San Mateo County Harbor District Board of Harbor Commissioners Meeting Minutes

May 26, 2015 5:30 p.m.

Oyster Point Yacht Club 911 Marina Blvd

South San Francisco, Ca. 94080

All Harbor District Commission meetings are recorded and posted at www.PacificCoast.tv within 24-48 hours of the meeting. Pacifica residents can tune into Comcast Chanel 26 and residents from Montara through Pescadero can tune into Comcast Chanel 27. Copies of the meetings 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

A.) Roll Call

Commissioners

Sabrina Brennan, President Tom Mattusch, Vice President Nicole David, Secretary Robert Bernardo, Commissioner Pietro Parravano, Commissioner

Staff

Glenn Lazof, Interim General Manager Steven Miller, District Counsel Debbie Nixon, Deputy Secretary

Public Comment: James Lee thanked Brennan for helping to save the boating resources on the Peninsula. **(0:58)**

Shaunn Cartwright thanked the Commission and Brennan for moving the District's Office to El Granada. She also thanked the Commission for working on issues such as beach replenishment, water quality and public safety. (2:15)

Tom Linebarger thanked the Commissioners and Brennan for making sure the District videotapes and broadcasts the meetings. (3:08)

B.) New Business

1 TITLE:

Reorganization of Harbor Commission: Selection of

Officers

REPORT:

Bernardo

PROPOSED ACTION:

To be determined

Public Comment:

For Reorganization of the Harbor Commission:

John Dooley

Brian Rogers

Jeff Clark

Cassandra Clark

Kelsey Kaulukukui

Brian Waters

Mike Alifano

Against Reorganization of the Harbor Commission:

Mark DePaula

Kathryn Slater-Carter

Bill Kehoe

Tom Linebarger

Leonard Woren

Porter McHenry

Pamela Fisher

Mike Ferreira

Mary Larenas

Budd Ratts

John Lynch

Dan Haggerty

John Ullom

Michael Stogner

Shaunn Cartwright

James Lee

Declined to Declare Position:

April Vargas

Brennan resigned as Board President effective immediately. (1:16:33)

Action: Motion by Brennan, second by David to nominate Commissioner Mattusch as President to the Board. The motion passed unanimously.

Ayes: Bernardo, Brennan, David, Mattusch, Parravano

Action: Motion by Mattusch, second by Bernardo to nominate Commissioner David as the Vice President to the Board. The motion passed unanimously.

Ayes: Bernardo, Brennan, David, Mattusch, Parravano

Action: Motion by David, second by Parravano to nominate Commissioner Bernardo as the Secretary to the Board. The motion passed unanimously.

Ayes: Bernardo, Brennan, David, Mattusch, Parravano

Action: Motion by David, second by Bernardo to nominate Commissioner Parravano as the Treasurer to the Board. The motion passed unanimously.

Ayes: Bernardo, Brennan, David, Mattusch, Parravano

C.) Adjournment

Action: Motion by Parravano, second by Brennan to adjourn the meeting. The meeting ended at 7:30 p.m. The motion passed unanimously.

Ayes: Bernardo, Brennan, David, Mattusch, Parravano

Debbie Nixon

Deputy Secretary

Jon Malley L. Tom Mattusch

President



San Mateo Harbor County District Commissioners Bernardo, Brennan, David, Mattusch, and Parravano,

It has come to the National Women's Political Caucus of Silicon Valley's attention that a special meeting is called today for the removal of Commissioner Sabrina Brennan from her position as President of the San Mateo County Harbor District Board. This is a letter of opposition of any motion or action to remove Commissioner Brennan from presidency.

Notice

We are especially concerned with the lack of notice to not only the public, but to Commissioner Brennan. We believe that advance notice of three business days for today's special meeting, scheduled late last Wednesday night, is insufficient notice for the Commission to hear public comment, especially after a nationally recognized and celebrated holiday weekend. While the minimum require notice to call a special meeting is one day, the subject matter of removal is a cause for concern as this tactic so grossly affects the District's responsibility to the residents of the San Mateo County Harbor District.

