisha currently serves as General Counsel for the Marin Emergency Radio Authority (June 1, 2013 to present), General Counsel to California Statewide Communities Development Authority (General Counsel, August 1, 2019 to present, and Assistant General Counsel July 1, 2015 to August 2019), Assistant General Counsel to the San Francisquito Creek Joint Powers Authority (July 1, 2015 to present), Assistant City Attorney for the City of Fairfield (March 14, 2014 to present) and the City of Davis (June 1, 2019 to present), and Special Counsel to the County of Sonoma for its energy independence program (October 1, 2008 to present).

In addition to her general public agency law practice, Trisha specializes in advising clients with regard to local tax measures, imposing and increasing fees, special tax and assessment financing, economic development programs, clean energy financing, and infrastructure financing districts. Trisha served on the committee that drafted the guide to Propositions 26 and 218, published by the League of California Cities. Trisha is also a regular contributor to the Finance section of the *California Municipal Law Handbook*, published by the California Continuing Education of the Bar and the League of California Cities.

A few of her recent projects include:

- Assisting the Marin Emergency Radio Authority, a joint exercise of powers authority comprised of the County of Marin, the cities and special districts in the County, and its regional public safety agencies, with updating the backbone emergency communications system for member agencies. The process began with preparing a parcel tax measure approved by the voters in 2014, and the current project activities include implementing the project contractor agreements and a geographically expansive and diverse environmental review. The current project activities have totaled approximately 200 hours of work since January 1, 2019 for review of a Supplemental Environmental Impact Report, with weekly meetings among Authority staff and EIR consultants, negotiating site leases and contract implementation matters.
- Assisting the Cities of Davis and Norwalk with transaction and use tax measures to be submitted to voters at the March 3, 2020 statewide election. Preparation for the election began in August of 2019 and has included drafting a detailed timeline for the election process, resolutions calling the election and requesting consolidation, and the tax ordinance, coordinating review and implementation of the tax with the California Board of Tax and Fee Administration, and preparation of legal memoranda detailing the proper role of a public agency in the election process. This project has totaled approximately 35 hours of work to this date.
- Assisting the San Francisquito Creek Joint Powers Authority, comprised of the Cities of East Palo Alto, Palo Alto and Menlo Park, the County of San Mateo, and the Santa Clara Valley Water District, with its multijurisdictional project to provide flood protection, ecosystem restoration and recreational opportunities along the San Francisquito Creek and upstream of Highway 101. This project requires an average of approximately four hours of work per month, in addition to approximately 40 hours over the past two months for review and completion of the EIR.

- Assisting the California Statewide Communities Development Authority with establishing the CalRISE program, which promotes government agency investment in community banks that reinvest in the local community. Review and approval of the program and implementing agreements required approximately 15 hours of work from May through August of 2019.
- Providing training on Public Service Ethics at the League of California Cities Annual Conference, on September 12, 2018, to satisfy the AB 1234 requirements for city officials in attendance at the conference.

Prior to attending law school, Trisha spent over seven years working in state legislative government. Trisha served as legislative staff in the Arizona House of Representatives where she focused on fiscal policy and the state budget and she also worked as a lobbyist in the Michigan State Legislature. Trisha has leveraged her legislative experience to provide state and local law solutions to our clients’ municipal needs. For example, she assisted the City of Palm Desert in writing AB 811, which authorizes public agencies to finance renewable energy and energy efficiency improvements on private property, also known as Property Assessed Clean Energy or “PACE” to help them meet their GHG emission reduction goals. Also, after the dissolution of redevelopment, Trisha assisted the City of Fairfield in writing AB 806, which authorizes community development powers for cities.

References

<p>Maureen Cassingham, Executive Officer Marin Emergency Radio Authority (MERA) c/o Town of Corte Madera 300 Tamalpais Drive Corte Madera, CA 94925 Telephone: (510) 886-3429 E-mail: mlc1948@aol.com</p> <p>Services provided: General Counsel</p>	<p>Catherine Bando, Executive Director California Statewide Communities Development Authority 1700 North Broadway, Suite 405 Walnut Creek, CA 94596 Telephone: (213) 700-4137 E-mail: cbando@cscda.org</p> <p>Services provided: General Counsel</p>
<p>Sean Quinn, Interim City Manager City of Fairfield Fairfield City Hall 1000 Webster Street Fairfield, CA 94533 Telephone: (707) 428-7400 E-mail: squinn@fairfield.ca.gov</p> <p>Services provided: Assistant City Attorney</p>	<p>Len Materman, Executive Director San Francisquito Creek Joint Powers Authority 615 B Menlo Avenue Menlo Park, CA 94025 Telephone: (650) 324-1972 E-mail: len@sfcjpa.org</p> <p>Services provided: Assistant General Counsel</p>

Assistant General Counsel



Elena Pacheco

44 Montgomery Street, Suite 3800
San Francisco, California 94104-4811
Telephone: 415.421.8484
E-mail: epacheco@rwglaw.com

California Bar, December 2015

Elena has provided her public agency clients general counsel services for four years. She spent two years in-house at the Palo Alto City Attorney's Office before moving to her current position in the Public Law department at Richards Watson & Gershon. In that time, Elena has developed a specific focus on public works and public contracting, advising her clients on issues ranging from prevailing wages, emergency procurement and RFP development. Connected with that work, Elena frequently assists clients with the creation of their contract templates as well, ensuring terms and conditions comply with the most recent state and federal labor and procurement laws. In addition to her focus on these matters, Elena also works with clients on planning and real estate items, public record requests, ethics inquiries, and Brown Act issues.

Elena has worked for cities and other public agencies her entire career. In her service to these agencies she's developed a deep understanding of many of the most common issues related to the laws and regulations that local governments are subject to. The combination of her focused experience with procurement and her years of general advice work has made her a valuable counsel to varied clients, and the varied departments within those organizations. She has provided advice and counsel to many municipalities and JPAs such as the East Bay Clean Energy Authority, California Statewide Communities Development Authority, and Marin Clean Energy.

A few of her recent projects include:

- Assisting with the complete revision of the purchasing policies and purchasing ordinances for the City of Fairfield and City of Beverly Hills. Both of these projects required review for compliance with state and federal laws, as well as guidance on policy decisions related to procurement methods and the employees authorized to carry out those methods. Moreover, it was imperative that the city's policy and the ordinance were consistent with one another, assigning the same definitions and restrictions to specific kinds of purchases. Beverly Hills is moving forward with the

adoption of the revised ordinance and policy, and Fairfield continues to work on revisions before adopting both in the coming months.

- Advising the City of Fairfield on the evolving body of rules regarding Civil Code 1090 restrictions on design professionals. Over the course of the past year, the Fair Political Practices Commission (FPPC) has issued multiple formal opinions that determine when a design professional has a conflict of interest and is therefore prohibited from participating in an agency's public project. In Fairfield the City wanted to know if the design consultant who performed a needs assessment for a new building was prohibited from contracting with the City to create the construction documents for that same building. The same question continues to arise for multi-phase projects, and Elena regularly works with staff to scope projects in order to avoid a perceived or actual conflict.
- Assisting the City of Manhattan Beach with the creation of contract templates for emergency purchases of supplies and services. These contracts are also sometimes referred to as pre-positioned contracts. The project's goal was to prepare a suite of templates that included 1) agreements that adhered to the UPCCAA; 2) agreements that adhered to the federal procurement requirements; and 3) on-call agreements that are triggered by an emergency situation of some kind. A total of 7 templates were prepared in approximately 12 hours of work over two weeks.
- Aiding in the search, collection, and review of records responsive to requests made under the California Public Records Act (PRA). The number of public record requests, and the breadth of those requests, has exponentially increased over the past two years. PRA projects for the cities of McFarland, Mill Valley, Fairfield, Davis, and the California Statewide Communities Development Authority have all required the review of many hundreds of pages of records to determine what if anything needs to be withheld or redacted from disclosed material. Working along with key staff members and the firm's paralegals to ensure our clients respond in accordance with the law, and that confidential information is not needlessly disclosed is an essential part of each of these efforts, many of which are ongoing.

References

<p>Ryan Panganiban, Interim Assistant Director of Public Works/City Engineer City of Fairfield Fairfield City Hall 1000 Webster Street Fairfield, CA 94533 Telephone: (707) 428-7400 E-mail: rpanganiban@fairfield.ca.gov</p> <p>Services provided: Assistant City Attorney</p>	<p>Jenny Rogers, Director of Arts and Recreation City of Mill Valley 180 Camino Alto Mill Valley, CA 94941 Phone: (415) 383-1370 Email: recreate@cityofmillvalley.org</p> <p>Services provided: Assistant City Attorney</p>
<p>Tatiana Szerwinski Assistant Director of Finance City of Beverly Hills 455 N. Rexford Drive Beverly Hills, CA 90210 Telephone: (310) 285-2416 E-mail: tszerwinski@beverlyhills.org</p> <p>Services provided: Assistant City Attorney</p>	

Litigation Counsel



T. Peter Pierce

44 Montgomery Street, Suite 3800
 San Francisco, California 94104-4811
 Telephone: 415.421.8484
 E-mail: ppierce@rwglaw.com

California Bar, December 1992

Peter is a shareholder and has practiced law for more than 25 years. He has spent his entire legal career at RWG. He leads RWG’s litigation practice in Northern California, and is resident in the San Francisco office. Peter has represented public agencies throughout California in a broad range of cases involving all aspects of land use and zoning, torts, constitutional law including public safety defense, fair housing law and related anti-discrimination laws including the ADA, telecommunications law, elections law, and CEQA. He has litigated numerous writ of mandate actions under Code of Civil Procedure Section 1085 (traditional mandate), and Code of Civil

Procedure Section 1094.5 (administrative mandamus). He has first-chaired numerous bench trials.

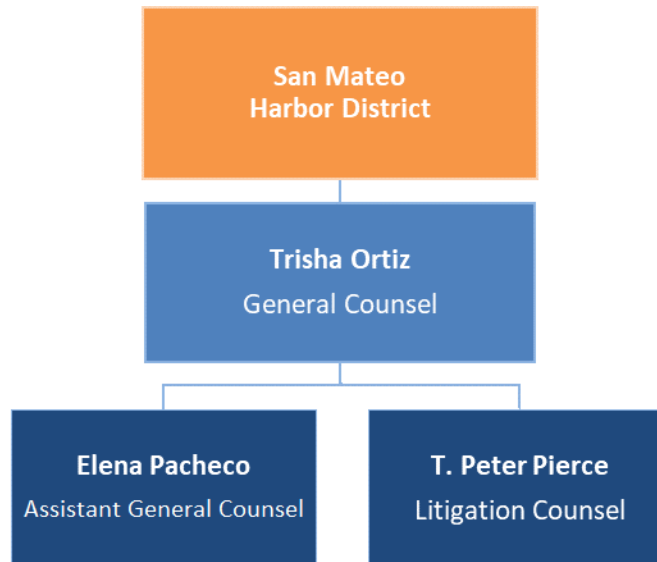
Peter is one of fewer than 300 attorneys in California certified as a specialist in appellate law by the California State Bar Board of Legal Specialization. He is often called upon by colleagues both within and outside of RWG (including by other municipal law firms) to consult on pre-trial matters and post-trial motions in order to best position a case for appeal. He has served as lead counsel on more than 150 writs and direct appeals in the federal and state appellate courts. Peter is one of approximately 125 attorneys admitted to the California Academy of Appellate Lawyers. He was recently selected to the list of 2019 Best Lawyers in America in appellate law, and also appeared on this list in 2018. Peter’s peers in California have selected him as a Super Lawyer in appellate law ten times between 2009 and 2019.

References

<p>Sean Quinn, Interim City Manager City of Fairfield Fairfield City Hall 1000 Webster Street Fairfield, CA 94533 Telephone: (707) 428-7400 E-mail: squinn@fairfield.ca.gov</p> <p>Services provided: Litigation</p>	<p>James McCann, City Manager 26 Corte Madera Avenue Mill Valley, CA 94941 Telephone: (415) 388-4033 Email: jmccann@cityofmillvalley.org</p> <p>Services provided: Litigation</p>
<p>Catherine Bando, Executive Director California Statewide Communities Development Authority 1700 North Broadway, Suite 405 Walnut Creek, CA 94596 Telephone: (213) 700-4137 E-mail: cbando@cscda.org</p> <p>Services provided: Litigation</p>	

D. Size, Structure, and Location(s) of the Firm

Organizational Chart



Office Locations

RWG has offices in San Francisco, the Central Coast, Los Angeles, Orange County, and Temecula. Work for the District primarily would be performed from our San Francisco office. The contact information for each of our offices is:

<p>San Francisco 44 Montgomery Street, Suite 3800 San Francisco, California 94104 Telephone: 415.421.8484 Facsimile: 415.421.8486 e-mail: sf@rwglaw.com</p>	<p>Central Coast 847 Monterey Street, Suite 201 San Luis Obispo, California 93401 Telephone: 805.439.3515 Facsimile: 800.552.0078 e-mail : cc@rwglaw.com</p>	
<p>Los Angeles 355 South Grand Avenue, 40th Floor Los Angeles, California 90071-3101 Telephone: 213.626.8484 Facsimile: 213.626.0078 e-mail: la@rwglaw.com</p>	<p>Orange County 1 Civic Center Circle, PO Box 1059 Brea, California 92822-1059 Telephone: 714.990.0901 Facsimile: 714.990.6230 e-mail: oc@rwglaw.com</p>	<p>Temecula 41000 Main Street, Suite 309 Temecula, California 92590-2764 Telephone: 951.695.2373 Facsimile: 951.695.2372 e-mail: tem@rwglaw.com</p>

All other attorneys in our Firm are available to assist as needed based on the issue presented, level of specialization needed, and cost efficiency.

