

**San Mateo County Harbor District  
Board of Harbor Commissioners  
Special Meeting Agenda**

**November 4, 2015  
4:00 pm**

**Sea Crest School, Think Tank, Room #19  
901 Arnold Way  
Half Moon Bay, CA 94019**

All Harbor District Commission meetings are recorded and posted at [www.PacificCoast.tv](http://www.PacificCoast.tv) within 24-48 hours of the meeting. Pacifica residents can tune into Comcast Channel 26 and residents from Montara through Pescadero can tune into Comcast Channel 27. Copies of the meetings can also be purchased from PCT and mailed for \$18.

Persons requiring special accommodation with respect to physical disability are directed to make such requests per the Americans With Disabilities Act to the Deputy Secretary to the Board at 650-583-4400.

**A.) Roll Call**

**Commissioners**

Tom Mattusch, President  
Vacant, Vice President  
Robert Bernardo, President  
  
Pietro Parravano, Treasurer  
Sabrina Brennan, Commissioner

**Staff**

Glenn Lazof, Interim General Manager  
Vacant, Director of Finance  
Marcia Schnapp, Interim Administrative Services Manager  
Vacant, Harbor Master  
Melanie Hadden, Temporary Deputy Secretary  
Steven Miller, District Counsel

**B.) Public Comments/Questions –**

The Public may directly address the Board of Harbor Commissioners for a limit of three minutes, unless a request is granted for more time, on any item of public interest within the subject matter jurisdiction of the San Mateo County Harbor District, Board of Harbor Commissioners that is not on the Agenda. If a member of the public wishes to address the Board on an Agenda Item, that person must complete a Public Speaker Form and wait until that Item comes up for discussion. Agenda material may be reviewed at the administration offices of the District, 504 Avenue Alhambra, 2<sup>nd</sup> Floor, El Granada, CA 94018 or online at [www.smharbor.com](http://www.smharbor.com).

## C.) Staff Recognition-

## D.) Consent Calendar

All items on the consent calendar are approved by one motion unless a Commissioner requests at the beginning of the meeting that an item be withdrawn or transferred to the regular agenda. Any item on the regular agenda may be transferred to the consent calendar.

- 1 TITLE: **Approve Certified Employment List for District Positions**  
REPORT: Schnapp/Memo  
PROPOSED ACTION: Approve Certified List for: Deputy Harbor Master; Harbor Worker
  
- 2 TITLE: **Extension of Professional Services Contract with McCoy's Patrol Service at Oyster Point Marina at Current Rates through January 31, 2016**  
REPORT: Schnapp/ Memo  
PROPOSED ACTION: Authorize General Manager to extend contract.

## E.) Old Business

## F.) New Business

- 3 TITLE: **Bills and Claims in the Amount of \$137,241.76**  
REPORT: Bills and Claims Detailed Summary  
PROPOSED ACTION: Approval of Bills and Claims for payment and a transfer in the amount of \$137,241.76 to cover payment of Bills and Claims
  
- 4 TITLE: **Electronic Communications and Social Media Policy**  
REPORT: Lazof, Memo, Resolution  
PROPOSED ACTION: Adopt Resolution 51-15 to approve Electronic Communications and Social Media Policy as recommended by staff.
  
- 5 TITLE: **District Hiring Freeze**  
REPORT: Lazof/Memo  
PROPOSED ACTION: Adopt resolution 53-15. Commission may take action to establish that there is no Hiring Freeze in effect.

- 6 TITLE: **Discussion of Process for Appointment of Member of Board of Harbor Commissioners (Commissioner Mattusch)**  
REPORT: Lazof/Memo  
PROPOSED ACTION: The Commission may decide on a process for the November 16, 2015 Special Meeting at which an appointment will be made.
- 7 TITLE: **Cancellation of November 18, 2015 regular meeting of the Board of Harbor Commissioners (Commissioner Brennan)**  
REPORT: Lazof/Memo  
PROPOSED ACTION: Cancellation of the November 18, 2015 regular meeting of the Board of Harbor Commissioners
- 8 TITLE: **Authorization to Pay Bills and Claims Occurring Between October 30, 2015 and November 18, 2015 in an Amount Not to Exceed \$550,000**  
REPORT: Schnapp/ Memo  
PROPOSED ACTION: The Commission will consider authorizing payment of Bills and Claims occurring between November 5, 2015 and November 18, 2015 in an amount not to exceed \$550,000 in the event that the November 18 meeting is cancelled (per previous agenda item)
- 9 TITLE: **Cancel the Regular Meeting at 6:30 pm on November 4, 2015**  
REPORT: Lazof  
PROPOSED ACTION: Cancel the Regular Meeting at 6:30 pm on November 4, 2015

## **G.) Staff Reports: a) Administration and Finance**

- 10 **Interim General Manager – Lazof**
- 11 **Director of Finance**
- 12 **Interim Administrative Services Manager – Schnapp**

