

From: Sabrina Brennan <sabrina@dfm.com>
Subject: Fwd: Agenda Item—March 21, 2018 Harbor Commission Meeting
Date: March 8, 2018 8:39 AM
To: Steve McGrath <smcgrath@smharbor.com>,
Cc: Edmundo Larenas, John Moren, Anita Pyle, Debbie Gehret, Lori Milward, Sabrina Brennan

Hello Steve

Please include the email below from President Dave Pine that includes an analysis by County Counsel in the March 21 board packet for the Harbor District electoral system agenda item that Ed and I requested.

I would like to be sure that the public is aware that County Counsel has provided an analysis that supports the SMC Harbor District's authority to switch from an at-large election system to a by-district system to comply with the CA Voting Rights Act.

County Counsel said, "The Harbor District has the authority to shift from at large to district based elections by resolution, if it so chooses."

Sabrina

Begin forwarded message:

From: Sabrina Brennan <sabrina@dfm.com>
Subject: Fwd: Agenda Item—March 21, 2018 Harbor Commission Meeting
Date: March 7, 2018 at 2:46:25 PM PST
To: Steve McGrath <smcgrath@smharbor.com>, "Steven D. Miller" <smiller@hansonbridgett.com>
Cc: Edmundo Larenas <ELarenas@smharbor.com>, "sbrennan@smharbor.com" <sbrennan@smharbor.com>

Hello Steve and Steven,

Please read the legal analysis below from County Counsel curtesy of President Pine.

I will work with Mr. Miller to draft the appropriate resolution for the March 21 board meeting.

Thanks,
Sabrina

Begin forwarded message:

From: Dave Pine <dpine@smcgov.org>
Subject: RE: Agenda Item—March 21, 2018 Harbor Commission Meeting
Date: March 7, 2018 at 1:11:55 PM PST
To: sabrina

Sabrina,

I asked County Counsel if the Harbor District Board has the authority to switch to district elections by board action. The answer is YES.

Below is County Counsel's analysis.

Dave

Neither the Harbors and Navigations Code nor the Harbor District Ordinance Code specifies whether Harbor District Commissioners must be elected by district or at large. (Compare Harbors and Navigation Code Section 6240.5, which created the Santa Cruz Port District and provides that its members shall be "elected by the district at large.")

However, the Resolution passed by the Board in 1933 calling a special election for the creation of the Harbor District provided that the District's boundaries would be the entire County and the election County-wide. (See <http://www.smharbor.com/about-the-harbor-district>.) The District's website states its members continue to be elected at large (*id.*), which is consistent with a 2006 San Mateo LAFCO report describing the Harbor District elections as "at large countywide" (see San Mateo LAFCO Report and Recommended Determinations—San Mateo County Harbor District Municipal Service Review and Sphere of Influence Review (Oct. 11, 2006), p. 19).

The Harbor District has the authority to shift from at large to district based elections by resolution, if it so chooses. Elections Code 10650, which just took effect January 1, 2017, provides:

Notwithstanding any other law, a governing body of a special district may require, by resolution, that the members of its governing body be elected using district-based elections, as defined in subdivision (b) of Section 14026, without being required to submit the resolution to the voters for approval. A resolution adopted pursuant to this subdivision shall include a declaration that the change in the method of electing members of the governing body is being made in furtherance of the purposes of the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code).

From: Sabrina Brennan [<mailto:sabrina@dfm.com>]
Sent: Monday, March 5, 2018 4:26 PM
To: Dave Pine <dpine@smcgov.org>
Subject: Fwd: Agenda Item—March 21, 2018 Harbor Commission Meeting

Begin forwarded message:

From: Sabrina Brennan <sabrina@dfm.com>
Subject: Agenda Item—March 21, 2018 Harbor Commission Meeting
Date: March 5, 2018 at 4:23:18 PM PST
To: Steve McGrath <smcgrath@smharbor.com>
Cc: Edmundo Larenas <ELarenas@smharbor.com>, John Moren <JMoren@smharbor.com>, Anita Pyle <apyle@smharbor.com>, Debbie Gehret <dgehret@smharbor.com>, Lori Milward <lmilward@smharbor.com>, Sabrina Brennan <SBrennan@smharbor.com>

Hello Steve,

Please include the following Item on the March, 21 2018 regular board meeting agenda:

Consideration and possible action regarding the San Mateo County Harbor District electoral system for Harbor Commissioners. Consider switching from countywide at-large elections to by-devision elections to comply with the California Voting Rights Act.

Please include the 3 attached PDF files in the board packet, in the following order 1-3:

1. Feb 27, 2018 Press Release
 2. March 4, 2018 Palo Alto Daily Post story
 3. 2016 California Special District Association Annual Conference, "Voting Rights Act – Where We've Been and Where We're Going"
- Please note that this agenda item is being requested by both Commissioners Brennan and Larenas.

Thank you,
Sabrina