

# **San Mateo County Harbor District Board of Harbor Commissioners Meeting Agenda**

**November 5, 2014  
6:00 p.m.**

**Sea Crest School, Think Tank, Room #19  
901 Arnold Way  
Half Moon Bay, Ca. 94019**

All Harbor District Commission meetings are recorded and televised on PCT and replayed the following Friday at 6:00 a.m. and the following Saturday at 7:00 a.m. Copies can also be purchased from PCT and mailed for \$18.

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

## **Roll Call**

### **Commissioners**

Pietro Parravano, President  
James Tucker, Vice President  
William Holsinger , Treasurer &  
Secretary  
Sabrina Brennan, Commissioner  
Robert Bernardo, Commissioner

### **Staff**

Peter Grenell, General Manager  
Debra Galarza, Director of Finance  
Marietta Harris, Human Resource Manager  
Scott A. Grindy, Acting General Manager &  
Harbor Master  
Steven Miller, District Counsel  
Debbie Nixon, Deputy Secretary

## **Public Comments/Questions -**

The Public may directly address the Board of Harbor Commissioners for a limit of three 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, Board of Harbor Commissioners that is not on the regular Agenda. If a member of the public wishes to address the Board on an Agenda Item, that person must complete a Public Speaker Form and wait until that Item comes up for discussion. Agenda material may be reviewed at the administration offices of the District, 400 Oyster Point Blvd., Suite 300, South San Francisco, CA 94080 or online at [www.smharbor.com](http://www.smharbor.com).

## **Staff Recognition-**

# Consent Calendar

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calendar are approved by one motion unless a Commissioner requests at the beginning of the meeting that an item be withdrawn or transferred to the regular agenda.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

- 1     **TITLE:**                     **Minutes of Meeting October 15, 2014**  
      **REPORT:**                 Draft minutes  
      **PROPOSED ACTION:**     Approval
  
- 2     **TITLE:**                     **Amendments to Policies 6.4.1, 6.4.2, 6.4.3, 6.4.4 and 6.4.5**  
      **REPORT:**                 Memo, Amended Policies, Resolutions  
      **PROPOSED ACTION:**     Adopt the following Resolutions to adopt the amendments to the policies:  
                                  Resolution 30-14  
                                  Resolution 31-14  
                                  Resolution 32-14  
                                  Resolution 33-14  
                                  Resolution 34-14

## New Business

- 3     **TITLE:**                     **Informational Report: Procedure Regarding Billings for Legal Services**  
      **REPORT:**                 Miller, Memo  
      **PROPOSED ACTION:**     Information Only
  
- 4     **TITLE:**                     **Policy on Confidential Communications**  
      **REPORT:**                 Miller, Memo, Draft Policy  
      **PROPOSED ACTION:**     To be determined
  
- 5     **TITLE:**                     **Quarterly Investment Balances Report**  
      **REPORT:**                 Galarza, Report  
      **PROPOSED ACTION:**     Accept quarterly investment balances report
  
- 6     **TITLE:**                     **Bills and Claims in the Amount of \$246,848.05**  
      **REPORT:**                 Bills and Claims Detailed Summary  
      **PROPOSED ACTION:**     Approval of Bills and Claims for payment and a transfer in the amount of \$246,848.05 to cover payment of Bills and Claims

## **Staff Reports: a) Administration and Finance**

- 7      **General Manager - Grenell**
- 8      **Director of Finance - Galarza**
- 9      **Human Resources Manager - Harris**

## **b) Operations**

- 10     **Oyster Point Marina/Park and Pillar Point Harbor – Grindy**

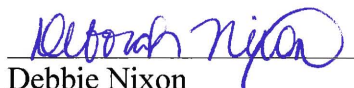
## **Board of Harbor Commissioners**

- 11     A. Committee Reports
- B. Commissioner Statements and Requests
  - 1. The Board of Harbor Commissioners may make public statements limited to five (5) minutes.
  - 2. Any Commissioner wishing to place an item on a future agenda may make a motion to place such an item on a future agenda

## **Adjournment**

The next scheduled meeting will be held on November 19, 2014 at the Municipal Services Building, 33 Arroyo Drive, South San Francisco at 6:00 p.m.

Agenda Posted As Required:  
October 30th at 10:30 a.m.

  
Debbie Nixon  
Deputy Secretary

**San Mateo County Harbor District  
Board of Harbor Commissioners  
Meeting Minutes**

**October 15, 2014  
6:00 p.m.**

**Municipal Services Building  
33 Arroyo Drive  
South San Francisco, Ca. 94080**

All Harbor District Commission meetings are recorded and televised on PCT and replayed the following Friday at 6:00 a.m. and the following Saturday at 7:00 a.m. Copies can also be purchased from PCT and mailed for \$18.

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

**Roll Call**

**Commissioners**

Pietro Parravano, President  
James Tucker, Vice President  
William Holsinger, Treasurer &  
Secretary  
Sabrina Brennan, Commissioner  
Robert Bernardo, Commissioner

**Staff**

Peter Grenell, General Manager  
x Debra Galarza, Director of Finance  
Marietta Harris, Human Resource Manager  
Scott A. Grindy, Harbor Master  
Steven Miller, District Counsel  
Debbie Nixon, Deputy Secretary

x-absent

**New Business**

- 1 TITLE: **Proclamation for Harbor Master Scott A. Grindy**
- REPORT: President Parravano
- PROPOSED ACTION: Approve proclamation for Harbor Master Scott A. Grindy

**Action:** Motion by Tucker, second by Holsinger to approve the proclamation for Harbor Master Scott A. Grindy. The motion passed.

Ayes: Bernardo, Holsinger, Parravano, Tucker  
Abstain: Brennan

## Public Comments/Questions — Dan Haggerty

**Staff Recognition** — Grindy recognized Deputy Harbormaster Arington and Lead Maintenance Specialist Williams from Pillar Point Harbor for rescuing four people from a capsized boat

This item was moved up by the Commission.

- 7    TITLE:                            **Amendment to Crab Pot Staging Guidelines**  
      REPORT:                        Grindy, Memo  
      PROPOSED ACTION:            Adopt amendment to crab pot staging guidelines

**Public Comment** – Bill Webb, Bob Berry, Stephen Melz

**Action:** Motion by Tucker second by Holsinger to adopt the amendment to the crab pot staging guidelines. The motion passed.

Ayes: Bernardo, Holsinger, Parravano, Tucker

Nays: Brennan

The Board adjourned to closed session at 6:35 p.m.

### Closed Session

- 2    TITLE:                            **PUBLIC EMPLOYMENT: Government Code Section 54957(b)(1). General Manager**

No reportable action from closed session at 7:45 p.m.

### Open Session

- 3    TITLE:                            **Identify Labor Negotiator Pursuant to Government Code §54957.6**  
      REPORT:                        Parravano  
      PROPOSED ACTION:            To be determined

Parravano identified Miller as the labor negotiator.

The Board adjourned to closed session at 7:45 p.m.

The Board reconvened at 7:52 p.m.

## Closed Session, Continued

- 4 TITLE: **CONFERENCE WITH LABOR NEGOTIATOR:  
Government Code Section 54957.6  
Unrepresented Employee: General Manager**

No reportable action from closed session.

**Action:** Motion by Tucker, second by Holsinger to offer the Acting General Manager position to Harbor Master Grindy for the next 6 months, with a possibility of two 3 month extensions, no increase to salary at least for the first 6 months effective October 15, 2014. The motion passed.

Ayes: Bernardo, Holsinger, Parravano, Tucker  
Nays: Brennan

## Open Session, Continued

### Consent Calendar

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

- 5 TITLE: **Minutes of Meeting October 1, 2014**  
REPORT: Draft minutes  
PROPOSED ACTION: Approval

**Action:** Motion by Holsinger, second by Tucker to approve the Minutes with the edit to page 8 that was provided to the Board and public the afternoon of October 15<sup>th</sup>. The motion passed.

Ayes: Bernardo, Holsinger, Parravano, Tucker  
Nays: Brennan

## Continued Business

- 6    TITLE:                    **Informational Item: Wholesale Fish Buying/Unloading Lease Fees Status Review**  
      REPORT:                Grenell, Memo  
      PROPOSED ACTION:    Information only

Grenell presented the report.

## New Business, Continued

- 8    TITLE:                    **Johnson Pier Electrical Repairs: Engineering**  
      REPORT:                Grindy, Memo  
      PROPOSED ACTION:    Authorize General Manager to amend existing contract with Moffatt & Nichol Engineers for engineering services in an amount not to exceed \$70,000 for electrical design, permitting, and bid and construction project support services and Adopt Resolution 29-14 to amend the FY2014/15 Integrated Operating and Capital Budget

**Action:** Motion by Tucker, second by Bernardo to adopt Resolution 29-14 to amend the FY2014-15 Integrated Operating and Capital Budget and authorize the General Manager to amend the existing contract with Moffatt & Nichol Engineers to include engineering services in an amount not to exceed \$70,000 for electrical design, permitting, and bid and construction project support services. The motion passed unanimously.

Ayes:            Bernardo, Brennan, Holsinger, Parravano, Tucker

- 9    TITLE:                    **Call for Nominations: Special District Selection Committee to Elect Special District Member on San Mateo LAFCo Pursuant to Section 56332**  
      REPORT:                Grenell, Attachment  
      PROPOSED ACTION:    To be determined

**Action:** Motion by Tucker, second by Brennan to nominate Joshua Cosgrove. The motion passed unanimously.

Ayes:            Bernardo, Brennan, Holsinger, Parravano, Tucker

**10** TITLE: **Designate Harbor Master Grindy as Harbor District Representative to the San Mateo County Sea Level Rise Vulnerability Assessment Working Group**  
REPORT: Grenell, Memo  
PROPOSED ACTION: Designate Harbor Master Scott Grindy as Harbor District representative to the Sea Level Rise Vulnerability Assessment Working Group

**Action:** Motion by Tucker, second by Bernardo to designate Harbor Master Scott Grindy as Harbor District representative to the Sea Level Rise Vulnerability Assessment Working Group. The motion passed unanimously.

Ayes: Bernardo, Brennan, Holsinger, Parravano, Tucker

**11** TITLE: **Designate General Manager Peter Grenell as Harbor District Representative to the San Mateo County Comprehensive Transportation Management Plan Technical Advisory Committee**  
REPORT: Grenell, Memo  
PROPOSED ACTION: Designate General Manager Peter Grenell as Harbor District representative to San Mateo County's Comprehensive Transportation Management Plan Technical Advisory Committee

**Action:** Motion by Tucker, second by Bernardo to designate General Manager Peter Grenell as Harbor District representative to the San Mateo County Comprehensive Transportation Management Plan Technical Advisory Committee. The motion passed.

Ayes: Bernardo, Holsinger, Parravano, Tucker

Nays: Brennan

**12** TITLE: **Extension of Certified Employment Lists: Deputy Harbor Master (A) and Harbor Worker (B)**  
REPORT: Harris, Memo, Certified Lists  
PROPOSED ACTION: Approve extension of the existing Certified Employment Lists for Deputy Harbor Master (A) and Harbor Worker (B) for one year through October 2015

**Action:** Motion by Tucker, second by Bernardo to extend the existing certified employment lists for Deputy Harbor Master (A) and Harbor Worker (B) for one year through October 2015. The motion passed unanimously.

Ayes: Bernardo, Brennan, Holsinger, Parravano, Tucker



13 TITLE: **Suspension of Hiring Freeze and Possible Hiring of One or More Employees (Deputy Harbormaster and/or Harbor Worker B and/or Accounting Specialist**

REPORT: Harris, Memo

PROPOSED ACTION:

- Suspend the hiring freeze in order to hire two (2) Harbor Worker (B) positions at Oyster Point Marina/Park and a Deputy Harbormaster at Pillar Point Harbor;
- Suspend the hiring freeze in order to hire one (1) Accounting Specialist that will work at Pillar Point Harbor and Administration

**Action:** Motion by Tucker, second by Holsinger to suspend the hiring freeze in order to hire two (2) Harbor Worker (B) positions, a Deputy Harbor Master and an Accounting Specialist position. The motion passed unanimously.

Ayes: Bernardo, Brennan, Holsinger, Parravano, Tucker

14 TITLE: **Bills and Claims in the Amount of \$180,394.18**

REPORT: Bills and Claims Detailed Summary

PROPOSED ACTION: Approval of Bills and Claims for payment and a transfer in the amount of \$180,394.18 to cover payment of Bills and Claims

**Action:** Motion by Holsinger, second by Tucker to approve the bills and claims. The motion passed.

Ayes: Bernardo, Holsinger, Parravano, Tucker

Nays: Brennan

## **Staff Reports: a) Administration and Finance**

15 **General Manager - Grenell**

Grenell presented his report.

16 **Director of Finance – Galarza**

Grenell presented Galarza's report.

17 **Human Resources Manager- Harris**

Harris presented her report.

## b) Operations

### 18 Oyster Point Marina/Park and Pillar Point Harbor – Grindy

Grindy presented his report.

## Board of Harbor Commissioners

### 19 A. Committee Reports

None.

### B. Commissioner Statements and Requests

1. The Board of Harbor Commissioners may make public statements limited to five (5) minutes.

Holsinger reminded everyone that Saturday October 18<sup>th</sup> was the 2<sup>nd</sup> annual Kite Festival at Oyster Point Marina/Park.

Holsinger stated that he attended the San Mateo County Harbor District Strategic Business Plan meeting the night prior in Princeton and stated about 20 people were in attendance. He stated that the consultant used the same system they used to notify the public of the first meeting which drew approximately 70-80 people. He stated that he stayed until the end of the meeting, which consisted of break-out sessions and was very appreciative of all the input by the public.

Tucker stated he will be at the Harbor District booth at the Half Moon Bay Pumpkin Festival on Saturday October 18<sup>th</sup>.

Tucker congratulated Grindy on the Acting General Manager position and stated that he has his complete support and has a lot of respect for Grindy.

Brennan stated she will be at the Harbor District booth at the Half Moon Bay pumpkin Festival on October 18<sup>th</sup>.

Brennan stated the Strategic Business Plan Workshop was held the night prior and stated there were problems with outreach and there was a small attendance. She stated it was unfortunate that PCTV was not asked to video tape the workshop.

Brennan stated she would like to see the billings for Liebert Cassidy Whitmore and for Hanson Bridgett for past 2 years.

2. Any Commissioner wishing to place an item on a future agenda may make a motion to place such an item on a future agenda

**Action:** Motion by Bernardo, second by Tucker to agendize an informational item on the next agenda to have Hanson Bridgett explain the way their billings are prepared and how they submit them to the District. The motion passed unanimously.

Ayes: Bernardo, Brennan, Holsinger, Parravano, Tucker

**Action:** Motion by Brennan to agendize an item at the next meeting to discuss putting aside a time and appropriate location for any Commissioner to review Liebert Cassidy Whitmore and Hanson Bridgett billings. The motion failed due to lack of a second.

**Action:** Motion by Brennan to agendize an item on the next Agenda to discuss hiring an executive search firm to assist with the hiring process of a new General Manager. The motion failed due to lack of a second.

**Action:** Motion by Parravano, second by Holsinger to agendize an item on the next agenda to have a policy written by the District Attorney to address confidential Attorney Client communications and remedies for any disclosures that are found to be made. The motion passed.

