



Board of Harbor Commissioners

Nancy Reyring, President
Virginia Chang Kiraly, Vice President/Secretary
Tom Mattusch, Treasurer
Sabrina Brennan, Commissioner
Edmundo Larenas, Commissioner
James B. Pruett, General Manager
Trisha Ortiz, District Counsel

San Mateo County Harbor District Board of Harbor Commissioners

“The Harbor district provides fiscally and environmentally responsible stewardship of its maritime resources, emergency response, and public access”

MEETING MINUTES

May 20, 2020

6:30 PM - 9:30 PM

San Mateo County Harbor District

Note 1: On March 17, 2020, the Governor issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings telephonically or by other electronic means. Pursuant to the Shelter-in-Place Order issued by the San Mateo County Health Officer on March 16, 2020, as revised on March 31, 2020, the statewide Shelter-in-Place Order issued by the Governor in Executive Order N-33-20 on March 19, 2020, and the CDC’s social distancing guidelines which discourage large public gatherings, the April 15, 2020 Regular Meeting of the San Mateo County Board of Harbor Commissioners was conducted by video/teleconference.

A) Roll Call 6:32

All Commissioners are present.

Commissioner Reyring opened the meeting outlining the parliamentary procedures that would be followed during the meeting:

- The Chair will poll each Commissioner in random order for each matter. Commissioners were requested to keep comments until it was their turn so that all of our remarks can be clearly understood and recorded. To better manage the process, the Chair will keep all microphones on mute until recognized by the Chair. This allows each person his or her opportunity to speak without interruption during the speaker’s allotted time.
- The time limit for Commissioner comments is two minutes.
- Should a Commissioner wish to make a comment outside of their turn, that Commissioner is requested to ask the Chair for recognition to speak. Additional comments will be limited to one minute.
- Should a Commissioner wish to ask a question, that Commissioner is requested to ask Chair for recognition to speak. The question should be directed to the agenda item being considered.

Motion: (Reyering/Chang Kiraly) Limit both Commissioner comments and comments by the public to two minutes each.

Ayes: Reyering, Chang Kiraly, Mattusch, Larenas

Nays: Brennan

Motion passed

B) Public Comments/Questions and Commissioner Comments

Moved to the end of Agenda by Commissioner Reyering.

C) Consent

ITEMS PULLED FROM CONSENT WILL BE HEARD AFTER DISCUSSION ITEMS.

Commissioner Chang Kiraly pulled Item 3.

Commissioner Brennan pulled Items 1 and 7.

2. **Minutes – Special Meeting April 2, 2020 (Hadden)**

Recommendation: Approve Minutes of the Special Meeting of April 2, 2020.

4. **Third Quarter 2019/20 (Q3-20) Financial Report Spending Authority (van Hoff)**

Receive and file.

5. **Third Quarter – Fiscal Year 2019/20 (Q3-20) Rent Report (van Hoff)**

Receive and file.

6. **Monthly Capital Projects Update (Moren)**

Receive and file.

Public Comments:

- Sam Sique – Wanted to comment on other items.
- Doreen O'Connor – Wanted to comment on Items 11 and 12.

Motion: (Chang Kiraly/Brennan) Approve consent items 2, 4, 5 and 6.

Ayes: All in favor

Motion passed

Commissioner Larenas asked for items 11 and 12 to be moved to the beginning of discussion.

D) Discussion

11. Charges for Services & Rent - COVID-19 Related Delinquencies (van Hoff)

Discuss and consider waiving penalty and fees for delinquencies and allow twelve-month payment plans; alternatively consider full or partial rent forgiveness.

6:49 Commissioner Mattusch and Commissioner Larenas recused themselves from this item and exited the meeting.

Public Comments:

- Carl Hiltz – Commented on deferral vs forgiveness doesn't think a deferral will solve the problem. He thinks forgiveness of any kind is the only solution.
- Sam Sigure – He is a commercial fisherman and he relies on dock sales for all his income. Would like forgiveness of rent.
- Carolyn Gerin – She rents a slip at Pillar Point Harbor, but it is vacant. Would like rent forgiveness.
- Patrick Donohoe – He is a sport fisherman would like to know the status of the launch ramp.
- Bruce McPhillips – Commodore of OPYC looking for a deferral of rent for everyone.
- Theodore Vecchione – He is a fisherman at Pillar Point Harbor. His question was, "if you've already paid your rent how will rent forgiveness work"?
- Bob Ingles – Owns Half Moon Bay Sportfishing would really like a deferral or rent forgiveness from the Harbor.

Motion: (Brennan) Waive all delinquencies, forgive and refund all rent and slip fees for the time period that the Harbor District has been closed. And forgo inflation increases CPI calculated for 2019. Extend launch ramp access by the number of months that the launch ramp is closed. Bring this item back later, in the event that we need to extend the time period of forgiveness and refund for rent and slips fees beyond the time period that the District is closed.

