



San Mateo County Harbor District Board of Harbor Commissioners

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

REGULAR MEETING MINUTES

March 15, 2017

6:30 PM

Municipal Services Building
33 Arroyo Drive
South San Francisco, CA 94080

A.) Roll Call – All Commissioners present.

B.) Public Comments/Questions

- Bob and Sherry Ingles - HMB Sportfishing and 'Queen of Hearts.' Have a long history at PPH; assist District in any way they can.
- Jim Drake – Drake Marine. Would like to get onto the Agenda to discuss dry boat storage at Oyster Point Marina.

C.) Commissioner Comments

- Commissioner Bernardo stated that he needs to leave at 8:00 PM due to a family emergency.
- Commissioner Chang Kiraly said that she also needed to leave at 8:00 PM.
- Commissioner Brennan said that she wanted to get an update regarding the West Shoreline Trail from staff.
- Commissioner Mattusch read prepared comments regarding Board/Staff roles; Committees and Board norms (attached) *dr8*
- Commissioner Brennan commented to clarify that the Board and committees work for the Public.

D.) Consent Calendar

ITEMS PULLED FROM THE CONSENT CALENDAR WILL BE HEARD AFTER DISCUSSION ITEMS.

Motion: (Chang Kiraly/Bernardo) Approve all Consent items except for Item 5.

Ayes: Bernardo, Chang Kiraly, Mattusch

Nays: Brennan, Larenas

1. **Bills and Claims (Chan)**
2. **Minutes –Regular Meeting January 18, 2017 (Gehret)**
3. **Minutes –Special Meeting February 15, 2017 (Gehret)**
4. **Minutes –Regular Meeting February 15, 2017 (Gehret)**
6. **Resolution No.17-01 Authorized List Signatures with San Mateo County Treasurer’s Office (Lazof)**
7. **Activity Reports (McGrath/Lazof/Moren)**
8. **California Canoe & Kayak’s Commercial Activity Permit (Moren)**
9. **Pillar Point Harbor West Trail Erosion Protection Project and Recent Mudslide (Moren)**
10. **H Dock Demolition and Replacement Pillar Point Harbor (Moren)**

E.) Discussion

President Mattusch chose to reorder the Agenda, taking items that required a vote first, due to two Commissioners leaving the Meeting early.

19. Cartel Inc. Permit and Surf Contest (Brennan)

Information only.

- Emily Charley, Attorney from Hanson Bridgett, reported that the Bankruptcy Court set April 28, 2017 as the Bar Date for creditors to file Proofs of Claim and Interest in the Chapter 11 Case filed by Debtor Cartel Management, Inc. The bankruptcy is being administered by the U. S. Bankruptcy Court, Central District of California.

18. Discuss and approve the creation and/or development of policies and procedures under which the Board will govern itself. (Chang Kiraly)

Motion (Chang Kiraly/Bernardo) to appoint an Ad Hoc Committee which will return with recommendations on District Board governance.

Per Counsel Steven Miller, the Board President is allowed to appoint to an Ad Hoc committee without the need for a motion. Motion is withdrawn by Commissioner Chang Kiraly, and the 2nd by Commissioner Bernardo.

President Tom Mattusch appoints Commissioner Chang Kiraly and himself for this Ad Hoc Committee.

Public Comment:

- John Ullom – ‘Roberts Rules of Order’ should be sufficient. Mr. Ullom handed out a Facebook posting.

12. Pillar Point Harbor Sidewalk Expansion and Parking Lot Improvement (Moren)

Motion: (Chang Kiraly/Brennan) Authorize the General Manager to issue a Task Order under the existing contract with CSG for the not-to-exceed amount of \$88,715 for additional design, engineering, bid and construction support services for Option 4, and additionally to direct staff to meet with the ADA consultant to take a second look at the plans for approval.

AYES: Motion passed unanimously.