Ayes: Bernardo, Holsinger, Parravano, Tucker

Nays: Brennan

## Adjournment

**Action:** Motion by Holsinger, second by Tucker to adjourn the meeting. The motion passed unanimously at 9:01 p.m.

The next scheduled meeting will be held on November 5, 2014 at Sea Crest School, 901 Arnold Way, Half Moon Bay at 6:00 p.m.

---

Debbie Nixon  
Deputy Secretary

---

Pietro Parravano  
President



# Memorandum

TO: San Mateo County Harbor District Commissioners

FROM: Marietta Harris, Human Resource Manager

DATE: October 28, 2014

SUBJECT: **Approve Amendment of Policies for changes to Commissioner Benefits**

---

## STAFF RECOMMENDATION

- 1) Adopt the following Resolutions:
- 30-14 - Amend Policy 6.4.1 – Group Health and Medical Insurance
  - 31-14 – Amend Policy 6.4.2 – Group Dental Plan
  - 32-14 – Amend Policy 6.4.3 - Employee Optical Benefit Program
  - 33-14 – Amend Policy 6.4.4- Life Insurance
  - 34-14 – Amend Policy 6.4.5 - Group Health and Medical Insurance Pay-Out Program

## EXECUTIVE SUMMARY

On June 18, 2014, the Board of Harbor Commissioners approved changes to the benefits offered to Harbor Commissioners. The Board chose to discontinue benefits for newly elected Commissioners but maintain the current benefits for reelected Commissioners for as long as they remain in office with no breaks in service.

## Conclusion

The Board of Commissioners should approve the above resolutions, which revises policies associated with benefits for Harbor Commissioners.

# San Mateo County Harbor District

<b>Policies and Procedures</b>	<b>Number:</b> 6.4.1	<b>Date:</b> 04/05/2006 <u>Rev. 11/05/2014</u>	<b>Revision:</b> Resolution 39-97
<b>Title:</b> Group Health and Medical Insurance	<b>Prepared By:</b> P. Grenell E. Wilkerson <u>M. Harris</u>	<b>Approved By:</b> Resolution 09-06 <u>Resolution 30-14</u>	<b>Page:</b> Page 1 of 2
<b>Purpose:</b> To establish procedures for the administration of the District's personnel health and medical program and to establish guidelines for eligibility.			

## 1. STATEMENT OF POLICY

The San Mateo County Harbor District offers to all regular full-time employees ~~and Harbor Commissioners~~ and all eligible dependents group health and medical insurance. Coverage for regular full-time employees becomes effective the first day of the month following the date of employment ~~and coverage for Harbor Commissioners becomes effective the first day of the month following the official swearing in ceremony.~~ Medical coverage may be continued during an approved leave of absence at the employee's own expense.

The District reserves the right to seek out and obtain comparable coverage on an annual basis in order to effect cost savings to the District.

The San Mateo County Harbor District offers group health and medical insurance to Harbor Commissioners (and eligible dependents) who were in office as of June 18, 2014. Those commissioners may maintain or elect benefits as long as they remain in office by re-election or appointment, with no breaks in service.

Harbor Commissioners newly elected after November 4, 2014 are not eligible to receive health and medical insurance benefits.

## 2. DESCRIPTION OF PROCEDURES

During the in-processing of regular, full-time employees ~~and Harbor Commissioners~~, the Human Resource Manager shall provide the eligible employee ~~and/or Commissioner~~ with enrollment forms for the District's health and medical insurance carrier.

Enrollment forms should be completed in the ~~following various~~ instances, including but not limited to::

- 1.) New regular, full-time employees ~~or Harbor Commissioners~~ beginning service with the District.
- 2.) Adding an eligible dependent.
- 3.) Deleting a dependent.
- 4.) Change in marital status
- ~~5.) Dependent reaching maximum age for coverage.~~

Enrollment cards are available from the Administration office. It is the employee's responsibility to notify the Administration of any change in dependent status by completing updated enrollment cards.

A regular, full-time employee on an approved leave of absence may continue health and medical insurance coverage under the same basis by paying the full cost to the District in advance for each month or portion thereof of which he or she is absent, subject to limitations set by the insurance carrier.

Employees on Family Medical Leave Act (FMLA) shall be entitled to maintain group health and medical coverage on the same basis as if he/she had continued to work at the District. The District shall continue paying the employee's benefits during the FMLA leave.

Upon termination of employment with the District, the employee may elect to continue health and medical insurance coverage under the Consolidated Omnibus Budget Reconciliation Act (R.I. 99-272) (COBRA). The Administration or their designee provides eligible employees with information on COBRA.

# San Mateo County Harbor District

<b>Policy</b>	<b>Number:</b> 6.4.1	<b>Date of Approval:</b> 4/5/2006	<b>Adopted By:</b> Resolution 39-97
<b>Title:</b> Group Health and Medical Insurance	<b>Prepared By:</b> P. Grenell E. Wilkerson	<b>Approved By:</b> Resolution 09-06	<b>Page:</b> Page 1 of 1
<b>Purpose:</b> To establish procedures for the administration of the District's personnel health and medical program and to establish guidelines for eligibility.			

## 1. STATEMENT OF POLICY

The San Mateo County Harbor District offers to all regular full-time employees and Harbor Commissioners and all eligible dependents group health and medical insurance. Coverage for regular full-time employees becomes effective the first day of the month following the date of employment and coverage for Harbor Commissioners becomes effective the first day of the month following the official swearing in ceremony. Medical coverage may be continued during an approved leave of absence at the employee's own expense.

The District reserves the right to seek out and obtain comparable coverage on an annual basis in order to effect cost savings to the District.

## 2. DESCRIPTION OF PROCEDURES

During the in-processing of regular, full-time employees and Harbor Commissioners, the Human Resource Manager shall provide the eligible employee and/or Commissioner with enrollment forms for the District's health and medical insurance carrier.

Enrollment forms should be completed in the following instances:

- 1) New regular, full-time employees or Harbor Commissioners beginning service with the District.
- 2) Adding an eligible dependent.
- 3) Deleting a dependent.
- 4) Change in marital status.
- 5) Dependent reaching maximum age for coverage.

Enrollment cards are available from the Administration office. It is the employee's responsibility to notify the Administration of any change in dependent status by completing updated enrollment cards.

A regular, full-time employee on an approved leave of absence may continue health and medical insurance coverage under the same basis by paying the full cost to the District in advance for each month or portion thereof of which he or she is absent, subject to limitations set by the insurance carrier.

Employees on Family Federal Leave Absence (FMLA) shall be entitled to maintain group health and medical coverage on the same basis as if he/she had continued to work at the District. The District shall continue paying the employee's benefits during the FMLA leave.

Upon termination of employment with the District, the employee may elect to continue health and medical insurance coverage under the Consolidated Omnibus Budget Reconciliation Act (R.L. 99-272) (COBRA). The Administration or their designee provides eligible employees with information on COBRA.

# Resolution 30-14

## To Supersede Resolution 09-06 and to Amend District Policy 6.4.1 – Group Health and Medical Insurance

Whereas, The Board of Harbor Commissioners approved Policy 6.4.1 Group Health and Medical Insurance dated April 5, 2006 by Resolution 09-06; and

Whereas, The Board of Harbor Commissioners has determined that Policy 6.4.1 Group Health and Medical Insurance needs to be amended to change eligibility of Harbor Commissioners to Harbor Commissioners (and eligible dependents) who were in office as of June 18, 2014, those commissioners may maintain or elect benefits as long as they remain in office, by re-election or appointment, with no breaks in service.

Therefore, be it resolved that the Board of Harbor Commissioners does hereby approve Policy 6.4.1 Group Health and Medical Insurance as amended in the attachment to this Resolution and incorporated by reference herein; and

Further, be it resolved that the Board of Harbor Commissioners does hereby adopt this Resolution 30-14 which shall supersede Resolution 09-06.

Approved this 5th Day of November 2014 at the regular meeting of the Board of Harbor Commissioners by a recorded vote as follows:

For:

Against:

Abstaining:

Absent:

Attested

**BOARD OF HARBOR COMMISSIONERS**

---

Debbie Nixon  
Deputy Secretary

---

Pietro Parravano  
President



# San Mateo County Harbor District

<b>Policies and Procedures</b>	<b>Number:</b> 6.4.2	<b>Date:</b> 4/5/2006 <span style="color: red;">11/05/2014</span>	<b>Adopted by:</b> Resolution 10-06 <span style="color: red;">Resolution 31-14</span>
<b>Title:</b> Group Dental Plan	<b>Prepared By:</b> E. Wilkerson <span style="color: red;">M. Harris</span>	<b>Approved By:</b>	<b>Page:</b> Page 1 of 1
<b>Purpose:</b> To establish procedures for the administration and eligibility of the group dental plan.			

## 1. STATEMENT OF POLICY

The San Mateo County Harbor District offers to all its regular full-time employees, ~~Harbor Commissioners~~ and their eligible dependents group dental coverage. Coverage is currently available through Operating Engineers Public Employees Health & Welfare Trust Fund and Teamsters Local Union No. 856.

The San Mateo County Harbor District offers group dental insurance to Harbor Commissioners (and eligible dependents) who were in office as of June 18, 2014. Those commissioners may maintain or elect benefits as long as they remain in office, by re-election or appointment, with no breaks in service.

Harbor Commissioners newly elected after November 4, 2014 are not eligible to receive group dental insurance.

Specific benefits of the plans are described in insurance brochures provided to each new employee by the Human Resource Manager.

The District reserves the right to seek out and obtain comparable coverage on an annual basis in order to effect cost savings to the District.

# San Mateo County Harbor District

<b>Policy</b>	<b>Number:</b> 6.4.2	<b>Date of Approval:</b> 4/5/2006	<b>Adopted By:</b> Resolution 10-06
<b>Title:</b> Group Dental Plan	<b>Prepared By:</b> E. Wilkerson	<b>Approved By:</b> Resolution 10-06	<b>Page:</b> Page 1 of 1
<b>Purpose:</b> To establish procedures for the administration and eligibility of the group dental plan.			

## 1. STATEMENT OF POLICY

The San Mateo County Harbor District offers to all its regular full-time employees, Harbor Commissioners and their eligible dependents group dental coverage. Coverage is currently available through Operating Engineers Public Employees Health & Welfare Trust Fund and Teamsters Local Union No. 856.

Specific benefits of the plans are described in insurance brochures provided to each new employee by the Human Resource Manager.

The District reserves the right to seek out and obtain comparable coverage on an annual basis in order to effect cost savings to the District.

# Resolution 31-14

## To Supersede Resolution 10-06 and to Amend District Policy 6.4.2 – Group Dental Plan

Whereas, The Board of Harbor Commissioners approved Policy 6.4.2 Group Dental Plan dated April 5, 2006 by Resolution 10-06; and

Whereas, The Board of Harbor Commissioners has determined that Policy 6.4.2 Group Dental Plan needs to be amended to change eligibility of Harbor Commissioners to Harbor Commissioners (and eligible dependents) who were in office as of June 18, 2014, those commissioners may maintain or elect benefits as long as they remain in office, by re-election or appointment, with no breaks in service.

Therefore, be it resolved that the Board of Harbor Commissioners does hereby approve Policy 6.4.2 Group Dental Plan as amended in the attachment to this Resolution and incorporated by reference herein; and

Further, be it resolved that the Board of Harbor Commissioners does hereby adopt this Resolution 31-14 which shall supersede Resolution 10-06.

Approved this 5th Day of November 2014 at the regular meeting of the Board of Harbor Commissioners by a recorded vote as follows:

For:

Against:

Abstaining:

Absent:

Attested

**BOARD OF HARBOR COMMISSIONERS**

---

Debbie Nixon  
Deputy Secretary

---

Pietro Parravano  
President

# San Mateo County Harbor District

<b>Policies and Procedures</b>	<b>Number:</b> 6.4.3	<b>Date:</b> 4/5/2006 <u>11/05/2014</u>	<b>Adopted by:</b> <b>Resolution 11-06</b> <b><u>Resolution 32-14</u></b>
<b>Title:</b> Employee Optical Benefit Program	<b>Prepared By:</b> E. Wilkerson <b><u>M. Harris</u></b>	<b>Approved By:</b> <b><u>Board of Harbor Commissioners</u></b>	<b>Page:</b> Page 1 of 1
<b>Purpose:</b> To establish guidelines pertaining to the eligibility, application and administration of employee vision care.			

## 1. STATEMENT OF POLICY

The San Mateo County Harbor District offers to all its regular full-time employees, ~~Harbor Commissioners~~ and their eligible dependents group optical coverage. Current coverage is available through Operating Engineers Public Employees Health & Welfare Trust Fund and Teamsters Local Union No. 856.

The San Mateo County Harbor District offers group dental insurance to Harbor Commissioners (and eligible dependents) who were in office as of June 18, 2014. Those commissioners may maintain or elect benefits as long as they remain in office, by re-election or appointment, with no breaks in service.

Harbor Commissioners newly elected after November 4, 2014 are not eligible to receive group dental insurance.

Specific benefits of the plans are described in insurance brochures provided to each new employee by the Human Resource Manager.

Optical benefits for represented employees shall be administered in accordance with current labor agreements.

The District reserves the right to seek out and obtain comparable coverage on an annual basis in order to effect cost savings to the District.

# San Mateo County Harbor District

<b>Policy</b>	<b>Number:</b> 6.4.3	<b>Date of Approval:</b> 4/5/2006	<b>Adopted By:</b> Resolution 11-06
<b>Title:</b> Employee Optical Benefit Program	<b>Prepared By:</b> E. Wilkerson	<b>Approved By:</b> Resolution 11-06	<b>Page:</b> Page 1 of 1
<b>Purpose:</b> To establish guidelines pertaining to the eligibility, application and administration of employee vision care.			

## 1. STATEMENT OF POLICY

The San Mateo County Harbor District offers to all its regular full-time employees, Harbor Commissioners and their eligible dependents group optical coverage. Current coverage is available through Operating Engineers Public Employees Health & Welfare Trust Fund and Teamsters Local Union No. 856.

Specific benefits of the plans are described in insurance brochures provided to each new employee by the Human Resource Manager.

Optical benefits for represented employees shall be administered in accordance with current labor agreements.

The District reserves the right to seek out and obtain comparable coverage on an annual basis in order to effect cost savings to the District.

# Resolution 32-14

## To Supersede Resolution 11-06 and to Amend District Policy 6.4.3 – Employee Optical Benefit Program

Whereas, The Board of Harbor Commissioners approved Policy 6.4.3 Employee Optical Benefit Program dated April 5, 2006 by Resolution 11-06; and

Whereas, The Board of Harbor Commissioners has determined that Policy 6.4.3 Employee Optical Benefit Program needs to be amended to change eligibility of Harbor Commissioners to Harbor Commissioners (and eligible dependents) who were in office as of June 18, 2014, those commissioners may maintain or elect benefits as long as they remain in office, by re-election or appointment, with no breaks in service.

Therefore, be it resolved that the Board of Harbor Commissioners does hereby approve Policy 6.4.3 Employee Optical Benefit Program as amended in the attachment to this Resolution and incorporated by reference herein; and

Further, be it resolved that the Board of Harbor Commissioners does hereby adopt this Resolution 32-14 which shall supersede Resolution 11-06.