Inconsistent Application of Action

In 2013, Commissioners Holsinger and Tucker attempted to strip President Bernardo of his position at a regularly scheduled and noticed meeting. As such, no extra taxpayer funds or staff time was devoted to a special meeting then. If Commissioner Brennan's presidency is to be challenged, she is entitled to the same opportunities afforded to her colleague – whom she defended at that particular meeting – Commissioner Bernardo. To obfuscate the process by calling for special meetings would be an inconsistent application of action and we would support any equal protection claims Commissioner Brennan should make if a removal action should occur.

Support of Commission President Sabrina Brennan

Harassment allegations must always be taken seriously. We agree that review must happen in order to determine how to move forward during a conflict. This is why we are in complete support of President Brennan. President Brennan has a long standing, successful history of advocating for government transparency and fiscal responsibility. She moved to have board meetings televised for better access to the public as well as the districts new location to save the district money.

We support President Brennan because she has been a steadfast advocate for the residents of the San Mateo Harbor District. She is thoughtful and meticulous – qualities that the residents deserve in an elected official. We are exceptionally proud of her gravitas to vote with the thought of how it would affect the residents, and not with her ego. We have been monitoring Commissioner Brennan's achievements and want to remind the Commission of all that she has done to be a deserving and

The National Women's Political Caucus (NWPC) is a multicultural, intergenerational, and multi-issue grassroots organization dedicated to increasing women's participation in the political process and creating a true women's political power base to achieve equality for all women. The mission of NWPC is to increase women's participation in the political process and to identify, recruit, train, and support feminist women for election and appointment to public office. While in pursuit of this goal, NWPC Silicon Valley will strive to win equality for all women; to ensure reproductive freedom, to achieve quality dependent care; and to eradicate sexism, racism, anti-Semitism, ageism, ableism, violence, poverty, and discrimination on the basis of religion or sexual orientation.



effective leader. Since 2012, Commissioner Brennan has been the lone dissenting vote when efforts were being made to turn back or stall progress on the issues of board transparency, reform, and modernization. She was the lone dissenting vote in 2013 when the board voted to abolish the videotaping of meetings which she spearheaded. We especially find this to be an amazing feat considering the well documented and reported constant verbal aggressive criticisms coded in sexist language by former commissioners against Commissioner Brennan.

It is our position that any action to remove President Brennan would be inappropriate and baseless. We are especially concerned of the historic lack of representation by women on this Board and will openly oppose any insidious sexist actions taken against the Commissioner. We urge all Commissioners to think about the residents they purport to represent and let any motion fail due to lack of support.

angelica y Ramos

Angelica Ramos

President, National Women's Political Caucus of Silicon Valley

angelica@nwpcsiliconvalley.org

408.597.4946

Coastside Democrats

P.O.Box 1046 Half Moon Bay, CA 94019-1046 WWW.CoastsideDemocrats.org

San Mateo Harbor County District President Brennan and Commissioners Bernardo, David, Mattusch, and Parravano,

This is a letter of opposition of any motion or action to remove Commissioner Brennan from presidency.

The Coastside Democrats are especially troubled with the special meeting today calling for the removal of Commissioner Sabrina Brennan from her position as President of the San Mateo County Harbor District Board. The lack of notice to not only the public, but to Commissioner Brennan on the heels of a national holiday only adds to the public's mistrust of the Harbor Commissions transparency and fairness in doing the public's business. We believe that the serious but unsubstantiated accusations made against Ms Brennan need to be investigated by an impartial committee before any drastic actions are taken.

We also feel that the Commissioners should be consistent in their actions with Ms Brennan as they were with Mr. Bernardo in 2013. As you will recall, Commissioners Holsinger and Tucker attempted to strip President Bernardo of his position at a regularly scheduled and noticed meeting at with no extra taxpayer funds or staff time needed for a special meeting. If Commissioner Brennan's presidency is to be challenged, she is entitled to the same opportunities afforded to her colleague, whom she defended at that particular meeting.

