

James Pruet

From: Nancy Reyering
Sent: Wednesday, July 15, 2020 4:09 PM
To: James Pruet
Cc: Trisha Ortiz
Subject: Commissioner comments for July 15, 2020 Regular Harbor Commission Meeting
Attachments: OpeningRemarks.pdf

Dear Jim,

Please publish the attached PDF of my introductory remarks on the Harbor District's website with the July 15, 2020 regular meeting agenda.

Thank you,
Nancy

Part of my job as President is to set the tone of the meeting, so I want tonight to address ongoing attempts by Commissioner Brennan to undermine and disrupt her own agency.

There are 3 particular recent efforts on her part that I will address: the first is a false narrative she is putting forward about the Harbor District's flying of the Pride flag; the second are her allegations condemning the Board for voting to end the Shaw investigation; and the third is a response to her unfounded allegations that the District has violated the Brown Act.

Regarding the Pride flag, the facts are: Commissioner Brennan approached our General Manager at the end of June to ask him to fly the Pride flag. Given that it is a violation of Harbor District regulations for Commissioners to give unilateral direction to our General Manager, and given that it is a violation of our policies to involve the District in social issues, Commissioner Brennan's actions were inappropriate.

But objections were never made to her actions. Rather, our GM responded positively to her request, and the flag was flown. We later learned that the way the flag was flown was in violation of the Federal Flag Code as flag size, height, and position are carefully regulated. In order to conform to the Code, the flag was repositioned.

I was not involved with and have no personal knowledge of any community complaint regarding the flag. To the extent that Commissioner Brennan alleges that I did, her allegation is wrong and ill-informed.

In her narrative, Brennan also claims she was "blocked" from speaking at a Harbor District meeting. She was not, and never has been blocked or "dropped" at a Harbor District meeting. She claimed to have had technical difficulties during the June meeting, but the Harbor District provides a backup phone number to join the meeting in the event of such difficulties, and the public has used that number. For her own reasons, Commissioner Brennan chose not to avail herself of this option.

On a personal note, I serve on an Equity and Inclusion commission on another board. I fully support gay rights, and rights of all underserved groups. Brennan can cite no statement or action EVER made by me that disparages any minority nor the LGBTQ+ community in particular.

So Commissioner Brennan's allegations and innuendo that there is homophobia at the Harbor District is pure fabrication. Commissioners and Staff at the Harbor District are uniformly supportive of matters related to equity and inclusion. This is not Commissioner Brennan's personal purview. But her efforts to make unilateral decisions instead of working with the board, her endless disparaging of fellow commissioners, and her striving for her own personal agenda rather than the public good and the good of the Harbor District are inappropriate in the best of times, and even more so during a global pandemic.

The second matter I wish to lay to rest this evening is regarding the termination of the Shaw Investigation. On June 15th, the Board terminated an investigation related to claims by Sabrina Brennan that the Board retaliated against her for filing a sexual harassment claim last year against the District.

Workplace harassment, sexual or otherwise, is unacceptable behavior. We at the Harbor District have strict policies against it and we take every good faith claim of harassment seriously and investigate every legitimate claim.

But at the very least a legitimate claim of harassment or retaliation must allege behavior that, if true, is unlawful or a violation of District policy. In other words, we are not inclined to engage a fact finder when - even if they found all alleged facts to be true - those facts would not result in a determination that harassment or retaliation occurred.

Commissioner Brennan claims that the Board retaliated against her by removing her as President and from committees.

It is true that the Board voted to remove Commissioner Brennan as President last year. And it is true that she is no longer serving on committees. So we do not need to waste resources to have an investigator tell us that. And those facts do not amount to harassment or retaliation under the law, and they are not in violation of our policy.

It is not harassment or retaliation to choose new leadership or to populate committees. If this were the case, any Commissioner here could complain of harassment or retaliation any time leadership changes.

Voting to replace an officer or remove board members from committees is part of governing. It is not harassment and cannot be harassment because changes in leadership and direction are part of governing.

Circumstances have changed a lot since Commissioner Brennan made the retaliation complaint last year. We are working during a global pandemic, civil unrest, and a bleak economic outlook. We have family and friends and neighbors who are impacted by all these things. While these challenging circumstances would never prevent us from investigating facts that could implicate harassment or retaliation, they should stop us from wasting taxpayer money to investigate facts that we know to be true but are not harassment or retaliation.

And finally, I note that Commissioner Brennan has now begun to file baseless claims alleging that the District is violating the Brown Act. Simply put, these allegations completely lack merit. The Board values the public's role in conducting the District's business and the Board upholds the values promoted by the Brown Act. The Commission engages outside council who reviews Board actions and agenda items to assure that all of our activities conform to the Brown Act. Since I have been President, I have followed all of our Council's directions on these issues TO THE LETTER. I personally hold high the principles of open meetings as codified by the Brown Act and implementing regulations of the FPPC, and I personally strive to assure that the Commission conforms to these standards. So during my term as President and as long as I on the Board, I will work to assure that we continue to follow the Brown Act.

As President of the Harbor District Commission and as a representative of the taxpayers of San Mateo County, I am asking Commissioner Sabrina Brennan to stop her incessant efforts to play the victim, to malign her fellow commissioners, and to undermine our agency.