Approved this 5th Day of November 2014 at the regular meeting of the Board of Harbor Commissioners by a recorded vote as follows:

For:

Against:

Abstaining:

Absent:

Attested

**BOARD OF HARBOR COMMISSIONERS**

---

Debbie Nixon  
Deputy Secretary

---

Pietro Parravano  
President

# San Mateo County Harbor District

<b>Policies and Procedures</b>	<b>Number:</b> 6.4.4	<b>Date of Approval:</b> 4/5/2006	<b>Revision:</b> Resolution 12-06 <u>Resolution 33-14</u>
<b>Title:</b> Life Insurance	<b>Prepared By:</b> E. Wilkerson <u>M. Harris</u>	<b>Approved By:</b> Board of Harbor Commissioners	<b>Page:</b> Page 1 of 1
<b>Purpose:</b> To define policy for District personnel relative to Life Insurance			

## 1. STATEMENT OF POLICY

The District recognizes and appreciates its employees and to that end, pays premium life insurance and accidental death and dismemberment (AD&D) for those employees who are classified as full-time ~~and for Harbor Commissioners~~. Paying for life insurance coverage and AD&D coverage to District employees and ~~Commissioners~~, the District recognizes the importance of financial security to employee's family and loved ones in case of accidental death or dismemberment.

The District reserves the right to seek out and obtain comparable coverage on an annual basis in order to effect costs savings to the District.

## 2. LIFE INSURANCE

Coverage for life insurance is effective the first day of the month following the first day of employment. Changes in coverages amount will become effective the first day of the month following the date of the change. Coverage will terminate upon the employee or Commissioner leaving District employment, the employee moves to a part-time status, or the policy is discontinued completed by the District.

Specific benefits and terms of the policy are provided each new employee by the Human Resource Manager. It is the employee's individual responsibility to keep information on file related to this policy up-to-date as to name, address and beneficiary(s).

## 3. ACCIDENTAL DEATH AND DISMEMBERMENT

Accidental death and dismemberment (AD&D) is also provided to full-time employees ~~and Harbor Commissioners~~.

Coverage for accidental death and dismemberment is effective the first day of the month following the first day of employment. Changes in coverage amounts will become effective the first day of the month following the date of change. Coverage will terminate upon the employee or Commissioner leaving District employment, the employee moves to a part-time status, or the policy is discontinued completely by the District.

Specific benefits and terms of the policy are provided to each new employee by the Human Resource Manager. It is the employee's individual responsibility to keep information on file related to this policy up-to-date as to name, address, and beneficiary (s).

Only those Harbor Commissioners in office as of June 18, 2014, and who remain in office, by re-election or appointment, with no breaks in service, are eligible to receive the District's Life Insurance or Accidental Death and Dismemberment.

# San Mateo County Harbor District

<b>Policy</b>	<b>Number:</b> 6.4.4	<b>Date of Approval:</b>	<b>Adopted By:</b> Resolution 12-06
<b>Title:</b> Life Insurance	<b>Prepared By:</b> E. Wilkerson	<b>Approved By:</b> Resolution 12-06	<b>Page:</b> Page 1 of 1
<b>Purpose:</b> To define policy for District personnel relative to life insurance.			

## 1. STATEMENTS OF POLICY

The District recognizes and appreciates its employees and to that end, pays premiums for life insurance and accidental death and dismemberment (AD&D) for those employees who are classified as full-time and for Harbor Commissioners. Paying for life insurance coverage and AD&D coverage to District employees and Commissioners, the District recognizes the importance of financial security to employee's family and loved ones in case of accidental death or dismemberment.

The District reserves the right to seek out and obtain comparable coverage on an annual basis in order to effect cost savings to the District.

## 2. LIFE INSURANCE

Coverage for life insurance is effective the first day of the month following the first day of employment. Changes in coverage amounts will become effective the first day of the month following the date of change. Coverage will terminate upon the employee or Commissioner leaving District employment, the employee moves to a part-time status, or the policy is discontinued completely by the District.

Specific benefits and terms of the policy are provided each new employee by the Human Resource Manager. It is the employee's individual responsibility to keep information on file related to this policy up-to-date as to name, address, and beneficiary(s).

## 3. ACCIDENTAL DEATH AND DISMEMBERMENT

Accidental death and dismemberment (AD&D) is also provided to full-time employees and Harbor Commissioners.

Coverage for accidental death and dismemberment is effective the first day of the month following the first day of employment. Changes in coverage amounts will become effective the first day of the month following the date of change. Coverage will terminate upon the employee or Commissioner leaving District employment, the employee moves to a part-time status, or the policy is discontinued completely by the District.

Specific benefits and terms of the policy are provided each new employee by Human Resource Manager. It is the employee's individual responsibility to keep information on file related to this policy up-to-date as to name, address, and beneficiary(s).



# Resolution 33-14

## To Supersede Resolution 12-06 and to Amend District Policy 6.4.4 – Life Insurance

Whereas, The Board of Harbor Commissioners approved Policy 6.4.3 Employee Optical Benefit Program dated April 5, 2006 by Resolution 12-06; and

Whereas, The Board of Harbor Commissioners has determined that Policy 6.4.4 Life Insurance needs to be amended to change eligibility of Harbor Commissioners to Harbor Commissioners (and eligible dependents) who were in office as of June 18, 2014, those commissioners may maintain or elect benefits as long as they remain in office, by re-election or appointment, with no breaks in service; and

Therefore, be it resolved that the Board of Harbor Commissioners does hereby approve Policy 6.4.4 Life Insurance amended in the attachment to this Resolution and incorporated by reference herein;

Further, be it resolved that the Board of Harbor Commissioners does hereby adopt this Resolution 33-14 which shall supersede Resolution 12-06.

Approved this 5th Day of November 2014 at the regular meeting of the Board of Harbor Commissioners by a recorded vote as follows:

For:

Against:

Abstaining:

Absent:

Attested

**BOARD OF HARBOR COMMISSIONERS**

---

Debbie Nixon  
Deputy Secretary

---

Pietro Parravano  
President

## San Mateo County Harbor District

<b>Policies and Procedures</b>	<b>Number:</b> 6.4.5	<b>Date:</b> 4/19/2006 9/21/11 <u>11/05/2014</u>	<b>Adopted by:</b> Resolution 39-97 Resolution 25-06 Resolution 19-11 <u>Resolution 34-14</u>
<b>Title:</b> Group Health and Medical Insurance Pay Out Program	<b>Prepared By:</b> E. Wilkerson M. Harris	<b>Approved By:</b> Board of Harbor Commissioners	<b>Page:</b> Page 1 of 2
<b>Purpose:</b> To establish procedures for the administration of the District's personnel health and medical insurance pay out program and to establish guidelines for eligibility			

### 1. STATEMENT OF POLICY

The San Mateo County Harbor District offers to all regular full-time employees and eligible Harbor Commissioners and all eligible dependents group health and medical insurance, inclusive of medical, dental and vision. For those employees and Commissioners who provide evidence of alternative health and medical insurance, the District offers a Health and Medical Insurance Pay Out Program.

The District's Pay Out Program is available for health and medical insurance, dental insurance, and vision insurance. If the District is contracting with a carrier for a package of insurance, the payout is based on the package and the employee or Commissioner must show alternative evidence of coverage for all insurances in the package. If the District is contracting with individual carriers the payout may be on one or all of the eligible insurance (e.g. health and medical, dental and vision.)

The District reserves the right to seek out and obtain comparable coverage on an annual basis in order to effect cost savings to the District.

Only those Harbor Commissioners in office as of June 18, 2014, and who remain in office, by re-election or appointment, with no breaks in service, are eligible to participate in the District's Pay Out Program.

### 2. Payout

#### A. Employees

Any regular, full-time employee who provides evidence of alternative health and medical insurance may opt to withdraw from the District's health and medical insurance program. If the District will affect savings as a result of not having to pay premiums for these employees who withdraw from the program, fifty percent (50%) of such savings shall be returned to the individual in the form of a bonus payable concurrent with the regular payroll. For employees who are eligible for the single plan but opt out, they shall receive fifty percent (50%) of District savings from the premiums for the single rate. Likewise for employees eligible for the family plan but opt out, they shall receive fifty percent (50%) of District savings from the premiums for the family rate.

#### B. Commissioners

Any eligible Harbor Commissioner in-office as of June 18, 2014, who provides evidence of alternative health and medical insurance may opt to withdraw from the District's health and medical insurance program. Upon receipt of evidence of the Commissioner's payment of his or her own health and medical insurance premiums, deductible

Formatted: DocID

<b>Policies and Procedures</b>	<b>Number:</b>	<b>Approved Date:</b>	<b>Effective Date:</b>
<b>Title:</b>	<b>Prepared By:</b>	<b>Approved By:</b>	<b>Page:</b> Page 2 of 2

and/or co-payments, the District shall reimburse the Commissioner the amount the Commissioner paid for said insurance premiums, deductibles and /or payments for him/herself and his/her dependents up to the amount the District currently pays for the same level or coverage (e.g. single or family) under the District's health and medical insurance program. ~~As; or as~~ an alternative if the Commissioner prefers and is eligible for family plan coverage, the Commissioner shall receive fifty percent (50%) of the District's current costs or \$400, whichever is less. Under no circumstances shall the total reimbursement or payment exceed the District payment for the same level of coverage under the District health and medical insurance program.

Notwithstanding any provision above, any Harbor Commissioner newly elected or appointed ~~ment~~ after June 18, 2014 is not eligible to participate in the Harbor District Pay Out Program.

# San Mateo County Harbor District

<b>Policy</b>	<b>Number:</b> 6.4.5	<b>Date of Approval:</b> 4/19/2006	<b>Adopted By:</b> Resolution 39-97
<b>Title:</b> Group Health and Medical Insurance Pay Out Program	<b>Prepared By:</b> E. Wilkerson	<b>Approved By:</b> Resolution 25-06	<b>Page:</b> Page 1 of 1
<b>Purpose:</b> To establish procedures for the administration of the District's personnel health and medical insurance pay out program and to establish guidelines for eligibility.			

## 1. STATEMENT OF POLICY

The San Mateo County Harbor District offers to all regular full-time employees and Harbor Commissioners and all eligible dependents group health and medical insurance, inclusive of medical, dental and vision. For those employees and Commissioners who provide evidence of alternative health and medical insurance, the District offers a Health and Medical Insurance Pay Out Program.

The District's Pay Out Program is available for health and medical insurance, dental insurance, and vision insurance. If the District is contracting with a carrier for a package of insurances, the pay out is based on the package and the employee or Commissioner must show alternative evidence of coverage for all insurances in the package. If the District is contracting with individual carriers the pay out may be on one or all of the eligible insurances (e.g. health and medical, dental, vision).

The District reserves the right to seek out and obtain comparable coverage on an annual basis in order to effect cost savings to the District.

## 2. Payout

### A. Employees

Any regular, full-time employee who provides evidence of alternative health and medical insurance may opt to withdraw from the District's health and medical insurance program. If the District will affect savings as a result of not having to pay premiums for these employees who withdraw from the program, fifty percent (50%) of such savings shall be returned to the individual in the form of a bonus payable concurrent with regular payroll. For employees who are eligible for the single plan coverage but opt out, they shall receive fifty percent (50%) of District savings from the premiums for the single rate. Likewise for employees eligible for the family plan but opt out, they shall receive fifty percent (50%) of District savings from the premiums for the family rate.

### B. Commissioners

Any Harbor Commissioner who provides evidence of alternative health and medical insurance may opt to withdraw from the District's health and medical insurance program. Upon receipt of evidence of the Commissioner's payment of his or her own health and medical insurance premiums the District shall reimburse the Commissioner the amount the commissioner paid for the insurance for him/herself and his/her dependents up to the amount of the amount the District currently pays for the same level of coverage (e.g. single or family) under the District's health and medical insurance program.

# Resolution 34-14

## To Supersede Resolution 19-11 and to Amend District Policy 6.4.5 – Group Health and Medical Insurance Pay Out Program

Whereas, The Board of Harbor Commissioners approved Policy 6.4.5 Group Health and Medical Insurance Pay Out Program dated September 21, 2011 by Resolution 19-11; and

Whereas, The Board of Harbor Commissioners has determined that Policy 6.4.5 Group Health and Medical Insurance Pay Out Program needs to be amended to change eligibility of Harbor Commissioners to Harbor Commissioners (and eligible dependents) who were in office as of June 18, 2014, those commissioners may maintain or elect benefits as long as they remain in office, by re-election or appointment, with no breaks in service; and

Therefore, be it resolved that the Board of Harbor Commissioners does hereby approve Policy 6.4.5 Group Health and Medical Insurance Pay Out Program as amended in the attachment to this Resolution and incorporated by reference herein; and

Further, be it resolved that the Board of Harbor Commissioners does hereby adopt this Resolution 34-14 which shall supersede Resolution 19-11.

Approved this 5th Day of November 2014 at the regular meeting of the Board of Harbor Commissioners by a recorded vote as follows:

For:

Against:

Abstaining:

Absent:

Attested

**BOARD OF HARBOR COMMISSIONERS**

---

Debbie Nixon  
Deputy Secretary

---

Pietro Parravano  
President

# Memorandum

**TO:** San Mateo County Harbor District Board of Commissioners

**FROM:** Steven D. Miller

**DATE:** November 5, 2014

**RE:** **Informational Report on Hanson Bridgett Procedures Regarding Billing for Legal Services.**

---

At its October 15, 2014 meeting, the Board of Commissioners requested I provide an informational report describing how Hanson Bridgett prepares its invoices for the general counsel services it provides the District. Following is our process, which we believe represents best practices both in the legal profession generally and with regard to public agencies in particular.

1. Work is performed and tracked. As work is assigned and performed, attorneys working for the Harbor District keep track of their time spent on District tasks. Each attorney keeps track of the following information: the date, the time spent (measured in tenths of an hour), the particular matter on which time is spent as indicated by a numerical coding method established for the District, and the particular task performed. For instance, were I to bill the District 1/2 hour for the time spent outlining this memo, my time sheet might indicate:

<u>Date</u>	<u>Matter Number</u>	<u>Time</u>	<u>Narrative</u>
October 24, 2014	32675.1	.5	Preliminary outline of Memorandum to Board re billing practices.

In accordance with District staff's direction, we have organized matters into various categories. In the above sample entry, the number 32675 is Hanson Bridgett's internal client number assigned to the District. The .1 designation after the client number means that the matter falls within the general category of "Administration." (other general categories include "Real Estate," "Labor and Employment," "Contracts," "Commission Meetings," and "Finance") The purpose of the narrative portion of the time entry is to give the District an understanding of the work performed, and the value of the work to the District.

2. Pre-Bills. In the first week of each month, our firm's accounting department compiles all the individual time entries prepared in the previous month as described above into a single document, called a pre-bill. A pre-bill is an internal document purely for Hanson Bridgett purposes and is not a District record of any kind. We do not ordinarily share our pre-bills with our clients. As the attorney responsible for the relationship with the District, the accounting department sends me the pre-bill for review. I review every single time entry for all work performed for the District. I make sure that the narrative entry accurately describes the work performed on the District's behalf. I make (downward) adjustments if I think that a particular piece of work took more time than required. I write time off completely—deleting entry(ies) from the pre-bill—if in my judgment the District did not receive value for the work performed, or if in my judgment circumstances call for the District not to pay for a particular piece of work. For example, while I kept track of all the time I spent preparing this memorandum, I intend on writing

off all such time when I am provided with the pre-bill for the month of October. I do not anticipate any billing for this memorandum to appear on the invoice submitted to the District.

