

January 17, 2018.

General Manager McGrath's comments in response to the retaliation complaint filed by Commissioner Brennan on December 19, 2017.

Thank you for the opportunity to speak to the complaint that has been lodged against me.

The complaint accuses me of 1) retaliating, 2) showing lack of equity and removing items from the agenda, 3) putting items from other Commissioners on the agenda, 4) causing Commissioner Brennan's items not to be heard by the Commission and be deleted by me, 5) working for a Board majority and 6) acting as a surrogate for Commissioner Mattusch.

1 Specifically, Commissioner Brennan states "I would like to make a retaliation complaint against Steve McGrath."

It is not clear to me what Commissioner Brennan said or did that I'm retaliating against.

2 The Complaint states

"...Mr. McGrath's behavior towards me lacks equity. He has repeatedly removed my agenda items from the Harbor Commission meeting agendas" and references a December 20 agenda. District Resolution 19-13 states, and I quote, "*Any Commissioner is allowed one item per Commissioner per meeting.*" I didn't receive a request from Commissioner Brennan to place an item on that agenda.

No examples are provided of items that I removed from the December 20, or any other agenda; I don't have the authority to remove items from the agenda.

In the time I have been here, (I started in November 2015) there have been 27 Commissioner items on the agenda; of these, one was from Commissioner Chang Kiraly, seven were from Commissioner Larenas, and nineteen from Commissioner Brennan.

3 The Complaint states

“Items requested by other commissioners are moved onto the agenda under Mr. McGrath’s name...and include a staff report per the request of the commissioner who originally asked for the item.”

This is not true. Commissioner Brennan cites the Pillar Point RV lot discussion on the December agenda as an example, implying that the only reason this item was on the agenda was because of another Commissioner’s request. The item was on the agenda, with staff report, in the normal course of business, seeking direction from the Commission on a matter of considerable interest to the District, a lessee, the City of Half Moon Bay and the Coastal Commission.

4 The Complaint states

“My items are routinely not heard during meetings and deleted by Mr. McGrath.”

Whether or not an agenda item is heard is a matter that is completely within the control of the Commission, not the General Manager. This Commission has the ability to hear all items and has done so on multiple occasions, this Commission has the ability to extend the meeting beyond 9:30, and has done so on multiple occasions, and this Commission has the ability to re order the agenda, as it did, for example, at the December meeting. I do not delete items from agendas.

5 The Complaint states

“...he has responded by saying that he only works for three commissioners”. I work for and receive direction from this Commission, comprising five members. If a majority of the Commission provide me direction in a meeting, then that is the direction I will follow.

Unfortunately, and despite all training in good governance, it is my experience that a Commission majority vote and subsequent direction to staff does not satisfy Commissioner Brennan if the vote is counter to her position. It is my experience that she will persist on an issue independently regardless of the decisions of the Board. This behavior stymies progress on Commission-approved projects, and is confusing to both staff and the public we serve.

6 The Complaint states:

“I’m concerned that Mr. McGrath is acting as a surrogate for Commissioner Mattusch.”

I don’t know how to address that. I’m not sure what it means. I am clear on my role as General Manager, and how that role relates to the role of the Commission as a whole, and the President, whomever that may be.

Some general comments:

The District has a 'Harassment, Discrimination and Retaliation Prevention Policy'. This policy is based on current best practices for special districts and was approved by the Commission eighteen months ago.

Consistent with this policy Steve Miller, our District counsel, is managing the process around this complaint. Perhaps the result will be an investigative report we can all live with, one that we can learn from and one that will help the communication between me and Commissioner Brennan, which clearly needs help. History over the last four years suggest that, as with previous complaints, by or against Commissioner Brennan (Deborah Galarza and general managers Peter Grenell, Scott Grindy and Glenn Lazof) the final investigative report into this complaint, like every other investigative report, will be labeled a "sham" or "phony", the integrity of District counsel will be attacked, distrust will intensify, and this time, I too will be a focus.

I'd also like to address why I invoked my right to have this heard in public. For me, the alternative, a closed session discussion, was just unacceptable – a complainant making an unknown complaint against an employee. I think it would not have taken a rocket scientist to figure out the people involved, but there would have been no way to address the rumors that would surely have followed as to the nature of the complaint, unless of course it was somehow also playing out in the media...which would not be my choice. It would be unthinkable for me to have this complaint out there, subject to rumor and speculation.

To the public:

I assure you that, regardless of anything else, the team continues to pick up the trash, save lives, keep the lights on, and work daily to fulfil our mission statement: to assure the public is provided with clean, safe, well managed, financially sound and environmentally pleasant marinas.

To the Commission:

I am at a loss. I truly lament this state of affairs... I came to this District, eyes wide open, knowing that there had been difficult times but had been hoping that we were moving toward a brighter day.

Maybe we are, and I'm currently too focused on what is in fact just a bump in the road. I hope so. Because we all know what it takes for this District to not only survive, but thrive, to truly realize our potential for service to the public, to be recognized county wide as the go to people in all things maritime. What it takes on the most basic level is

civility, respect and trust that we are all here to serveperhaps with different goals but hopefully with good intent.

To Commissioner Brennan:

I'm sorry. I'm sorry that our communication has deteriorated to this point. I'm sorry that you felt it necessary to bring this complaint. I'm not sure it's possible but I wish we could hit 'reset'.

To my staff:

Please don't allow this to distract you from the good work you all do on a daily basis. We have a Policy; Commissioner Brennan exercised her rights under that Policy; the process is playing out; and I trust that process. Please know that I am proud to be the General Manager of this District and to have the chance to work with all of you, and I'm proud of you and the service you provide the public.

Finally, I look forward to cooperatively participating in the investigation, in whatever manner District counsel determines, knowing that it will be fair and impartial, and I will abide by the results of that investigation, and any action of this Board.

Thank you.