

# San Mateo County Harbor Commission Brown Act Concerns

Sabrina Brennan, SMC Harbor Commissioner | July 13, 2020

## June 4, 2020, 1:00pm Special Meeting (24-hours notice)

Before the June 4, 2020, Special Meeting Nancy Reyering, board president instructed General Manager Jim Pruett to remove “Opening Public Comment” and “Opening Commissioner Comments” from the June 4, 2020 Special Meeting Agenda.

See attached email below where Pruett explains this to staff member Lori Milward.

● James Pruett

June 3, 2020 at 7:56 AM

Agenda

[Details](#)



To: Lori Milward, Cc: Trisha Ortiz

Lori,

President Reyering will not be having Opening Public Comment and/or Opening Commissioner Comments. Please remove from the draft agenda for the June 4<sup>th</sup> Special Meeting.

Jim

James B. Pruett, General Manager  
San Mateo County Harbor District  
P.O. Box 1449 El Granada, CA 94018  
D-650-583-4962 C-650-822-4144

Agenda items that relate to the following Brown Act violation concerns:

- Board President ordered NO PUBLIC COMMENT for items not on the agenda
- Public Comments on Item C were cut off by Board President before 2-minute speaker time limit was complete.
- Board President ordered NO COMMISSIONER COMMENTS for items not on the agenda

June 4, 2020, 1:00pm Special Meeting Agenda (24-hours notice) Item C:

**C) Discussion**

1) Resolution of Censure of Commissioner Sabrina Brennan (Reyering)  
Review and consider for adoption Resolution 20-08 censuring Commissioner Sabrina Brennan for inappropriate conduct during the April 15, 2020 Regular Board Meeting of the San Mateo County Board of Harbor Commissioners.

The following remarks were made by Harbor Commissioner Sabrina Brennan at the June 4, 2020 Special Meeting:

The resolution to censure me is intended to silence and humiliate me.

This may be the first time an elected representative has been censured for complaining about sexual harassment by a fellow board member. I'm reminded of past unethical and retaliatory practices when Jim Tucker was board president of the San Mateo County Harbor Commission.

Today, the board member who sexually harassed me on multiple occasions will cast the deciding vote to censure me.

Sadly, this resolution is an example of retaliation related to my 2017 sexual harassment and retaliation complaint against Commissioner Tom Mattusch and more recent retaliation complaints. It's appropriate and necessary to use anatomical language to describe the pornographic photos Commissioners Mattusch emailed me.

The humiliation I've experienced while serving on this board is dehumanizing. The relentless retaliation I've experienced from Commissioners Mattusch, Virginia Change Kiraly and Nancy Reyering has negatively impacted my family, board work, advocacy work and my career.

Recently, Matt Grocott and Mark Simon stated factually untrue information in the San Mateo Daily Journal. Both men incorrectly alleged that my harassment and retaliation complaints have cost the District a "million dollars". These unsubstantiated accusations are untrue. I have never filed a lawsuit against the Harbor District.

June 4, 2020, Meeting Agenda:

[https://www.smharbor.com/files/69647709f/.2020\\_06\\_04\\_SpecialMeetingAgenda.pdf](https://www.smharbor.com/files/69647709f/.2020_06_04_SpecialMeetingAgenda.pdf)

June 4, 2020, Meeting Video:

[https://www.youtube.com/watch?v=KlyYHpXfw\\_g&feature=youtu.be](https://www.youtube.com/watch?v=KlyYHpXfw_g&feature=youtu.be)

**June 10, 2020, Shaw Law Group** emails Commissioners Nancy Reyering, Tom Mattusch, Virginia Chang Kiraly and Ed Larenas to schedule retaliation investigation interviews the following week.

**June 15, 2020, 1:30pm Special Meeting (24-hours notice)**

Agenda items that relate to the following Brown Act violation concerns:

- Item B, NO PUBLIC COMMENT allowed for items not on the agenda
- NO COMMISSIONER COMMENTS for items not on the agenda
- Item C, NO CASE OR CLAIMS were brought by Sabrina Brennan, see June 29, 2020 email below from Lori Milward
- Four Harbor Commissioners met in Closed Session and Brennan recused herself. In closed session the board directed Counsel to direct the General Manager to terminate the Shaw Law Group and to terminate an active retaliation investigation. The Shaw Law Group was hired by the District's General Manager to conduct an investigation into Brennan's 2019 retaliation complaint. The three board members Brennan's retaliation complaint was against attended closed session without addressing an apparent conflict of interest. Nothing was reported out of Closed Session.
- On June 15, 2020 at 5:23pm, General Manager Jim Pruett emailed the Shaw Law Group and terminated their retaliation complaint investigation services.