14. First Look at Rates and Fees Effective July 1, 2017; General and Oyster Point Marina and Park (Lazof)

Public Comment:

- Bob and Sherry Ingles – have concerns about the increase for businesses that have been slow, and that the salmon season forecast is bleak. No retroactive CPI; poor fishing seasons impacted business.
- Bruce McPhillips – Has been at Oyster Point Marina since 1999 and has stated that services at OPM have diminished over the years and doesn't support an increase. No increase; diminished services at OPM.
- Captain William Smith – 'Riptide' – has been a part of the Harbor for many years. Considers Option the 3 the best option, but with business being poor and eroding away, would rather no increase. Need the support of the Harbor District. No increase; bad weather impacted business.
- Ralph Silberman – Tenant at Oyster Point Marina. Does not support raising rates and fees when services are being reduced at OPM. No increase; diminished services at OPM.
- John Prouty – been associated with Oyster Point Marina for many years. Does not want to see catch up of rates and fees while losing amenities. No retroactive CPI; diminished services at OPM.

Motion: (Bernardo/Brennan) Take no action at tonight's meeting, but bring back in April.

Ayes: Motion passed unanimously.

5. Authorize Out of Scope Agreement with CASPIAN IT (Lazof)

Submittal into the Public Record by Commissioner Chang Kiraly.

Motion: (Bernardo/Chang Kiraly) to NOT authorize the General Manager to execute additional work authorizations for project specific, out of scope items with Caspian IT, not to exceed \$50,000 through the end of the current contract December 16, 2019.

Ayes: Bernardo, Chang Kiraly

Nays: Brennan, Larenas, Mattusch

Public Comment:

- John Ullom – supportive of Caspian IT contractor.

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8:28 PM Commissioners Bernardo and Chang Kiraly leave.

Motion: (Brennan/Larenas) to authorize the General Manager to execute additional work authorizations for project specific, out of scope items with Caspian IT, not to exceed \$50,000 through the end of the current contract December 16, 2019.

Ayes: Brennan, Larenas, Mattusch

Absent: Chang Kiraly, Bernardo

13. 2017 Goals and Objectives (McGrath)

Item Tabled until April 19, 2017 meeting.

15. First Look; San Mateo County Harbor District 2017/18 Fiscal Year Budget (Lazof)

Return Draft Preliminary Budget at April 19th meeting.

- *Items not heard at this Meeting:*

11. Resource Conservation District - First Flush Water Quality Report Update (Moren)

Not presented. Information only

16. California Special District Association (CSDA); Nomination to Board of Directors for CSDA Election (McGrath)

Unheard – will come back to April 19th meeting.

17. Special District Risk Management Authority (SDRMA); Nomination to Board of Directors for SDRMA Election; Adopt SDRMA Resolution No. 17-02. (McGrath)

Unheard – will come back to April 19th meeting.

F.) Discussion/Action on Pulled Consent Items (if any)

- G.) Adjournment:** 9:27 PM
Motion (Brennan/Larenas) to adjourn.
Ayes: Motion passed unanimously.


Debbie Gehret
Deputy Secretary


Tom Mattusch
President



The following materials were distributed to the Board of Commissioners and the Deputy Clerk and as such, will be made a part of Public Record.

San Mateo County Harbor District Code of Ethics & Values

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

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

Goals of the Code of Ethics & Values

- To make San Mateo County a better place to live, work and play
- To make the Harbor District a stronger public agency, built on mutual respect and trust
- To promote and maintain the highest standards of personal and professional conduct among all involved in local government - elected officials, District staff, volunteers, and members of the District's committees

The Code of Ethics & Values is a touchstone for members of board of commissioners and committees in fulfilling their roles and responsibilities.

Preamble

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

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

- a. I am trustworthy, acting with the utmost integrity and moral courage.
- b. I am truthful, do what I say I will do, and am dependable.
- c. I make impartial decisions, free of bribes, unlawful gifts, narrow political interests, and financial and other personal interests that impair my independence of judgment or action.
- d. I am fair, distributing benefits and burdens according to consistent and equitable criteria.
- e. I extend equal opportunities and due process to all parties in matters under consideration. If I engage in unilateral meetings and discussions, I do so without making voting decisions.
- f. I show respect for persons, confidences, and information designated as "confidential."
- g. I use my title(s) only when conducting official District business, for information purposes, or as an indication of background and expertise, carefully considering whether I am exceeding or appearing to exceed my authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Memo

TO: The Board of Harbor Commissioners

Date: March 25, 2015

Cc: Scott Grindy, Acting General Manager
Steven Miller, Legal Counsel

Re: Adoption of List of Norms for the San Mateo County Harbor District Board of Harbor Commissioners

RECOMMENDATION

Adopt the list of Norms.