3. Invoices. After I have reviewed and approved the pre-bill, the accounting department prepares an invoice in a form sent to the District for its review and (we hope) approval. The invoice includes all the information described above that is in the pre-bill, and also includes sum totals by category. At the request of District Staff, beginning in September we began to subcategorize our billing entries into three sub-categories—Oyster Point Marina, Pillar Point Marina, and General. Our invoices beginning in September list our entries according to these sub-categories. We endeavor to submit all invoices by the fifteenth of each month for our work in the prior month.

California courts have held that attorney billing entries are attorney-client privileged communications because they may describe an attorney's impressions, conclusions, opinions, legal research, or strategy. As such, the narrative entries in attorney invoices are ordinarily exempt from disclosure under the California Public Records Act. Of course, what a public agency spends is public information, and so lawyers assisting a public agency in a response to a Public Records Act request for attorney invoices usually recommend that a client provide a redacted invoice that shows the amount of money charged and the amount of time spent, but that deletes any description of the work performed. Like any other attorney-client privileged communication, the District's Board is free to waive the privilege and disclose our invoices to anyone at any time.

I hope this brief overview of our billing process is responsive to the Board's request and provides useful information.

## Memorandum

**TO:** San Mateo County Harbor District Board of Commissioners  
**FROM:** Steven D. Miller  
**DATE:** November 5, 2014  
**RE:** **Policy on Confidential Communications**

---

You have asked your General Counsel to prepare for discussion, and possible enactment, a Policy regarding confidential communications, including those subject to the attorney client privilege.

A. The Brown Act.

With regard to confidential communications acquired during a closed session authorized by the Brown Act, the Brown Act describes rules relating to unauthorized disclosure. Government Code Section 54963 states that "[a] person may not disclose confidential information that has been acquired by being present in a closed session authorized by [the Brown Act] to a person not entitled to receive it, unless the legislative body authorizes disclosure of that confidential information." Section 54963 describes a non-exclusive list of remedies for enforcing the rule of confidentiality, including seeking injunctive relief, taking disciplinary action against an employee, and referral of a member of a legislative body who has willfully disclosed confidential information to the grand jury.

Section 54963 also states that an agency may not take any action against a person for the following:

- Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the illegality of an action taken by a legislative body of a local agency or the potential illegality of an action that has been the subject of deliberation at a closed session if that action were to be taken by a legislative body of a local agency.
- Expressing an opinion concerning the propriety or legality of actions taken by a legislative body of a local agency in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action.
- Disclosing information acquired by being present in a closed session under this chapter that is not confidential information.

As the above indicates, the Brown Act already describes remedies the District could take in the event of unauthorized disclosure of communications acquired during a closed session authorized by the Brown Act.



B. The Attorney Client Privilege.

A closed session authorized under Government Code Section 54956.9 to confer with legal counsel concerning anticipated litigation constitutes attorney-client privileged communications, and so is addressed, at least in part, by the Brown Act as discussed above. But attorney-client confidential communications can take place outside of closed sessions, for instance by way of legal opinions, and all other confidential and privileged communications, both oral and written, that the District's attorneys exchange with members of the Board of Commissioners and District staff. The Brown Act's requirements concerning confidentiality of closed sessions do not address these attorney-client privileged communications.

With respect to the attorney client privilege, the San Mateo County Harbor District (District) is the client and the holder of the privilege. Only the District's Board of Commissioners, acting as a body, may choose to waive the District's privilege with respect to attorney-client privileged communications. Individual Commissioners, and District officers and employees, including the General Manager, may not waive the District's attorney-client privilege. This means that confidential attorney-client privileged communications may not be disclosed unilaterally by an individual Commissioner to any person who does not fall within the District's attorney-client privilege without having approval of the disclosure by a majority of the Members of the Board of Commissioners.

There are a number of reasons why the confidentiality of attorney-client privileged communications is so important. It allows, and even encourages, Commissioners and other District employees to seek legal assistance and communicate fully and frankly with the District's attorney, even about matters that might be embarrassing or might present legal risk for the District. Additionally, it allows the District's attorney to represent the District effectively and provide the District sound legal advice.

Unauthorized disclosures of attorney-client privileged communications may harm the District in a number of ways. First, unauthorized disclosure may erode trust and/or willingness of all parties to communicate frankly with the District's attorney. Second, unauthorized disclosure may increase risk of exposure of the District to litigation, and may increase risk of damages, and the amount of damages, against the District.<sup>1</sup>

C. Overview of the Policy:

We have conducted research into the policies of other cities and special districts, and have examined case law on the issue. The disciplinary action contemplated by the policies we have reviewed, and that courts have considered, is censure. Censure usually involves a resolution of the legislative body reprimanding one of its own members for specified conduct. Courts have

---

<sup>1</sup> It is also possible that the District's insurer could take the position that a Commissioner or employee who discloses information protected by the attorney-client privilege is not entitled to a defense because the disclosure was not authorized by the full Board and therefore was outside the scope of the duties of the Commissioner or employee.

considered the potential of a censure action to adversely affect public reputation, and have therefore concluded that censure triggers the rights of the accused to due process in which the accused must be fully informed of the allegations against him or her, and must have a full and fair opportunity to refute the allegations and evidence against him or her. In sum the District should not censure an elected official without providing due process.

Should the Commissioners determine to adopt a policy, our recommendation is that it should address at a minimum the following issues, based on both legal and practical concerns.

- Unless authorized by an affirmative vote of a majority of the Commissioners, no Commissioner in receipt of any attorney-client privileged communication (and possibly other confidential communication) may disclose or cause to be disclosed all or part of any privileged communication (and possibly other confidential communications) to any unauthorized person.
- Any Commissioner who discloses or causes to be disclosed any attorney-client privileged communication, (or other confidential communication) to any unauthorized person may be subject to public censure by the Board of Commissioners. Any censure proceeding must be conducted in public at a duly noticed meeting of the Board of Commissioners. No public censure will occur unless the accused Commissioner has been provided with notice of the accusation and the facts underlying such accusation and an opportunity to be heard at the censure proceeding. Censure will be by way of a Resolution adopted by a majority of the Board.

The attached Policy raises some issues that the Board may want to consider, and provide further direction on prior to taking any action on the Policy. Following are issues that require some decisions before finalizing any Policy:

1. Given that the Brown Act already describes a non-exclusive list of remedies and enforcement options, do the Commissioners want to adopt a policy that is limited to attorney-client privileged communications, or do they want to adopt a policy that more broadly addresses all confidential information, even if not subject to the attorney client privilege, that is discussed in a closed session. The attached draft policy provides an alternative that applies to all confidential communications, whether attorney-client privileged or not.
2. Do the Commissioners want to adopt a policy that applies to Commissioners only, or to District staff as well. In this regard, District Policy 6.2.1 already includes within the definition of "misconduct" subject to discipline of employees, "divulging or misusing confidential information." The District' MOU's with represented employees also describes applicable disciplinary procedures. The attached draft policy applies only to Commissioners but could be expanded to apply to District employees if the Commission chooses.
3. Do the Commissioners want to adopt a policy that includes specifics as to the conduct of censure proceedings? There is no legal requirement that a policy include such specifics. The attached policy, though general in nature, is legally sufficient, so long as sufficient due process is in fact provided in a particular circumstance . The Commission may find it helpful to have more detailed procedures contained in a Policy. Our research has revealed no agency that

includes all of the following. But some agencies include some of the following types of procedural detail in their censure policies and so we provide the following for the Commission's discussion and consideration.

- a. How is an allegation of violation of the policy submitted and to whom---should there be a formal process for alleging a violation?
- b. Are there requirements for the specificity of an allegation, and any supporting evidence, before it is considered sufficient to warrant any investigation?
- c. Are there specified procedures for the investigation of an allegation of a violation? For example, an ad hoc committee could be created, or the matter could be referred to an outside investigator?
- d. Are there timing requirements for notification of the accused Commissioner?
- e. Are there timing requirements for any written response by the accused Commissioner prior to any public hearing?
- f. Are there any specific rules regarding the conduct of a hearing on the censure of a Commissioner or is it treated like any other action item on an agenda?
- g. Is it specified that censure is accomplished by way of a Resolution?

The attached policy does not include any of the above detail. Depending on the particular facts and circumstances, a particular censure proceeding will need to provide due process. Details such as those above may not be necessary in all instances—it is difficult to draft a one-size-fits all policy of this type. Nevertheless, the Commissioners may want to answer some of the above questions in a policy,

Following is a draft policy in accordance with this memorandum. **Alternate or optional provisions are bracketed.**

## **DRAFT POLICY ON CONFIDENTIAL COMMUNICATIONS**

### A. General Statement of Policy

In order to keep the Board of Commissioners of the San Mateo County Harbor District (District) fully informed about pertinent legal issues that may impact the Commissioners' decision-making, the District's attorney from time to time issues confidential legal opinions or exchanges other attorney-client privileged communications.

The Board of Commissioners as a body is the holder of the attorney-client privilege for the District regarding all attorney-client privileged communications, including legal opinions and all other confidential and privileged communications, both oral and written, that the District's Attorney exchanges with the Members of the Board of Commissioners, the General Manager, or other District employees.

Only the Board of Commissioners acting as a body may choose to waive the District's privilege with respect to attorney-client privileged communications. Individual members of the Board of Commissioners, and individual employees, may not waive the District's attorney-client privilege. This means that attorney-client privileged communications may not be disclosed unilaterally by an individual Commissioner to any person who does not fall within the District's attorney-client privilege without having prior approval of the disclosure by a majority of the Members of the Board of Commissioners.

**POSSIBLE ADDITIONAL PARAGRAPH:** The rules of this policy regarding confidentiality of attorney client privileged communications also apply to all confidential information that has been acquired by being present in a closed session authorized by the Brown Act, even if not otherwise subject to the attorney-client privilege. This means that confidential information that has been acquired by being present in a closed session authorized by the Brown Act cannot be disclosed to a person not entitled to receive it, without having prior approval of the disclosure by a majority of the Members of the Board of Commissioners. ]

The obligation to preserve the attorney-client privilege exists to serve the purpose of encouraging Commissioners, the General Manager, and other District employees to seek legal assistance and to communicate fully and frankly with the District's Attorney.

Unauthorized disclosure of confidential information that is subject to the attorney-client privilege, [as well as unauthorized disclosure of information that is confidential under the Brown Act's protections] causes harm to the District. Harm to the District from such breaches of confidentiality ranges from diminution of District personnel's willingness to communicate fully and frankly with the District's attorney to unwarranted and increased litigation exposure and increased risk of damages awards against the District.

### B Prohibitions Against Disclosure

1. Unless authorized by an affirmative vote of a majority of the Members of the Board of Commissioners, no Commissioner in receipt of any Confidential Communication may disclose, or cause to be disclosed, all or part of any Confidential Communication to an Unauthorized Person.

2. Any Commissioner who discloses, or causes to be disclosed, any Confidential Communication to an Unauthorized Person may be subject to public censure by the Board of

Commissioners. Any censure proceeding will be conducted in public at a duly noticed meeting of the Board of Commissioners. No public censure will occur unless the accused Commissioner has been provided with notice of the accusation and the facts underlying such accusation and an opportunity to be heard at the censure proceeding.

C. Definitions

1 "Confidential Communication" means communications as defined by California Evidence Code Section 952. Confidential Communication does not include information that (i) is required by law to be reported out of closed session, (ii) is authorized by a majority of the Board of Commissioners to be disclosed, or (iii) is otherwise authorized to be disclosed under the law. Without limiting the generality of the foregoing, Confidential Communication includes:

a. Any oral or written communication from the District's attorney containing the attorney's legal opinions, advice, thoughts, impressions, or conclusions that are given on behalf of the District. A written communication from the District's attorney need not be formally designated "Confidential" or "Privileged" to be a Confidential Communication;

b. Any oral or written information to the District's Attorney in the course of the attorney-client relationship and in confidence. A written communication to the District's attorney need not be formally designated "Confidential" or "Privileged" to be a Confidential Communication; or

[c. Any communication or information provided orally or in writing in preparation for or during a duly authorized closed session of the Board of Commissioners.]

2. "Unauthorized Person" means:

[a. With respect to a Confidential Communication communicated during a closed session, any person, other than a Commissioner (subject to (c) below), not in attendance at the closed session; or]

b. Any person other than the person or persons to whom the oral or written Confidential Communication is directed or addressed; or

c. Any person who has a disqualifying conflict of interest in the subject matter of the information contained in the Confidential Communication.

d. Unauthorized Person does not include Commissioners, the General Manager, or other District employees who have a need to know the information contained in the Confidential Communication in order to discharge the duties of their positions for the benefit of the District.

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

**ITEM 5**



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, 2014:

<u>CASH</u>	<u>AMOUNT</u>	<u>AVERAGE FY RATE</u>
Petty Cash	\$ 2,300.00	-
US Bank - Operations	834,912.19	-
US Bank - Payroll	0.00	-
<b>Total Cash</b>	<b>837,212.19</b>	<b>-</b>
 <u>INVESTMENTS</u>		
Local Agency Investment Fund (LAIF)	6,889.08	0.24%
San Mateo County Investment Pool	10,483,197.27	0.76%
San Mateo County Investment Pool - Restricted	1,778,291.56	0.76%
<b>Total Investments</b>	<b>12,268,377.91</b>	
<b>Total Cash and Investments</b>	<b>\$ 13,105,590.10</b>	

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.

<u>Category</u>		
Restricted	Reserved for Debt Service - DBW Loan Collateral	\$ 1,701,349.00
Committed	Emergency Reserve	1,619,464.00
Committed	Reserve for District Office	1,526,217.72
Committed	Capital Improvements Reserves	586,500.00
Assigned	Payables Liability	141,877.14
Assigned	Unfunded Health Insurance Termination Benefit Liability	2,973,047.00
Assigned	Encumbrances for Capital Projects	685,222.25
Assigned	Customer Deposits Liability	214,227.66
Assigned	Customer's Prepayments Liability	255,314.72
Unassigned		3,402,370.61
<b>Total All Categories</b>		<b>\$ 13,105,590.10</b>

**Category Descriptions:**

**Restricted:**

Amounts that can be spent only for the specific purposes stipulated by constitution, external resource providers or enabling legislation.

**Committed:**

Amounts that can be used for the specific purposes determined by a formal action of the government's highest level of decision-making authority. Committed amounts can be changed by formal action of the decision making authority if necessary.

**Assigned:**

Amounts that are intended to be used by government for specific purposes but do not meet the criteria to be classified as restricted or committed.

**Unassigned:**

Residual classification and includes all spendable amounts not contained in other classifications.