**B) Public Comment**

Public Comment Regarding closed session topic.

**C) Closed Session**

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant exposure to litigation pursuant to paragraph 2 of subdivision (d) of Government Code Section 54956.9 (one case – claims brought by Sabrina Brennan).

Brennan has not filed a lawsuit against the Harbor District or any board members and she's never threatened to do so.

The following remarks were made by Harbor Commissioner Sabrina Brennan at the June 15, 2020 Special Meeting before Closed Session:

In 2019, I made a retaliation complaint against Commissioner Tom Mattusch, Commissioner Nancy Reyering and Commissioner Virginia Chang Kiraly. My retaliation complaint is not against management staff, administrative staff or harbor patrol staff.

Harbor Commissioners are salaried employees of the San Mateo County Harbor District. The following taxes are deducted on a monthly basis from each commissioner paycheck: federal income tax, social security, medicare, and state disability insurance.

The Harbor District's investigation into my complaint is currently being conducted by the Shaw Law Group. Last week, an investigator from the Shaw Law Group emailed Tom Mattusch, Nancy Reyering and Virginia Chang Kiraly to schedule an interview with each of them regarding my retaliation complaint.

Harbor Commissioner Nancy Reyering called today's closed session Special Meeting. Closed session agenda item C is an effort to shut down the retaliation investigation into my complaint in advance of investigation interviews with the three commissioners the complaint is against.

I recuse myself from closed session.

----- Forwarded message -----

From: **Lori Milward** <[lmilward@smharbor.com](mailto:lmilward@smharbor.com)>

Date: Mon, Jun 29, 2020 at 4:42 PM

Subject: RE: PRA June 15 Special Meeting

To: John Ullom <[redbonellogic@gmail.com](mailto:redbonellogic@gmail.com)>

Cc: Julie van Hoff <[jvanhoff@smharbor.com](mailto:jvanhoff@smharbor.com)>, James Pruett <[jpruett@smharbor.com](mailto:jpruett@smharbor.com)>

Mr. Ullom,

The District did not locate any records responsive to your request. The anticipated litigation discussed for the June 15, 2020 closed session, pursuant to Government Code section 54956.9 was not prompted by a written claim or complaint described by subdivision (e)(3). Therefore, there are no written communications or documents subject to disclosure under Government Code section 54957.5 other than the public agenda materials. Furthermore, the District's General Counsel did not have a report to provide following the June 15, 2020 closed session.

This PRA request is now closed.

Lori Milward

San Mateo County Harbor District

June 15, 2020, Meeting Agenda:

[https://www.smharbor.com/files/410b0cea6/.2020\\_06\\_15\\_SpecialMeetingAgenda.pdf](https://www.smharbor.com/files/410b0cea6/.2020_06_15_SpecialMeetingAgenda.pdf)

June 15, 2020, Meeting Video:

<https://www.youtube.com/watch?v=682JFGGFyVU&feature=youtu.be>

## June 17, 2020, Regular Board Meeting

Brennan was blocked from making a Commissioner Comment regarding the LGBTQ+ Pride month and requesting Pride flags at Pillar Point Harbor and Oyster Point Marina.

Brennan's Op-Ed published in the Half Moon Bay Review:

[https://www.hmbreview.com/opinion/matters\\_of\\_opinion/rainbow-flag-brought-off-color-response-from-some/article\\_d2a7d6c8-c0a2-11ea-bfae-5373c1b9b7a0.html](https://www.hmbreview.com/opinion/matters_of_opinion/rainbow-flag-brought-off-color-response-from-some/article_d2a7d6c8-c0a2-11ea-bfae-5373c1b9b7a0.html)

June 17, 2020, Meeting Agenda:

[https://www.smharbor.com/files/41cb7c713/2020\\_06\\_17\\_RegularMeetingAgenda.pdf](https://www.smharbor.com/files/41cb7c713/2020_06_17_RegularMeetingAgenda.pdf)

June 17, 2020, Meeting Video: <https://youtu.be/unECnFI7g2w>

## July 2, 2020, 1:00pm Special Meeting (24-hours notice)

Brown Act Violation "Cure or Correct" Letter from Cannata, O'Toole, Fickes & Olson:

<https://bit.ly/2Cuey80>

Brennan's July 2, 2020 remarks:

The sexual harassment and retaliation I've experienced is real and it has been documented by the District.