The Coastside Democrat's Board supports Commission President Sabrina Brennan who has a long standing history of advocating for government transparency, public participation and fiscal responsibility. She fought to have board meetings televised for better access, she has investigated many irregularities in administrative operations and she has sought to reduce cost by moving the district's offices to a new location to save the district money.

We support President Brennan because she has been a steadfast advocate for the residents of the San Mateo Harbor District. She is thoughtful and hard working – qualities that the residents deserve in an elected official. We are exceptionally proud of all her accomplishments while serving on the Board and the support given her by the community. We take this opportunity to thank Commissioner Brennan for all that she has done to be a deserving and ask her to continue working for the people.

Sincerely,

HR/KSC

Harvey Rarback, President Coastside Democrats

May 26, 2015

San Mateo County Harbor District Commissioners

RE: Special Meeting: Bernardo: Reorganization of Harbor Commission: Selection of Officers

As a resident of San Mateo County Harbor District I object to this move to strip President Brennan of the Presidency of this Harbor Commission.

The process is faulty – called after midnight for no reason given, after the pubic had been long gone. In fact Commissioner Bernardo tried to discuss this in public and was stopped by either or both the Interim General Manager or the Board Attorney.

There is no staff report. There appears to be no reason given prior to this meeting for this rash action.

If it is as rumor has it is as misogynistic as it can be. Strong women who seek to remedy identified fiscal and other mismanagement practices should be praised not censured. If Commissioner Brennan were a man she would be praised for being a strong, decisive leader.

I support Commissioner Brennan for her efforts to make this district a transparent, responsible district. Under her leadership the district has accomplished the first set of Grand Jury recommendations from 2001/02. When President Commissioner Bernardo did not.

The most recent set of Grand Jury recommendations hinge upon having a competent general manager who can work with all board members. Newspapers reports indicate this is not the case, even today.

That said, I support Commissioner Brennans decision tonight.

Sincerely,

Kathryn Slater-Carter

May 26, 2015

Re: May 26th Special Meeting

Harbor Commissioners:

We strongly protest the special meeting that is scheduled for May 26th at 5:30pm at the Oyster Point Yacht Club and we feel that this meeting should be cancelled and the topic of Commissioner Sabrina Brennan's presidency should rescheduled to a regular meeting held at the regular time and at the regular location.

First of all, we strongly support the work that President Brennan has done and all that she has accomplished in the areas of open government (such as televising meetings) and financial responsibility (reducing the cost of District operations & IT/computer purchasing and inventory practices and moving the district's offices to save money).

Regardless of how we feel about whether a person should or should not be removed from office, we are very concerned about the process. We strongly object to the special meeting at a special time and a special location. The time is terrible. We, along with many members of the public, will not be able to make it to the meeting because we physically cannot leave work early and drive through one of the most congested areas of Highway 101 traffic at the height of rush hour in order to make it to a meeting at 5:30pm. Having a meeting at this time and location is NOT open government, in fact, it seems quite the contrary. It seems that the board is attempting to limit the public's participation.

If there are allegations of potential wrongdoing that are strong enough to warrant removal of a commissioner from office of presidency, then these allegations need to be fully investigated and verified, possibly by an independent third party. The removal of a person from office is serious and should not be rushed into by other board members who may just have a difference of opinion.

Again, to ensure true open government and full public participation, this meeting should be CANCELLED and rescheduled to a REGULAR MEETING TIME and REGULAR MEETING LOCATION and be given REGULAR MEETING PUBLIC NOTICE.

If you will not reschedule this meeting, then we urge you to NOT remove Ms. Brennan from the Board Presidency.