Background and History of the Firm

RWG has been providing legal services for public agencies for more than 60 years. From the first foray of our founder Glenn R. Watson to incorporate the new city of Dairy Valley (now Cerritos) in 1956 to our current statewide public law practice, RWG is proud of its role in helping California communities shape their future.

E. Financial Stability

Our Firm is organized as a professional corporation. As such, our legal professionals holding equity interests in the Firm are designated as shareholders. RWG is managed by a five-member Management Committee consisting of shareholders elected to the Board. In regard to the request for the Firm's financial information, we consider such information proprietary and, as a policy, we do not produce it. RWG is in strong financial condition. There are no current or anticipated conditions that would impede the Firm's ability to complete the legal services solicited in this RFP. The Firm has not declared bankruptcy in its over 60-year history.

Neither RWG, nor any attorney while employed at RWG, has ever been disciplined by the California State Bar. We are unaware of any complaints to the State Bar even being made against any of our attorneys. Additionally, neither the Firm nor any attorney while employed at RWG has ever been successfully sued for malpractice.

F. Acknowledgement of Addenda (Attachment C)

We have completed and attached Acknowledgment of Addenda - Attachment C.

G. Cost Proposal

We have prepared and enclosed the Cost Proposal as a separate document.

Attachment C

Acknowledgment of Addenda

SAN MATEO COUNTY HARBOR DISTRICT
REQUEST FOR PROPOSALS (RFP) 2019-09
GENERAL COUNSEL LEGAL SERVICES

NONE

SAN MATEO COUNTY HARBOR DISTRICT

ACKNOWLEDGEMENT OF ADDENDA

The undersigned Proposer acknowledges receipt of the following addenda, if issued, to the RFP Documents. If none received, write "None Received."

Addendum No. _____, dated _____

Addendum No. _____, dated _____

Addendum No. _____, dated _____

Date: September 20, 2019

Firm: Richards, Watson & Gershon

Print Name: Kayser O. Sume

Signature: 

Title: Chairman, Board of Directors

RICHARDS WATSON GERSHON

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ORANGE COUNTY OFFICE

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Staff Report

TO: Board of Harbor Commissioners

FROM: Julie van Hoff, Director of Administrative Services

DATE: October 16, 2019

SUBJECT: 'San Mateo County Harbor District Code of Ethics and Values';
Approve Policy 1.1.1

Recommendation/Motion:

Recommendation: Review and comment on draft policy.

Motion: Approve Policy 1.1.1 'San Mateo County Harbor District Ethics and Values' (including any proposed revisions, if applicable).

Policy Implications:

The proposed amended Policy 1.1.1 'San Mateo County Harbor District Code of Ethics and Values' amends and replaces the policy approved on July 15, 2015.

Fiscal Implications/Budget Status:

None

Background:

The Harbor Commission approved the District's current Policy 1.1.1 'San Mateo County Harbor District Ethics and Values' on July 15, 2015. The District based its policy on the Code of Ethics & Values developed in 1999 by the City of Santa Clara. The Markkula Center for Applied Ethics at Santa Clara University worked with the City of Santa Clara to create its policy and reflect the issues and concerns of a complex and diverse society.

Staff compared the District's current Ethics and Values policy with the California Special District Association (CSDA) Sample Policy revised in 2017. Attachment 1 includes policy amendments recommended made by the CSDA along with suggested changes related to the applicability of the Code and other minor adjustments. In addition, it

includes a definition of District representatives that includes the Harbor Commissioners, District Counsel, District staff, volunteers, and members of the District's committees.

Further amendments, proposed by Commissioner Chang Kiraly, are presented in Attachment 2 for Board consideration.

Upon approval of the Policy, staff will create posters and laminated copies.

Attachments:

1. [Draft Amended Policy 1.1.1 'San Mateo County Harbor District Code of Ethics and Values' \(tracked changes not including Commissioner Chang Kiraly recommended amendments\)](#)
2. [Draft Amended Policy 1.1.1 'San Mateo County Harbor District Code of Ethics and Values' \(tracked changes including Commissioner Chang Kiraly recommended amendments\)](#)
3. [California Special District Association Sample Policy](#)

San Mateo County Harbor District

Policies	Number: 1.1.1	Approved Date: 7/15/2015	Revision:
Title: San Mateo County Harbor District <u>Code of Ethics and Values</u>	Prepared By: Glenn Lazof <u>Julie van Hoff</u>	Approved By: Harbor Commission	Page: 1 of 6
Purpose: To promote and maintain the highest standards of personal and professional conduct in the District's government. All elected and appointed officials, District employees, volunteers and others who participate in the District's government are required to subscribe to this Code.			

Statement of Policy

The Harbor District's designed its Code of Ethics & Values (the "Code"), ~~adopted by the Harbor Commission of 2015, is designed~~ to provide clear, positive statements of ethical behavior reflecting the core values of the District and the communityies it serves. The Code includes practical strategies for addressing ethical questions and a useful framework for decision-making and handling the day-to-day operations of the -municipalityDistrict.

The current Code ~~of Ethics & Values~~ was developed in 1999 by the City of Santa Clara by a Committee composed of three elected officials, nine City commissioners, two community members, the City Manager and the City Attorney. The Committee took a fresh approach by working with the Markkula Center for Applied Ethics at Santa Clara University to create a new Code ~~of Ethics & Values~~ that would better reflect the issues and concerns of today's complex and diverse society.

1.1 Goals of the Code of Ethics & Values

- To make San Mateo County a better place to live, work and play.
- To make the Harbor District a stronger-better public agency, built on mutual respect and trust.
- To promote and maintain the highest standards of personal and professional conduct among all involved in local-District government including -elected officialsHarbor Commissioners, District Counsel, District staff, volunteers, and members of the District's committees (herein referred to as District representatives).

Policies	Number: 1.1.1	Approved Date:- 7/15/2015	Revision:
Title: San Mateo County Harbor District <u>Code of Ethics and Values</u>	Prepared By: Glenn Lazof Julie <u>van Hoff</u>	Approved By: Harbor Commission	Page: 2 of 6
Purpose: To promote and maintain the highest standards of personal and professional conduct in the District's government. All elected and appointed officials, District employees, volunteers and others who participate in the District's government are required to subscribe to this Code.			

The Code ~~of Ethics & Values~~ is a touchstone for members of the Board of Commissioners and ~~Committees staff~~ in fulfilling their roles and responsibilities.

1.2 Preamble

The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The San Mateo County Harbor District has adopted this Code ~~of Ethics & Values~~ to promote and maintain the highest standards of personal and professional conduct in the District's government. All ~~elected and appointed officials, District employees, volunteers, District representatives~~ and others who participate in the District's government are required to subscribe to this Code, understand how it applies to their specific responsibilities, and practice its eight core values in their work. Because we seek public confidence in the District's services and public trust of its decision-makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this ~~e~~Code.

1.3 Applicability

This Code shall apply to all District representatives as defined in section 1.12.

1.4 Core Values

As participatory representatives in the District's government, we subscribe to the following Core Values:

1. As a Representative of the San Mateo County Harbor District, I will be ethical. In practice, this value looks like:
 - a. I am trustworthy, acting with the utmost integrity and moral courage.

Policies	Number: 1.1.1	Approved Date:- 7/15/2015	Revision:
Title: San Mateo County Harbor District <u>Code of Ethics and Values</u>	Prepared By: Glenn Lazof <u>Julie van Hoff</u>	Approved By: Harbor Commission	Page: 3 of 6
Purpose: To promote and maintain the highest standards of personal and professional conduct in the District's government. All elected and appointed officials, District employees, volunteers and others who participate in the District's government are required to subscribe to this Code.			

- b. I am truthful, do what I say I will do, and am dependable.
- c. I make impartial decisions, free of bribes, unlawful gifts, narrow political interests, ~~and~~ financial, and other personal interests that impair my independence of judgment or action.
- d. I am fair, distributing benefits and burdens according to consistent and equitable criteria.
- e. I extend equal opportunities and due process to all parties in matters under consideration. If I engage in unilateral meetings and discussions, I do so without making voting ~~decisions~~ or any improper or unauthorized representations on behalf of the District.
- f. I show respect for persons, confidences, and information designated as "confidential."
- g. I use my title(s) only when conducting official District business, for information purposes, or as an indication of background and expertise, carefully considering whether I am exceeding or appearing to exceed my authority.
- h. I will avoid actions that might cause the public or others to question my independent judgment.
- g.i. I maintain a constructive, creative, and practical attitude toward the District's affairs and a deep sense of social responsibility as a trusted public servant.

2. As a Representative of the San Mateo County Harbor District, I will be professional. In practice, this value looks like:
 - a. I apply my knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent, and productive manner.
 - b. I approach my job and work-related relationships with a positive collaborative attitude.
 - c. I keep my professional education, knowledge and skills current and growing.

Policies	Number: 1.1.1	Approved Date: 7/15/2015	Revision:
Title: San Mateo County Harbor District <u>Code of Ethics and Values</u>	Prepared By: Glenn Lazof <u>Julie van Hoff</u>	Approved By: Harbor Commission	Page: 4 of 6
Purpose: To promote and maintain the highest standards of personal and professional conduct in the District's government. All elected and appointed officials, District employees, volunteers and others who participate in the District's government are required to subscribe to this Code.			

3. As a Representative of the San Mateo County Harbor District, I will be service oriented. In practice, this value looks like:
 - a. I provide friendly, receptive, courteous service to everyone.
 - b. I am attuned to, and care about, the needs and issues of citizens, public officials, and ~~city~~ District workers.
 - c. In District-related matters my interactions with constituents, I am interested, engaged, and responsive.

4. As a Representative of the San Mateo County Harbor District, I will be fiscally responsible. In practice, this value looks like:
 - a. I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the District, especially its financial stability.
 - b. I demonstrate concern for the proper use of District assets (e.g., personnel, time, property, equipment, funds) and follow established procedures.
 - c. I make good financial decisions that seek to preserve programs and services for District residents.
 - ~~c.d.~~ I have knowledge of and adhere to the District's Purchasing, and Contracting and Allocation of Funds Policies.

5. As a Representative of the San Mateo County Harbor District, I will be organized. In practice, this value looks like:
 - a. I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short and long-term goals.
 - b. I follow through in a responsible way, keeping others informed, and responding in a timely fashion.
 - c. I am respectful of established District processes and guidelines.

Policies	Number: 1.1.1	Approved Date:- 7/15/2015	Revision:
Title: San Mateo County Harbor District <u>Code of Ethics and Values</u>	Prepared By: Glenn Lazof <u>Julie van Hoff</u>	Approved By: Harbor Commission	Page: 5 of 6
Purpose: To promote and maintain the highest standards of personal and professional conduct in the District's government. All elected and appointed officials, District employees, volunteers and others who participate in the District's government are required to subscribe to this Code.			

6. As a Representative of the San Mateo County Harbor District, I will be communicative. In practice, this value looks like:

- a. I positively convey the District's care for and commitment to its citizens.
- b. I communicate in various ways that I am approachable, open-minded and willing to participate in dialog.
- c. I ~~will~~ engage in effective two-way communication, by listening carefully, asking questions, and determining an appropriate response, which adds value to conversations.

7. As a Representative of the San Mateo County Harbor District, I will be collaborative. In practice, this value looks like:

- a. I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding.
- b. I work towards consensus building and gain value from diverse opinions.
- c. I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team.
- d. I consider the broader regional and statewide implications of the District's decisions and issues.

~~d.~~

8. As a Representative of the San Mateo County Harbor District, I will be progressive. In practice, this value looks like:

- a. I exhibit a proactive, innovative approach to setting goals and conducting the District's business.
- b. I display a style that maintains consistent standards, but is also sensitive to the need for compromise, "thinking outside the box," and improving existing paradigms when necessary.

Policies	Number: 1.1.1	Approved Date: 7/15/2015	Revision:
Title: San Mateo County Harbor District <u>Code of Ethics and Values</u>	Prepared By: Glenn Lazof Julie <u>van Hoff</u>	Approved By: Harbor Commission	Page: 6 of 6
Purpose: To promote and maintain the highest standards of personal and professional conduct in the District's government. All elected and appointed officials, District employees, volunteers and others who participate in the District's government are required to subscribe to this Code.			

c. I promote intelligent and thoughtful innovation in order to forward the District's policy agenda and District's services

1.5 Enforcement

1.5 Any Official representative found to be in violation of this Code may be subject to Censure by the District Board. Any member of any advisory Committee found in violation may be subject to dismissal from the Committee. In the case of an employee, appropriate action shall be taken by the General Manager or by an authorized designee.

San Mateo County Harbor District

Policy Title: San Mateo County Harbor District Code of Ethics and Values	Number: 1.1.1	Date of Approval: 10/16/19
Other Revisions: 07/15/15 (Original)	Prepared By: Julie van Hoff	
Purpose: To promote and maintain the highest standards of personal and professional conduct in the District's government. All elected and appointed officials, District employees, volunteers and others who participate in the District's government are required to subscribe to this Code.		