## **b) Operations**

- 13 **Oyster Point Marina/Park and Pillar Point Harbor – Draper/Merlo**

## **H.) Board of Harbor Commissioners**

14 A. Committee Reports

B. Commissioner Statements and Requests

1. The Board of Harbor Commissioners may make public statements limited to five (5) minutes.

2. Any Commissioner wishing to place an item on a future agenda may do so pursuant to Resolution 50-15.

## I.) Closed Session

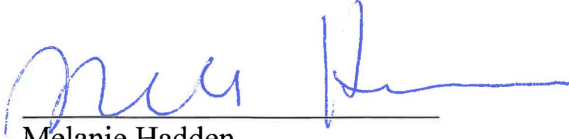
15 TITLE: **Conference with Legal Counsel – Anticipated Litigation**  
Initiation of litigation pursuant to Government Code Section 54956.9(d)(4) (one case)

16 TITLE: **Conference with Labor Negotiator Pursuant to Government Code Section 54957.6**  
DISTRICT REPRESENTATIVES: Deborah Glasser, Vanessa Buffington, Glenn Lazof  
EMPLOYEE ORGANIZATIONS: Operating Engineers Local Union 3 and Teamsters Local Union 856

## J.) Adjournment

The next scheduled meeting will be held on November 4, 2015 at Sea Crest School, Think Tank, Room #19, 901 Arnold Way, Half Moon Bay, CA 94019 at 6:30 pm

Agenda Posted As Required:  
October 30, 2015 at 12:00 pm



Melanie Hadden  
Interim Deputy Secretary

## CERTIFIED EMPLOYMENT LIST

Deputy Harbor Master A

### Name of Applicants

Robert Dunn

Samuel Fraijo II

Sophia Pritzos

Thomas Miller

Matthew Krizan

This Certified Employment List for the position of Deputy Harbormaster A was approved by the Board of Harbor Commissioners of the San Mateo County Harbor District at its regular meeting on **November 4, 2015**. The list shall remain valid for a period of one year, unless extended in accordance with provisions of the Personnel Rules of the District.

Glenn Lazof

Interim, General Manager



# STAFF REPORT

TO: San Mateo County Harbor District Commissioners  
VIA: Glenn Lazof, Interim General Manager  
FROM: Marcia Schnapp, Interim Administrative Resources Manager  
DATE: November 4, 2015  
SUBJECT: Approve Certified Employment List for Deputy Harbor Master A

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Approve Certified Employment List for Deputy Harbor Master A.

## Background

The District has a policy of creating certified employment lists to make the hiring process less time consuming and more efficient for when openings do occur that the District would like to fill.

The last certified list was approved in 2013 and extended for one year in October 2014.

District Policy 6.1.13, Section 5.1.1 states:

"Upon completion of the examination process, candidates who have successfully completed all components of the examination, and receive a minimum of 70% of total points...shall be placed...on a certified list."

It further states,

"The certified employment list shall be submitted to the Board of Harbor Commissioners for approval prior to any appointment being made from the list."

"Certified employment lists shall become effective upon approval...and shall remain valid for a period of one year, unless extended for an additional one (1) year..."

Fiscal Impact:

None at this time

Recommendation:

Approve Certified Employment List for Deputy Harbor Master A.

# CERTIFIED EMPLOYMENT LIST

Harbor Worker B

## Name of Applicants

John Reynolds

This Certified Employment List for the position of Deputy Harbormaster A was approved by the Board of Harbor Commissioners of the San Mateo County Harbor District at its regular meeting on **November 4, 2015**. The list shall remain valid for a period of one year, unless extended in accordance with provisions of the Personnel Rules of the District.

Glenn Lazof

Interim, General Manager



# STAFF REPORT

TO: San Mateo County Harbor District Commissioners  
VIA: Glenn Lazof, Interim General Manager  
FROM: Marcia Schnapp, Interim Administrative Resources Manager  
DATE: November 4, 2015  
SUBJECT: Approve Certified Employment List for Harbor Worker B

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Approve Certified Employment List for Harbor Worker B.

## Background

The District has a policy of creating certified employment lists to make the hiring process less time consuming and more efficient for when openings do occur that the District would like to fill.

The last certified list was approved in 2013 and extended for one year in October 2014.

District Policy 6.1.13, Section 5.1.1 states:

"Upon completion of the examination process, candidates who have successfully completed all components of the examination, and receive a minimum of 70% of total points...shall be placed...on a certified list."

It further states,

"The certified employment list shall be submitted to the Board of Harbor Commissioners for approval prior to any appointment being made from the list."

"Certified employment lists shall become effective upon approval...and shall remain valid for a period of one year, unless extended for an additional one (1) year..."

Fiscal Impact:

None at this time

Recommendation:

Approve Certified Employment List for Harbor Worker B.





## STAFF REPORT

TO: San Mateo County Harbor District Commissioners

VIA: Glenn Lazof, Interim General Manager

FROM: Marcia Schnapp, Interim Administrative Services Manager

DATE: November 4, 2015

SUBJECT: Extension of Professional Services Contract with McCoy's Patrol Service at Oyster Point Marina/Park at Current Rates through January 31, 2016

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Request Board to Extend Professional Services Contract with McCoy's Patrol Service at Oyster Point Marina/Park at Current Rates through January 31, 2016.