Frank and Doreen Gerrity 689 Silver Avenue Half Moon Bay, CA 94019 From: Jack McCarthy jackmc333@yahoo.com

Subject: Harbor Commissision Hearing May 26, 2015 - Support for Sabrina Brennan

Date: May 26, 2015 at 4:24 PM

To: Tom Mattusch (mattusch@smharbor.com, Nicole David (ndavid@smharbor.com, Robert Bernardo (smharbor.com, Pietro Parravano (pparravano @smharbor.com, Sabrina Brennan sabrina @sabrina brennan com

To: San Mateo County Harbor District Commissioners Robert Bernardo, Tom Mattusch, Nicole David, Pietro Parrayano and Sabrina Brennan

Dear Harbor Commissioners,

From: Jack McCarthy 400 California Ave. Moss Beach, CA 94038

This is a short note to tell you of my strong support for Sabrina Brennan and the continuance of her position as President of the Harbor District.

Everyone knows that Sabrina has been instrumental in starting the process of reforming the District. She has encountered opposition at every step of the way. This process is not easy and it takes a strong character to do it.

To put roadblocks in front of this process now will rightly be seen by those who voted for reform as muddying the waters toward reform. It will also be seen as a reason to end the district's independence.

Please do not create another problem for the Harbor District and let Sabrina continue in her term as President.

Best, Jack McCarthy 400 California Ave. Moss Beach, CA 94038 From: Fran Pollard LPFP@comcast.net

Subject: Fwd: For Reorganization of the Harbor Commission

Date: May 26, 2015 at 4:48 PM

To: Sabrina Brennan sbrennan@smharbor.com, Tom Mattusch tmattusch@smharbor.com, Nicole David ndavid@smharbor.com,

Robert Bernardo rbernardo@smharbor.com, Pietro Parravano pparravano@smharbor.com

To The San Mateo County Harbor Commissioners:

May 26, 2015

Since I am unable to attend this meeting tonight, I decided to write a message of concern. As a resident of over 40 years, I have been following the Harbor Commissioner all these years and in fact, my husband even served as a Harbor Commissioner in the late 70s/early 80's.

Sabrina, singlehandedly worked hard for 2 years against a very strong and uncooperative Commission. And I have been watching and seeing how hard all of you are working currently to set things right. And I understand how things can get heated at times and out of control.

For that reason, I'm hoping you will all try to get along for the good of the Community. I'd like to suggest a compromise, that Nicole nominate Tom Mattusch for President and Sabrina remain on the Commission and on all her committees.

Thank You in advance and I hope for the best in the future,

Fran Pollard PO Box 832 El Granada, CA LPFP@comcast.net

Debbie Nixon

From: angelica.ramos@gmail.com on behalf of Angelica Ramos

<angelica@nwpcsiliconvalley.org>

Sent: Tuesday, May 26, 2015 12:10 PM

To: Robert Bernardo; Sabrina Brennan; Nicole David; Tom Mattusch; Pietro Parravano

Cc: Debbie Nixon

Subject: Letter of Opposition to Commission's Special Meeting for Removal

Attachments: NWPC-SV Letter of Support - Sabrina Brennan.pdf

Commissioners Bernardo, Brennan, David, Mattush, Parravano and Deputy Secretary Nixon,

Attached is a letter of opposition to today's special meeting called for the removal of Commissioner Brennan's presidency. We object to the meeting's lack of notice and lack of equal application in terms of process. Further, we support Commissioner Brennan as she has a record of success and achievement benefiting the residents of the San Mateo County Harbor District. Our letter is attached. Per state and local ordinances, we are aware of and expect this to make it into the public record for today's meeting.

Respectfully,

Angelica Ramos, J.D. President, National Women's Political Caucus of Silicon Valley (main) 408.597.4946

(email) angelica@nwpcsiliconvalley.org

I love to see a young girl go out and grab the world by the lapels. Life's a bitch. You've got to go out and kick ass. - Maya Angelou

^{**}For media inquiries please contact Shaunn Cartwright, Communications Chair by emailing her here.

Wednesday, June 17, 2015

Re: California Open Meeting Concerns

Dear President Mattusch and Commissioners,

The Harbor District and law enforcement missed an opportunity to provided better guidance at the May 26th Special Meeting.

In addition to the unfortunate removal of John and Dan Ullom's livestream device the meeting was held during cocktail hour and alcohol was being consumed before, during and after the meeting.