RWG the Harbor District's Counsel responded to a Brown Act violation letter from Cannata, O'Toole, Flicks & Olson without discussing the letter with the board and without board direction. I'm concerned that RWG is overstepping their authority by not discussing the letter from Cannata, O'Toole, Flicks & Olson with the board in advance of sending a written response.

**Agenda Item D is a Cure and Correct only for one of several recent Brown Act violations.**

Who directed the General Manager Jim Pruet not to include the letter from Cannata, O'Toole, Flicks & Olson with the agenda so the public could read it?

Public Comment has NOT been properly noticed in recent Special Meeting Agendas and the public has been repeatedly denied the opportunity to make public comment on concerns not included on Special Meeting Agendas. The public has also been cut off by

the board president before their speaking time was complete because she did not agree with their perspective.

Today, I sent an email General Manager Jim Pruett regarding concerns about a string of Brown Act violations that occurred at the June 4 and June 15 Special Meetings, including a Brown Act violation that occurred in Closed Session.

Additionally, I've also received several complaints from members of the public about the number of special meetings the board President has been calling and it's been pointed out that the District is not following Roberts Rules of Order regarding Special Meetings. According to Roberts Rules a Special Meeting should only be called if something important comes up that must be dealt with before the next regular meeting, or if some particular business matter is important enough that it needs to be the exclusive reason for the entire meeting.

**Brown Act Violation Cure & Correct:** Provide members of the public with an opportunity to make Public Comment for June 4, 2020 Censure agenda item:

#### **D) Discussion**

2. Consideration of the Board's June 4, 2020 action to adopt [Resolution No. 20-08](#) by which it censured Commissioner Sabrina Brennan for inappropriate conduct during the April 15, 2020 Regular Board Meeting of the San Mateo County Board of Harbor Commissioners (Reyering)

- Discuss Resolution No 20-08 and consider whether to make a motion to rescind or not.

On July 2, 2020, Brennan sent three emails to General Manager Jim Pruett and asked him to please publish all three on the Harbor District website with the July 2, 2020 Special meeting agenda as a written comment. One of the three written comments Brennan provided in advance of the meeting included concerns about Brown Act violations. Pruett declined to publish Brennan's written comments.

July 2, 2020, Meeting Agenda:

[https://www.smharbor.com/files/1642f5b4f/.2020\\_07\\_02\\_SpecialMeetingAgenda.pdf](https://www.smharbor.com/files/1642f5b4f/.2020_07_02_SpecialMeetingAgenda.pdf)

July 2, 2020, Meeting Video:

[https://www.youtube.com/watch?time\\_continue=2&v=Vyhc3VDcJ4&feature=emb\\_logo](https://www.youtube.com/watch?time_continue=2&v=Vyhc3VDcJ4&feature=emb_logo)

**On July 2, 2020, the Harbor District General Manager refused to publish Brennan's written comments with the July 2, 2020 meeting agenda.**

sabrina brennan

Sent - Dfm July 2, 2020 at 10:35 AM



Fwd: Shaw Law Group

[Details](#)

To: James Pruett, Cc: sbrennan@smharbor.com, John Moren, Julie van Hoff, Lori Milward Bcc: & 2 more

Hello Jim,

As I mentioned on our call yesterday, I'm concerned there were Brown Act violations at the June 15, 2020 Special Meeting related to Item B and Item C.

Based on your emails below it's clear that board members directed General Counsel to terminate the Shaw Law Group retaliation investigation in Closed Session (Item C). The Shaw Law Group termination and the termination of a retaliation investigation was not reported out and those decisions were not consistent with the Closed Session agenda item description.

See attached screenshot of June 15, 2020 Special Meeting agenda.

Note that Item C indicates that "Sabrina Brennan" brought a claim against the Harbor District. This is untrue information. I've never brought a claim or a lawsuit against the District and I've never threatened the District with a claim or a lawsuit and I've never hired an attorney to communicate on my behalf with the District.