Failed for lack of a Second

Motion: (Chang Kiraly/Reyering)

- 1) Approve General Manager's action to waive penalties and late fees for rents and charges for services that became delinquent during the period of April 1- June 30, 2020. Waive penalties and late fees on these delinquencies through June 30, 2021.

- 2) For non-essential businesses and essential businesses that remained closed:
 - waive requirement to find lessees and commercial activity permit holders in default due to delinquency of payments which occurred from the period of April 1-June 30, 2020 and allow for repayment of rents over a twelve-month period or by June 30, 2021.
- 3) For berthers (slip holders & mooring patrons):
 - waive requirement to lien vessels due to delinquent payments which occurred from the period of April 1-June 30, 2020 and allow for repayment of rents over a twelve-month period or by June 30, 2021.
- 4) For essential business that remained open:
 - waive requirement to terminate leases and commercial activity permits due to delinquent payments which occurred from the period of April 1-June 30, 2020 and allow for repayment of rents over a twelve-month period or by June 30, 2021.
- 5) Approve the Rates and Fees Schedules as currently published and forgo the 3.3% inflation increase calculated for 2019. Add the 3.3% inflation increase to the 2020 calendar year increase to determine the two-year inflationary increase to be implemented on July 1, 2021. This calculation shall not reduce rates.
- 6) Defer lease terms associated with requirement to increase rents by the consumer price index (CPI) for one year and add to the 2020 CPI to determine the two-year inflationary increase. This calculation shall not reduce base rents.
- 7) Extend annual launch ramp permits by the number of months that the launch ramp is closed.

Ayes: Reyring, Chang Kiraly

Nays: Brennan

Recused: Mattusch, Larenas

Motion passed

7:24 PM Commissioner Mattusch and Commissioner Larenas re-enter meeting.

12. **COVID-19 Pandemic Operational Status and Re-Opening (Moren)**
Authorizing the General Manager to re-open Harbor District facilities once permitted under County of San Mateo and State orders.

Public Comments:

- Krystlyn/HMB Coastside Chamber of Commerce – Wants to advocate for fishermen to sell fish from the dock.

- Patrick Donohoe – Would like to know the status of the launch ramp at Pillar Point Harbor.
- Doreen O’Connor – Talked about social distancing rules when dock sales are permitted.
- Scott Matthews – Would like to see the launch ramp at PPH open soon.
- Bob Ingles – Would like to see Charter Boats be able to operate soon.
- William Smith/Riptide – Would like to see Charter Boats able to operate soon.
- Sam Sigue – Would like the dock sales to be allowed as soon as possible.
- Frank – Wanted to comment on trailer parking at PPH. Would like a solution so people wouldn’t have to park on Highway 1.

1:28 Commissioner Brennan has left the meeting.

Motion: (Mattusch, Chang Kiraly) Open Oyster Point Marina on Friday, May 22, 2020 and support the General Manager to re-open Pillar Point Harbor when the parking on Highway 1 is lifted and under the General Manager’s discretion immediately finding out when it was safe to do so.

Ayes: Reyering, Mattusch, Chang Kiraly, Brennan

Nays: Larenas

Absent : Brennan

Motion passed

1 :31 Commissioner Brennan re-enters meeting.

8. Review Scope and Duties of the Human Relations Committee (Reyering)

Review and discuss Scope and Duties of the Human Relations Committee and consider Board approval.

“To develop policies and make recommendations to ensure that the Harbor District is following local, state and federal laws as well as best practices relating to its employees and commissioners and to ensure the District is creating an attractive environment for current and prospective employees.”

Motion: (Chang Kiraly/Mattusch) As stated.

Ayes: Reyering, Mattusch, Chang Kiraly, Larenas

Nays: Brennan

Motion passed

9. **Human Relations Committee Report and Recommendation on Policy 1.1.1 (Reyering)**

Discuss and consider recommendation to the Board of Harbor Commissioners to adopt the revision to Policy 1.1.1. 'San Mateo County Harbor District Ethics and Values'.

Motion: (Chang Kiraly/Mattusch) amends motion with Commissioner Larenas' changes

Ayes: Reyering, Mattusch, Chang Kiraly,

Nays: Brennan, Larenas

Motion passed

Motion: (Chang Kiraly/Mattusch) Call for the question

Ayes: Reyering, Mattusch, Chang Kiraly,

Nays: Brennan, Larenas

Motion passed

10. **Policy 3.5 - Human Relations Committee Report and Recommendation (Reyering)**

Discuss and consider recommendation to the Board of Harbor Commissioners to adopt Policy 3.5, a new policy entitled Code of Conduct for Elected and Appointed Officials.

Motion: (Chang Kiraly/Mattusch) As stated

Ayes: Reyering, Mattusch, Chang Kiraly

Nays: Brennan, Larenas

Motion passed

13. **Policy 6.5.11 – Leave Policy During Pandemic (Reyering)**

Discuss and consider amending the current Policy 6.5.11; Leave Policy During Pandemic to allow District employees to “cash-out” additional earned Paid Time Off in response to the COVID-19 Pandemic.