Statement of Policy

The Harbor District designed its Code of Ethics and Values (the "Code"), to provide clear, positive statements of ethical behavior reflecting the core values of the District and the communities it serves. The Code includes practical strategies for addressing ethical questions and a useful framework for decision-making and handling the day-to-day operations of the District.

The current Code was developed in 1999 by the City of Santa Clara by a Committee composed of three elected officials, nine City commissioners, two community members, the City Manager and the City Attorney. The Committee took a fresh approach by working with the Markkula Center for Applied Ethics at Santa Clara University to create a new Code that would better reflect the issues and concerns of today's complex and diverse society.

1.1 Goals of the Code of Ethics and Values

- To make San Mateo County a better place to live, work and play.
- To make the Harbor District a better public agency, built on mutual respect and trust.
- To promote and maintain the highest standards of personal and professional conduct among all involved in District government including Harbor Commissioners, District Counsel, District staff, volunteers, and members of the District's committees (herein referred to as District representatives).
- **To provide good government and transparency to serve the public by adhering to all applicable laws, including but not limited to the California Brown Act [Virginia...please add other codes...my copy cut off]**

The Code is a touchstone for members of the Board of Commissioners, **public Committee members** and staff in fulfilling their roles and responsibilities.

1.2 Preamble

The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The San Mateo County Harbor District has adopted this Code to promote and maintain the highest standards of personal and professional conduct in the District's government. All **Harbor Commissioners, elected and appointed officials, District employees and volunteers** ~~District representatives~~ and others who participate in the District's government are required to subscribe to this Code, understand how it applies to their specific responsibilities, and practice its eight core values in their work. Because we seek public confidence in the District's services and public trust of its decision-makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this Code.

1.3 Applicability

This Code shall apply to all ~~District representatives~~ **Harbor Commissioners, appointed officials, District employees and volunteers** as defined in section 1.1.

1.4 Core Values

As participatory representatives in the District's government, we subscribe to the following Core Values:

1. As a Representative of the San Mateo County Harbor District, I will be ethical. ~~In practice, this value looks like:~~
 - a. I am trustworthy, acting with the utmost integrity and moral courage.
 - b. I am truthful, ~~do what I say I will do~~ I am reliable, **doing what I say I will do**, and am dependable.
 - c. I make impartial decisions, free of bribes, unlawful gifts, narrow political interests, financial, and other personal interests that impair my independence of judgment or action.
 - d. I am fair, distributing benefits and burdens according to consistent and equitable criteria.

- e. I extend equal opportunities and due process to all parties in matters under consideration. If I engage in unilateral meetings and discussions, I do so without making voting-decisions or any improper or unauthorized representations on behalf of the District.
- f. I show respect for persons, confidences, and information designated as "confidential."
- g. I use my title(s) only when conducting official District business, for information purposes, or as an indication of background and expertise, carefully considering whether I am exceeding or appearing to exceed my authority.
- h. I will avoid actions that might cause the public or others to question my independent judgment.
- i. I maintain a constructive, creative, and practical attitude toward the District's affairs and a deep sense of social responsibility as a trusted public servant.

2. As a Representative of the San Mateo County Harbor District, I will be professional. ~~In practice, this value looks like:~~

- a. I apply my knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent, and productive manner.
- b. I approach my job and work-related relationships with a positive **and professional collaborative** attitude.
- c. I keep my professional education, knowledge and skills current and growing.

3. As a Representative of the San Mateo County Harbor District, I will be service oriented. ~~In practice, this value looks like:~~

- a. I provide friendly, receptive, courteous service to everyone.
- b. I am attuned to, and care about, the needs and issues of citizens, public officials, and District workers.
- c. In District-related matters, **and my interactions with the public**, I am interested, engaged, and responsive.

4. As a Representative of the San Mateo County Harbor District, I will be fiscally responsible. ~~In practice, this value looks like:~~

- a. I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the District, especially its financial stability.

- b. I demonstrate concern for the proper use of District assets (e.g., personnel, time, property, equipment, funds) and follow established procedures.
- ~~c. I make good financial decisions that seek to preserve programs and services for District residents.~~
- d. I make good financial decisions and I have knowledge of and adhere to the District's Purchasing, Contracting and Allocation of Funds Policies.

~~5.~~ As a Representative of the San Mateo County Harbor District, I will be organized. ~~In practice, this value looks like:~~

- a. I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short and long-term goals.
- b. I follow through in a responsible way, keeping others informed, and responding in a timely fashion.
- c. I am respectful of established District processes and guidelines.

~~6.~~ As a Representative of the San Mateo County Harbor District, I will be communicative. ~~In practice, this value looks like:~~

- a. I **positively** convey the District's care for and commitment to its citizens.
- b. I communicate in various ways that I am approachable, open-minded and willing to participate in dialog.
- c. I engage in effective two-way communication, by listening carefully, asking questions, and determining an appropriate response, which adds value to conversations.

~~7.~~ As a Representative of the San Mateo County Harbor District, I will be ~~collaborative-professional in my conduct.~~~~In practice, this value looks like:~~

- a. I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding.
- b. I work towards consensus building and gain value from diverse opinions.
- c. I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team.

~~d. I consider the broader regional and statewide implications of the District's decisions and issues.~~

~~8. As a Representative of the San Mateo County Harbor District, I will be progressive fair. In practice, this value looks like:~~

~~a. I exhibit a proactive, innovative thoughtful approach to setting goals and conducting the District's business.~~

~~b. I display a style that maintains consistent standards and will show respect for different viewpoints with the understanding that compromise is often necessary. but is also sensitive to the need for compromise, "thinking outside the box," and improving existing paradigms when necessary.~~

~~c. I promote intelligent and thoughtful innovation in order to forward the District's policy agenda and District's services~~

1.5 Enforcement

Any representative found to be in violation of this Code may be subject to Censure by the District Board. Any member of any advisory Committee found in violation may be subject to dismissal from the Committee. In the case of an employee, appropriate action shall be taken by the General Manager or by an authorized designee.



POLICY TITLE: Code of Ethics
POLICY NUMBER: 1030

1030.1 Background information:

[District name] designed its Code of Ethics & Values (the “Code”) to provide clear, positive statements of ethical behavior reflecting the core values of the District and the communities it serves. The Code includes practical strategies for addressing ethical questions and a useful framework for decision-making and handling the day-to-day operations of the District. The Code is developed to reflect the issues and concerns of today’s complex and diverse society.

1030.2 Goals of the code of ethics & values:

- a) To make [District name] a better District built on mutual respect and trust.
- b) To promote and maintain the highest standards of personal and professional conduct among all involved in District government, District staff, volunteers and members of the District’s Board. All elected and appointed officials, officers, employees, members of advisory committees, and volunteers of the District, herein called “Officials” for the purposes of this policy.
- c) The Code is a touchstone for members of District Board and staff in fulfilling their roles and responsibilities.

1030.3 Preamble:

- a) The proper operation of democratic government requires that decision-makers be independent, impartial and accountable to the people they serve. The [District name] has adopted this Code to promote and maintain the highest standards of personal and professional conduct in the District’s government.
- b) All Officials, and others, who participate in the District’s government are required to subscribe to this Code, understand how it applies to their specific responsibilities and practice its eight core values in their work. Because we seek public confidence in the District’s services and public trust of its decision-makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this Code.

1030.4 Applicability:

This Code shall apply to all District Officials as defined in 1030.2 b.

1030.5 Core Value:

As participatory Officials in the District’s government, we subscribe to the following Core Values:

1030.6 As a representative of [District name], I will be ethical.

In practice, this value looks like:



-
- a) I am trustworthy, acting with the utmost integrity and moral courage. I am truthful. I do what I say I will do. I am dependable.
 - b) I make impartial decisions, free of bribes, unlawful gifts, narrow political interests, financial, and other personal interests that impair my independence of judgment or action.
 - c) I am fair, distributing benefits and burdens according to consistent and equitable criteria.
 - d) I extend equal opportunities and due process to all parties in matters under consideration. If I engage in unilateral meetings and discussions, I do so without making voting decisions or any improper or unauthorized representations on behalf of the District.
 - e) I show respect for persons, confidences, and information designated as "confidential."
 - f) I use my title(s) only when conducting official District business for information purposes or as an indication of background and expertise carefully considering whether I am exceeding or appearing to exceed my authority.
 - g) I will avoid actions that might cause the public or others to question my independent judgment.
 - h) I maintain a constructive, creative, and practical attitude toward the District's affairs and a deep sense of social responsibility as a trusted public servant.

1030.7 As a representative of [District name], I will be professional.

In practice, this value looks like:

- a) I apply my knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent and productive manner.
- b) I approach my job and work-related relationships with a positive, collaborative attitude.
- c) I keep my professional education, knowledge, and skills current and growing.

1030.8 As a Representative of [District name], I will be service-oriented.

In practice, this value looks like:

- a) I provide friendly, receptive, courteous service to everyone.
- b) I attune to and care about the needs and issues of citizens, public Officials and District workers.
- c) In my interactions with constituents, I am interested, engaged and responsive.

1030.9 As a representative of [District name], I will be fiscally responsible.

In practice, this value looks like:

- a) I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the District, especially its financial stability.
- b) I demonstrate concern for the proper use of District assets (e.g., personnel, time, property, equipment, funds) and follow established procedures.
- c) I make good financial decisions that seek to preserve programs and services for District residents.
- d) I have knowledge of and adhere to the District's Purchasing and Contracting and Allocation of Funds Policies.



1030.10 As a representative of [District name], I will be organized.

In practice, this value looks like:

- a) I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short and long term goals.
- b) I follow through in a responsible way, keeping others informed and responding in a timely fashion.
- c) I am respectful of established District processes and guidelines.

1030.11 As a representative of [District name], I will be communicative.

In practice, this value looks like:

- a) I positively convey the District's care for and commitment to its citizens.
- b) I communicate in various ways, that I am approachable, open-minded, and willing to participate in dialog.
- c) I engage in effective two-way communication, by listening carefully, asking questions, and determining an appropriate response which adds value to conversations.

1030.12 As a representative of [District name], I will be collaborative.

In practice, this value looks like:

- a) I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding.
- b) I work towards consensus building and gain value from diverse opinions.
- c) I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team.
- d) I consider the broader regional and state-wide implications of the District's decisions and issues.

1030.13 As a representative of [District name], I will be progressive.

In practice, this value looks like:

- a) I exhibit a proactive, innovative approach to setting goals and conducting the District's business.
- b) I display a style that maintains consistent standards; but is also sensitive to the need for compromise, "thinking outside the box" and improving existing paradigms when necessary.
- c) I promote intelligent and thoughtful innovation in order to forward the District's policy agenda and District services.

1030.14 Enforcement:

Any Official found to be in violation of this Code may be subject to Censure by the District Board. Any member of any advisory Committee found in violation may be subject to dismissal from the Committee. In the case of an employee, appropriate action shall be taken by the General Manager or by an authorized designee.



Committee Report

TO: Board of Harbor Commissioners

FROM: Governance & Policy Committee (Commissioner Brennan & Larenas, Public Member Ratts)

DATE: October 16, 2019

SUBJECT: Policy for Board Meeting Agenda; Recommend Adoption

Recommendation/Motion:

Recommendation: Review information from District Counsel and staff regarding current policies in other governmental entities. Adopt Policy 3.3 'Board Meeting Agenda'.

Policy Implications:

Policy 3.3 'Rules for the Preparation and Distribution of Meeting Agendas' (Attachment 1) was amended on April 18, 2018. The current policy allows the following persons to place matters on the regular meeting agenda:

- 1) The Board of Harbor Commissioners, by majority vote (Board).
- 2) A committee of the Harbor District, on a matter within the scope of the committee, and approved by the committee as a whole.
- 3) The General Manager of the District.
- 4) The legal counsel of the Harbor District.

Fiscal Implications/Budget Status:

None

Background:

On August 21, 2019 at a Special Meeting, a discussion was held regarding as to whether or not the District should return to the previous policy which allowed all members of the Board of Harbor Commissioners to place matters on the agenda and did not require approval by the majority vote.

During the discussion of this item it was recommended to return to the Governance & Policy Committee, with instruction to General Counsel to prepare a matrix (Attachment 3) of policies of other governmental agencies. The attachment also includes information gathered by staff.

This item was discussed at the September 12, 2019 Governance & Policy Committee meeting and the Committee recommended that the CSDA Sample Policy be used as a template for a new District Policy. Attachment 2 presents the CSDA Sample Policy with redlines to show changes relevant to the District.

Attachments:

1. [Current Policy](#)
2. [CSDA Sample Policy \(marked up\)](#)
3. [Matrix from District Counsel/Staff](#)

San Mateo County Harbor District

Policy	Number: 3.3	Date: April 18, 2018	Revision:
Title: Rules for the Preparation and Distribution of Meeting Agendas	Prepared By: S. McGrath	Approved By: Resolution 18-06	Page: Page 1 of 3
Purpose: To guide the development of agendas for the Board of Commissioners			

STATEMENT OF POLICY

I. General:

The following rules for the preparation of the agenda for Harbor Commission Meetings are based on the premise that it is in the interest of good government that the public and the San Mateo County Harbor District be fully informed on all matters upon which the District is called upon to act; that the Harbor Commission relies upon the members of the Harbor District staff to prepare proper reports and thorough research and investigation require adequate time to carry out their duties and responsibilities.

