

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

From: James Lee jamesleerwc@gmail.com
Subject: June 17 Harbor District Meeting - Agenda Item #11
Date: June 17, 2015 at 4:24 PM
To: Tom Mattusch tmattusch@smharbor.com, Robert Bernardo rbernardo@smharbor.com, Sabrina Brennan sbrennan@smharbor.com, Nicole David ndavid@smharbor.com, Pietro Parravano pparravano@smharbor.com
Cc: Martha Poyatos mpoyatos@smcgov.org, Debbie Nixon dnixon@smharbor.com



Dear President Mattusch and District Commissioners,

As local advocates for good government and as representatives of your constituents in San Mateo County we would like to express our concerns and opposition to large elements of the draft "Policy Regarding Elected Officials' Conduct and Communication with District Staff" which was written by your interim General Manager and will be presented to the board this evening under agenda item #11 for your potential approval.

In light of the following facts we strongly urge you NOT to approve this draft policy tonight:

Draft Language Prevents Commissioners from Carrying Out Their Duties

The draft policy clearly states that the General Manager is the day-to-day head of district operations but also makes a concerted effort to minimize your roles as Commissioners in acting as the public's eyes and ears and a vital check and balance on this powerful, taxpayer-funded position. This is exemplified by the many new rules in the policy specifically crafted to prevent Commissioners from information gathering and making requests to staff, underscored by the threat made at the end of the draft policy under Item G ("Enforcement") that any Commissioner violating these new rules will be subject to removal from office.

Such a threat appended to a long list of prohibitions on Commissioners' communications and attempts to gather information puts commissioners at the mercy of district staff's whims and partiality and undercuts the Commissioners' roles as public representatives:

Vague Language Enables Staff Partiality and Inconsistent Application

The language of the draft policy is extremely vague and does not properly address specific types of communication between commissioners and staff, leaving the Harbor District open to many potential conflicts within this "gray area" and perhaps even leading to costly legal battles.

For a draft policy to threaten Commissioners with removal from office while failing to provide much-needed clarity and policy specifics is both dangerous and irresponsible.

As an example of the draft policy text's inadequacy, please refer to Items B.7 and B.8, which purport to cover situations where "routine requests for information" and "non-routine requests requiring special effort" are made to the district's staff by the Board of Commissioners or one of its members.

Unfortunately, what the two items do not properly delineate is whether or not a Commissioner asking staff to provide them with a document they feel they need to view in order to make an informed vote at an upcoming meeting (as one Commissioner has often done) falls under the category of a "routine request" or a "non-routine request requiring special effort."

The items also do not clarify if, when a Commissioner is denied access to a document by staff for no justifiable reason, it is considered a "non-routine request" or a matter of "special effort" when a routine Public Records Act request is submitted for the document in question.

Without a clear definition of "special effort," a Commissioner asking staff if she or he can view two or three readily accessible single-page PDF files could be accused of making a "non-routine request requiring special effort" when in fact it is routine for many government bodies at the state and local level to e-mail a few documents as PDF files at no cost to the public when they are asked for in a PRA request.

This lack of clarity leaves the door open to staff determining that a request to view a 100-page document that requires nine minutes to locate to be a "routine request" if it comes from a favored Commissioner, and "non-routine" if it is coming from a

From: Sabrina Brennan sabrina@dfm.com
Subject: MSR comment
Date: June 17, 2015 at 4:26 PM
To: Steven Miller smiller@hansonbridgett.com
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Regarding Governance Options

Dissolution of the San Mateo County Harbor District would be slow and costly. Additional middle ground alternatives should be included in the MSR.

One example of a financially prudent alternative option:

The Board of Harbor Commission could consider dissolving the JPA with the City of South San Francisco and initiate detachment of Oyster Point Marina. History has shown that Oyster Point Marina is a drain on the District due to low tenant occupancy (60 to 65%) and the removal of docks with slips to make room for the WETA ferry terminal.

The City of South San Francisco owns the land at Oyster Point Marina. And for this reason and others the City is in a better position to respond to growth, waterfront development plans and transportation needs as well as the needs of the marina.

If the City of South San Francisco is detached from the Harbor District the City could retain the property tax collected within the city boundary.

Draft MSR, page 31:

SMCHD property tax revenues currently generated within the City of South San Francisco would be inadequate to fund OPM operations.

Property taxes generated within SSF that currently accrue to the SMCHD represent only about 10 percent of SMCHD's current property tax revenues.

From: James Lee jamesleerwc@gmail.com
Subject: June 17 SMC Harbor District Board Meeting - Agenda Items #20 and #21
Date: June 17, 2015 at 4:41 PM
To: Tom Mattusch tmattusch@smharbor.com, Robert Bernardo rbernardo@smharbor.com, Sabrina Brennan sbrennan@smharbor.com, Nicole David ndavid@smharbor.com, Pietro Parravano pparravano@smharbor.com
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To President Mattusch and the Harbor District Board,

I respectfully urge you as Commissioners to adopt the staff recommendation for agenda item #20 of tonight's meeting and to approve the Harbor District as the local Lead Agency in the sand replenishment effort at Surfer's Beach, specifically through the District's Beach Replenishment Committee.

As someone born and raised in San Mateo County who has been a regular recreational user of Pillar Point Harbor all my life, it has been alarming to witness the rate of erosion at Surfer's Beach over the years. It is my hope you take swift action to reverse the damage, starting with tonight's vote.

I would also like to especially commend and recognize Commissioner Sabrina Brennan on her leadership role in bringing this issue to the San Mateo County Harbor District and in establishing the Beach Replenishment Committee, and I hope the board sees fit to do the same at tonight's meeting. For Commissioner Brennan's work on this issue to culminate in the potential approval of the district as the Lead Agency on this issue is thrilling to see and a vindication of her tireless work.

In that same vein I'd also like to commend the Harbor District for considering a social media plan (item #21) and again I would like to thank Commissioner Brennan for leading on this issue and on other issues around the modernization of this special district. Commissioner Brennan has received repeated and targeted criticism from former commissioners in the past for making her website and social media information available to her constituents on the Harbor District website. I hope the fact that staff is looking to take direction from current Commissioners on a social media plan is a sign that this attitude is a thing of the past, and I urge you to take direction from Commissioner Brennan on this matter, as of all the current board members she is clearly the most knowledgeable on this particular issue at the moment.

Thank you and I expect this letter to make it into the public record for this evening's meeting.

James Lee Han
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