BACKGROUND

On February 11, 2015 the Board of Harbor Commissioners held a Board Dynamics Workshop, which was open to the public, with board facilitator Brent Ives. Ives suggested that the Board adopt a list of norms. The Commission agreed at that time that Ives' suggestion was one to follow through on.

The following is the list of norms to adopt:

- We respect the public process, thus one another
- When we disagree, we do so respectfully, all viewpoints are valued
- We give each other the benefit of any doubt
- We conduct the public's business in a professional way
- We are committed to the Mission only
- We respect staff on a professional basis
- We both trust and verify our executive and staff as a whole Commission
- We are free to be open and honest, not disrespectful in our communications
- We formally communicate as a decision making body, not individuals
- We stay focused on the higher plain of Mission, Vision, Results and Achievements



Virginia Chang Kiraly

www.facebook.com/VirginiaChangKiraly

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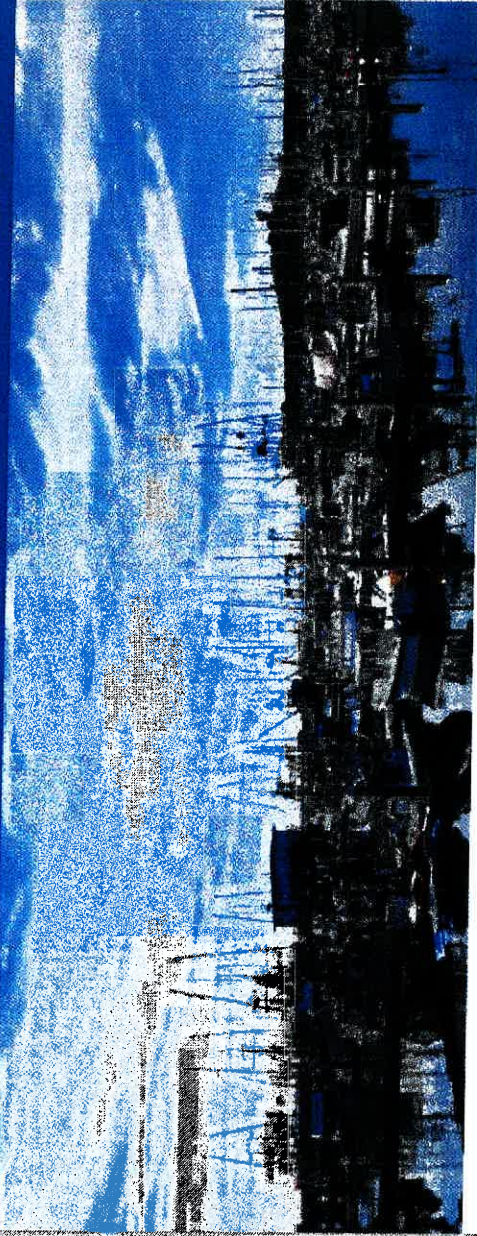
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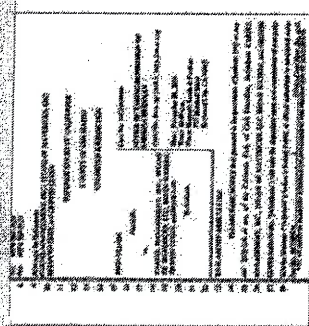


Virginia Chang Kiraly shared Lenny Mendonca's post

17 hrs

Couldn't agree with you more about the need for transparency to uphold public office. Lenny! Thanks for sharing!

Done: 2016-11-16 Ntc to Sabrina Bre...



ATTACHMENT MISSING
The Attachment(s) you are viewing are not available. This may be due to a change in the file name, location, or permissions. Please check the file name and location, and ensure you have the necessary permissions to view the file.

Lenny Mendonca added 2 new photos

17 hrs

Enjoy Thanksgiving Coastside and San Mateo County citizens and taxpayers. I for one am thankful that @SabrinaBrennan will be deposed Monday and eventually the truth will be public. #transparency is crucial to uphold in public officials. Sunlight is a great disinfectant. Look forward to high quality investigative journalism doing its job. Cheers from the Superior Court of San Mateo County.