From my seat I could see SSFPD and public member John Ullom standing by the barroom door and later on the deck. At one point I was concerned Mr. Ullom would be tasered. I saw public member Bill Kehoe intervene on the deck and deescalate the situation. It's my understanding that a SSF police officer told Mr. Ullom that he knew who he was and the officer credited Mr. Ullom for being the source of all the problems with the Harbor District.

With so many elected officials, public agency staff members, SSFPD and County Sheriff in the room it's a very sad commentary that the public right to record and broadcast public meetings was violated.

As board President during the meeting I regret not stopping the meeting when I first noticed a problem between SSFPD and a member of the public. The meeting was a disgrace in many ways and reflects poorly on all five Harbor Commissioners.

Going forward I hope elected officials and law enforcement will do a better job serving the public and adhere to California open meeting laws.

Sincerely,

Sabrina Brennan

June 16th, 2015

Steven D. Miller, Esquire Hanson Bridget, LLC 425 Market Street San Francisco, CA 94105

smiller@hansonbridgett.com Direct Phone 415-995-5831 Fax 415-995-3426

Dear Mr. Miller,

We write regarding your participation as Legal Counsel to the Harbor Commission in the special meeting of Tuesday, May 26th, 2015, which was attended by Mark De Paula and Michael Stogner. Mr. De Paula requested a meeting with South San Francisco's Assistant City Manager Jim Steele and Chief of Police, Jeff Azzopardi, this past Tuesday, June 9th, which was attended by Mr. Stogner and Mr. John Ullom to discuss the interference with his recording and broadcast of the Harbor Commission meeting. Mr. Lamont Phemister, also attended the meeting with the Mr. Steele and Chief Azzopardi. Mr. De Paula was unable to attend due to an injury.

Mr. Stogner, reported to Mr. Steele and Chief Azzopardi that an unknown person removed Mr. Ullom's broadcasting device which aborted his broadcast of the Harbor Commission meeting. Mr. Ullom discovered this by a text message from someone who was watching the broadcast. Mr. Phemister noted that he was informed by his friend, Commissioner Robert Bernardo, for whose re-election he worked, that Mr. Ullom has recorded and broadcast Harbor Commission meetings for years without objection.

Mr. Ullom told Mr. Steele and Chief Azzopardi that on searching for his device, he learned a bartender in the adjoining room had it. The bartender refused at first to return it, but later did surrender it to a police officer who returned to Mr. Ullom, ordering him to not resume the broadcast, saying his operation was not needed because Pacific Coast TV (engaged by the Harbor Commission) was recording it. This police order violated the California Open Meetings Law because the public is free to record and broadcast public meetings.

Mr. Ullom complained about the interference with his recording and broadcast operation without success to Harbor District Interim General Manager, Glenn Lazof, during a break in the meeting. In the public comments time, shortly after the break, Mr. Ullom reported the removal and interference with his recording/broadcast operation to the Commissioners, and asked Mr. Lazof again for permission. After hesitation and a chorus of demands from the audience Mr. Lazof said yes. Mr. Ullom told Mr. Steele and Chief Azzopardi that he misspoke at the Harbor Commission meeting to have said the officer told him he could be arrested. Mr. Ullom said he should have said that he feared he would be arrested it he did not follow instructions of the officer. Mr. Ullom asked that his apology be accepted, and said he did not wish to make a criminal complaint. We who write this letter are agreed to regard the police action about Mr. Ullom's device as closed because we believe South San Francisco police in attendance at future public meetings will know they are obligated to protect the public right to record and broadcast public meetings, rather than interfere..

Others, and chiefly you, failed in your obligation to protect the public's right at the Harbor Commission meeting. California Government Code, Sections 11120-11124. [Bagley-Keene Open Meeting Act] declares "11124.1. (a) Any person attending an open and public meeting of the state body shall have the right to record the proceedings with an audio or video recorder or a still or motion picture camera in the absence of a reasonable finding by the state body that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings. (b)... (c) No state body shall prohibit or otherwise restrict the broadcast of its open and public meetings in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings.