Additionally, District Policy 6.2.5 'Harassment, Discrimination and Retaliation Prevention' is specifically referenced herein to affirm that the District has zero tolerance for harassment, discrimination or retaliation in the application of any of the District's policies, procedures or rules.

II. Preparation of Agenda:

- A. The General Manager shall prepare an agenda for each regular and special meeting of the Board of Harbor Commissioners, which, for regular meetings, shall include, but not be limited to:
- i. An opportunity for members of the public to address the Board on items not on the agenda;
 - ii. An opportunity for Commissioners to make comments or public statements;
 - iii. A Consent agenda of routine items that may be approved by one motion;
 - iv. A Discussion agenda of matters of public significance, items requiring Board action or items requiring Board direction to staff;
 - v. A Future Agenda Items section for Board discussion and action on items to be placed on future agendas.

San Mateo County Harbor District

Policy	Number: 3.3	Date: April 18, 2018	Revision:
Title: Rules for the Preparation and Distribution of Meeting Agendas	Prepared By: S. McGrath	Approved By: Resolution 18-06	Page: Page 2 of 3
Purpose: To guide the development of agendas for the Board of Commissioners			

B. Authority to place matters on the Agenda:

The following persons shall have the authority to place matters on the agenda:

1. The Board of Harbor Commissioners, by majority vote (Board).
2. A committee of the Harbor District, on a matter within the scope of the committee, and approved by the committee as a whole.
3. The General Manager of the Harbor District.
4. The legal counsel of the Harbor District.

C. Unless specifically directed otherwise by the Board, the General Manager will determine the schedule for placement of items on the agenda of a future meeting, depending on the availability of staff and/or consultant resources and the complexity of the subject.

D. All matters placed on the agenda shall be identified by author.

E. If a Commissioner wishes to place an item on a future agenda, he or she shall first suggest the item under the Future Agenda Items portion of the Harbor District meeting agenda; and shall make a motion to that effect. If the motion is passed by the Board, the item will be placed on a future agenda.

F. Once the agenda has been posted to the District's website, an item may not be removed therefrom except by the majority vote of the Commission at the time the item is called at the meeting.

III. Posting of Agenda:

A. The agenda shall be posted in compliance with the provisions of the "Brown Act", Government Code §54950 et sequitur, and in accordance with District Policy 3.2, 'Brown Act Compliance'.

Policy	Number: 3.3	Date: April 18, 2018	Revision:
Title: Rules for the Preparation and Distribution of Meeting Agendas	Prepared By: S. McGrath	Approved By: Resolution 18-06	Page: Page 3 of 3
Purpose: To guide the development of agendas for the Board of Commissioners			

IV. Distribution of the Agenda:

- A. When distributing agenda packages and other materials to Commissioners, those materials should be provided to all Commissioners at the same time. Agenda packets, except for closed session materials, must also be made available to the public once distributed to the Commission.
- B. Copies of the agenda, and notice of Board packet availability, shall be distributed to:
 - 1. All members of the Board of Harbor Commissioners.
 - 2. Each of the Harbor Masters.
 - 3. Legal Counsel of the Harbor District.
 - 4. Members of the public who have requested, in writing, the printed agenda and packet, providing that they have paid the fee to cover the cost of distribution.
 - 5. Members of the public who have requested addition to the electronic distribution list of agenda and board packet availability.
- C. At the Commission Meetings, copies of the agenda and Board packet shall be made available for the public attending the meeting.

SAN MATEO COUNTY HARBOR DISTRICT

<u>Policy Title:</u> Board Meeting Agenda	<u>Number:</u> 3.3	<u>Date of Approval:</u> XX/XX/XX
<u>Other Revisions:</u> Reso: 19-13 8/7/13 Reso: 18-06 4/18/18	<u>Prepared By:</u> Julie van Hoff	

STATEMENT OF POLICY

I) Agenda preparation. The General Manager, in cooperation with the Board President, shall prepare an agenda for each regular and special meeting of the Board of Commissioners in accordance with the Brown Act. Any Commissioner may contact the General Manager and request an item to be placed on the agenda no later than 5:00 P.M. on the day that is eight business days prior to the closing of the agenda for the next meeting date. The General Manager shall add any or all items requested by Commissioners unless it is not in compliance with the Brown Act or other laws or regulations.

II) Public requests. Any member of the public may request that a matter directly related to District business be placed on the agenda of a regularly scheduled meeting of the Board of Commissioners, subject to the following conditions:

A) The request must be in writing and be submitted to the General Manager [or other responsible managing employee] together with supporting documents and information, if any, at least eight business days prior to the date of the meeting.

B) The General Manager shall be the sole judge of whether the public request is or is not a "matter directly related to District business."

C) The General Manager shall determine the timing of when the item will be placed on the agenda.

D) The public member requesting the agenda item may appeal the General Manager's decision at the next regular meeting of the Board of Commissioners. Any Commissioner may request that the item be placed on the agenda of the Board's next regular meeting.

E) No matter which is legally a proper subject for consideration by the Board in closed session will be accepted under this policy.

F) The Board of Commissioners may place limitations on the total time to be devoted to a public request issue at any meeting, and may limit the time allowed for any one person to speak on the issue at the meeting.

III) Agenda descriptions. All Board agendas shall include an unambiguous description of each item on the agenda to be discussed, including closed session items. The General

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POLICY NUMBER: 4205

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Manager shall ensure that the description gives notice to the public of the essential nature of business to be considered.

IV) Agenda posting. Agendas for regular meetings shall be posted 72 hours in advance of the meeting and agendas for special meetings shall be posted 24 hours in advance of the meeting. The posting must occur in a place that is freely accessible to the public and on the District's website. A touch screen electronic kiosk may take the place of the paper posting. The internet posting shall occur on the District's primary website homepage through a prominent, direct link to the current agenda. The agenda shall also be accessible in an open format.

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V) Agenda packages. When distributing agenda packages and other materials to members of the Board of Directors, those materials should be provided to all members at the same time. Agenda packages, except for closed session materials, should also be made available to the public once distributed to the Board.

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VI) Public comment.

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A) For regular meetings the Board shall provide the public with an opportunity to address not only any item on the agenda but any item within the subject matter jurisdiction of the District.

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B) For special meetings, the Board shall provide the public with an opportunity to address any item on the agenda.

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C) The Board may not prohibit public criticism, but shall control the order of the proceedings, including placing reasonable time limits on public comment.

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D) The Board may not require members of the public to give names or sign a register as a condition of attendance or speaking.

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VII) Closed sessions. The Board may conduct a closed session during a noticed meeting for certain matters, as identified on the agenda, where it is necessary to conduct business in private. Major reasons for permissible closed sessions, as authorized by the Brown Act, include real property transactions, labor negotiations, and pending litigation. The Board shall allow public comment on any closed session item before going into closed session.

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VIII) Items not on the agenda. The Board shall not discuss or take action on any item that does not appear on the posted agenda except that the Board may act on items not on the agenda to address emergency situations, subsequent need items, and hold-over items from a continued previous meeting held within the prior five days. The Board may also respond to public comments and make announcements.

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Governmental Entity

<u>District</u>	<u>City</u>	<u>Notes</u>	<u>Only GM/City Mgr. can add item</u>	<u>The Board President can add item</u>	<u>Any Board Member can add an item</u>
City	Cupertino	The City Clerk prepares the agenda. "Every official, board, commission or other body, connected with the City government, and every citizen, individual, corporation, committee or civic group, having any reports, communications or other matters to be presented at a City Council meeting, shall be referred to the City Clerk in writing before nine a.m. of the sixth day (Sunday included) preceding the day of such meeting for it to be given consideration as an item of agenda business." It does not appear to be mandatory that the Clerk put a requested item on the agenda. See: Cupertino Municipal Code Section 2.08.080	n.a.	n.a	n.a
City	Half Moon Bay	The City Clerk prepares the agenda. The Mayor also participates in the preparation of the agenda. The Mayor, with the approval of a majority of the Council, can change the order of hearing of items on the agenda. City Councilmembers, the City Manager and the City Attorney may place matters on the agenda. A Councilmember may request an item be considered on a future agenda and, if a second Councilmember agrees with the request, staff will prepare a staff report. Councilmembers may make this request verbally during a meeting or may submit a written request. Members of the public may request Council take action in the following ways: write a letter to the City Council; speak during the public comment period at a City Council meeting; or attend annual Council Strategic Workshop and provide input. Upon agreement of a majority of the City Council, Council will determine whether to place an item requested by the public on a future agenda. See: City Council Rules of Procedure and Decorum, Chapter 5	No	Yes	Yes

Agenda Matrix

City	Foster City	Staff, in consultation with the Mayor, prepares the agenda. While items are usually placed on the agenda at the request of the Council or Staff members, citizens who would like the Council to review an item should send a formal written request to the Mayor and City Council. The item will be reviewed to determine whether it should be handled administratively, referred to a commission or committee, or added to an upcoming City Council agenda. See: Foster City Agenda and Minutes	No	Yes	Yes & Public
San Lorenzo Valley Water District	Boulder Creek	The District Manager, in consultation with the President or Presiding Officer, prepares the agenda for upcoming Board of Directors or committee meetings. Persons wishing to have an agenda item scheduled should make their request known in writing to the President of the Board. All such written requests, including supplemental materials, must be delivered to the office of the district secretary by Thursday, 5:00 p.m., one (1) week preceding the date of the scheduled Board of Directors meeting. The President of the Board shall decide whether the subject matter is one which can and should be considered as part of a Board meeting agenda. Generally, such matters will be placed on the written correspondence portion of the agenda for discussion and consideration. However, no action may be taken by the Board of Directors on any written communications presented. The Board of Directors may request that the matter be placed on a future agenda for additional consideration and possible action. See: San Lorenzo Valley Water District Board Information	No	Yes	No

Agenda Matrix

Cosumnes American Bear Yuba Joint Powers Authority	Auburn	The Secretary, in consultation with the Board President, shall prepare an agenda for each regular and special meeting of the Board of Directors. Any Director may request that the Secretary place an item on the agenda no later than 5 business days preceding the meeting. Additionally, any member of the public may request that matter directly related to the District business be considered for placement on the agenda of a regularly scheduled meeting of the Board of Directors, subject to conditions.	No	Yes	Yes & Public
Malaga County Water District	Fresno	The General Manager, in cooperation with the Malaga County Water District Board of Directors Chair, prepares an agenda for each regular and special meeting. Any Director may request any item to be placed on the agenda by contacting the General Manger at least 14 business days prior to the date of the meeting. Any member of the public may request that a matter directly related to District business be placed on the agenda of a regularly scheduled Board meeting, subject to conditions.	n.a.	n.a.	n.a.
Vallejo City Unified School District	Vallejo	The Board President and the Superintendent, as Secretary to the Board, shall work together to develop the agenda for each regular and special meeting. Any Board Member or member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting.	No	Yes	n.a.
Santa Clara Valley Open Space Authority	San Jose	The Chairperson or the General Manager may place a matter on the agenda for Board consideration. The Chairperson, the General Manager and the Clerk of the Board shall confer one week prior to the preparation and posting of the agenda. Board members may request to place items on an agenda during a Board meeting, or make requests to the Chairperson to place a matter on the agenda. It is the responsibility of the Clerk of the Board to prepare written agendas for all meetings of the Board and to place matters on the agenda as requested by the Chairperson or the General Manager. See: Board Operating Rules and Procedures, section 2.20.040	No	Yes	n.a.

Agenda Matrix

Bayshore Sanitary District	Brisbane	Any Board or staff member can request an item be placed on the meeting agenda. If the request is made within 72 hours of the monthly meeting, the item may be discussed but no action can be taken. The exception to that is if the matter is of some urgency and cannot wait until the next monthly meeting. That being said, our Board very seldom feels the need to add an item to the agenda and when that right has been exercised there is not exhaustive discussion.	No	Yes	Yes
Coastside County Water District	Half Moon Bay	Under our policies, an agenda item can be added by the President and the GM (both must agree) or at the request of any two directors. No individual director, including the President, has the authority to add an item or to direct that one be added. We also have a standing item on our Board agenda for adding future agenda items.	No	No	No
Humboldt Bay Harbor Recreation & Conservation District	Eureka	The Executive Director prepares the Agenda and gives to the Board President.	No	Yes	No
Ladera Recreation District	Portola Valley	Any board member can direct the GM to add an agenda item.	No	Yes	Yes
San Mateo County Resource Conservation District	Half Moon Bay	Any board member can add an item.	No	Yes	Yes
Westborough Water District	Westborough	The GM will present the Agenda to the District Counsel and than it will be presented to the Board. He said they have never removed any item someone has added. They don't have anything in formal writing stating this.	No	Yes	Yes

SAN MATEO COUNTY HARBOR DISTRICT

Policy Title: Sexual & Unlawful Harassment Policy	Number:	Date of Approval: MM/DD/YYYY
Other Revisions: N/A	Prepared By: Ogletree, Deakins, Nash, Smoak & Stewart, P.C.	