Motion: (Chang Kiraly/Reyering) As stated

Ayes: All in Favor

Motion passed

14. **Policy 6.1.15 - Telecommuting Policy (Reyering)**

Discuss and consider recommendation to the Board of Harbor Commissioners to adopt Policy 6.1.15, Telecommuting Policy.

Motion: (Chang Kiraly/Brennan) Adopt Policy 6.1.15, Telecommuting Policy.

Ayes: All in Favor

Motion passed

15. **Policy 6.2.5 – Sexual & Unlawful Harassment Policy (Pruett)**
Discuss and consider recommendation to the Board of Harbor Commissioners the elimination of current Policy 6.2.5 'Harassment, Discrimination and Retaliation Prevention.' Adopt and replace current Policy with Policy 6.2.5 Sexual & Unlawful Harassment Policy.

Motion: (Chang Kiraly/Mattusch) As stated
Ayes: Reyering, Mattusch, Chang Kiraly
Nays: Brennan, Larenas
Motion passed

Public Comment:

John Ullom - Commented on past investigations that went on at the Harbor District.

Kimberly - Commented on the new policy and third party neutral paragraph being added.

Motion: (Chang Kiraly) Call for the Question
Ayes: Reyering, Mattusch, Chang Kiraly
Nays: Brennan, Larenas
Motion passed

9:15 PM (Chang Kiraly/Mattusch) Motion to extend meeting until 10:00 PM
Ayes: All in Favor

16. **Emergency Replacement of the PPH Electronic Access Control Program/System (Moren)**

Motion: Pursuant to District Policy 4.3.3: Emergency Expenditures, concur with General Manager's decision to; i) enter into an agreement with vendor Get it Tech for an amount not to exceed \$26,875.13 to provide and install a new electronic access control system at Pillar Point Harbor, ii) execute a work order for an amount not to exceed \$5,290.00 with District's IT consultant, Think Connected, to prepare server and security for installation of the new electronic access control system, iii) authorize a 10% contingency of total project amount, \$32,165.13, in the event there is a need for Change Orders due to unforeseen challenges and authorize the General Manager to issue change orders up to the contingency amount and Approve increase in Capital Expenditure Appropriations of \$35,381.64 to be funded by available working capital.

Motion: (Reyering/Mattusch) As stated.
Ayes: All in Favor
Motion passed

17. **New Reporting for Bills and Claims (van Hoff)**

Consider approval of new reporting format for Bills and Claims.

Motion: (Chang Kiraly/Mattusch) Approve new reporting format for Bills and Claims.

Ayes: All in Favor

Motion passed

Consent Items that were pulled:

3. **Minutes – Meeting April 15, 2020 (Hadden)**

Recommendation: Approve Minutes of the Regular Board Meeting of April 15, 2020.

This item will be revised and put on the next Agenda for approval.

1. **Bills and Claims (van Hoff)**

Recommendation: Review Pre-Approved Bills and Claims in the amount of \$500,000; approve April bills of \$442,452.15. Pre-Approve \$750,000 in Bills and Claims for June 2020.

7. **504 Avenue Alhambra – Lease Extension through FY2022/23 with One Year Extension Option (Pruett)**

Authorize the General Manager to execute a lease option to extend the current lease for 504 Avenue Alhambra through May 31, 2023 with a lease payment for Fiscal Year 21/22 of \$8,800 per month and a lease payment of \$9,100 per month for Fiscal Year 22/23.

Motion: (Chang Kiraly/Brennan) Approve consent Items 1 and 7.

Ayes: All in Favor

Motion passed

B)

3. Committee Updates

HR Committee had first meeting.

No other Committee updates.

1. Public Comments/Questions - None

2. Commissioner Comments

- Commissioner Larenas –Would like the Commissioner comments and the public comments at the beginning of the meeting. Wanted to thank the General Manager for putting up signage about high intensity lights at Pillar Point Harbor. Pelicans get very disoriented by these lights and enforcing this at Pillar Point Harbor at night will help.

- Commissioner Brennan – Commented on past Sexual Harassment allegations at San Mateo County Harbor District.
- Commissioner Chang Kiraly – Wanted to thank the Harbor Patrol at Pillar Point Harbor and Oyster Point Marina on all the hard work they do.

F) Future Agenda Items

Motion: (Reyering/Chang Kiraly) Consider Censure of Commissioner Brennan, based on her conduct at the April 15, 2020 Harbor Commissioners Meeting.

Ayes: Reyering, Mattusch, Chang Kiraly

Nays: Larenas, Brennan

Motion passed

Motion (Brennan/Larenas) Consider Censure of Commissioner Mattusch.

Ayes : Larenas, Brennan

Nays : Reyering, Chang Kiraly, Mattusch

Motion did not pass

G) April Activity Reports General Manager, Operations, Administration

Information only.

H) Adjourn 9:45 PM

Motion: (Chang Kiraly/Reyering)

All in favor

Approved by the Board on June 17, 2020

Melanie Hadden
Deputy Secretary

Nancy Reyering
President