Accordingly, the Harbor Commission cannot refuse, and the public does not need. permission to record & broadcast.

The journalist and a number of law officers, including a deputy sheriff on duty, and other officials, and a San Mateo County Supervisor at the meeting should have known Mr. Ullom did not and does not have to ask Harbor District Commission permission to record and broadcast this public meeting.

But, as counsel to the Harbor District Commission, you, most of all, should have spoken up when this question arose in your presence. You owed it to the commissioners and to us voters to speak up and advise the commission that no interference to Mr. Ullom's operation is permissible. Counsel and law officers must be vigilant to protect the rights of the public. You kept silent while they erred and risked embarrassment to the Harbor Commission for illegal behavior. If you fail to recommend to the Harbor Commissioners that they affirm to meeting attendees that the public has the right to record and broadcast, you will compound your error. Your competence as counsel would be questioned.

Sincerely yours.

Mark De Paula 3932 Branson Drive

3932 Branson Drive San Mateo, CA 94403 645 Prospect Street #201 San Carlos, CA 94070

Michael Stogner

Lamont Phemister 2011 Parrost Drive #1 San Mateo, CA 94402

Copy: Harbor Commission

EDAILY JOURNAL The Peninsula's homepage

OP-ED: I'm your Harbor Commissioner

June 03, 2015, 05:00 AM By Sabrina Brennan



Every morning I wake up and think about how I can add value to Harbor District operations and the voters of San Mateo County. And frankly the value I add is not in ceremonial management of bureaucracy. My strength is in developing creative solutions that address decades of mismanagement. Sometimes my questions and ideas ratife the cages of people attached to past practices.

With the support of county voters, I was elected in 2012 by the biggest margin in history. I am here to advocate for the needs of the fishing and boating communities, for public safety, for fiscal responsibility, for transparency and for environmental stewardship, and to promote active recreation, tourism and economic prosperity for waterfront business communities.

Since 2010, I've led the effort to build a publicly responsible Harbor District, and although this effort may ruffle feathers, it doesn't change the fact that it will also take us into the 21st century.

Of course there is a difference between good governance and advocating for reform, but unless we as commissioners govern in a creative, modern way that moves us away from the district's past practices, we'll never solve the problems outlined in the Local Agency Formation Commission Municipal Service Review Draft Report published last Friday, the 2014 San Mateo County Civil Grand Jury report, and the many other issues that continue to plaque the district.



Sabrina Brennan

I support working collaboratively with partner agencies to become a hub for active recreation and visitor education about the history and economic significance of the San Mateo County commercial seafood industry.

It's time the district focus on making measurable progress to improve Pillar Point Harbor by developing a dredging plan that prevents boats from running aground, reduce erosion by moving sand trapped inside the breakwater to Surfer's Beach and the Princeton shoreline, repair trail erosion near Pillar Point Marsh, build additional commercial lease space to generate revenue, renovate Johnson Pier, replace floating docks that pose a safety hazard, expand the sidewalk in front of tenant restaurants and businesses to meet ADA requirements, provide storage for kayaks and other human powered vessels, improve Coastal Trail access and continue to monitor water quality.

As a founding member of the district's Finance Committee, I totally agree with the LAFCo recommendation to "engage an accounting firm to review our budget accounts for both operations and capital improvements, and establish a financial accounting system consistent with best practices for California public agencies ... monitor inventory, to allocate costs and revenue according to enterprise versus other public purposes, and to provide immediate access to current lease and tenant information."

The to-do list is long and it will take time to correct decades of mismanagement. Please continue to support this independent special district, as we transition to a new permanent general manager later this summer at our new coastside headquarters in El Granada.

Laccept responsibility for pushing the envelope and I will endeavor to find new ways to work cooperatively with my colleagues. Lam committed to continuous improvement as a board member.

If you have suggestions or questions please don't hesitate to call me at (650) 479-5654; your input is extremely valuable.

Sabrina Brennan is a member of the San Mateo County Harbor District Board of Commissioners.