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### **Background**

The Board extended McCoy's Patrol Services contract until November 30, 2015 in order to allow Staff to draft and issue an RFP.

While Staff could still draft and issue an RFP, with the recent resignation of the Harbor Master and the pending arrival of the newly hired General Manager, Staff is recommending that the Board allow the General Manager time to do a cost-benefit analysis as to whether to continue utilizing after-hours patrol services for Oyster Point Marina/Park.

An additional extension until January 31, 2016 will enable the new General Manager time to review the services provided and present a recommended course of action to the board. This may or may not include continuing to contract for after-hours patrol services at Oyster Point Marina/Park.

### **Financial Impact**

The Fiscal Year 2015-16 Budget has already budgeted for the continuation of this service. There is no budget amendment needed at this time.

### **Recommendation**

Staff recommends the Board extend the Professional Services Contract to McCoy's Patrol Services through January 31, 2016 to allow time the newly hired General Manager time to analyze and review security service options at Oyster Point Marina/Park.

# ITEM 3

## Memorandum

**TO:** Harbor Commissioners

**FROM:** Kin Yip Chan & Marcia Schnapp

**RE: Bills & Claims for Period Ending 11/04/15**

Total Disbursements being submitted for your review: \$ 137,241.76

<u>Dept. Code</u>	<u>Description</u>		<u>Page Reference</u>
101	Harbor Commission	\$ 5,787.58	2
103	Administration	17,852.42	2
201	Pillar Point Harbor	40,033.38	2
301	Oyster Point Marina	17,795.39	2
	Payroll Related	55,772.99	2
	Total for Review	\$ 137,241.76	2

### Notes:

#### Handchecks Written for:

UTILITIES	\$ 18,600.15
PAYROLL ITEMS	2,203.00
Invoices with Due Dates on or Before Board Meeting	6,059.25
Total Handchecks Written	<u>\$ 26,862.40</u>