**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.

\_\_\_\_\_  
Debra Galarza  
Director of Finance

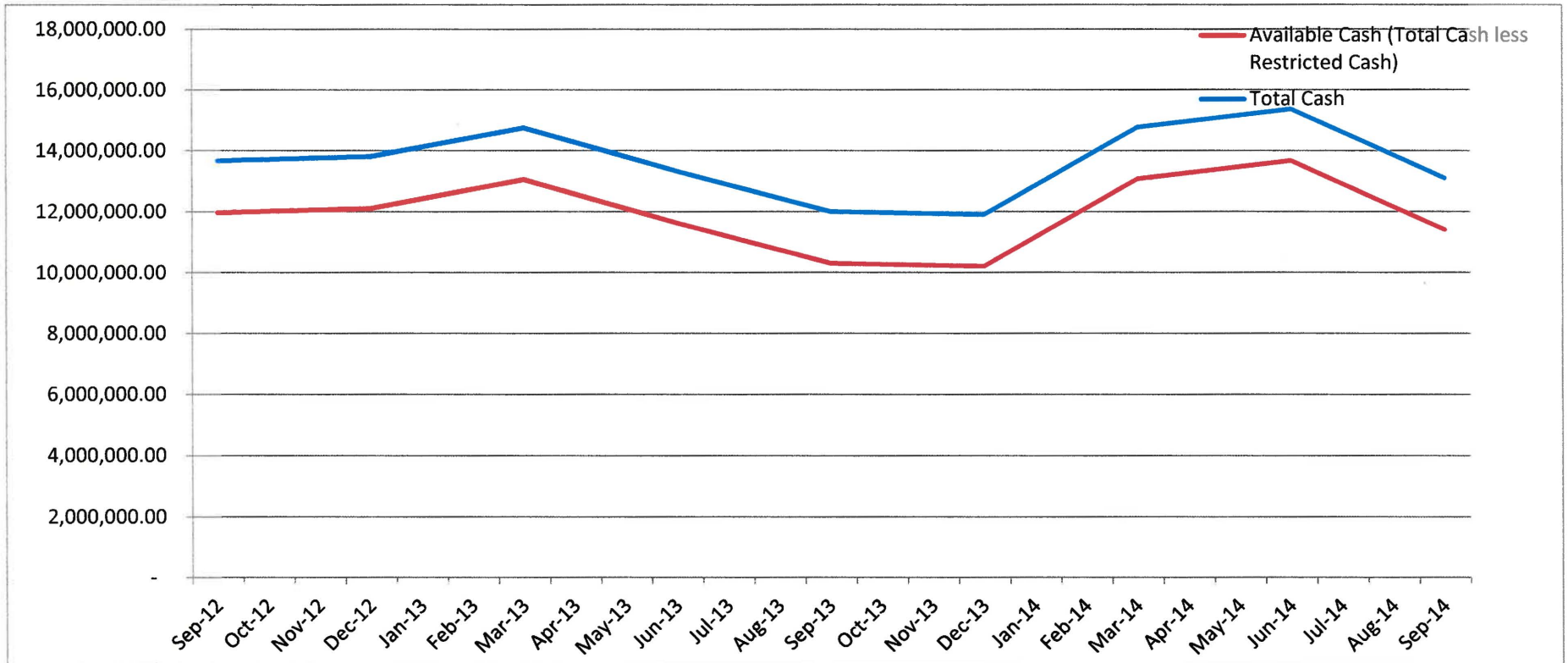
10/29/14

Date

**Reviewed By:**

\_\_\_\_\_  
William Holsinger  
Treasurer - San Mateo County Harbor District

Date



# ITEM 6

## Memorandum

TO: Harbor Commissioners

FROM: Debra Galarza & Belén Cruz *jc*

RE: Bills & Claims for Period Ending 11/5/14

Total Disbursements being submitted for your review: \$ 246,848.05

These include:

Handchecks in the amount of: \$ 72,995.45

Payables in the amount of: \$ 173,852.60

<u>Dept. Code</u>	<u>Description</u>		<u>Page Reference</u>
101	Harbor Commission	\$ 15,680.37	2
103	Administration	\$ 16,276.39	2
201	Pillar Point Harbor	\$ 79,516.08	2
301	Oyster Point Marina	\$ 22,509.57	2
	Payroll Related	\$ 112,865.64	2
	Total for Review	\$ 246,848.05	2

Notes:

Handchecks Written for:

Payroll Related \$ 62,461.77

Invoices with Due Dates on or Before Board Meeting \$ 10,533.68

Total Handchecks Written \$ 72,995.45



BILLS CLAIMS FOR 11/5/14 BOARD MEETING

VENDOR	DESCRIPTION	AMOUNT	PAYROLL RELATED	COMM 101	ADMIN 103	PILLAR POINT 201	OYSTER POINT 301
ADP, INC.	PAYROLL PROCESSING	1,288.14		129.57	289.64	558.61	310.32
ANGELO'S MUFFLER & AUTO REPAIR	REPAIRS & MAINTENANCE	636.19				636.19	
ARAMARK UNIFORM SERVICES	UNIFORM SERVICES	537.81					537.81
AT & T LONG DISTANCE	TELEPHONE/COMMUNICATIONS	114.75				85.69	29.06
AT&T	TELEPHONE/COMMUNICATIONS	11.74				11.74	
AT&T	TELEPHONE/COMMUNICATIONS	84.37					84.37
BLUE RIBBON SUPPLY	OPERATING SUPPLIES	1,040.91				1,040.91	
ROBERT BRIGNOLI	REFUND DEPOSIT	245.70				245.70	
CALIFORNIA CHAMBER OF COMMERCE	OFFICE SUPPLIES	225.75			75.25	75.25	75.25
CALIFORNIA WATER SERVICE	UTILITIES	4,418.15					4,418.15
CLARK PEST CONTROL	CONTRACTUAL SERVICES	75.00					75.00
CODE PUBLISHING INC.	OFFICE SUPPLIES	160.65			160.65		
COMCAST	TELEPHONE/COMMUNICATIONS	397.53			397.53		
FEDEX	CONTRACTUAL SERVICES	43.44		43.44			
MICHAEL FRALICK	REFUND DEPOSIT	191.00				191.00	
GARDA CL WEST, INC.	CONTRACTUAL SERVICES	51.80				21.85	29.95
GENERAL CREDIT FORMS, INC.	OFFICE SUPPLIES	71.86			71.86		
GREENLEAF COMPACTION INC.	GARBAGE SERVICE	1,001.46				1,001.46	
HANSON BRIDGETT LLP	LEGAL SERVICES	12,164.00		6,805.50	3,167.50	1,613.00	578.00
HOLMAN PROF COUNSELING CENTERS	EMPLOYEE ASSISTANCE PROG SERVICES	289.00		45.16	54.18	103.86	85.80
JOHN SHELTON PIPE INC.	REPAIRS & MAINTENANCE	6,548.18				6,548.18	
ROBERT KALTREIDER	REFUND DEPOSIT	271.71				271.71	
KASHIWA FUDUSAN AMERICA INC.	OFFICE RENT	7,331.55			7,331.55		
LIEBERT CASSIDY & WHITMORE	LEGAL SERVICES	8,656.70		8,656.70			
LISA WISE CONSULTING INC.	STRATEGIC PLAN	21,209.58			2,787.09	9,211.24	9,211.25
MISSION UNIFORM SERVICE, INC.	UNIFORM SERVICES	526.07				526.07	
NATIONAL CHEMICAL SERVICE	CONTRACTUAL SERVICES	74.00				74.00	
OPERATING ENGINEERS TRUST	HEALTH INSURANCE	28,874.00	28,874.00				
PENINSULA PUMP & EQUIPMENT INC	REPAIRS & MAINTENANCE	900.00				900.00	
PRESIDIO SYSTEMS, INC.	REPAIRS & MAINTENANCE	500.00					500.00
SANDIE ARNOTT CTY OF S MATEO TAX COLLECTOR	PROPERTY TAXES	46,687.48				46,687.48	
STANDARD INSURANCE	LIFE & DISABILITY INSURANCE	3,511.87	3,511.87				
STAPLES ADVANTAGE	OFFICE SUPPLIES	653.47			566.24	87.23	
SYMBOLS OF SUCCESS	ADVERTISING EXPENSE	6,515.74				3,257.87	3,257.87
TEAMSTERS 86 HEALTH & WELFARE	HEALTH INSURANCE	18,018.00	18,018.00				
BARRY TEMPLE	REFUND DEPOSIT	29.43				29.43	
VERIZON WIRELESS	TELEPHONE/COMMUNICATIONS	295.35			74.83	183.10	37.42
BROOKE WEINSTEIN	REFUND DEPOSIT	200.22					200.22
SUB-TOTAL OF PAYMENTS TO BE PROCESSED 11/5/14		173,852.60	50,403.87	15,680.37	14,976.32	73,361.57	19,430.47
AIRGAS, NCN	REPAIRS & MAINTENANCE	106.35				106.35	
ARROWHEAD MOUNTAIN WATER	CONTRACTUAL SERVICES	56.50					56.50
BAY AREA NEWS GROUP EAST BAY	ADVERTISING-STRATEGIC BUSINESS PLAN	55.64				55.64	
BAYGREEN MARINE SANITATION	CONTRACTUAL SERVICES	1,600.00				800.00	800.00
CALPERS	PAYROLL DEDUCTION PAYABLE	47,680.77	47,680.77				
CALPERS SUPPLEMENTAL INCOME	PAYROLL DEDUCTION PAYABLE	8,986.00	8,986.00				
CINTAS CORPORATION	TRAINING	1,395.00				1,395.00	
COMCAST	TELEPHONE/COMMUNICATIONS	233.79				233.79	
FIRSTCHOICE	CONTRACTUAL SERVICES	39.25			39.25		
GARDA CL WEST, INC.	CONTRACTUAL SERVICES	23.50				15.80	7.70
NATIONAL CHEMICAL SERVICE	CONTRACTUAL SERVICES	74.00				74.00	
NEXTEL COMMUNICATIONS	TELEPHONE/COMMUNICATIONS	152.22					152.22
OPERATING ENGINEERS LOCAL NO.3	UNION DUES	1,062.00	1,062.00				
PITNEY BOWES GLOBAL FIN SVCS	POSTAGE MACHINE LEASE	2,282.46			760.82	760.82	760.82
PURCHASE POWER	POSTAGE EXPENSE	500.00			500.00		
RASH CURTIS AND ASSOCIATES	COLLECTION EXPENSE	123.99				123.99	
TEAMSTERS UNION LOCAL 856	UNION DUES	433.00	433.00				
UNITED SITE SERVICES, INC.	CONTRACTUAL SERVICES	1,287.27				1,287.27	
VANTAGEPOINT TRANSFER AGENTS	PAYROLL DEDUCTION PAYABLE	4,300.00	4,300.00				
YE ZOU	CONTRACTUAL SERVICES-TEMPORARY	2,603.71				1,301.85	1,301.86
TOTAL HANDCHECKS		72,995.45	62,461.77	-	1,300.07	6,154.51	3,079.10
TOTAL BILLS & CLAIMS		246,848.05	112,865.64	15,680.37	16,276.39	79,516.08	22,509.57
			PAYROLL	COMM	ADMIN	PPH	OPM



## San Mateo County Harbor District

### Memo

**DATE:** October 30, 2014

**TO:** Board of Harbor Commissioners

**FROM:** Peter Grenell  
General Manager

**SUBJECT:** General Manager's Report: Update on Priority Items for November 5, 2014

**CC:** Managers  
District Counsel

#### REPAIR AND IMPROVEMENT PROJECT UPDATES

##### Pillar Point Harbor

**Dock fingers replacement:** Permit process underway.

**West Trail (PPH marsh to Mavericks beach):** Permit and bid processes underway.

**Concessionaires Building Sewer Repairs:** Main sewer line completed. One lateral link remains to be repaired.

**Romeo Pier Demolition:** Investigation of removal methods and costs underway. Permit process underway.

##### Oyster Point Marina/Park

**Additional Public Restroom for Ferry Riders and Trail Users:** Staff met with interim assistant city manager following initial on site meeting with city staff to clarify project concept and approach. An MOU covering District role and cost recovery for provision and maintenance of facility will be drafted for District and City review.

#### OTHER TOP PRIORITIES

**Pillar Point U. S. Coast Guard Presence:** USCG is still interested in a presence at PPH, but budget constraints and mission priorities preclude any immediate action. Nothing further to report at this time.



## San Mateo County Harbor District

### **SECOND LEVEL PRIORITIES**

**PPH new pier, PPH Inner Harbor development, OPM development, OPM dining cruises:**  
Nothing further to report at this time.

### **PROGRESS REPORTS ON ITEMS OF BOARD AND PUBLIC INTEREST**

**NOTE:** These reports are provided at Commission request to update these items of interest and by staff as deemed of importance to the public.

**Strategic Business Plan:** The District's consultant, LWC, convened a second public meeting in workshop format with public notice for the Pillar Point plan component on October 14<sup>th</sup> in Princeton. Community input was gathered regarding marine infrastructure and facilities, environment and sea level rise, shore-side facilities and circulation and parking, and revenue generation.

An initial public meeting for the Oyster Point component occurred on September 30<sup>th</sup> in South San Francisco. Mayor Matsumoto was present. Overall strategic plan objectives for the District were presented and objectives for Oyster Point.

A draft update of the District's Division of Boating and Waterways business plan for retiring the District's remaining development loan balance is nearing completion. It will be brought to the Harbor Commission for review and approval before forwarding to DBW for their review and approval.

The consultant has begun outreach to the Pillar Point fishing community as a first step toward preparation of the sustainable fisheries plan for the Pillar Point Strategic Plan component.

**PPH Water Quality Study (Resource Conservation District) follow-up:** Final RCD report has been approved and issued. Harbor staff continues doing monthly water quality sampling supported by the RCD, including three new sampling locations. Results continue to show no contamination in the inner harbor. RCD is continuing educational outreach to upland residents with the goal of reducing flow of contaminants into the outer harbor.

Pursuant to recent Harbor Commission actions, Harbor District and RCD are implementing actions pursuant to a programmatic amendment to their Inter-Agency Agreement for the water quality work program for FY 2014-15.

**Clean Marina Activities (both harbors):** Staff continues routine Clean Marina duties.

**TIGER Grant Application for Johnson Pier and approach road access and safety improvements:** Pursuant to Harbor Commission approval, by April 28<sup>th</sup> staff submitted an application for \$4,330,000 to the federal Dept. of Transportation for funds to provide improved large truck access to and from Johnson Pier for more efficient and safe fish loading.



## San Mateo County Harbor District

Improvements will include (a) expanding pier deck area to enable large trucks to drive on and off the pier without backing up; and (b) modifying truck turning areas at three street intersections between Highway 1 and the Pier to reduce congestion and safety hazards. If awarded, grant funds would become available in 2016. Recent intensive truck activity on the Pier to service the busy squid unloading activity has exemplified the concern which the grant application seeks to address.

**Possible Romeo Pier Demolition:** Winter and early spring storm and wind activity resulted in accelerated deterioration of the Romeo Pier. District staff is investigating implementation methods and permit requirements for demolishing the Romeo Pier, pursuant to Harbor Commission action. Final Harbor Commission action will be needed regarding the extent, timing and cost of demolition (full or partial) once needed information is in hand.

The Strategic Business Plan process will include consideration of a possible multi-use replacement pier for the Romeo Pier as part of the Pillar Point Plan component.

**PPH Concessionaires Building Sidewalk Improvement:** Nothing further to report at this time.

**PPH Surfers Beach Shoreline Improvement (U. S. Army Corps of Engineers lead agency):** The Corps is preparing its draft project report on modeling alternative possible solutions to the beach erosion problem, environmental considerations, and cost/benefit analysis.

