

From: James Lee
To: [Steve McGrath](#)
Cc: [Virginia Chang Kiraly](#); [Robert Bernardo](#); [Edmundo Larenas](#); [Tom Mattusch](#); [Sabrina Brennan](#); [Clay L.](#); [Carina Woudenberg](#); [Jon Mays](#); [Dave Pine](#); [Don Horsley](#); [Debbie Gehret](#)
Subject: Re. Agenda Item 10, Res. 18-06: Attempt to Suppress Board Minority (SMCHD Meeting, April 18, 2018)
Date: Wednesday, April 18, 2018 4:45:41 PM

Good afternoon Steve,

I hope you've been well. I'm writing to ****once again**** voice my opposition to Item #10 on the agenda for tonight's meeting of the San Mateo County Harbor District, in which you and the current 3-2 board majority will attempt to prevent members of the minority from placing items on the agenda (which has been a unanimously approved district policy for over two years). I urge the board to vote no on the recommended motion for Agenda Item #10 or to let the motion fail without a vote.

By trying to change harbor district policy so that any agenda item proposed by a Harbor Commissioner must be voted on by the entire commission before being heard, you are effectively silencing the board minority, who also happen to be the top two vote-getters in the last Harbor District election (Commissioners Brennan and Larenas).

Indeed, back when such policy was approved back in 2013, only three board members supported that option, while two commissioners with regularly opposing viewpoints (Brennan and Parravano) dissented. In 2015, when an amendment was made to create a fair process for harbor commissioners to get items on the agenda, Brennan, Parravano, and all other board members supported it.

Having the entire board act as gatekeepers of agenda items might be feasible and fair in a board with a collegial, open, and transparent atmosphere. However, in a dysfunctional board climate, where the board majority protects and shields a sexual harasser (Commissioner Mattusch) and where the majority often votes reflexively against the minority out of sheer spite, sometimes even when it harms their own interests, putting Resolution 18-06 would effectively silence 40% of your board who represent the dominant majority of the San Mateo County voting public.

The amount of effort certain board members and certain members of staff have spent wasting time and taxpayer money to silence just under half their board is utterly shameful and shows a true lack of respect for fairness and for the voting public.

Once again, I urge the board to vote no on the recommended motion for Agenda Item #10 or to let the motion fail without a vote.

Per state law I expect this letter to be included in supporting materials under Item 10 in the agenda packet for this meeting. That includes the entire e-mail chain below, which includes supporting material and details to some of the assertions I make here, as well as my past arguments against this attempt to reverse the 2015 amendment to Resolution 19-13 when it was brought up on March 21 of this year and October 18 and November 13 of last year.

Thank you for your time,

James Lee Han

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Redwood City, CA 94063

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E: jamesleerwc@gmail.com

On 21 Mar 2018, at 14:49, James Lee <jamesleerwc@gmail.com> wrote:

Good afternoon Steve,

I hope you've been well. I'm writing to ****once again**** voice my opposition to Item #17 on the agenda for tonight's meeting of the San Mateo County Harbor District. I am particularly offended by way you re-victimize Commissioner Brennan for the sexual harassment she received at the hands of Commissioner Mattusch by singling her out in the staff report for this agenda item, but I will get into that later:

I say "once again" because this item is a revised version of Agenda Item 13 on the Nov. 13, 2017 meeting agenda, which itself was a revised version of Agenda Item 18 from the Oct. 18, 2017 meeting.

I am bringing up these past agenda items to highlight your repeated, persistent efforts to limit the ability of elected Harbor Commissioners to do their job. In this agenda item, you are attempting to undo a 2015 amendment to Resolution 19-13 and effectively reverse long-standing board policy which allows each commissioner of the board one agenda item per meeting.

Your repeated attempts to limit commissioner input, particularly when that input comes from a particular commissioner, over the past year and more has been disappointing, but what is really egregious this time is that in the staff report for this agenda item, you use the documented and confirmed sexual harassment Commissioner Brennan experienced to make an example of her and justify your attempts to reverse the 2015 amendment to Resolution 19-13.