BILLS CLAIMS FOR 11/04/15 BOARD MEETING

VENDOR	DESCRIPTION	AMOUNT	PAYROLL RELATED	HARBOR COM 101	ADMIN 103	PILLAR POINT 201	OYSTER POINT 301
ACOUNTEMS	SALARIES & WAGES- TEMPORARY	7,440.00			7440.00		
ADP, LLC	PAYROLL PROCESSING	878.81		137.17	164.49	329.55	247.60
ARAMARK UNIFORM SERVICES	UNIFORM SERVICES	117.20					117.20
BLUE RIBBON SUPPLY	JANITORIAL SUPPLIES	1,623.79				1365.54	258.25
CALPERS	PAYROLL DEDUCTION PAYABLE	12,566.13	12566.13				
CALPERS SUPPLEMENTAL INCOME 457 PLAN	PAYROLL DEDUCTION PAYABLE	4,343.00	4343.00				
CINTAS CORPORATION	OPERATING SUPPLIES	261.02				83.76	177.26
COX, WOOTON, LERNER, GRIFFIN,	LEGAL SERVICES	1,522.27					1522.27
DIGITAL PAYMENT TECHNOLOGY	OPERATING EXPENSE	100.00				100.00	
FASTENAL COMPANY	SMALL TOOLS & EQUIPMENTS	111.13				111.13	
FEDEX	CONTRACTUAL SERVICES	73.73		73.73			
ANIELLO GUGLIELMO	REFUND DEPOSIT	567.00				567.00	
HARRY JOHNSEN	REFUND DEPOSIT	216.55					216.55
LIEBERT, CASSIDY & WHITMORE	LEGAL SERVICES	5,660.68		4,812.68	848.00		
PENCE MACKIMMIE	REFUND DEPOSIT	432.06				432.06	
PETER MARGIOTTA	REFUND DEPOSIT	362.25				362.25	
MISSION UNIFORM	UNIFORM SERVICES	548.88				548.88	
NOTO, THOMAS	REFUND DEPOSIT	751.50				751.50	
OPERATING ENGINEERS LOCAL NO.3	UNION DUES	1,080.00	1,080.00				
OPERATING ENGINEERS TRUST	HEALTH INSURANCE PREMIUMS	21,430.00	21,430.00				
SAU PHANG	REFUND DEPOSIT	23.52				23.52	
SAFETY KLEEN SYSTEM UNC	OIL CLEAN UP SUPPLIES	1,577.77				1,577.77	
SMC COMMUNITY COLLEDGE DISTRICT	CONFERENCES & MEETINGS	364.00		364.00			
SHIELDS CONSULTING GROUP, INC.	CONTRACTUAL SERVICES	2,018.30			2,018.30		
STAPLES ADVANTAGE	OFFICE SUPPLIES	1,998.37			1,855.09	143.28	
SUPERIOR EQUIPMENT COMPANY	REPAIRS & MAINTENANCS	792.35				792.35	
TEAMSTERS 856 HEALTH & WELFARE FUND	HEALTH INSURANCE PREMIUMS	8,944.00	8,944.00				
TECHNOLOGY INTERGRATION GROUP	COMPUTER-HARDWARE	4,143.51			4,143.51		
TERMINIX INTERNATIONAL	CONTRACTUAL SERVICES	140.00				140.00	
TURBO DATA SYSTEMS, INC	CITATION PROCESSING	96.40				96.40	
VANTAGEPOINT TRANSFER AGENTS	PAYROLL DEDUCTION PAYABLE	1,750.00	1,750.00				
DAVID VIPOND	REFUND DEPOSIT	233.45					233.45
JOHN A. WALTHER	REFUND DEPOSIT	96.56					96.56
YOUR CHOICE OR MINE	ADVERTISING & PROMOTION	3,093.00				3,093.00	
ARAMARK UNIFORM SERVICES	UNIFORM SERVICES	120.53					120.53
AT&T	TELEPHONE/COMMUNICATIONS	601.39					601.39
BLUE RIBBON SUPPLY	JANITORIAL SUPPLIES	646.33				646.33	
CLARK PEST CONTROL	CONTRACTUAL SERVICES	73.87					73.87
PURCHASE POWER	POSTAGE EXPENSE	500.00			500.00		
SAFETY KLEEN SYSTEM UNC	OIL CLEAN UP SUPPLIES	5,241.10					5,241.10
SAN MATEO DAILY JOURNAL	ADVERTISING EXPENSE	400.00		400.00			
VENTEK INTERNATIONAL	CONTRACTUAL SERVICES	17,438.91				17,438.91	
SUB-TOTAL OF PAYMENTS TO BE PROCESSED 11/04/15		110,379.36	50,113.13	5,787.58	16,969.39	28,603.23	8,906.03
AT & T LONG DISTANCE	TELEPHONE/COMMUNICATIONS	441.33				310.78	130.55
AT&T	TELEPHONE/COMMUNICATIONS	75.00					75.00
COMCAST	TELEPHONE/COMMUNICATIONS	200.26			200.26		
HALF MOON BAY REVIEW	ADVERTISING EXPENSE	95.00			95.00		
NEXTEL COMMUNICATIONS	TELEPHONE/COMMUNICATIONS	146.42					146.42
PG&E	UTILITIES	17,446.75				9,690.14	7,756.61
PITNEY BOWES GLOBAL FIN SVCS	POSTAGE METER LEASE	1,864.74			512.18	676.28	676.28
PITNEY BOWES, INC.	OFFICE SUPPLIES	66.70					66.70
PURCHASE POWER	POSTAGE EXPENSE	575.95				575.95	
STANDARD INSURANCE CO.	LIFE & LTD INSURANCE	3,456.86	3,456.86				
TEAMSTERS UNION LOCAL 856	UNION DUES	453.00	453.00				
VANTAGEPOINT TRANSFER AGENTS	PAYROLL DEDUCTION PAYABLE	1,750.00	1,750.00				
VERIZON WIRELESS	TELEPHONE/COMMUNICATIONS	290.39			75.59	177.00	37.80
TOTAL HANDCHECKS		26,862.40	5,659.86	-	883.03	11,430.15	8,889.36
TOTAL BILLS & CLAIMS		137,241.76	55,772.99	5,787.58	17,852.42	40,033.38	17,795.39
			PAYROLL	COMM	ADMIN	PPH	OPM

## Staff Report

### Computers, Electronic Communications and Social Media Policy

#### Glenn Lazof: Interim General Manager (IGM);

**Background:** The IGM had recommended that prior to approving the new contract with Phondini Partners LLC. (Phondini) to provide the district with Social Media Plan that District adopt policies regarding the use of Social Media.

**Analysis:** The Social Media policy has been reviewed by Counsel, the Transparency Officer, and the IGM. We have combined this with the District's existing electronic communications policy.

Phondini should be able to commence planning activities for our Social Media presence shortly after this policy is adopted.

Tracked change and clean versions of the proposed policy are attached.

**Recommendation:** Adopt Resolution 51-15 Computers, Electronic Communications and Social Media Policy as revised.

**Fiscal Impact:** Unknown.

**Resolution 51-15  
of the  
San Mateo County Harbor District  
to  
Adopt the Computers, Electronic Communications and Social Media  
Policy**

**Whereas**, the San Mateo County Harbor District (District) will be entering into a contract with Phondini Partners, LLC. (Phondini) to develop a Social Media Plan for the District; and,

**Whereas**, the interim General Manager recommended the development of the District's Social Media policy prior to the District entering into the Phondini contract; and,

**Whereas**, staff has developed the Social Media policy, which has been reviewed by Counsel, the Transparency Officer, and the interim General Manager; and,

**Whereas**, the Social Media policy has been added to the District's existing computer and electronic communications policy, which is also undergoing a number of non-substantive revisions along with revisions related to record retention requirements.