The Regional Sediment Management (RSM) planning process is underway for the Santa Cruz Littoral Cell, which comprises the area between Moss Landing and Pillar Point. Information obtained by the Corps of Engineers for the Surfers Beach project will be available for the planning process.

Caltrans and County Parks Department are collaborating on a project (a) to protect the Highway 1 embankment at Surfers Beach (Caltrans) and (b) to provide improved public access along the highway and to the beach (County Parks). The Harbor District is not involved in this project.

**County Plan Princeton Process:** The County's Plan Princeton team convened another community workshop to review and discuss three draft alternatives for possible County implementation on October 2<sup>nd</sup> in Princeton. Further information is available on the County's project website: [www.PlanPrinceton.com](http://www.PlanPrinceton.com).

**County Comprehensive Transportation Management Plan (CTMP):** Preparation of this plan, now underway, is a requirement of the County's Midcoast Local Coastal Program Update. A Technical Advisory Committee (TAC) has been formed by the County. The General Manager was requested to sit on the TAC; he attended the TAC's first meeting on Sept. 30<sup>th</sup>. The plan will focus on the Highway 1 and Highway 92 corridors and adjacent areas which these roads serve. The County will convene a public workshop in Princeton on Nov. 10 to elicit further public comment on CTMP data and projections.



## San Mateo County Harbor District

**San Mateo County Sea Level Rise Response:** Following the second sea level rise conference hosted by Congressional Representative Jackie Speier, Assemblyman Rich Gordon, and Supervisor Dave Pine on June 27 in Foster City, the County decided to form three working groups to investigate and formulate recommendations on:

- **Preparing a county-wide sea level rise vulnerability assessment**
- **Local financing options for addressing sea level rise**
- **Organizational structure for our on-going sea level rise planning efforts.**

The District's Harbor Master participated in the first Working Group meeting on Vulnerability Assessment on Sept. 26<sup>th</sup>.

**Coastal Commission (CCC) Draft Sea-Level Rise Policy Guidance:** Coastal Commission staff reported at the fall meeting of CMANC (CA Marine Affairs and Navigation Conference, of which the District is a member), that a revised policy guidance document will be considered by the Coastal Commission in November and December.

**SF Bay Water Trail Grant Application for OPM:** Staff is finalizing an application to the Coastal Conservancy Water Trail Program for Trail-related signage.

**Free WiFi at District Harbors:** The Wireless Hotspot at Pillar Point Harbor is in limited operation. It is a free open public network for Pillar Point known as "Harborfree" for all WiFi-enabled computers to gain access to the internet. The wireless service is unsecured and requires agreement to a disclaimer. Technical support to the general public is not available.

At this time service is limited to part of the Pillar Point Harbor area. Implementation of an already-executed agreement with Comcast will result in a larger service area. Similar WiFi service will be provided at Oyster Point Marina/Park as well.

**Harbor Commission Facilitation Update:** Commissioner interviews took place on June 9<sup>th</sup> and 10<sup>th</sup> pursuant to the consulting facilitator's program. The facilitator elicited responses from the general public on August 25 and 26, and plans to have follow-up interviews with Commissioners prior to organizing a public Harbor Commission workshop.

### **COMPLETED PROJECTS DURING 2013-2014**

**NOTE:** The summary below is included to enable the Commission and the public to review project-related priority achievements during this time period.

#### **Pillar Point Harbor**

Boat Launch Ramp Slurry Seal  
Johnson Pier Fish Handlers Building Painting  
West Restroom Renovation  
Vessel Pump-Out Station Replacement



## San Mateo County Harbor District

Johnson Pier sewer line replacement  
Launch Ramp Maintenance Dredging

### **Oyster Point Marina/Park**

Boat Launch Ramp Slurry Seal  
Restroom Renovation  
Dock 11 and Dock 8 (Guest Dock) Improvements  
Wave Attenuators



## STAFF REPORT

TO: San Mateo County Harbor District Commissioners

FROM: Debra Galarza, Director of Finance

DATE: November 5, 2014

SUBJECT: Finance Department Report to the Commission

---

### **Accounting and Operations:**

The Finance department worked with JJACPA, Inc. to complete Fiscal Year 2013-2014 audit. The areas of audit performed were testing and auditing of the following areas:

- Cash & Investments
- Accounts and other receivables
- Prepaid expenses and other assets
- Capital Assets
- Accounts and other payables
- Wages and accrued liabilities
- Debt reconciliation
- Net Position
- Confirmations
- Fluctuation analysis of revenues and expenses
- Draft Financial Statement preparation

**There were no reportable conditions. There were no material weaknesses.**

**The District will be receiving another unqualified (clean) report.**

There were no recommendations to management. There was an informational comment that JJACPA is informing all of its clients about. They suggest that clients prepare for implementation of GASB 68 which will require all agencies to report their net pension liability on the financial statements ending June 30, 2015. I will attend training in this area so the District is in compliance with this new requirement.

It is anticipated that this final report will be available between mid-November and mid-December. The finalization of the report and the coordination of the auditor's meeting attendance is currently being coordinated.

I'd like to take this moment to thank my staff, management and the Commission in your support of our impeccable practices, reporting, and managing of the Harbor District finances.

# Memo

TO: San Mateo County Harbor District Commissioners

FROM: Marietta L. Harris, Human Resource Manager

DATE: October 29, 2014

SUBJECT: Report to the Commission

---

**Activities:**

October 15, 2014 - HRA Meeting – Atherton

**Human Resource Services:**

- Working with employees with personnel and HR questions.
- Meeting with management staff on personnel issues and HR concerns.
- Meeting with Acting General Manager regarding staffing.
- Reviewed application for Deputy Harbormaster A position.
- Meeting with Assistant Harbormasters regarding staffing.
- Received 24 applications for Accounting Specialist, closing date was October 28, 2014.

**Administrative Services:**

- Updated policy and resolution for changes in Commissioner Benefits.
- Completed PRA request for Commissioner.
- Meeting with event applicant regarding SSF Marathon.
- Provided information and applications for events in May and September 2015.
- Meeting with General Manager and Acting General Manager regarding work issues.
- Contacted Insurance regarding coverage for Ferry Terminal events.

**Information Technology:**

- Working with staff on IT issues and problems
  - Pay station – PPH
  - Power outage



## OPERATIONS

### Memo

To: Board of Harbor Commissioners  
From: Scott Grindy, Acting General Manager/Harbor Master  
CC: Peter Grenell, General Manager  
Date: October 26, 2014  
Re: November 5, 2014 Meeting Report

---

### Oyster Point Marina/Park

#### *Construction Update & General Status Updates*

- Misc. Maintenance Work in Progress throughout the Marina.

#### *OPM Miscellaneous*

- Kite Festival event was well attended with over 1,500 participants.
- Ferry Terminal use on weekends by District has been tentatively approved, now in legal MOU efforts and activities.
- Continuing discussions with SSF Administration on various topics of the marina including a sailing training program via SSF Parks Department.
- Working with SSF Planning Department regarding the new restroom and activities related.
- Preparing grant for Water Trail interpretive signage.

### Pillar Point Harbor

#### *Construction Update & General Status Updates*

- PG&E electrical service repairs and outages occurring as PG&E perform maintenance.
- Work continues on electrical panels in fish buyer spaces, and removal of abandoned electrical wire and pipe under the fish buyer areas. (Delays with access during busy fish unloading period and supply back orders for stainless materials). Replacement electrical work to ABC main feeder panel on going, power outages will be very limited and noticed prior shutdowns.
- Design discussion efforts in progress for main feeder J-Pier electrical work.

#### *PPH Miscellaneous*

- Continuing to work with USCG, San Mateo County EOC on disaster and emergency planning for fuel availability at Johnson Pier.
- Investigating and preparing a grant for Mavericks Trail Restroom & Boat Ramp Restroom replacement.

## **Occupancy Overview (October Month of Occupancy 2014)**

### **PPH**

Total occupancy (Inner Harbor) 99% (this includes slips, end ties and walk way).  
Berth occupancy (Inner Harbor) 99% (366 slips out of 369 are occupied).  
Mooring (Outer Harbor) 42% (16 out of 38 moorings occupied).

### **OPM**

Total occupancy: 62% (267 slips/End Ties out of 428 are occupied).  
Berth occupancy: 62% (258 slips only out of 414 are occupied).

## **Search and Rescue Activity Highlights & Urgent Need Activities**

**PPH:** Staff responded to a fishing vessel, which was dragging his anchor near the fog horn and moving towards the breakwater; staff was able to assist via our boat and towed the vessel to the work dock. No major damage or pollution occurred.

**OPM:** No items or issues to report at this time.

## **EMS-Clean Marina Activities-District Wide**

- Working with RCD on a submission of Clean Beaches Grant.
- Awaiting sampling reports for First Flush storm drain water testing/sampling from RCD.

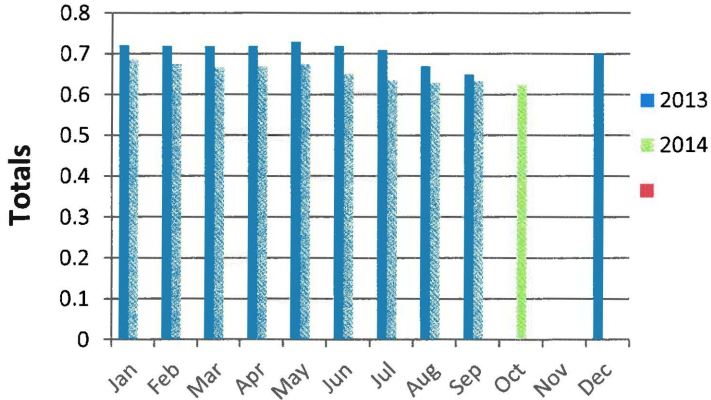
## **Calendar Reminder Items of Events and Activities**

- Oyster Point Marina: Boat Lighting Parade Event the evening of December 6<sup>th</sup>.
- Pillar Point Harbor: Boat Lighting Event the evening of December 13<sup>th</sup>.

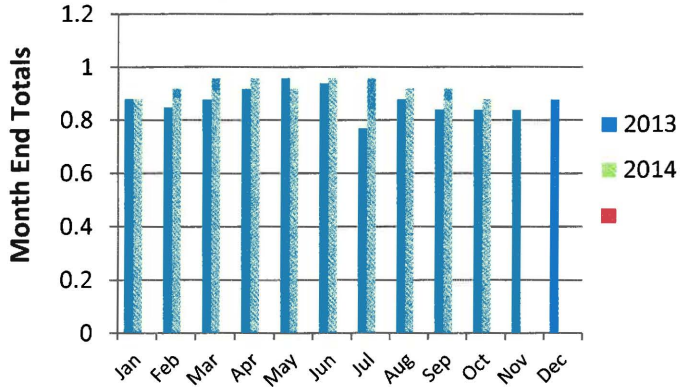
# Oyster Point Marina

## Monthly Marina Activity Report - October 2014

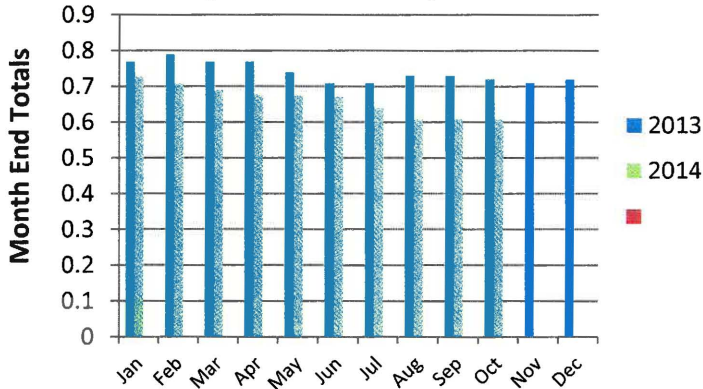
### Overall Occupancy (428 Slips Available)



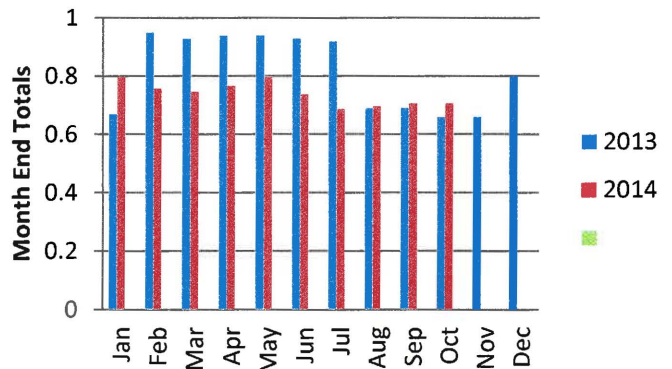
### 26 ft Slips (Total: 25)



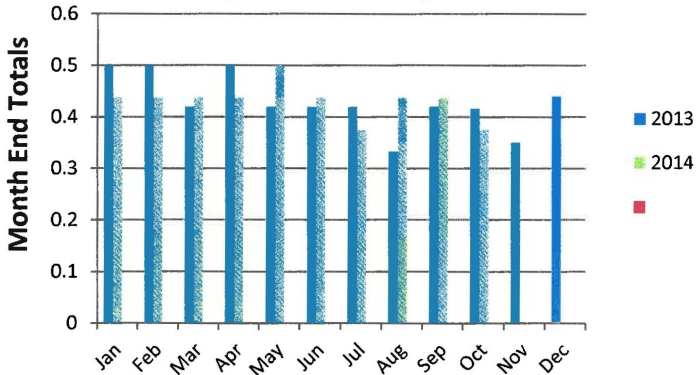
### 30 ft Slips (Total: 158)



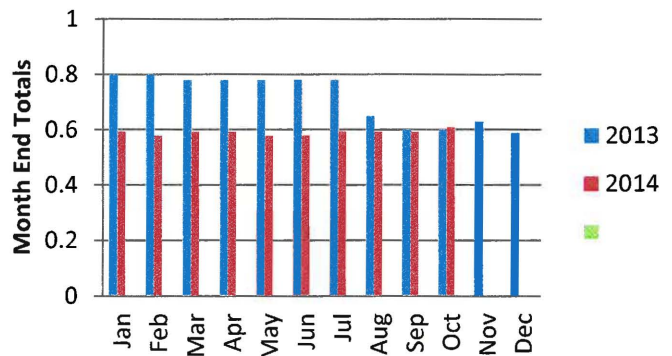
### 36 ft Slips (Total: 99)



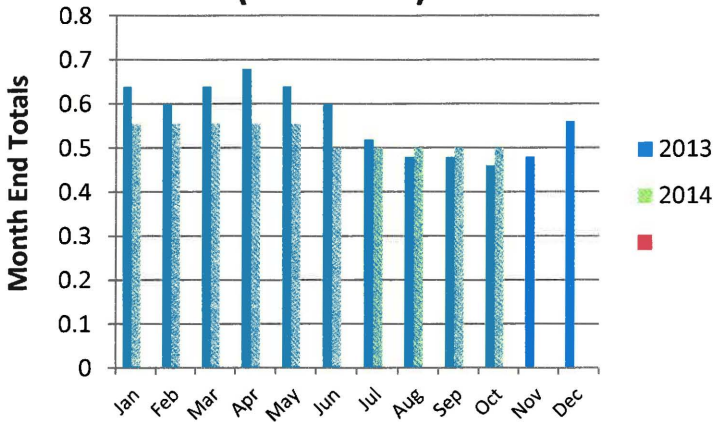
### 40 ft Slips (Total: 16)