See All

Public Figure

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Vice President, San Mateo County Harbor District Board
Director, Menlo Park Fire Protection District
Former Foreperson, San Mateo County Civil Grand Jury

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About

VirginiaChangKiraly.com/

VISITOR POSTS

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VISITOR POSTS

Joseph Day
July 2 at 9:13am

Virginia Chang Kiraly

From: David Eblovi <david@casplanitg.com>
Sent: Monday, January 09, 2017 2:39 PM
To: Borhan Zoufan
Cc: vc@kiraly.com
Subject: Virginia Chang-Kiraly

Hey There,

Would you please get in touch with Commissioner Virginia Chang-Kiraly at this email: vc@kiraly.com to setup her email?? She is very close to the political opposition that I am in opposition to, so having someone else set her up would be helpful I think.

Please note that I have de-linked all Commissioner's accounts as none of them have access or use the Domain resources, so making them use the Sync makes little sense. Thus you can set a default for her PW and help her to change it.

Thanks- if you have any issues or concerns please let me know. I've got the other four commissioners handled.

dce

David Eblovi
Lead Project Manager
CASPIAN IT GROUP
david@casplanitg.com
(408) 780-0900 Office
(650) 814-0037 Mobile
1326 White Oaks Road
Campbell, CA 95008

Virginia Chang Kiraly

From: David Eblövi <david@caspiantg.com>
Sent: Tuesday, January 10, 2017 4:03 PM
To: vc@kiraly.com
Subject: FW: I'm Very Sorry...

Commissioner Chang-Kiraly,

I'm forwarding this to your private address as I know you do not have access yet to your District email account.

Thank you,
dce

David Eblövi
Lead Project Manager
CASPIAN IT GROUP
david@caspiantg.com
(408) 780-0900 Office
(650) 814-0037 Mobile
1326 White Oaks Road
Campbell, CA 95008

From: David Eblövi
Sent: Tuesday, January 10, 2017 3:36 PM
To: vchang-kiraly@smharbor.com; Borhan Zoufan (borhan@caspiantg.com)
Cc: smcgrath@smharbor.com; Glenn Lazof (glazof@smharbor.com)
Subject: I'm Very Sorry...

Commissioner Chang-Kiraly,

Yesterday I unintentionally sent an email to a co-worker asking them to take care of getting you setup with your new email and with helping you to set your new password. In that email I referenced the fact that you are close with the Alifano family and thus may be uncomfortable working directly with me- especially with something as sensitive as changing or resetting your password. Obviously I unintentionally sent you this email as well- which was not my intent.

I can see how reading this email may have been distressing and I am very very sorry that I sent it to you, especially since my intent in asking Borhan to help you was exactly the opposite- namely that I felt you would be more comfortable working with him on such a sensitive task. I have worked very hard since coming on board the HD to separate local politics from my professional responsibilities to the District, something that I have been able to do reasonably well to this point in time.

Again please accept my sincere apologies for including you in the email. No matter the reasons it was an unfortunate mistake and I am very sorry that it was sent. Borhan remains ready to help you setup your email, and I am more than happy to do so as well, so please let us know the best way to go about getting this done for you.

Thank you very much for your understanding and consideration,
dce

David Eblövi
Lead Project Manager
CASPIAN IT GROUP
david@caspiantg.com

Steve McGrath

From: John Ullom <redbonelogic@gmail.com>
Sent: Friday, January 13, 2017 2:14 PM
To: Glenn Lazof
Cc: Virginia Chang Kiraly; Steve McGrath
Subject: Re: PRA Caspian

Hi Glenn,

I have been told that the right thing to do on behalf of the District on this one is to cancel this PRA request.

Please cancel this PRA request. Too bad about David. As you know, it his hard for Coastsiders to find work on the Coastside. Whatever it was that provoked all of this ended up taking bread of the Eblovi Family table. David's kids are sweet and his wife is too. They'll probably be OK.

The potential good news is that you can always hire me!!!!

Any update on the pending request? Thanks for your help.

JCU

On Friday, January 13, 2017, John Ullom <redbonelogic@gmail.com> wrote:
Hi Glenn

Please provide all communications between VCK and Harbor District Personnel regarding Caspian. Limit Search to December 1, 2016 forward.

Also an update on pending PRA would be sweet!

Thanks!

JCU

3 days after last email from Vendor