**Now, Therefore, Be It Resolved**, that the Board of Harbor Commissioners adopts the Computers, Electronic Communications and Social Media Policy, as revised.

Approved this 4th day of November, 2015 at the regular meeting of the Board of Harbor Commissioners by a recorded vote as follows:

For:

Against:

Abstain:

Absent:

**Attested**

**BOARD OF HARBOR COMMISSIONERS**

\_\_\_\_\_  
Melanie Hadden  
Interim Deputy Secretary

\_\_\_\_\_  
Tom Mattusch  
President

# San Mateo County Harbor District

<b>Policy</b>	<b>Number:</b> 6.2.4	<b>Approved Date:</b> 9/21/05	<b>Revision Date:</b>
<b>Title:</b> Computers, Electronic Communications, and Social Media	<b>Prepared By:</b> E. Wilkerson	<b>Approved By:</b> Resolution 29-05	<b>Page:</b> 1 of 12
<b>Purpose:</b> To set the conditions for use of District electronic communications equipment, to notify employees that they have no privacy in the use of this equipment, and to set forth District Social Media policy			

## 1. Statement of Policy

This policy sets forth guidelines for appropriate and permissible use of technology to conduct business on behalf of the District. This policy applies to access to and usage of the Internet and Intranet, the transmission and exchange of electronic mail (E-mail) and other electronic message (such as text messages or instant messages), the use of computers, networks, servers, cell phones, landline phones, smart phones, personal digital assistants (PDAs), tablet computers, digital readers, voicemail, and any other forms of electronic communication. This policy applies whenever District employees are conducting business on behalf of the District, regardless of location or time. The access to cell phones, landline phones, smart phones, personal digital assistants (PDAs), texts, instant message, social media, websites, and voicemails for all District issued equipment and personal phones in which the District provides a phone allowance, or where the District provides access. Further, this policy serves to give employees notice that there is a lack of privacy in any of these systems at the District. Additionally, this policy contains the District's Social Media policy.

## 2. Description of Procedures

Internet, including District websites, E-mail, facsimile (fax), voice-mail access, and access to Social Media is provided by the District to facilitate the performance of District work. The District provides electronic communications facilities and equipment in order to facilitate communications and enable employees and elected officials to perform their duties more efficiently and productively. To achieve this objective, this policy requires all employees who access and utilize District electronic communications to follow the guidelines set forth herein.

The Internet, E-mail, fax, voice-mail, and Social Media must be used in compliance with applicable statutes, regulations, and District policy including those that require a work environment free from discrimination and harassment. Employees are expected to use common sense and judgment to avoid any communication that is disrespectful, offensive or illegal.

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Computers, Electronic Communications, and Social Media	<b>Prepared By:</b> E. Wilkerson	<b>Approved By:</b> Resolution 29-05	<b>Page:</b> 2 of 12
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## GUIDELINES AND CONDITIONS

### A. Administration

1. The District has software and systems in place, which can monitor and record usage of Internet, Intranet, e-mail and all electronic communications, in order to maintain compliance with this policy. The District may access, intercept, read, review, copy, listen to or disclose content of any electronic communication generated, received, or stored on the District's electronic communications systems at any time without notice. Employees and elected officials should have no expectation of privacy in usage of any District electronic communications equipment or facilities.
2. Access to Internet sites, newsgroups, chat rooms, and other Internet-related services may be blocked to comply with this policy.
3. Use of District electronic communication is considered employee job performance, and any misuse of electronic communications or use in violation of any provisions set forth in this policy may subject an employee to discipline, up to and including termination of employment.
4. An elected official's misuse of electronic communications or use in violation of any provisions set forth in this policy may subject the elected official to public censure.

### B. Conditions

#### 1. District Property

All communications, information and content created, sent, received, deleted, stored, or otherwise associated in any way with the District's systems are property of the District. None of such content is the property of any employee or other user. The District is not responsible for any loss or damage incurred by an employee or elected official as a result of personal use of the District's electronic communications resources.

#### 2. Business Use

The District's electronic communications systems are the property of the District. Staff messages are to be professional and courteous, composed in a business-like manner consistent with the professional agency image employees and elected officials are to maintain on behalf of the District.

#### 3. Personal Use

Limited, occasional, or incidental personal use of the District's electronic communications systems is permitted under the following conditions:

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<b>Purpose:</b> To set the conditions for use of District electronic communications equipment, to notify employees that they have no privacy in the use of this equipment, and to set forth District Social Media policy			

- a. Personal use does not interfere with the productivity of the employee or his or her co-workers;
- b. Personal use does not disrupt or delay the performance of District business;
- c. Personal use does not include any activity performed in connection with work for another employer or in connection with self-employment;
- d. Personal use does not include any activity related to the campaign of any individual running for public office; and
- e. Personal use does not include any activity otherwise in violation of this policy.