The San Mateo Harbor District plays an important role in the community, interacts with customers and members of the public, and is held accountable for the behaviors and actions of the employees, contractors, and Commissioners. A fair and non-discriminatory sexual harassment policy is an important part of that accountability and is required under California law. <https://oag.ca.gov/workplace-sexual-harassment> and <https://www.dfeh.ca.gov/legal-records-and-reports/laws-and-regulations/>

Therefore, the District is committed to providing a workplace free from any form of unlawful harassment, discrimination, intimidation, or workplace bullying. This policy sets expectations of behaviors aligned with the District's values and supports positive working relationships and a professional work environment. This policy also defines various forms of harassment and unacceptable behavior and outlines the parties responsible for reporting, investigating, and responding to any reports of harassment.

This policy will be provided to all new employees and Commissioners and will be available via the Commissioner's policy book, employee handbook, and the District's website.

A. Coverage

This policy applies to all District employees, all members of the District Board of Harbor Commissioners, and anyone doing business with the District in a work-related situation. This includes applicants, customers, constituents, contingent workers, candidates, suppliers, and vendors.

B. Definitions

1. "Employee" means any individual under the direction and control of the District under any appointment or contract of hire or apprenticeship, express or implied, oral or written.
2. "The District" (or the "District" or "we") means the San Mateo County Harbor District, including its subsidiaries and various lines of business.
3. "You" means employees and others covered by this policy.
4. "Applicant" means anyone who files a written application or, where the District does not provide an application form, any individual who otherwise indicates a specific desire to the District to be considered for employment.
5. "Candidate" means anyone who has filed any type of notice of intent to run for office as a harbor commissioner.
6. "Investigator" means a person with skills, experience, and proficiencies in examining, reviewing, and scrutinizing harassment and discrimination claims such

that the investigator is competent to complete the work and provide a written report to the District.

6. "Panel" means a designated group of 3 individuals who will carry out an investigation of a complaint and report findings as directed.

C. Requirements

The District strictly prohibits and does not tolerate unlawful harassment of any kind.

It is the District's policy that everyone should work in an environment free from unlawful harassment. Approval of, participation in, or acceptance of conduct that creates even the potential for unlawful harassment will be considered a violation of this policy. This policy prohibits conduct that violates the letter or spirit of anti-harassment laws or conduct not aligned to the District's values, policies, or behavioral expectations. This includes conduct in any work-related setting, whether on the District premises, during working time, or while participating in activities outside the workplace such as District-related social events and travel.

Conduct prohibited by this policy includes, but is not limited to, unwelcome conduct, whether verbal, physical, or visual, that is based upon race, religious creed (including religious dress and grooming practices), ethnicity, color, ancestry, age (40 and over), genetic information, disability (mental and physical, including HIV and AIDs), medical condition (cancer/genetic characteristics & information), national origin (including language use restrictions), sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender (including gender identity and gender expression), sexual orientation, marital status, familial status, parental status, domestic partner status, citizenship status, pregnancy (including perceived pregnancy, childbirth, breastfeeding or related medical conditions), military caregiver status, military status, veteran status, denial of family and medical leave, or any other status protected by federal, state, or local law.

The District will not tolerate such harassing conduct that affects the terms and conditions of employment or tangible job benefits, interferes with work performance, or creates a hostile, intimidating, or offensive work environment. Further, it is a violation of this policy to engage in workplace bullying. Prohibited harassment may take different forms:

Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and conduct of a sexual nature when anyone is engaged in harbor district activities and the following occurs:

1. Submission to, or tolerance of, such behavior is made a condition of employment; or
2. Submission to, tolerance of, or rejection of such behavior is used as the basis for a decision; or
3. Such behavior interferes with an employee's ability to perform his or her work, or creates an intimidating and hostile work environment.

Sexual harassment may be a single incident or a series of harassing acts. Inappropriate conduct that is sexually harassing in nature can involve individuals of the same or opposite sex, a supervisor (or manager) and subordinate, co-workers, an employee, or a non-employee (third party) such as a customer, constituent, contractor, vendor, or supplier.

Sexual harassment may result from a range of subtle to not-so-subtle conduct, depending on the circumstances and can cause emotional distress, anxiety, and other mental harm. It can result from verbal, visual, or physical conduct. Examples of sexual harassment and similar inappropriate conduct prohibited by this policy include, but are not limited to:

1. Unwelcome sexual advances, demands, pressures, or requests for sexual acts or favors.
2. Making or threatening reprisals, whether explicitly or implicitly, after a negative response to sexual advances.
3. Repeated, unwanted sexual flirtations, advances, or propositions.
4. Unwelcome physical contact such as patting, hugging, grabbing, pinching, or brushing against another's body.
5. Offensive visual conduct, including leering, making sexual gestures, or the display of sexually suggestive objects, pictures, artwork, cartoons, or posters.
6. Offensively suggestive or sexually explicit communications in any form, including but not limited to letters, notes, invitations, email, text messages, social media platforms, blogs, instant messaging, or voicemail.
7. Sexually-oriented verbal teasing or jokes, inquiries into one's sexual experiences, or discussions of one's sexual activities.
8. Graphic or degrading comments about an individual's appearance or sexual activity.
9. Sexually explicit or offensive images in emails or other forms of electronic messaging.

The legal definition of sexual harassment is broad and, in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, chilling, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

Other forms of harassment

The following is a non-exhaustive list of additional behaviors based upon protected categories listed in Section "C" above that will be considered harassment and are prohibited by this policy:

1. Derogatory and defamatory comments, epithets, slurs, or jokes.

2. Posting or sharing derogatory materials such as posters, cartoons, drawings, or gestures.
3. Aggressive or unwelcome physical conduct such as assault, blocking normal movement, restraint, touching, or other physical interference.
4. Bullying behavior, including but not limited to threats, intimidation, coercion, ridicule, insults, or belittling, including coordinating those activities with non-employees.
5. Spreading false, vicious, or malicious rumors.
6. Other behavior that creates a workplace where an employee reasonably feels threatened, humiliated, intimidated or bullied in the workplace.
7. The sabotage or undermining of a person's work performance.

D. Reporting, Investigation, and Findings

1. Reporting

You must report any violations of this policy that you experience or witness. If you believe in good faith that you have been subjected to, witnessed, or otherwise learned of harassment (or any other conduct prohibited by this policy) by anyone, including supervisors, managers, Commissioners, co-workers, suppliers, vendors, customers, constituents, candidates, or other third parties, you must immediately report the incident.

Verbal or written reports may be made to your supervisor, the Director of Administrative Services, or the General Manager. You are not required to report directly to your supervisor, or to any person engaging in the unwelcome behavior or any other person who is the subject of the report. You can also report a violation to the Department of Fair Employment & Housing ("DFEH") <https://www.dfeh.ca.gov/> or the U.S. Equal Employment Commission ("EEOC") <https://www.eeoc.gov/index.cfm>.

Supervisors or managers who receive reports or observe harassing conduct must immediately report it to the Director of Administrative Services or the General Manager. Supervisors and managers should maintain employee privacy to co-workers and not engage in gossip or discussion that could impact any investigation.

2. Investigation

When the District receives a complaint of harassment (or other conduct prohibited by this policy), it will conduct a fair, timely, and thorough investigation of the allegation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected. Complainants, victims, and anyone alleged to have committed harassment will be entitled to periodic updates on the progress of the investigation on at least a monthly basis. Investigations will not be delayed or postponed.

Where practicable, the investigation will be conducted by the Director of Administrative Services or his/her designee. The investigation must be thorough and include examining all relevant documents, interviewing witnesses, analyzing witness statements, performing any necessary research, inspecting physical property, and performing any other aspects of the investigation that can be required to create findings and recommendations.

If a complaint involves the Director of Administrative Services, the General Manager, or a Commissioner, the District Board of Harbor Commissioners will designate an independent investigator and panel, and take action up to and including hiring outside counsels, subject matter experts, or other professionals to investigate, examine documents, interview all witnesses, analyze witness statements, perform research, inspect physical property, and perform any other aspects of the investigation that can be required to create findings and report to Commissioners.¹

4. Guidelines

The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The District will reasonably document and track the progress of all investigations so that the process is transparent and creates public confidence in the District.

5. Findings

When the investigation is completed, the person filing the complaint and the person alleged to have committed the conduct will, to the extent appropriate, be informed, both verbally and in writing, of the results of that investigation. If it is determined that inappropriate conduct has occurred, appropriate remedial measures will be taken, up to and including termination or a request for resignation. In addition to remedial measures, if the complainant believes that there continues to be a disagreement or difference that requires intervention, formal mediation may be offered to the complainant with costs paid by the District.

If after findings are made available to either the complainant or the perpetrator, if either party is dissatisfied with the findings, either party may write a formal rebuttal to the District memorializing their disagreement with the findings, the basis for the disagreement including a discussion of evidence, documents, statements that support their position.

E. Non-retaliation

One of the most important protections for employees is being free from retaliation after making a complaint, providing witness information, or participating in any way in an investigation. The District strictly prohibits retaliation in any way against anyone who has lodged a harassment complaint, has expressed a concern about harassment, including

¹ See Appendix A for Panel process and additional information.

sexual harassment, or has participated in a harassment investigation. Further, the initiation of a complaint, in good faith, shall not under any circumstances be grounds for discipline. It is a violation of the District's policy for an individual to be disciplined or otherwise disadvantaged or harmed because of their activities related to a sexual harassment complaint or investigation.

Persons engaging in any form of retaliation or retribution against any witness or complainant will be subject to disciplinary action, up to and including termination, censure, or a request for resignation.

F. Reporting and Tracking

Transparency of process and accountability are important aspects of this entire policy. Quarterly and annual reports of complaints, investigations, findings, and any rebuttals shall be provided to the Harbor Commissioners in a report². Personal informational privacy shall be protected in the report, however, the report shall be complete, comprehensive, and well-reasoned.

² See Appendix B.

APPENDIX A

The Panel Process is intended to create greater accountability with investigations that may involve persons with influence, authority, or the potential to exercise control over sexual harassment complaints, investigations, and findings. The following list of duties and procedures are incorporated into the sexual harassment policy:

Duties of Director of Administrative Services: The director, or their designee, shall maintain a list of ten panelists who are pre-approved to provide services associated with investigations. The panelist shall be chosen by the director or their designee based upon areas of expertise, professional experience, balance of skills among the panel, fees and costs, and knowledge of the District.

Duties of a Panel: The panel shall review and coordinate with the investigator on aspects of the investigation and shall provide guidance to the District, including the Commissioners, on recommendations and decision making related to the complaint, investigation, findings, rebuttal, and related matters. The panel shall maintain confidentiality and privacy in order to safeguard the sexual harassment complaint process but shall not use confidentiality and privacy to shield offenders.

APPENDIX B

Quarterly Reporting Format

The quarterly reporting as required herein is as follows:

Number of Complaints this Quarter	Details of claims, complaints, and conduct	Present Number of Complaints under Investigation	Present Number of Panels Appointed	Expected date of Findings
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Annual Reporting Format

The annual reporting as required herein is as follows:

Total Number of Complaints for YEAR	Details of claims, complaints, and conduct	Number of Complaints Investigated this YEAR	Details on panels appointed this year	Details and Information on findings this year	Any recommended policy changes or actions to be taken as a result of complaints, investigations or findings
-------------------------------------	--------------------------------------------	---------------------------------------------	---------------------------------------	-----------------------------------------------	-------------------------------------------------------------------------------------------------------------

The information provided on a quarterly and annual basis should be extensive, detailed, and unrestrained. The purpose of the reporting is to create accountability and awareness at the District for the benefit of employees and the public trust.



Staff Report

TO: Board of Harbor Commissioners

FROM: Julie van Hoff, Director of Administrative Services

DATE: October 16, 2019

SUBJECT: Sexual & Unlawful Harassment Policy; Recommend Adoption

Recommendation/Motion:

Recommendation/Motion: Eliminate current Policy 6.2.5 'Harassment, Discrimination and Retaliation Prevention'. Adopt and replace current Policy with Policy 6.2.5 Sexual & Unlawful Harassment Policy.

Policy Implications:

Update current policy to include additional detail for compliance with State Laws, improve processes and add reporting requirements.

Fiscal Implications/Budget Status:

None

Background/Discussion:

On July 17, 2019, staff presented an item to the Harbor Commission Board discussing the process of updating the District's current policies related to Equal Employment Opportunity; Nondiscrimination; Harassment, Discrimination and Retaliation Prevention; and Policy Against Workplace Violence. The California State Laws have changed since the adoption of these policies.

Staff worked with the District's Labor & Employment Counsel and the Governance & Policy Committee on the attached proposed Policy 6.2.5 'Sexual & Unlawful Harassment Policy'.

Attachment:

1. [Proposed Policy 6.2.5 'Sexual & Unlawful Harassment Policy'](#)
2. [Current Policy 6.2.5 'Harassment, Discrimination and Retaliation Prevention'](#)



Staff Report

TO: Board of Harbor Commissioners

FROM: Julie van Hoff, Director of Administrative Services

DATE: October 16, 2019

SUBJECT: Sexual & Unlawful Harassment Policy; Recommend Adoption

Recommendation/Motion:

Recommendation/Motion: Eliminate current Policy 6.2.5 'Harassment, Discrimination and Retaliation Prevention'. Adopt and replace current Policy with Policy 6.2.5 Sexual & Unlawful Harassment Policy.

Policy Implications:

Update current policy to include additional detail for compliance with State Laws, create greater transparency in the process, improve procedures, and add reporting requirements.