In your staff report, you call out a victim of sexual harassment for saying that she is unsatisfied with way the investigation was handled and for bringing it up repeatedly when, in your opinion, it was already discussed by the board and should therefore be relegated to the dustbin of history. You fail to recognize or admit that Commissioner Mattusch, who did publicly state at recent SMCHD board meeting that he sent pornographic images to Commissioner Brennan and propositioned her to come with him on a private vacation, continues to sit on the same board as Commissioner Brennan. This is not old news, as you seem to claim.

At this point I no longer expect you to care about women or about good governance anymore, but I do hope you consider the optics of your actions: For you to call Commissioner Brennan's attempt to hold the perpetrator accountable as merely an attempt "to further a personal agenda" which "distracts from the business of the District" is really offensive. You are an old, white man shielding a fellow old, white man who has mostly escaped accountability for his actions from

further scrutiny, and calling the victim's attempt to find justice a "distraction," while avoiding the fact that perhaps the fact that the sexual harasser continues to sit on your board is the biggest distraction of all. You are showing your active complicity in the culture that repeatedly attempts to demand and silence women who speak out, while elevating and rewarding those who perpetuate the status quo, which includes women like Board President Chang-Kiraly.

Again, I am writing to register my opposition to Agenda Item #17. While I would have opposed it anyway, the fact that you are trying to punish Commissioner Brennan and re-victimize her via an extremely petty, poorly constructed staff report is unbecoming of district staff and certainly unbecoming of a general manager. I hope you apologize to Commissioner Brennan tonight and reconsider the way you do business at the Harbor District.

Once again, I urge you not to take the Harbor District further backward, and I urge the board to table this agenda item or let it pass without a motion or vote.

Per state law I expect this letter to be included in supporting materials under Item 17 in agenda packet for this meeting. That includes the entire e-mail chain below, which includes my past arguments against this attempt to reverse the 2015 amendment to Resolution 19-13 when it was brought up on October 18 and November 13 of last year.

Thank you,

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W: jameshan.org

On 15 Nov 2017, at 16:36, James Lee <jamesleerwc@gmail.com> wrote:

Good afternoon Steve,

I hope you've been well. I'm writing to once again voice my concern with Item 13 on tonight's agenda, which is a revised version of Agenda Item 18 from the October 18th meeting.

I appreciate that staff has taken the effort to ask the board of commissioners for direction on policy regarding commissioner-originated agenda items that go unheard when meetings run long. This is a change from the previous meeting in which staff made specific recommendations that I found troublesome so I appreciate the

change.

However, the staff report does not address the main reasons for agenda items going unheard. These reasons are as follows:

staff has cut the number of regular meetings a year from 24 to 12, causing each meeting to be all the more packed and stacked with agenda items;

staff has allowed commissioners who are "attending" board meetings from a remote location and teleconferencing in to cast the deciding vote on how long a meeting should run, which happened at the October 18 Harbor District meeting. Despite not being present, Tom Mattusch cast the deciding vote on three different motions related to the length of the meeting, ensuring that many items would not be heard, including, ironically, staff's Agenda Item 18;

and finally, the current board majority voting bloc has consistently complained about the length of meetings and have actively endeavored to shorten the length of meetings and obstruct public discourse on matters relating to the environment, public access, public safety, and more at both Pillar Point Harbor and Oyster Point Marina, despite the fact that they now only meet once a month to do a job they were elected by an entire county of taxpaying residents to do.

None of these reasons should be allowed to penalize hard-working commissioners of the board who actually want to engage with staff and present vital information to the rest of the board and to the voting public. Instead of looking for ways to stymie the activity of commissioners who are doing the public a valuable service, staff and the majority voting bloc of the board should be thinking of ways to ensure that all commissioners, each of whom represents the entire county, are properly heard and are able to utilize the forum they were elected to be a part of.

Per state law I expect a this letter, along with the e-mail that is quoted below, to be included in supporting materials under Item 13 in agenda packet for this meeting. (Due to time constraints on staff, I understand if this letter cannot be attached to the board packet until after the meeting is over tonight.)