4. Improper Use

Employees and elected officials are expressly prohibited from abusing the District’s electronic communications systems in any way, including but not limited to the following:

- a. Threatening or harassing other employees or any other persons.
- b. Using obscene or abusive language.
- c. Online gaming or gambling.
- d. Creating, displaying, downloading, transmitting or storing offensive or derogatory photos (including but not limited to pornography or sexual oriented materials), images, messages or cartoons regarding sex, race religion color, national origin, marital status, age over 40, physical or mental disability, sexual orientation, gender identity or expression, ancestry, a known genetic predisposition to a disease or disorder, veteran status, or which in any way violates the District’s policy on prohibiting employment discrimination and harassment prevention.
- e. Violating any laws, including use of unauthorized or pirated software or data. Information systems may not be used for any illegal purposes such as violating intellectual property rights, or participating in chain letters and pyramid schemes, or breaking into or “hacking” into the computers or intercepting the transmissions of others outside the District.
- f. Soliciting or proselytizing others for commercial ventures or for religious, charitable or political causes or candidates. Included are “for sale” and “for rent” messages or any other personal notices.
- g. Sending another person’s confidential or private information, inappropriate personal messages, or sensitive information such as performance reviews or other personal information not subject to public disclosure.



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Computers, Electronic Communications, and Social Media	<b>Prepared By:</b> E. Wilkerson	<b>Approved By:</b> Resolution 29-05	<b>Page:</b> 4 of 12
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- h. Sending personal or general announcements not related to District business, unless approved in advance by the General Manager or designee for posting in District approved electronic areas, such as a bulletin board or Intranet.
- i. Creating congestion or other disturbances. Information systems may not be used in a manner that is likely to or intended to cause unwarranted congestion breakdown of any component of the system or other disturbances.
- j. Excessive transmission. Message and copies of messages are to be sent only to persons with an immediate business need-to-know.
- k. Computer snooping or "hacking". Notwithstanding the District's right of access provided in section III.A.1. above, no employee or elected official is permitted to use information systems to access content created by others, except as authorized and reasonably necessary to perform the employee's job. The District's information systems may not be used without appropriate authorization from the General Manager to monitor the electronic files or communications of others, nor to obtain unauthorized access to files or networks through "hacking", using others' log-on or passwords, or otherwise breaching security measures.
- l. Destroying or altering content: defined as the destruction or alteration of content of electronic communications with the intent to cause harm, injury or deception.
- m. Misleading others concerning source of communication: defined as using another's computer, user identification or password without prior authorization to mislead the recipient into believing that the message originated from another person or another's computer.
- n. Using District facilities to knowingly or intentionally propagate any computer virus, worm, Trojan horse, trap door program code, or similar code or program.
- o. Downloading software from the Internet for business or non-business purposes or without prior approval of the General Manager.
- p. Uploading software licensed to the District or data owned or licensed by the District without prior approval of the General Manager.
- q. Interfering with District security systems, including any attempt to disable, defeats, or circumvents any District security facilities or systems.

**C. Operations**

- 1. Public Records. Electronic communications generally are public records and may be subject to public inspection and copying under the Public Records Act.
- 2. Usage. Usage is limited to transitory communications, which are not required or intended to be kept for future references, unless Section C.5 below applies.

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<b>Purpose:</b> To set the conditions for use of District electronic communications equipment, to notify employees that they have no privacy in the use of this equipment, and to set forth District Social Media policy			

3. Deletion. Electronic communications are to be read regularly, and all messages are to be promptly, or as appropriate, deleted from the mail server by both sender and recipient. Back-up tapes for such message files stored in District network are for record retention, and disaster and system failure recovery and will be deleted in due course of business. Inappropriate information must be immediately deleted to and emptied from "Trash".
4. Retention. E-mail communications should generally convey transitory information that has no lasting value to the District. E-mail should not be used to create important or lasting official records of the District. Where official records are required to satisfy a particular purpose or retention period, such as resolutions, ordinances, internal policies, official correspondence, contracts, personnel documents, etc., a form other than e-mail should be used (such as hard copy or other permanent unalterable form of recording). To avoid wasting computer storage space, E-mail communications may be deleted from the system after sixty (60) days. Where an E-mail possesses more lasting significance, is the subject of a public records request, subpoena or production demand, or is relevant to pending or reasonably anticipated litigation, it may be retained for longer durations in accordance with the District's record retention requirements. The General Manager must provide written approval prior to destruction or deletion of such files. Duplicate E-mail communications may be destroyed at any time, provided that at least one version of that E-mail communication is retained somewhere for the applicable retention period. For instance, where an E-mail communication is received by multiple District personnel, only a single version of the e-mail need be retained and all other versions may be deleted.

The District, as provider of access to the District technology and communications systems, reserves the right to specify how District network resources will be used and administered to comply with this policy. It is important to realize that the message content sent from the District account reflects upon the District (positively or negatively) to those who receive the message. Employees may be subject to disciplinary actions for using these resources in a manner other than for their intended purposes.

The information sources accessible via the Internet are worldwide and constantly growing in kind and number. It is not possible for an Internet access provider to fully manage the types of information accessible by its systems and users, especially with regard to content

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limitations. Nonetheless, the District reserves the right to restrict access to any data source if/when, in its sole discretion and after appropriate review, the District determines such a source to be problematic. Such restrictions do not constitute an implication of approval of other non-restricted sources.