Fiscal Implications/Budget Status:

None

Background/Discussion:

On July 17, 2019, staff presented an item to the Harbor Commission Board discussing the process of updating the District's current policies related to Equal Employment Opportunity; Nondiscrimination; Harassment, Discrimination and Retaliation Prevention; and Policy Against Workplace Violence. The California State Laws have changed since the adoption of these policies, and employers are evaluating and updating their policies across the state. We evaluated and utilized information and recommendations from a variety of sources including the Special District Association, Ogletree Deakins, and the California State Legislature.

Staff worked with the District's Labor & Employment Counsel and the Governance & Policy Committee on the attached proposed Policy 6.2.5 'Sexual & Unlawful Harassment Policy'.

Attachment:

1. [Proposed Policy 6.2.5 'Sexual & Unlawful Harassment Policy'](#)
2. [Current Policy 6.2.5 'Harassment, Discrimination and Retaliation Prevention'](#)

San Mateo County Harbor District

Policy	Number: 6.2.5	Approved Date(s): 01/18/2006 Substantial Revision: August 3, 2016	Effective Date:
Title: Harassment, Discrimination and Retaliation Prevention	Prepared By: G. Lazof	Approved By: Resolution 07-06; Resolution 24-16	Page: Page 1 of 9
Purpose: The District has a strong commitment to prohibiting and preventing discrimination, harassment and retaliation in the workplace. The purpose of this Policy is to: establish a strong commitment to prohibit and prevent discrimination, harassment, and retaliation in employment; to define those terms; and to set forth and establish a procedure for investigating and resolving internal complaints of discrimination, harassment and retaliation.			

I. POLICY

The District has zero tolerance for any conduct that violates this Policy. Conduct need not arise to the level of a violation of state or federal law to violate this Policy. Instead a single act can violate this Policy and provide grounds for discipline or other appropriate sanctions,

Harassment or discrimination against an applicant, intern, volunteer, Harbor Commissioner, officer, contractor, or employee by a supervisor, management employee, Harbor Commissioner, officer, co-worker, member of the public, or contractor on the basis of race, religion, sex (including gender, gender identity, gender expression, transgender, pregnancy, and breastfeeding), national origin, ancestry, disability, medical condition, genetic characteristics or information, marital status, age, sexual orientation (including homosexuality, bisexuality, or heterosexuality), or any other protected classification as defined below, will not be tolerated.

This Policy applies to all terms and conditions of employment, internships, and volunteer opportunities, including, but not limited to, selection, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training.

Disciplinary action or other appropriate sanction up to and including termination (in the case of an employee or contractor) will be instituted for prohibited conduct as defined below.

Any retaliation against a person for filing a complaint or participating in the complaint resolution process is prohibited. Individuals found to be retaliating in violation of this Policy will be subject to appropriate sanction or disciplinary action up to and including termination (in the case of an employee or contractor).

The District encourages all covered individuals to report—as soon as possible—any conduct that they believe violates this Policy. Any retaliation against an employee because he or she filed or supported a complaint or because he or she participated in the complaint resolution process is

Policy	Number: 6.2.5	Approved Date(s): 01/18/2006 Substantial Revision: August 3, 2016	Effective Date:
Title: Harassment, Discrimination and Retaliation Prevention	Prepared By: G. Lazof	Approved By: Resolution 07-06; Resolution 24-16	Page: Page 2 of 9

prohibited. Individuals found to have retaliated in violation of this Policy will be subject to appropriate sanction or disciplinary action, up to and including termination.

The District will implement the complaint procedures as set forth below.

II. DEFINITIONS

- A. **Protected Classification:** This Policy prohibits harassment or discrimination because of an individual’s protected classification. “Protected Classification” includes race, religious creed, color, sex (including gender, gender identity, gender expression, transgender, pregnancy, and breastfeeding), sexual orientation (including heterosexuality, homosexuality, and bisexuality), national origin, ancestry, citizenship status, marital status, age (over 40), medical condition, genetic information, physical or mental disability, military or veteran status, or any other protected classification protected by law. (Gov. Code § 12940(a).)
- B. **Policy Coverage:** This Policy prohibits the District, Harbor Commissioners, officers, employees (regardless of rank or title), interns, volunteers or contractors from harassing or discriminating against applicants, officers, Harbor Commissioners, employees, interns, volunteers, or contractors because of: 1) an individual’s protected classification; 2) the perception that an individual has a protected classification; or 3) the individual associates with a person who has or is perceived to have a protected classification.
- C. **Protected Activity:** This Policy prohibits discrimination, harassment or retaliation because of an individual’s protected activity. Protected activity includes: making a request for or receiving an accommodation for a disability; making a request for or receiving accommodation for religious beliefs or practices; making or supporting a complaint under this Policy; opposing violations of this Policy; or participating in an investigation pursuant to this Policy.
- D. **Discrimination:** This Policy prohibits treating individuals differently because of the individual’s protected classification, actual or perceived; because the individual associates with a person who is member of a protected classification, actual or perceived; or because the individual participates in a protected activity as defined in this Policy. (Gov. Code, § 12926(o).)
- E. **Harassment** may include, but is not limited to, the following types of behavior that is taken because of a covered individual’s actual or perceived protected classification.

Policy	Number: 6.2.5	Approved Date(s): 01/18/2006 Substantial Revision: August 3, 2016	Effective Date:
Title: Harassment, Discrimination and Retaliation Prevention	Prepared By: G. Lazof	Approved By: Resolution 07-06; Resolution 24-16	Page: Page 3 of 9

Note that harassment is not limited to conduct that the District's employees take. Under certain circumstances, harassment can also include conduct taken by those who are not employees, such as Harbor Commissioners, persons providing services under contracts, or even members of the public:

1. Speech, such as epithets, derogatory comments or slurs, and proposition on the basis of a protected classification. This might include inappropriate comments on appearance, including dress or physical features, or dress consistent with gender identification, or race-oriented stories and jokes.
 2. Physical acts, such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement. This includes pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.
 3. Visual acts, such as derogatory posters, cartoons, e-mails, pictures or drawings related to a protected classification.
 4. Sexual advances, requests for sexual favors and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment. (Gov. Code, §12940(j); 2 Cal.Code Regs. § 11091(b)(1).)
- F. Guidelines for Identifying Harassment: Harassment includes any conduct that would be unwelcome or unwanted to an individual of the recipient's same protected classification. The following guidelines to determine if conduct is unwelcome or unwanted should be followed:
1. It is no defense that the recipient "appears" to have consented to the conduct at issue by failing to protest about the conduct. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized or subjected to retaliation.
 2. Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. Small, isolated incidents might be tolerated up to a point. The fact that no one is complaining now does not preclude anyone from complaining if the conduct is repeated in the future.

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3. Even visual, verbal, or physical conduct between two employees who appear to welcome the conduct can constitute harassment of a third person who witnesses the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at a particular individual.
 4. Conduct can constitute harassment even if the individual engaging in the conduct has no intention to harass. Even well-intentioned conduct can violate this Policy if the conduct is directed at, or implicates a protected classification, and if an individual would find it offensive (e.g., gifts, over attention, endearing nicknames, hugs).
- G. Retaliation: Retaliation occurs when adverse conduct is taken against a covered individual because of the individual’s protected activity as defined in this Policy.
- H. “Adverse conduct” may include but is not limited to: disciplinary action; counseling; taking sides because an individual has reported harassment or discrimination; spreading rumors about a complainant or about someone who supports or assists the complaint; shunning and avoiding an individual who reports harassment or discrimination; or making real or implied threats of intimidation to prevent or deter an individual from reporting harassment or discrimination.

III. COMPLAINT PROCEDURE

- A. A covered individual who believes he or she has been subjected to harassment, discrimination, or retaliation may make a verbal or written complaint with any of the following, with no need to follow the chain of command:
1. Immediate supervisor;
 2. Any supervisory or management employee within or outside of the department;
 3. Director of Administrative Services;
 4. Other Manager (e.g., Director of Operations);
 5. General Manager;
 6. District’s General Counsel (in a complaint by or against the General Manager or a Harbor Commissioner);
 7. District’s Board of Harbor Commissioners (in a complaint against the General Manager or a Harbor Commissioner)

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- B. Any supervisory or management employee who receives a complaint concerning alleged violations of this Policy (known collectively herein as a “harassment complaint”) should immediately notify the Director of Administrative Services or the General Manager, or with respect to a complaint involving a Harbor Commissioner or General Manager, the District’s General Counsel.
- C. Upon receiving notification of a harassment complaint, the Director of Administrative Services or General Manager (or designee) shall complete and/or delegate the following steps. If the Director of Administrative Services is an accused, the General Manager will complete and/or delegate the following steps; if the General Manager or a Commissioner is an accused, the District Counsel (or designee) shall complete and/or delegate the following steps:
1. Provide the complainant a timely response indicating that the complaint has been received and that a fair, timely and thorough investigation will be conducted.
 2. Timely authorize and supervise a fair and thorough investigation of the complaint by impartial and qualified personnel and/or investigate the complaint. The investigation will afford all parties with appropriate due process and include interviews with: a) the complainant; b) the accused; and c) other persons who have relevant knowledge concerning the allegations in the complaint.
 3. Review the factual information gathered through the investigation to reach a reasonable conclusion as to whether the alleged conduct constitutes harassment, discrimination, or retaliation under the policy given consideration to all factual information, the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incidents occurred.
 4. Timely report a summary of the determination as to whether this Policy has been violated to appropriate persons, including the complainant and the accused. If discipline or sanctions are imposed, the level of discipline or sanction will not be communicated to the complainant.
 5. If conduct in violation of this Policy occurred, take or recommend to the appointing authority prompt and effective remedial action. The remedial action will be commensurate with the severity of the offense.

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6. Take reasonable steps to protect the complainant from further harassment, discrimination or retaliation.
7. Take reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.

D. The District takes a proactive approach to potential violations of this Policy and will conduct an investigation if its Commissioners, officers, supervisors, or managers become aware that harassment, discrimination, or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation.

Option to Report to Outside Administrative Agencies: An individual has the option to report harassment, discrimination or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These administrative agencies offer legal remedies and a complaint process. The nearest offices are generally listed on the Internet, in the government section of the telephone book, or employees can check the posters that are located in District offices for office locations and telephone numbers.

IV. CONFIDENTIALITY

Every effort will be made to ensure the confidentiality of complaints made under this Policy to the greatest extent allowed by law. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. An employee who is interviewed during the course of an investigation is prohibited from attempting to influence any potential witness while the investigation is ongoing. An employee may discuss his or her interview with a designated representative. The District will not disclose a completed investigation report except as it deems necessary to support a disciplinary action or sanctions, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

V. RESPONSIBILITIES:

- A. Each non-manager or non-supervisor, Harbor Commissioner, and contractor, is responsible for:
 1. Treating all individuals in the workplace or on worksites with respect and consideration.
 2. Modeling behavior that conforms to this Policy.

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3. Participating in periodic training.
 4. Cooperating with the District's investigations by responding fully and truthfully to all questions posed during the investigation.
 5. Taking no actions to influence any potential witness while the investigation is ongoing.
 6. Reporting any act he or she believes in good faith constitutes harassment, discrimination, or retaliation as defined in this Policy, to his or her immediate supervisor or department head, or to the Director of Administrative Services or another manager, or to the General Manager, or to the General Counsel (for complaints against the General Manager or a Harbor Commissioner).
- B. In addition to the responsibilities listed above, each manager and supervisor is responsible for:
1. Informing employees of this Policy.
 2. Taking all steps necessary to prevent harassment, discrimination and, retaliation from occurring, including monitoring the work environment and taking immediate appropriate action to stop potential violations, such as removing inappropriate pictures or correcting inappropriate language.
 3. Receiving complaints in a fair and serious manner, and documenting steps taken to resolve complaints.
 4. Following up with those who have complained to ensure that the behavior has stopped and that there are no reprisals.
 5. Informing those who complain of harassment or discrimination of his or her option to contact the EEOC or DFEH regarding alleged Policy violations.
 6. Assisting, advising, or consulting with employees and the Director of Administrative Services or General Manager regarding this Policy.
 7. Assisting in the investigation of complaints involving employee(s) in their departments and, when appropriate, if the complaint is substantiated, recommending appropriate corrective or disciplinary action in accordance with these Policies, up to and including termination.
 8. Implementing appropriate disciplinary and remedial actions.

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9. Reporting potential violations of this Policy of which he or she becomes aware to the Director of Administrative Services, another manager, the General Manager or the General Counsel (for complaints against the General Manager or a Harbor Commissioner), regardless of whether a complaint has been submitted.
10. Participating in periodic training and scheduling employees for training.

VI. DISSEMINATION OF POLICY

All employees and Harbor Commissioners shall receive a copy of this Policy when they are hired or elected or appointed into office. The Policy may be updated from time to time and redistributed.

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EMPLOYEE and HARBOR COMMISSIONER ACKNOWLEDGEMENT

I hereby acknowledge that I have received a copy of the San Mateo County Harbor District's Harassment, Discrimination and Retaliation Prevention Policy, that I am responsible for reading and understanding this Policy, and that I will comply with its requirements.

Print Name: _____

Signature: _____

Date: _____

In the case of an employee, the signed form will be placed in the employee's personnel file. In the case of a Harbor Commissioner, the signed form will be kept in the Commissioner's personal District file.



Staff Report

TO: Board of Harbor Commissioners

FROM: Julie van Hoff, Director of Administrative Services

DATE: October 16, 2019

SUBJECT: 'Policy on Standing Committees'; Discuss Assignment of Public Members to Committees

Recommendation/Motion:

Recommendation/Motion: Discuss possible amendments to Policy 3.0 'Policy on Standing Committees. Motion may include direction to revise this policy.