In 2019, I made a retaliation complaint to the District general manager against Commissioners Tom Mattusch, Virginia Change Kiraly and Nancy Reyering. The District hired the Shaw Law Group to conduct an investigation into my complaint per the District's Harassment and Retaliation Policy. Just as the investigation was getting underway in June 2020 the board apparently decided in Closed Session on June 15, 2020 to terminate the investigation. And as I stated above nothing was reported out of Closed Session and the discussion was not consistent with Agenda Item C.

## **B) Public Comment**

Regarding closed session topic.

## **C) Closed Session**

### **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to paragraph 2 of subdivision (d) of Government Code Section 54956.9 (one case – claims brought by Sabrina Brennan).

## **D) Adjourn**

The next Regular meeting will be held on June 17, 2020 at the San Mateo County Harbor District Office at 504 Avenue Alhambra, Suite 200, El Granada, CA 94018 at 6:30 PM.

Please also note that Public Comment on items not on the agenda was prohibited at the June 15, 2020 Special Meeting. This appears to be a Brown Act violation and should be corrected.

**Please publish this email on the Harbor District website with the July 2, 2020 Special Meeting Agenda as a written comment and provide it to the Board of Harbor Commissioners.**

Sabrina Brennan

Begin forwarded message:

**From:** James Pruett <jpruett@smharbor.com>  
**Subject:** RE: Shaw Law Group  
**Date:** June 29, 2020 at 4:28:03 PM PDT  
**To:** Sabrina Brennan Personal <sabrina@dfm.com>  
**Cc:** Sabrina Brennan <sbrennan@smharbor.com>

Sabrina,

I was notified via email by General Counsel on June 15<sup>th</sup> that the Board directed me to terminate the investigation and to terminate the contact with Shaw Law Group.

Jim

James B. Pruett, General Manager  
San Mateo County Harbor District  
P.O. Box 1449 El Granada, CA 94018  
D-650-583-4962 C-650-822-4144

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**From:** sabrina brennan <sabrina@dfm.com>  
**Sent:** Monday, June 29, 2020 2:49 PM  
**To:** James Pruett <jpruett@smharbor.com>  
**Cc:** Sabrina Brennan <sbrennan@smharbor.com>; John Moren <jmoren@smharbor.com>; Julie van Hoff <jvanhoff@smharbor.com>  
**Subject:** Re: Shaw Law Group

Hello Jim,

Could you please explain when the board provided direction to end the Harbor District's investigation into my 2019 retaliation complaint against Commissioners Mattusch, Virginia Change Kiraly and Nancy Reyring?

Who specifically communicated board direction to you and on what date? Did the board send you a letter or an email?

Thank you,  
Sabrina

On Jun 19, 2020, at 8:55 AM, James Pruett <jpruett@smharbor.com> wrote:

Sabrina,

The Board directed me to terminate the contract this week. At this time, there is no active investigation.

Jim

James B. Pruett, General Manager  
San Mateo County Harbor District  
P.O. Box 1449 El Granada, CA 94018  
D-650-583-4962 C-650-822-4144



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**From:** sabrina brennan <[sabrina@dfm.com](mailto:sabrina@dfm.com)>  
**Sent:** Thursday, June 18, 2020 1:59 PM  
**To:** James Pruett <[jpruett@smharbor.com](mailto:jpruett@smharbor.com)>  
**Cc:** Sabrina Brennan <[sbrennan@smharbor.com](mailto:sbrennan@smharbor.com)>; Julie van Hoff <[jvanhoff@smharbor.com](mailto:jvanhoff@smharbor.com)>; John Moren <[jmoren@smharbor.com](mailto:jmoren@smharbor.com)>  
**Subject:** Re: Shaw Law Group

Hello Jim,

I was interviewed by Megan Donaghey attorney with the Shaw Law Group on May 20, 2020.

When did the board provide direction to terminate the Shaw Law Group?

What is the current status of the investigation into my retaliation complaint against Commissioners Mattusch, Virginia Change Kiraly and Nancy Reyring?

Sabrina

**From:** James Pruett <[jpruett@smharbor.com](mailto:jpruett@smharbor.com)>  
**Date:** June 18, 2020 at 8:44:58 AM PDT  
**To:** Sabrina Brennan <[sbrennan@smharbor.com](mailto:sbrennan@smharbor.com)>  
**Subject:** Shaw Law Group

Sabrina,

At the direction of the Board, the contract with Shaw Law Group has been terminated.

Jim

James B. Pruett, General Manager  
San Mateo County Harbor District  
P.O. Box 1449 El Granada, CA 94018  
D-650-583-4962 C-650-822-4144