In addition, some delivery methods and networks impose legal restrictions regarding the nature of messages allowed. Users are expected to comply with all such restrictions. Employees and other users of the Internet, E-mail and voice-mail can create criminal and civil liability for themselves and the District by using those services in an offensive, defamatory or illegal manner and in such event employees and other users may be subject to disciplinary action up to and including termination.

### C. SOCIAL MEDIA POLICY

#### 1. PURPOSE

This Social Media Policy ("Policy") sets forth guidelines for the appropriate and permissible creation, maintenance and use of all District social media websites, including but not limited to Facebook, Twitter, YouTube, MySpace, Yelp and LinkedIn. The term "social media" refers to activities that integrate technology, social interaction and content creation. Social media enables users to create online communities to share information, ideas, messages, and other content by various means, including, but not limited to, Really Simple Syndication (RSS) and other web feeds, blogs, wikis, podcasts and photo- and video-sharing. This Policy is designed to protect the San Mateo County Harbor District and its employees and is no way intended to restrict the flow of useful and appropriate communications or to abridge District employees' exercise of rights under the First Amendment of the Constitution, the National Labor Relations Act or any other applicable statutes

#### 2. COMPLIANCE WITH APPLICABLE POLICIES AND LAWS

The District's social media sites shall comply with all appropriate District policies and procedures. The District's social media sites shall also comply with District conflict of interest rules and applicable ethics rules and policies.

#### 3. POLICY STATEMENT

The District permits and encourages the creation and use of social media websites to facilitate the productive use of the Internet for business purposes and to disseminate information about the District. To effectuate this objective, this Policy requires all

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employees who create and/or use social media websites to follow the guidelines set forth herein.

4. ADMINISTRATION AND CONDITIONS

- a. ADMINISTRATION OF SOCIAL MEDIA FOR DISTRICT BUSINESS
  - i. The District General Manager or his/her designee is solely authorized to create social media websites for District business purposes.
  - ii. The District General Manager or his/her designee(s) is responsible for ensuring compliance with this Policy, as well as applicable federal, state, and local laws. The District may restrict or remove any content that is deemed to be in violation of this Policy or the District's Electronics Communications Policy or any applicable law, or contrary to the District's goals and/or interests, or unrelated to the subject of the original posting. The District's General Manager has the authority to make non-material changes to this Policy as the General Manager sees fit.
  - iii. Content on District social media sites is likely subject to the California Public Records Act. Any content maintained in a social media format that is related to District business, including a list of subscribers and posted communication, may be a public record. Wherever possible, such sites shall indicate that any content posted or submitted for posting, including comments, may be subject to public disclosure upon request. The District shall preserve records required to be maintained pursuant to a relevant records retention schedule for the required retention period on a District server in a format that preserves the integrity of the original record and is easily accessible.
- b. CONDITIONS OF USE OF DISTRICT-MAINTAINED SOCIAL MEDIA
  - i. The District General Manager and his/her designees are solely authorized to speak on behalf of the District. Employees who respond, in their capacity as District employees, to comments posted or received through District social media websites will make known their name and title.
  - ii. The same standards, principles, and guidelines that apply to District employees in performance of their assigned duties also apply to employee social media use. District employees who post comments or other content on social media websites maintained by the District, but who are not expressly

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authorized to speak on behalf of the District, must make known they speak only on behalf of themselves, and that the content contained in such posts do not necessarily reflect the positions, policies, or opinions of the District. Employees may not engage in the use of Social Media venues to publish, post, report on or discuss information or data about District programs or activities that are considered sensitive, confidential, preliminary, or not yet available to the public. Sensitive information, such as personally identifiable information, must be protected from use in blogging and social media venues.

iii. Content posted by members of the public on any social media website maintained by the District is the opinion of the poster only, and does not necessarily reflect the positions, policies, or opinions of the District.

iv.. All social media websites created by the District must make known that they are maintained by the District and that they abide by the terms of this Policy.

c. **ACCESS AND LINKS TO DISTRICT-MAINTAINED SOCIAL MEDIA**

i. All social media websites, to the extent possible, should contain a hyperlink to the District's Official website.

ii. This Policy should be made accessible to users visiting the District's social media websites, either directly or through a hyperlink to the District's official website.

iii. The District reserves the right to deny access to District social media websites to any individual who violates this Policy or any applicable law at any time and without prior notice.

d. **DISTRICT EMPLOYEE USE OF SOCIAL MEDIA**

i.. Any creation, use or monitoring of social media by employees of the District relating to District business or employment at the District is subject to all federal, state, local laws, and District administrative policies and procedures, including without limitation, the Electronic Communications Policy.

ii. Employees may use District information resources only for business purposes. Therefore, unless authorized to do so by the District General Manager, employees may not use social media while at work, except on their own media devices during rest and meal periods.