Policy Implications:

May amend Policy on Standing Committees

Fiscal Implications/Budget Status:

None

Background/Discussion:

The 'Policy on Standing Committees' was changed from a by-law to a policy by the Harbor Commission on January 6, 2016.

On March 2, 2016 the policy was amended to decrease the number of public members that a Commissioner could select to serve on a Committee from two to one. The Policy was also amended to require that the public member participate in a Brown Act webinar and added language to state that "If a public member assigned to a committee consistently works against the mission and goals of the committee the Board President has the option to remove the public member from the Committee."

On December 7, 2016, the policy was updated to require Standing Committees to establish role and scope of duties to be adopted by the Harbor Commission. In addition, the Policy was amended to remove the ability of public members to serve on a Standing Committee.

On January 10, 2019, the policy was updated to reinstate the ability of a public member to serve on a Standing Committee.

Attachments:

1. [Policy 3.0 'Policy on Standing Committees' - Previous](#)
2. [Policy 3.0 'Policy on Standing Committees' - Current](#)

San Mateo County Harbor District

Policy	Number: 3.0	Date of Approval: 12/07/16	Adopted By: Motion: 3/2/16
Title: Policy on Standing Committees	Prepared By: S. McGrath	Revised By:	Page: Page 1 of 3
Purpose: Policy for Committee meeting			

1. Purpose

- A. Committees will be created to facilitate in-depth examination of issues. Committees do not set policy – they only make recommendations to the Board.

2. Selection of Board Members on Committees

- A. At the first meeting after the election of officers and the appointment of the President for the calendar year, the President will appoint two Commissioners to each of the standing and ad-hoc committees

3. Selection of Chair

- A. Board members on the Committee will select a chair. If Commissioners assigned to a committee are unable to agree upon who will chair the committee, the Harbor Commission Board President will decide.

4. Term of Committee Members

- A. Each committee member shall serve for a term of one year.
- B. Commissioners may be reappointed to subsequent terms.

5. Decorum

- A. If a commissioner assigned to a committee consistently works against the mission and goals of the committee the Board President will appoint a replacement commissioner to the committee.

Policy	Number: 3.0	Date of Approval: 12/07/16	Adopted By: Motion: 3/2/2016
Title: Policy on Standing Committees	Prepared By:	Revised By:	Page: Page 2 of 3

6. Meeting Management

- A. Each Committee will decide its own meeting dates and times. To the greatest extent possible, meeting times will be consistent.
- B. At least one Commissioner must be present at each meeting.
- C. Each Committee will meet at least once every four months. The exact number of meetings will be determined by the needs of the Committee.
- D. The Committee will set each agenda for the committee. In the event of disagreement, the Committee Chair sets the agenda.
- E. The Harbor Commission may direct an item be placed on the Committee's agenda.
- F. Meeting sessions will be limited to two hours.
- G. Committee discussions should always attempt to reach consensus. Recommendations sent to the Commission will be approved by a vote of the Committee. In the event of a tie vote, no recommendation will be forwarded to the Board.
- H. A quorum will consist of a simple majority of committee members.
- I. A staff member will generally attend each committee meeting to provide administrative support, and background as necessary.
- J. A written meeting report to the Board will be produced after each committee meeting.
- K. Agendas, Committee packets, presentations, and meeting reports will be published on the Harbor District website.
- L. In accordance with the Brown Act, meetings of standing Committees will be publicly noticed and the agendas will be published at least 72 hours in advance of the meeting. Agendas will be published on the Harbor District website at least 72 hours in advance of the meeting.

Policy	Number: 3.0	Date of Approval: 12/07/16	Adopted By: Motion: 3/2/2016
Title: Policy on Standing Committees	Prepared By:	Revised By:	Page: Page 3 of 3

- M. Every committee member is expected to attend meetings and to participate in committee activities.

- N. Each member is expected to study the issues or problems that come before the committee in order to contribute to the resolution process.

San Mateo County Harbor District

Policy Title Policy on Standing Committees	Number: 3.0	Date of Approval: 01/10/19
Other Revisions: 01/06/16; 03/02/16; 12/07/16	Prepared By: Julie van Hoff	

1. Purpose

- A. Committees will be created to facilitate in-depth examination of issues. Committees do not set policy – they only make recommendations to the Board.

2. Selection of Board Members on Committees

- A. At the first meeting after the election of officers and the appointment of the President for the calendar year, the President will appoint two Commissioners to each of the standing committees.

3. Selection of Chair

- A. Board members on the Committee will select a chair. If Commissioners assigned to a committee are unable to agree upon who will chair the committee, the Harbor Commission Board President will decide.
- B. A member of the public can serve as chair if agreed to by both Committee Board members.

4. Selection of Committee Members

- A. Each Commissioner serving on a Committee can select one public member to serve on the committee.
- B. All members of the public appointed to a Committee must:
 - (1) Complete a District application form;
 - (2) Be registered voters within San Mateo County;
 - (3) Be confirmed by a vote of the Board of Harbor Commissioners;
 - (4) Participate in the California Special Districts Association on demand webinar 'The Essential Guide to the Brown Act' within 30 days of appointment. Evidence of completion of the webinar shall be provided to the District.

5. Term of Committee Members

- A. Each committee member shall serve for a term of one year.
- B. Commissioners and public members of a Committee may be reappointed to subsequent terms.

6. Decorum

- A. If a Commissioner assigned to a committee consistently works against the mission and goals of the committee, the Board President will appoint a replacement Commissioner to the Committee.
- B. If a public member assigned to a Committee consistently works against the mission and goals of the Committee, the Board President has the option to remove the public member from the Committee.

7. Meeting Management

- A. Each Committee will decide its own meeting dates and times. To the greatest extent possible, meeting times will be consistent.
- B. At least one Commissioner must be present at each meeting.
- C. Each Committee will meet at least once every four months. The exact number of meetings will be determined by the needs of the Committee.
- D. The Committee will set each agenda for the committee. In the event of disagreement, the Committee Chair sets the agenda.
- E. The Harbor Commission may direct an item be placed on the Committee's agenda.
- F. Meeting sessions will be limited to two hours.
- G. Committee discussions should always attempt to reach consensus. Recommendations sent to the Commission will be approved by a vote of the Committee. In the event of a tie vote, no recommendation will be forwarded to the Board.
- H. A quorum will consist of a simple majority of committee members.
- I. A staff member will generally attend each committee meeting to provide administrative support, and background as necessary.
- J. A written meeting report to the Board will be produced after each committee meeting.
- K. Agendas, Committee packets, presentations, and meeting reports will be published on the Harbor District website.

- L. In accordance with the Brown Act, meetings of standing Committees will be publicly noticed and the agendas will be published at least 72 hours in advance of the meeting. Agendas will be published on the Harbor District website at least 72 hours in advance of the meeting.
- M. Every committee member is expected to attend meetings and to participate in committee activities.
- N. Each member is expected to study the issues or problems that come before the committee in order to contribute to the resolution process.



Activity Report

TO: Board of Harbor Commissioners
FROM: John Moren, Interim GM/Director of Operations
DATE: October 16, 2019
PERIOD: September 2019

Pillar Point Harbor:

Construction Update & General Status Updates:

- Misc. maintenance work in progress throughout the marina
- Landscaping in facility

Miscellaneous:

- 465 Launches at boat ramp 9/1/19 thru 9/30/19
- Beach Clean up on September 21, 2019
- Ongoing training
- Bike race on September 28, 2019 with over 500 participants



- Fish & Fleet event on Sept 15, 2019



September 17, 2019

To: John Moren- Interim General Manager- San Mateo County Harbor District
CC: San Mateo County Harbor Commissioners

We would like to take this opportunity to formally thank the San Mateo County Harbor District for their continued support for the Fish and Fleet Festival, and we would specifically like to ask that the staff that worked on Sunday 09/15 be recognized for outstanding service.

We would like to thank Dante Mandrigal and Cary Smith for working with us in advance of the event and for creating and facilitating a smooth logistical plan. All of the staff on Sunday including Matt Sumner, Jerry Pemberton, Robert Dunn, Julio Abdallah, David Arington and Daniel Holscher were, as always, helpful, professional and reliable. These guys went above and beyond to ensure a safe, successful event. We believe that San Mateo County Harbor District should be proud to have such a professional crew and hope that each of these employees will be recognized and commended for their great work individually and as a team. We would also like to thank Debbie Gehret for her help with the permit paperwork, she is always a pleasure to work with and quick to respond and help.

The fifth annual festival held on Sept 15, 2019 was, once again, a very successful event, that was enjoyed by thousands of visitors and neighbors. We appreciate the opportunity to raise awareness and appreciation for local seafood and the local commercial fishing fleet that harvests it. Our vendors featured ten unique dishes prepared with sustainable seafood caught by local vessels, and a good time was had by all.

We also appreciate the continued support of the commission to sponsor this event and look forward to another great festival in September of 2020.

Thank You,

Lisa Damrosch

Occupancy Overview:

- Total occupancy: 98% 369 slips, 363 occupied.

Search and Rescue Activity Highlights & Urgent Need Activities:

- 9/1 thru 9/30
 - 4 Search & Rescue
 - 20 Patrol Vessel
 - 25 DHM Calls
 - 3 Medical
 - 7 Law Enforcement
 - 4 Training
 - 4 Events
 - 4 Environmental Resource Protection Calls
 - 1 fatality

EMS-Clean Marina Activities:

- Vessel inspections are ongoing
- Registration and Insurance enforcement
- Nonpayment enforcement
- Sea Bin Ribbon Cutting Ceremony on September 27, 2019



Shell Cleave, founder of Sea Hugger, pulls out the inner section of the Seabin at Pillar Point Harbor. The device was purchased by Sea Hugger as part of a \$25,000 grant from the San Mateo County Office of Sustainability and with funding from the Half Moon Bay Brewing Co. and local environmentalist Chad Conover.

A Seabin works by using a pump that draws water into it and by rising and lowering it catches waste in a basket made of fine mesh material. It also has a float on top that traps marine oil. It's affixed to a dock with a power source. The Seabin Project, came up with the idea about five years ago. Since then, 719 Seabins have been installed globally. The Seabin can catch an estimated 8 lbs. of floating debris per day or 1.4 tons per year, including micro plastics as small as two millimeters. During this Pilot Project, the Seabin's effectiveness will be evaluated and additional may be purchased.

- Pacific Beach Coalition Trash Pick-Up September 19, 2019

49 Volunteers & 468 Cigarette Butts

CLEANUP RESULTS FROM SURFER'S BEACH & HARBOR BEACH



Young volunteers learning from our Naturalist Julie

PPH Staff:

PPH DHM Team members Dunn, Abdullah, Sumner and Moore received the below letter of commendation from a tenant for their rescue efforts when the tenant's vessel became disabled.

Dear Mr. Moren,

I want to make sure that I express my sincere gratitude and appreciation for Bobby Dunn and his team (Julio Abdulah, Owen Moore, and Matt Sumar). Their quick action and professionalism was on full display when they assisted me in the harbor last Friday (full description of the events below). I am a physician and supervise 50+ other physicians in an acute care setting. I would be very proud of my team if they handled an urgent and dangerous situation with the grace and competency that Bobby and his team displayed. Below is a copy of the thank you note I posted on Coastside Fishing Club. You should also know that it received multiple responses, all praising the team that is currently watching over Pillar Point Harbor. Thank you again. Just wanted to thank Bobby (and Julio, Owen, and Matt) for saving me from a really bad end to the week...I went to fuel up this afternoon, and when I left F dock on my way to the fuel dock my port engine starting vibrating then died, and

seconds later the starboard engine did the same. Bad place to happen as I was close to the breakwater and wind/current was blowing me right to it. Engines wouldn't start, so I threw the anchor and it grabbed just as I was about a foot from the breakwater, using my boat hook to keep me off the rocks. I called the Harbor Master and Bobby and crew were out within minutes, pulled me from the rocks and back to my slip. A true class act, I think the three guys Bobby had with him are new, but they were all fantastic, professional, and extremely competent. I can't say enough, many thanks for keeping me from having a really really bad day (it was bad enough...)

Sincerely,
Steve Xanthopoulos

Calendar Reminder Items of Events and Activities:

- Coastal Clean-up on October 26, 2019
- BWRAG Safety Summit October 25 - 27

Oyster Point Marina/Park

General Status & Construction Update:

- Misc. maintenance work in progress throughout the marina.
- OPD project underway, OPM has been switched to temp PG&E power from generator power.

Miscellaneous:

- Registration, Liveaboard and insurance enforcement & seaworthiness
- Crew Training/OPM, PPH and USCG, K38 RWC training 9/30 thru 10/4 Crew



Occupancy Overview:

- On 9/30/19 occupancy: 78.5% 408 slips, 320 occupied

Search and Rescue Activity Highlights & Urgent Need Activities:

- 9/1 thru 9/30: 10 vessel activities, 3 Fire, 5 Police Business, 4 Coast Guard, 27 DHM Call Outs
- 1 SPCA, 1 Fish & Wildlife

EMS-Clean Marina Activities:

- Vessel inspections for new tenants and for seaworthiness of existing tenants are ongoing.
- The 2019 Coastal Cleanup was a big success at the Oyster Point Marina. Together we picked up a plastic tree and a shopping cart from the water, and about 100 pounds of trash from land. OPM staff, Oyster Point Dragons, Oyster Point Marina Yacht Club and District Commissioners Chang Kiraly and Reyring all participated.