Thank you,

James Han
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----- Forwarded message -----

From: James Lee <jamesleerwc@gmail.com>
Date: Wed, Oct 18, 2017 at 1:34 PM
Subject: Agenda Item 18 (SMCHD Meeting, Oct. 18)
To: Stephen McGrath <smcgrath@smharbor.com>
Cc: Tom Mattusch <tmattusch@smharbor.com>, Virginia Chang Kiraly <vchang-kiraly@smharbor.com>, Sabrina Brennan <sbrennan@smharbor.com>, Robert Bernardo <rbernardo@smharbor.com>, "Clay L." <clay@hmbreview.com>, Carina Woudenberg <carina@hmbreview.com>, Jon Mays <jon@smdailyjournal.com>

Good afternoon Steve,

I hope you've been well. I'm writing to voice my opposition to Item 18 on your agenda, in which you recommend limiting the ability of commissioners, who are elected representatives of county residents, from placing items on the agenda. I strongly urge the board to either table the item or take no vote on the matter:

Ever since the board of commissioners chose, under your direction, to cut the number of Harbor District meetings down to once a month, almost every meeting has now become overly stuffed with agenda items and has ended up running so long that "Commissioner Items," located near the end of the agenda, frequently go unheard. This means that any commissioner who hopes to bring important community concerns before the commission are frequently unable to do so.

With agenda item 18, you have made it clear in your staff report that this is a situation that is being created with the specific intent of hampering commissioners from doing their job, which is to represent the public and their interests.

Under the staff report for Item 18, you write that Resolution 19-13 limits commissioners to one item per meeting. This is untrue. The exact wording of the 2015 amendment to Res. 19-13 states that "Any Commissioner is allowed one item per Commissioner per meeting."

"Allowed" does not mean "limited to." It certainly does not and should

not mean that when a commissioner is prevented from bringing an item to the board due to a meeting's length, that they should be prevented from bringing a new item to the next meeting if their first item went unheard. Commissioners now only have 12 regular meetings a year in which they can bring an item to the commission. They should not be penalized for meetings running long, particularly when agendas are stacked so that Commissioner Items regularly go unheard.

I would remind you that the language of the 2015 amendment to Res. 19-13 was written in the spirit of fairness. Previously, the Resolution stated that a board majority must approve proposed Commissioner Items, which guaranteed that commissioners who had dissenting opinions or were marginalized by the board would never be able to get an item on the agenda.

The 2015 Amendment solved this problem by giving each commissioner a voice, and it was approved by the board unanimously. Commissioners Brennan, Bernardo, and Mattusch, who currently form a majority on the current board, voted for that amendment.

Based on the spirit of the 2015 Amendment and the actual language of the amendment itself, there is nothing that prevents commissioners from "carrying over" an item to the next meeting if it went unheard. Your recommendation that the board leave the language of the resolution as is therefore does not prevent this.

By contrast, the "Option 1" you recommend as a way to "handle" this "situation"--a situation that was intentionally created by staff--was a divisive option, which is why, when the Commission voted on that very option in the form of the 2013 Amendment to the Resolution, only three board members supported that option, while two commissioners with regularly opposing viewpoints (Brennan and Parravano) dissented. The 2015 Amendment on the other hand was non-controversial and positive, because it was written in the spirit of fairness.

Lastly, I must say that your attempt to "fix" a problem that is of your own creation is incredibly disappointing. These sorts of agenda items are reminiscent of the past culture of the Harbor District, in which the past General Manager would propose resolutions to the board where, regardless of staff's intent, the result of passing these resolutions would be to stymie the ability of individual

commissioners

to be effective advocates for the communities they represent. In fact, this agenda item is very much part of the culture which eventually led the civil grand jury to call for the district's dissolution.

While I respect staff and their work, with all due respect it is not the General Manager or staff whom the voters of San Mateo County chose

to oversee the management of the Harbor District. It is public who oversees the board of commissioners, and it is the board commissioners

who hired and who oversee the General Manager. Staff and the GM's function should not be to oversee and limit the work of Commissioners,

and by extension the will of the public.

The ability of commissioners to create beneficial change for the communities they represent was already limited, and now that staff has

led the efforts in the last couple of years to abolish standing committees and cut regular meetings in half, commissioners are only further hampered and avenues for public participation have narrowed.

I

urge you not to take the Harbor District further backward, and I urge the board to table this agenda item or let it pass without a motion or vote.

Per state law I expect this letter to be included in supporting materials under Item 18 in agenda packet for this meeting.

Thank you,

James Han
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