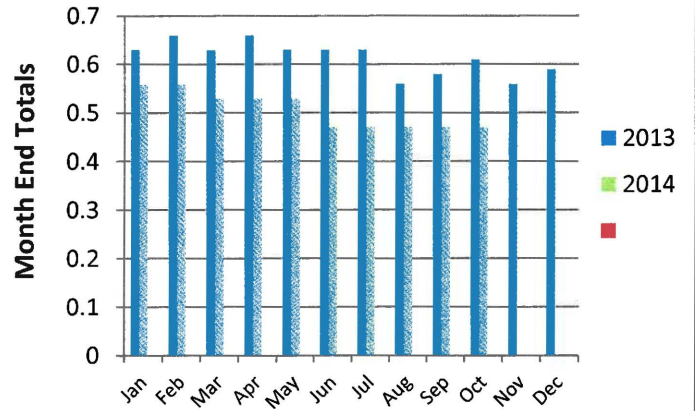
### 45 ft slips (Total: 64)



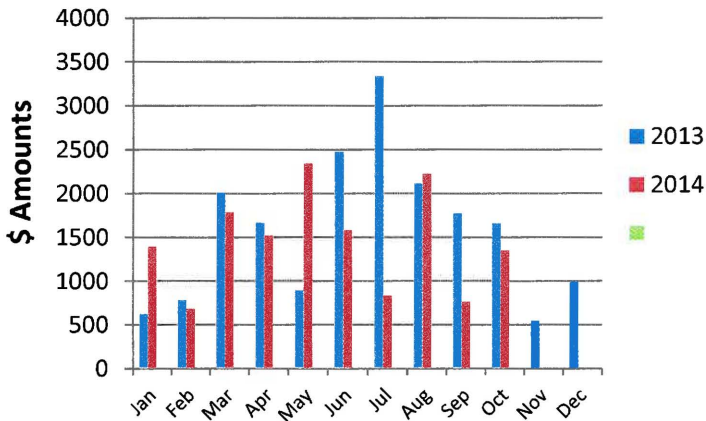
### 50 ft Slips (Total: 18)



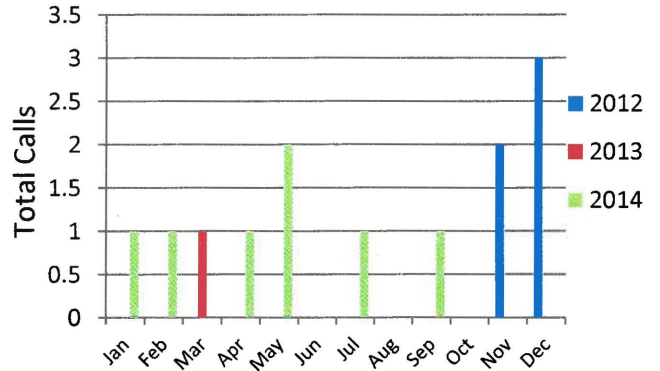
### 60 ft Slips (Total: 34)



### Launch Ramp Totals



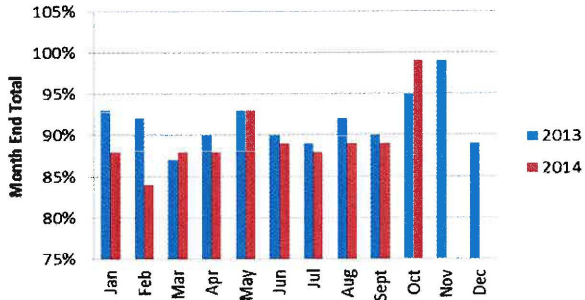
### Call Outs (OPM Harbor Patrol - 2012-2014)



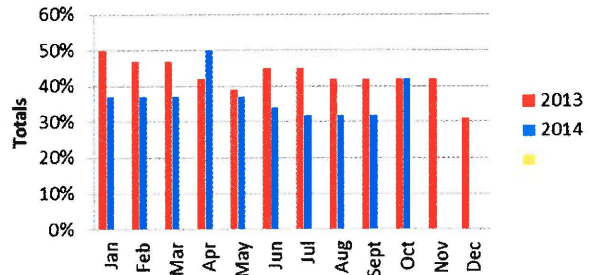
# Pillar Point Harbor Dashboard

## Monthly Marina Activity Report - October 2014

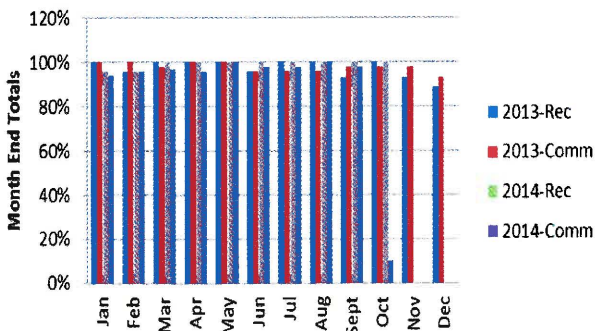
### Overall Occupancy 369 slips available (Oct 14 - 99% occupied)



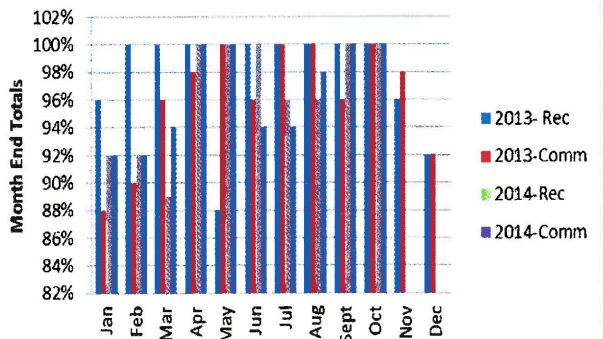
### Mooring Occupancy 38 mooring available (Oct 14 - 42% occupied)



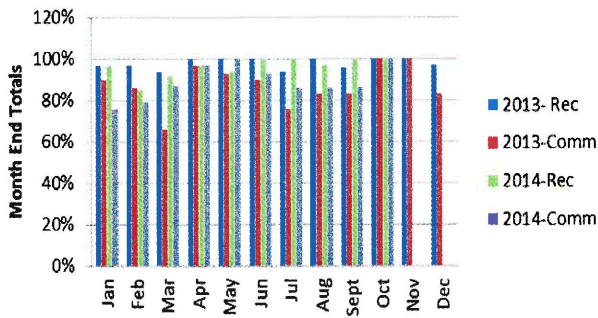
### 30 ft Slips (Total: 28 rec, 54 comm)



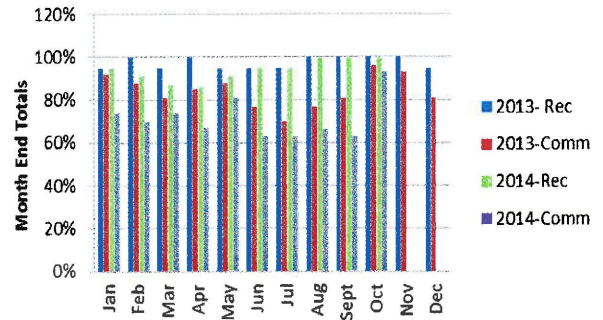
### 35 ft slips (Total: 26 rec, 48 comm)



### 40 ft Slips (Total: 34 rec, 29 comm)



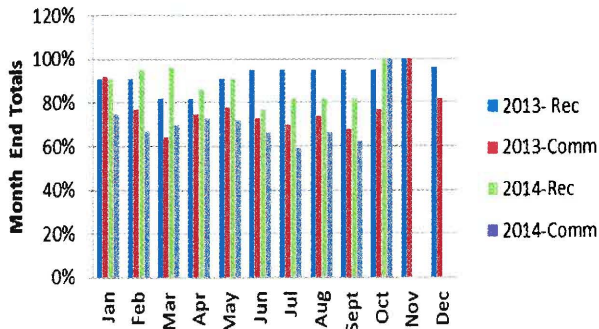
### 45 ft Slips (Total: 22 rec, 27 comm)



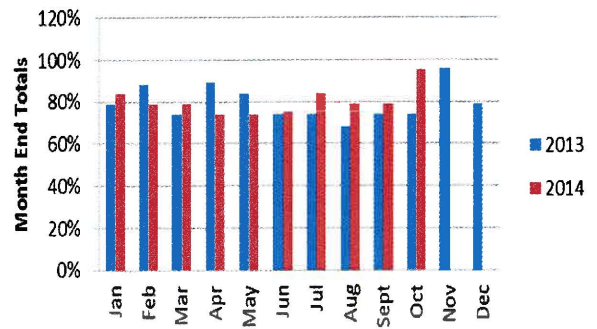
# Pillar Point Harbor Dashboard

## Monthly Marina Activity Report - October 2014

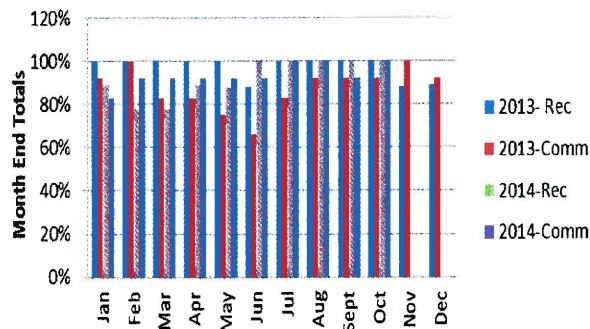
### 50 ft Slips (Total: 22 rec, 40 comm)



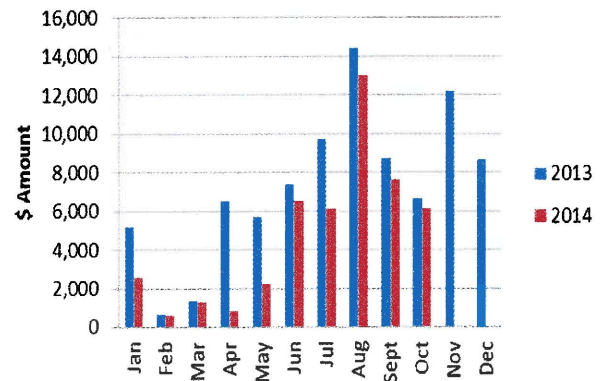
### 55 ft Slips (Totals: 19 comm)



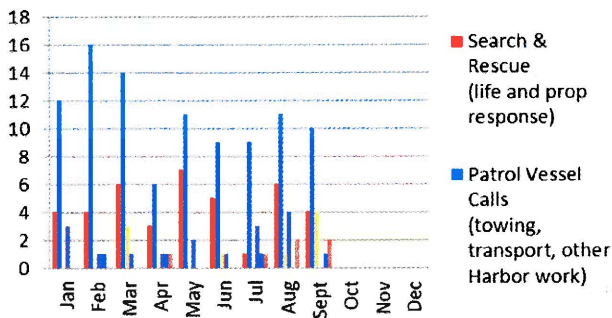
### 65 ft Slips (Totals: 9 rec, 12 comm)



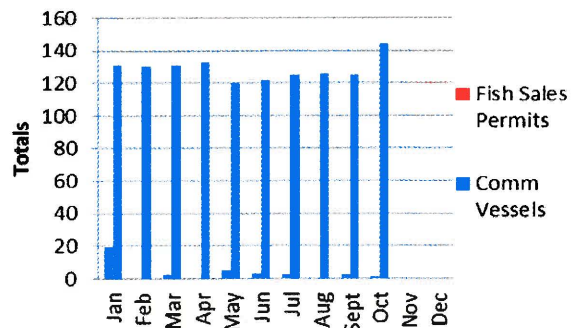
### Launch Ramp Totals



### Call Outs (PPH Harbor Patrol - 2014)



### PPH Commercial Fishing Activity



# Working Group Meeting

October 23<sup>rd</sup>, 2014

9am – 12pm

Foster City - City Hall, Emergency Operations Center Training Room  
1040 East Hillsdale Boulevard, Foster City, CA 94404

## Agenda

**9:00 AM Welcome**

Supervisor Dave Pine, San Mateo County (SMC)

**9:15 AM Meeting Overview**

Amy Hutzel, State Coastal Conservancy (SCC)

**9:20 AM Introductions from Group**

Surlene Grant, Center for Collaborative Policy (CCP)

**9:45 AM PANEL: Perspectives on Use of Existing Data**

Len Materman, Executive Director, San Francisquito Creek Joint Powers Authority,

*SAFER Bay Project (SAFER Bay)*

Peter Wijsman, Principal in Charge, Arcadis,

*Mission Creek Project*

Lauren Eisele, Senior Planner, Port of San Francisco

*Sea Level Rise Guidance, SFAdapt Sea Level Rise Committee*

Jack Leibster, Community Development Planning Manager, County of Marin,

*Collaboration: Sea-level Marin Adaptation Response Team (C-SMART)*

- Question & Answer

**10:45 AM BREAK**

**11:00 AM Combined Panel Discussion**

Surlene Grant (CCP)

**11:30 AM Input on Draft Countywide Vulnerability Assessment Scope and Timeline**

**11:50 AM Next Step**

- December 4, 2014 – State Coastal Conservancy Board Meeting
- December 11, 2014 – Vulnerability Assessment Working Group Update