Calendar Reminder Items of Events and Activities:

- Fleet week Oct. 10th thru 13th

OPM Staff:

OPM DHM team members Smith and Andrews received the below letter of commendation for their efforts in rescuing a disabled vessel.

From: Anthony Moore <anthony.mooretm2323@yahoo.com>

Sent: Tuesday, September 17, 2019 12:25 PM

To: Jim Merlo <jmerlo@smharbor.com>

Subject: Boat rescue

My battery went out on my boat this Saturday we were stuck in front of oyster point someone called in for your deputies to help us . Ben Andrews and Jim Smith was a great help. very thankful for your service

Me and my friends are very thankful they are going to be emailing you to as well



Administration:

See related Staff Report for update on Capital Projects

District:

- New GM and PPH Harbormaster search underway.

Grants:

- Working with FEMA and CalOES for project funding assistance
- Continuing efforts to identify potential grant funding for all CIP's

District Training Officer, DHM Cary Smith:

- CEAP (Coastside Emergency Action Program) Monthly Meeting, CERT Teamwork, Keynote Speaker
- Social Media Efforts: Assist with Media (Images and Messaging) Tours, Events
- Public Information Officer for Safety and Marine Related Education and Events
- Neptune Coalition Monthly Meetings (USCG Sector SF and Bay Area Allied Agencies)
- Citation Enhancement and Ordinance Code revision (Turbo Data)
- USCG Air Station SF on the water training
- Scheduling required recertification training
- DBW (BSEE) Boating Safety and Enforcement Equipment Grant: Workshop and Grant
- Community Outreach (CPR instruction) Harbor and Surf Communities
- DHM Training Matrix creation and ongoing record keeping
- Marine Flare Disposal Pilot Program with San Mateo County Environmental Health Planning and Outreach with OPYC and HMBYC
- BWRAG Surf Rescue and RWC Safety Training for the Surf Community
- Training Program development, updates and vision moving forward
- OE3 MOU Training requirements and Equivalent Training discussion
- Harbor Community based CERT Team research
- Emergency Notification research for Harbor Communities and Future Outreach
- Tsunami Preparedness and Tabletop Training Planning for Administration and Operations
- Enhanced First Aid Certification and Upgraded Recertification
- Ordinance and Compliance Enhancement Research and Discussion
- Enhanced Allied Agency Training Opportunities on the Water OPMHP and PPHP
- San Mateo Public Safety Communications Updates and Enhancement Communications
- Other Meetings and Duties as assigned

Activities and Training:

- Allied Agency Training with PPHP/OPMHP and USCG
- CPR/AED/Blood Bourne Pathogen Recertification Training OPMHP and PPHP
- DBW Class Training Scheduling
- USCG Air Station SF Allied Agency Training Day
- USCG Air Station SF Hoist and Rescue Swimmer Training
- BWRAG Potential Training and Support (Fall 2019)
- Deputy Harbormaster Recruitment and Testing planning and updates

Future Objectives:

- SMCHD Operations Training standardization
- SMCHD Patrol Boat Electronics Standardization
- SMCHD Water Based Recreational and Harbor Community Training
- SMCHD Enhanced Allied Agency Communications
- SMCHD Administration and Commission Safety and Boating Education Training
- SMCHD Operations Social Media Safety Messaging and Environmental Resource Protection Messaging
- SMCHD Operations Professional Image Development and Outreach
- SMCHD Operations Customer Service Training
- SMCHD Operations Mental Health and Self Medication Awareness and Officer Safety Training

District Safety:

- Target Solutions - OSHA courses, continuing to assign safety refresher courses for 2019.
- Updating Emergency Response Plans, copies will be placed on District website, additional emphasis on tsunami response.
- 2019 DBW Boater Safety Survey/Kits – Continuing to work with DBW at PPH and OPM to send out Dock Walker boater safety surveys with statements. Tenants will deliver completed surveys to the HM office for boater safety kits.
- Continuing increased training efforts to promote excellent Customer Service.

- Continued partnership with the San Mateo Resource Conservation District (RCD) to address pet waste as a cause of water pollution. Information on how pet waste is a pollutant is provided on the District's website and on informational flyers at both PPH and OPM Harbor Master Offices. Additionally, the link for the public to take the "Scoop-the-Poop" Pledge is on the District website. The District will be using its social media to further public awareness of the water pollution caused by pet waste and to encourage public to remove all pet waste.

Pictured are examples of informational flyers currently in use for public outreach to spread awareness on pet waste pollution.



SAN MATEO RESOURCE CONSERVATION DISTRICT

<http://www.sanmateorcd.org>
<https://www.facebook.com/sanmateorcd>
 This outreach program is funded by San Mateo County




Learn more at www.sanmateorcd.org/WQ and follow us on Facebook and Instagram @sanmateorcd

SAN MATEO RESOURCE CONSERVATION DISTRICT

ATTENTION PET LOVERS!

HELP PROTECT CREEKS & BEACHES




Pick up after your pet!

GET THE SCOOP ON PET POOP

HEALTH RISKS
 Bacteria and viruses in pet waste can cause illness in people and animals. You can be exposed to pet waste bacteria and viruses while gardening, playing in the grass, swimming, surfing, boating, or sunbathing on the beach.

WATER POLLUTION
 When it rains, pollutants such as pet waste are transported from lawns, streets, and trails to storm drains, creeks, streams, the beach, and the ocean without treatment.

LOCAL CONCERNS
 Local studies show high fecal bacteria levels at many creeks and beaches in coastal San Mateo County. If you live in a watershed that flows to beaches with this warning, it is especially important to do your part. For more info about beaches with high bacteria levels visit www.smchealth.org/beaches



There are many sources of bacteria but **picking up pet waste is one of the easiest ways to stop bacterial pollution**. The Resource Conservation District, the County, and other local partners continue to find solutions to prevent bacteria from entering local creeks, beaches, and the ocean.

YOU CAN MAKE A DIFFERENCE!

On walks: Carry extra bags and pick up pet poop on sidewalks and trails. Always throw away bags in a landfill trash can.


At home: Pick up pet waste in your yard, especially before it rains, and dispose of it in a landfill trash can. Do not discard in a compost bin


Dispose of waste: Unbagged pet waste can also be flushed down the toilet or put in a pet waste digester.


Take the Scoop the Poop Pledge: Receive a free pet waste bag dispenser when you take the pledge: www.flowstobay.org/petwaste (only residents of unincorporated County are eligible to receive a free pet waste bag dispenser)

Post a sign: If your yard is in a visible area, post a sign reminding others to pick up after their pet.

Spread the word: Tell others about the impacts of pet waste and encourage them to pick up after their pet.









Activity Report

TO: Board of Harbor Commissioners
FROM: Julie van Hoff, Director of Administrative Services
DATE: October 16, 2019
PERIOD: September 2019

Harbor Commissioner Meetings

- Regular Commission Meeting – September 18, 2019
- Special Commission Meeting –September 18, and 25, 2019
- Governance and Policy Committee- September 12, 2019

Public Record Act Requests

- Received and completed request from Smart Procure (purchasing records) 9/19/19
- Received request from Lisa Damrosch regarding Johnson Pier Assessment 9/2/19
- Received request from John Ullom regarding communications with contractors 9/16/19

Accounting/Finance

- **Operations**
 - Accounts Payable (A/P)
 - Processed two A/P runs
 - Uploaded Positive Pay to US BANK
 - Processed recurring journal entries
 - Updated A/P vendor master lists, 1099 info, purchase orders, updated CA Use Tax
 - Positive pay upload to US Bank
 - Recurring journal entries
 - Accounts Receivable (A/R)
 - Daily cash batch review and tenant account adjustment review
 - Month-end – The Marina Program (TMP) to general ledger reconciliation and rollover to next period
 - Assisted with collections of balances, filing of liens, sale of boats, and assisting operations staff

- Prepared and reviewed monthly A/R report for PPH and OPM
 - Met with management to review “problem” accounts
 - Sent accounts to collections
 - Working on cleaning up AR credit balances at PPH
 - Working on unclaimed property filings
 - Submitted forms for the 2020 FTB Intercept Collection Program
 - Banking/Investments
 - Reconciled bank and investment accounts
 - Prepared bank reconciliation adjustments
 - Prepared staff report, resolutions, and other forms to update signers on accounts
 - Purchasing/Contracts
 - Updated contract summary and major contract reconciliations
 - Payroll
 - Processed two payroll cycles
 - Uploaded CALPERS/ICMA reports for 457 savings plans
 - Reported CALPERS pension plan information
 - Updated access permission for ADP
- **Board Meeting(s)**
 - Prepared Bills & Claims report
 - Prepared Legal Fees report
 - Prepared fourth quarter 2018/19 Financial Report and Rent Report
 - Assisted in preparation of 9/18/19 and 9/25/19 Board Packet and review of staff reports
 - Attended agenda setting meetings
 - Coordinated special meetings, prepared and posted agendas and cancellations
- **Grants**
 - Submitted SSF reimbursement for \$11,782.56
 - Ocean Protection Council reimbursement #9 in progress
- **Year-end Accounting/Audit**
 - Compiled reports for auditors, met with auditors and responded to requests
 - Preparation and recording of final year-end adjustments
 - Audit checklist preparation, gathering items for auditors and updating workpapers
 - Employee Reimbursement Annual Report FY18-19 – completed and posted on District website

Human Resources

- **Prepared Check Request for Medical & Life Insurance**
 - OE3 Trust Fund
 - Teamsters
 - SDRMA Medical & Ancillary

- **Personnel**

- Worked on filing personnel paperwork
- Prepared two Personnel Action Forms
- Prepared paperwork for employee evaluations
- Prepared two new offer letters for Deputy Harbormaster A position
- Prepared paperwork of background and medical check
- Prepared paperwork for a PTO payout request
- Worked on completing two verifications of employment
- Enrolled new employee for medical benefits and created a District ID.
- Assisted current employee with changes to medical plan
- Assisted employee who requested to go from getting a payout for benefits to enrolling for medical benefits
- Met with OE3 representative regarding prior employee who was not eligible for longevity medical benefits because he opted for payout instead of participating in District provided benefits
- Assisted retiree with medical question regarding co-pays
- Discussed possibility of review of job descriptions with Teamsters Union representative
- Sent out reminder to retiree regarding his end date of Longevity Benefits
- Assisted dependent with medical coverage questions
- Worked on out of class appointment estimated penalty calculation
- Created list of goals for Administrative Analyst-Communications employee
- Prepared one employee's evaluation
- Signed up for Managing a Workforce Training in San Francisco
- Began template for employee leave notifications
- Prepared resolution for continued participation in the SDRMA Health Benefit Plan

- **Employment Recruitment**

- Advertised for the position of Deputy Harbormaster and assisted in answering questions concerning the opening.
- Assisted with first and second interviews for Harbormaster position
- Assisted in video conference setup
- Scheduled second interviews for Harbormaster and Deputy Harbormaster A positions
- Assisted with reference check for Administrative Analyst-Communications
- Reopened Accountant recruitment- to close October 22, 2019
- Interviewed Robert Half temporary employees to cover for open planner/analyst position

Miscellaneous

- **Policy/Procedure Updates**

- Worked with Labor & Employment Counsel on Anti-harassment, Non-discrimination, Anti-retaliation Policy

- Working on updates to 4.2.1 Procurement Procedures
- Prepared draft amended Policy for adding items to Board agendas and worked with District Counsel, staff, and Governance & Policy Committee on matrix of other governmental entities
- **Leases/CAPs/Special Events**
 - Working on HMB Sportfishing reconciliation
- **Risk Management**
 - Coordinated SDRMA Safety training for administrative staff
- **Information Technology**
 - Continued bi-weekly Business Process Documentation & Improvement meetings - topic included district website
 - Updated District's website. Posted new RFP's and changes to other RFP's on website as needed.
 - Received message regarding ADA requirements and compliancy report for District's website. Board Secretary is following up with Streamline
 - Attended webinar for cloud migration
 - Worked with Caspian to update Skype Meeting software setup
 - Worked with Caspian to get GoToMeeting set up in email after Skype failed
 - Updated OpenGov through May 2019
 - Working on a draft RFP for ongoing Information Technology Services. The current contract will expire on December 31, 2019
 - Added data service for Surface Pros to be used by PPH
- **Other**
 - Scanned incoming mail
 - Attended monthly staff meeting
 - Working with staff on Amazon Prime accounts and setup
 - Created Request for Proposal for General Counsel, finalized and advertised. Three proposals received on or before 9/23/19. Prepared RFP summary comparison.
 - Continued preparation of background information for Special Counsel
 - Posted agendas and cancellation notices for Special meetings.
 - Worked on special event permits
 - Arranged flight reservation for Commissioner to attend CSDA conference in Anaheim
 - Cross training of accounts payable and accounts receivable Accounting Technicians
 - Attended San Mateo Finance Officers Group meeting on 9/27/19
 - Attended mandatory sexual harassment training 9/12/19
 - Updated bookmarks on 2019/20 Budget Document
 - Updated District Labor Cost calculation for charging purposes
 - Working on ensuring all District vessels, trailers and vehicles have up to date DMV registrations.