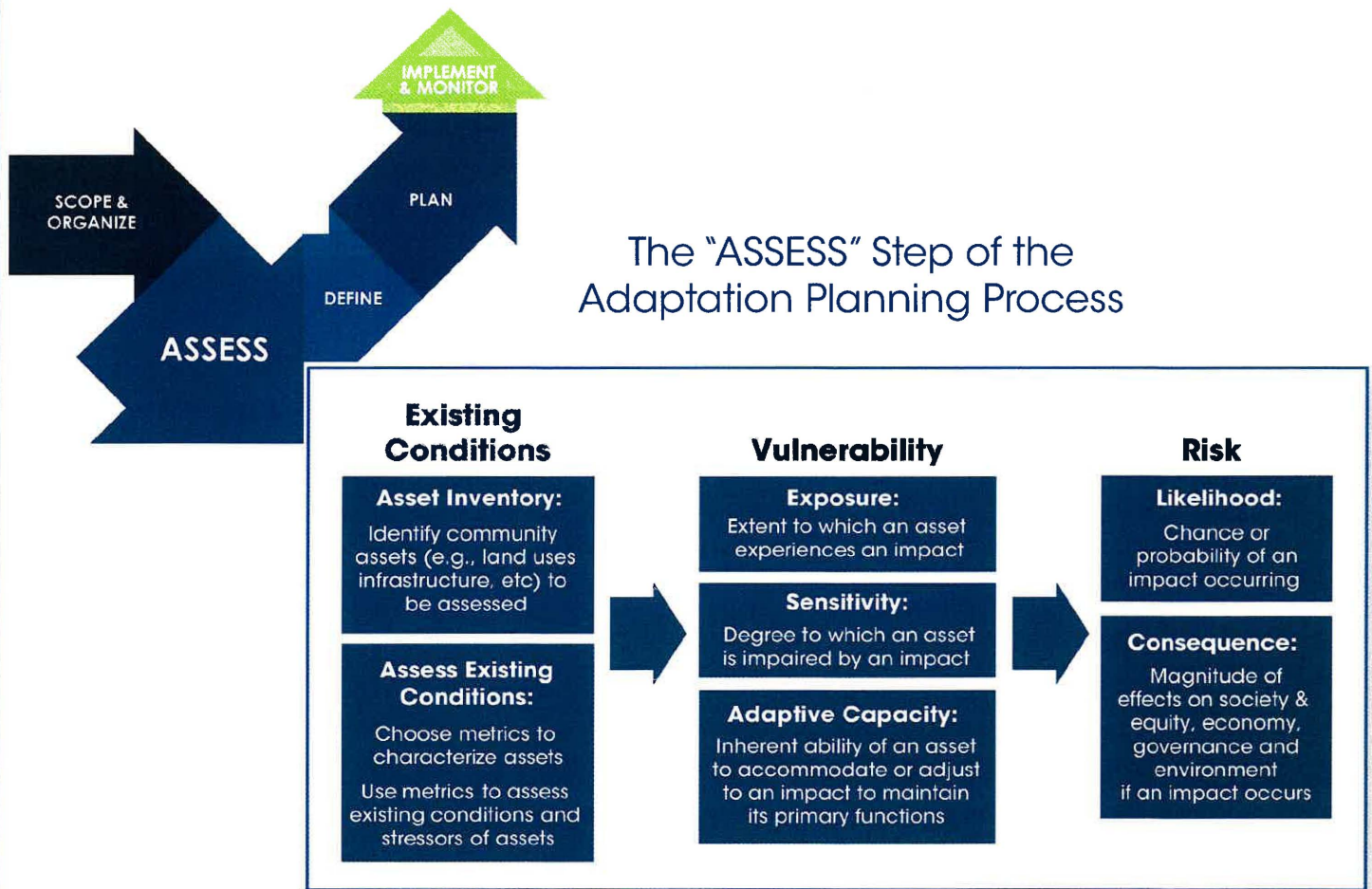
**11:55 AM Closing Remarks**

Supervisor Dave Pine (SMC)

# Adapting to Rising Tides

## Existing Conditions

The Adapting to Rising Tides (ART) Project assessed how sea level rise and storm events will affect shoreline and community assets. The ART assessment began with an analysis of existing conditions and stressors in the project area. This step included developing an inventory of community assets in the project area, and identifying and using metrics to characterize the assets. Together, these components directly informed the remainder the Assess step, determining vulnerability and risk.



### Asset Inventory

The ART Subregional Working Group and project staff identified twelve categories of shoreline and community assets, such as infrastructure, land uses and services for further study in the project:

- Airport
- Community Land Use, Facilities and Services
- Contaminated Lands
- Energy Infrastructure, Pipelines and Telecommunications
- Ground Transportation
- Hazardous Material Sites
- Nonstructural Shorelines/Natural Areas
- Parks and Recreation Areas
- Seaport
- Stormwater Infrastructure
- Structural Shorelines
- Wastewater Facilities





## Metrics

As part of this step in the ART assessment, staff identified metrics, or types of information, that can be used to characterize the existing conditions and stressors of the different asset categories. Moving into the vulnerability assessment, this characterization informed the exposure, sensitivity and adaptive capacity of the assets to the impacts of future sea level rise and storm events. Two key considerations for selecting the metrics are measurability (e.g. quantitative or qualitative), and availability and quality of data and information.

## Assessment Frames

Consideration was also given to how the metrics inform four, overarching frames for assessing vulnerability to sea level rise and storm events. Together, these four frames (society and equity, economy, environment, and governance) form a sustainability framework for understanding vulnerability and resilience.

In testing the use of the metrics for characterizing different types of assets, staff found that in order to provide a solid basis for a comprehensive vulnerability assessment, it was important to include metrics that addressed each of these assessment frames. In most cases, metrics can apply to more than one of these frames. For example, for contaminated lands, “redevelopment potential of the site” can have implications for all four frames. While the four frames were not the primary criteria used to select metrics, project staff and the Working Group took into account how well the metrics addressed all four of these frames before finalizing the list of metrics.

Example metrics that describe existing conditions or stressors for Contaminated Lands (e.g. brownfields, open/closed landfills, Superfund sites)

### Physical/ecological

- Habitat value/biodiversity of the site
- Risk of contaminant(s) of concern to the environment

### Management

- Site ownership (e.g., public or private)
- Number of entities with jurisdiction over the site
- Complexity of regulations governing site re/use or clean up

### Public health and safety

- Risk of contaminant(s) of concern to public health
- Potential for re/mobilization of contaminant(s) of concern
- Presence of collection, containment or treatment systems
- Proximity of the site to critical freshwater aquifers
- Site serves as a park, public access or recreational site
- Community services/economic value
- Redevelopment potential of the site
- Status of site remediation

### Exposure to current stressors

- Response to current weather events
- Seismic susceptibility

Society and Equity	Economy	Environment	Governance
Addresses the effects on communities and the services on which they rely with specific attention to disproportionate impacts due to existing inequalities.	Addresses the economic values that may be affected such as costs of physical/ infrastructure damages or lost revenues during periods of recovery.	Describes the environmental values that may be affected, including ecosystem function and services, and species biodiversity.	Addresses factors such as ownership, management responsibilities, jurisdiction, mandates, and organizational structure that influence vulnerability and resilience.

# Adapting to Rising Tides

## Project Description

The San Francisco Bay Conservation and Development Commission (BCDC) in partnership with the NOAA Coastal Services Center (CSC), the Metropolitan Transportation Commission (MTC) and California Department of Transportation (Caltrans), is working with Bay Area communities to increase their preparedness and resilience to sea level rise and storm events while protecting critical ecosystem and community services. The Adapting to Rising Tides (ART) Project is a collaborative planning effort that addresses two specific questions:

- How will sea level rise and changes in storm events affect the future of Bay Area communities, infrastructure, ecosystems and economy?
- What approaches can we pursue, both locally and regionally, to assess these challenges and reduce our risks?

The project area, a portion of the Alameda County shoreline from Emeryville to Union City, covers 66 square miles and includes six cities, one unincorporated community, and numerous special districts. More than 780,000<sup>i</sup> and 310,000<sup>ii</sup> people live and work, respectively, in this subregion, and it has a diversity of land uses, key regional infrastructure, natural resources and shoreline communities.

In close collaboration with a working group comprised of local, county, regional, state and federal partners, ART Project staff identified and characterized assets in twelve categories: airport, community land use, contaminated lands, energy infrastructure, pipelines and telecommunications, ground transportation, hazardous materials, nonstructural shorelines/natural areas, parks and recreation, seaport, stormwater, structural shorelines and wastewater. The impacts of sea level rise and storm events on these assets categories were evaluated, and the climate vulnerability and risk of representative assets were determined. The ART Project staff and working group used the vulnerability and risk assessment to identify key issues and develop adaptation responses and implementation options to improve the subregion's climate resilience.

## The Adapting to Rising Tides Subregion & Working Group

BCDC convened a working group of local, county, regional, state and federal partners to advise and provide feedback at key points in the project.

ABAG	City of Hayward
Bay Trail	Hayward Area Recreation & Park District
Alameda County (AC) Public Works	ICLEI Local Governments for Sustainability
AC Community Development	Metropolitan Transportation Commission
AC Public Health Department	NOAA Coastal Services Center
AC Transportation Commission	City of Oakland
BART	Oro Loma Sanitary District
Bay Institute	Pacific Institute
CA Coastal Conservancy	PG&E
CA Department of Transportation	Port of Oakland
Capitol Corridor JPA	San Francisco Estuary Institute
East Bay Dischargers Authority	San Francisco Estuary Partnership
East Bay Municipal Utility District	City of San Leandro
East Bay Regional Park District	City of Union City
City of Emeryville	US Army Corps of Engineers
FEMA	



<sup>i</sup> Based on 2000 U.S. Census. <sup>ii</sup> Analysis conducted by CA Employment Development Department, Labor Market Information Division, Statewide Information Services Group (EDD-LMID), using data on business establishments from the Quarterly Census of Employment and Wages from June 2011.

# Adapting to Rising Tides

## Scope & Organize

Adaptation planning, like any robust planning process, begins with the scoping and organization of the project. These efforts involve:

- Convening planning partners and stakeholders
- Choosing or defining the project area
- Identifying the sectors, services and assets that will be addressed
- Selecting climate scenarios and impacts
- Establishing resilience goals for the project



Collectively, these activities set the stage for what will be addressed and who will be involved. During Scope and Organize, there is a natural give and take among these efforts, and some decisions will be shaped by other factors such as funding availability and staff resources, jurisdiction and political pressures, and the sectors, services and assets, and stakeholders who engage.

### Convening planning partners and stakeholders

A variety of organizational approaches can be successfully used to convene partners and stakeholders in an adaptation planning effort. For example, an internal agency team or a multi-agency adaptation planning team could be formed to lead the project, and public and private stakeholders can be engaged as part of a broad stakeholder group and/or issue-specific committees. Regardless of the approach taken, two lessons learned from the ART project are helpful for project leaders to keep in mind:

- The severity, timeframes and broad geographic scales of climate impacts create complex, cross-cutting issues that need to be addressed in adaptation planning. These require the attention and expertise of diverse stakeholders – many of whom have not had to coordinate in the past on planning efforts. At the start of the project and on an ongoing basis stakeholders who can responsibly represent the relevant areas of expertise, regulatory oversight, planning and management, as well as local issue interests should be identified and invited to participate.
- Effort spent on good stakeholder engagement in an adaptation planning effort can have a big “return on investment” because the relationships formed during the planning process can lead to future collaborations, including those that lead to implementing an adaptation plan. Therefore it is important that planning partners and project staff (as opposed to consultants) lead the stakeholder engagement component of an adaptation planning effort to develop the valuable trust and relationships with those involved.

### The ART Team & the Subregional Working Group

The ART project was led by a core group of staff from the San Francisco Bay Conservation and Development Commission (BCDC) and National Ocean and Atmospheric Administration Coastal Services Center (NOAA CSC) with involvement from the other funding partners. This ART team convened and worked closely with a Subregional Working Group made up of representatives from staff at local, county, regional, state and federal agencies that work in the subregion, as well as some private interests with investments in the study area. This group provided ongoing guidance, expertise, data and information during each phase of the project. Two subcommittees of working group members provided additional technical input, and guidance on communications strategies for the project.





## Choosing or defining the project area

Often the project area is defined by factors such as jurisdictional authority or boundaries; management or service areas (e.g., utility districts); other, overarching planning processes (e.g., general plan update); or criteria of the project funding source. Even so, it is helpful to take into account landscape features, ecosystem function and local interest in participation.

The ART project area, a portion of the Alameda County shoreline, from Emeryville to Union City, was selected based on local community and stakeholder interest and capacity for participation, its diverse shoreline features, and presence of regionally significant transportation infrastructure.

## Identifying sectors, services and assets

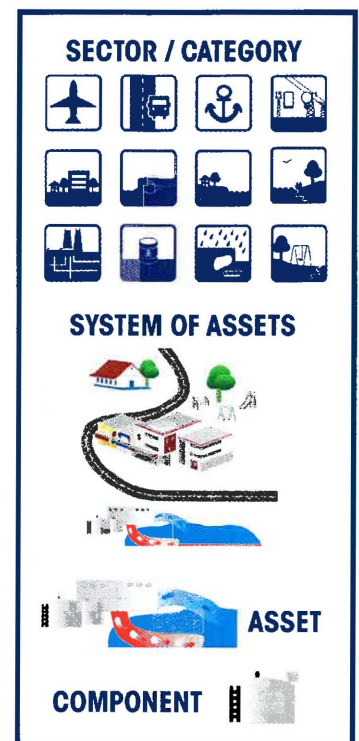
Like the project area, the sectors, services and assets that will be addressed in the planning project may be defined by funding sources, jurisdiction, management responsibilities and other factors. Additional consideration should be given to the scale at which these will be addressed in the project. It may be possible and useful to assess vulnerability for specific asset systems, individual assets, and components of individual assets. However, for some sectors or categories it may be impossible to consider all assets, and in these cases, a combined assessment of vulnerability for the overall sector or category along with a more detailed look at representative assets and asset components can be sufficient for identifying adaptation strategies.

In the ART project, asset categories initially selected were based on funding sources and priorities of planning partners. The Subregional Working Group then discussed these and identified additional categories that they felt needed to be assessed.

## Selecting climate scenarios and impacts

Climate scenarios describe potential future conditions, such as higher sea level, that may occur due to climate change. Climate impacts are the effects, such as longer lasting flooding, of these changing conditions. Climate scenarios are used to evaluate exposure of assets to the different climate impacts. The value of selecting climate scenarios and impacts in the Scope and Organize stage of a planning process is to help define the upcoming vulnerability and risk assessment for planning partners and stakeholders. In the ART project, six future scenarios of Bay conditions with mid and end-of-century sea level rise and storm events were developed, and five impacts (e.g., more frequent and longer lasting flooding, groundwater rise, etc.) were evaluated.

A key lesson learned was that it is easy to get stuck on selecting or developing the “right” climate scenarios – in part, because the chosen scenarios seem so important to making good decisions. However, the primary purpose of the scenarios is to orient participants to the range of possible futures, and thus provide a framework, or approximate boundaries to the conditions that are to be considered in the assessment. Where possible it is best to use available model outputs, maps and information for the project area. If new information becomes available, exposure analyses may need to be refined before an adaptation plan is implemented.



The ART resilience goal, developed with input from the Subregional Working Group, is to:

**Increase the preparedness and resilience of Bay Area communities to sea level rise and storm events while protecting critical ecosystem and community services.**

## Establishing resilience goals

Resilience goals define the desired outcomes of a climate change planning effort. Developing resilience goals lets stakeholders help lay the foundation for future decisions. Most adaptation planning processes call for setting resilience goals later in the project at the start of developing an adaptation plan. However, considering and selecting resilience goals and (if possible) supporting objectives during the early stages of any adaptation effort can help ensure that the entire process is transparent, and that stakeholders and interested parties can participate in, and understand, the desired outcomes at the outset.



## San Mateo County Harbor District

### Board of Harbor Commissioners

Pietro Parravano, President  
James Tucker, Vice President  
William Holsinger, Treasurer & Secretary  
Sabrina Brennan, Commissioner  
Robert Bernardo, Commissioner

Peter Grenell, General Manager

**TO:** Harbor Commissioners  
General Manager

**FROM:** Scott Grindy, Acting General Manager/Harbor Master

**DATE:** October 21, 2014

**SUBJECT:** Letter of Commendation  
Pillar Point Harbor Efforts & Actions for Boat Rescue  
October 21, 2014

---

I am providing this letter with great appreciation for the work of DHM Chris Chang and DHM Jerry Pemberton for their efforts in bringing in a fishing vessel that would have clearly been upon the rocks at the Pillar Point Harbor inner breakwater if not for their fast actions.

Though the boat did not sink or receive major damages, the staff quick actions and efforts were of commendable level as the loss of this boat could have caused not only a loss of the vessel for the fishing community but also a possible environmental spill and clean-up effort if not resolved quickly.

Please congratulate these staff for a job well done.

**CC:** Employee Files: Chris Chang, Jerry Pemberton