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iii. Employees, Commissioners, and Public Members of Committees, who develop a personal website, write a personal blog, or publish content to a website or Social Media venue regarding District activities should consider using a disclaimer such as: "This posting is my own and does not represent the San Mateo County Harbor District's positions, strategies, or opinions. Any views expressed are my own only." Managers and supervisors should note that this standard disclaimer does not by itself exempt them from a special responsibility when blogging. By virtue of being in a supervisory or a managerial position, they must consider whether personal thoughts they publish may be misunderstood as expressing District positions.

iv. Employees, Commissioners, and Public Members of Committees are not authorized to use the District's trademarks or service marks (logos) in their postings.

v. District employee violation of this Policy may be reason for disciplinary action, up to and including termination of employment.

vi. The District disclaims any and all liabilities for losses or costs incurred as a result of content posted on or via social media websites maintained by the District, or as a result of conduct deemed to be in violation of this Policy, or any applicable laws. The District does not necessarily endorse, and is not responsible for, any content that has been submitted by any other party. The District shall inform all visitors and users of its social media sites of this disclaimer by posting the same to the District's social media sites, when feasible.

**e. Prohibited Content**

For District social media sites, the following types of content are prohibited and may be removed by authorized District personnel:

- Content and/or language a reasonable person would find offensive, including but not limited to profane, obscene, pornographic content and/or language, or not consistent with community standards;
- Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, national origin, age, religion, gender, gender expression, gender identity, disability, medical condition, genetic information, sexual orientation, marital status or any other class protected under local, state or federal law;

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- Comments that are not topically related to the District or the particular posting being commented upon;
- Defamatory or libelous content;
- Sexual content or links to sexual content;
- Threats to any person or organization;
- Solicitation of commerce, including but not limited to advertising of any business or product/service for sale;
- Conduct in violation of any federal, state or local law;
- Encouragement of illegal activity;
- Information that may tend to compromise the safety or security of the public or public systems;
- Content that violates a social media platform’s policies or terms of use, as may be updated;
- Uploading or attaching files that contain viruses, corrupted files, or any other similar software or programs that may damage the operation of the District or another's computer;
- Materials that falsify the origin or source of software or other material contained in a file that is uploaded;
- Content that violates a legal ownership interest, such as a copyright or trademark, of any party; and/or
- Content that violates another person’s right to privacy.

f. Standard Guidelines

Attached as Exhibit A to this Policy is a standard guideline that staff should tailor to any District social media site and post on the same, when feasible.

g. Privacy Notice

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District employees using the Internet, E-mail, voice-mail, and social media while performing their work duties and/or using District technology are advised that the District will from time to time monitor systems activities through automated computer programs and other means. In that regard, the District may conduct reviews of the content of messages and files, and web sites visited on the Internet, including random reviews, when in the exercise of its business judgment, the District determines that it would be prudent to do so. As a result, District employees have no expectation of privacy in any District-provided computer equipment or electronic communications equipment. Employees are not authorized to access E-mail accounts other than those provided on the District Intranet (no AOL, gmail, Earthlink, Yahoo, etc.).



## **EXHIBIT A: STANDARD GUIDELINE FOR POSTING ON SOCIAL MEDIA SITES**

On any District social media site, the following should be posted, when feasible:

“This is an official [Facebook, Twitter, YouTube] page of the San Mateo County Harbor District (District). For more information about District, please visit <http://www.smharbor.com/>. This site is intended to serve as a mechanism for communication between the public and District about the [describe topics] and as a forum to further District’s mission. Any comment submitted to this page and its list of fans may be considered a public record which is subject to disclosure pursuant to the California Public Records Act. [INSERT LINK TO POLICY IF FEASIBLE]”

For Facebook or any site that allows comments, the page shall also include a Comment Policy Box with the following disclaimer:

“Comments posted to this page will be monitored and inappropriate content will be removed. Under the District’s Social Media Policy, the District will remove any prohibited content, including: (1) information that may compromise public safety, public security or efficient District operations; (2) conduct or encouragement of illegal activity; (3) sexual content or links to sexual content; (4) profane language or content; (5) threatening, violent, hateful, or malicious statements concerning individuals; (6) content that is false, factually inaccurate, or materially misleading; (7) content that violates a legal ownership interest of any other party, such as trademark or copyright infringement; (8) content that violates a social media platform’s policies or terms of use, as may be updated; (9) comments or content not germane to the District; (10) solicitations of commerce, such as product advertisements; (11) content that promotes, fosters, or perpetuates discrimination on the basis of race, religion, color, sex, gender identity, gender expression, sexual orientation, national origin, ancestry, citizenship status, uniformed service member status, marital status, pregnancy, age, medical condition, physical or mental disability (whether perceived or actual), and genetic information; (12) content that defames or threatens to defame the District, any third party, any individual or any group of individuals; (13) uploading or attaching files that contain viruses, corrupted files, or any other similar software or programs that may damage the operation of District or another's computer; (14) materials that falsify the origin or source of software or other material contained in a file that is uploaded; and (15) unauthorized disclosure of confidential, sensitive, or proprietary information.

The District, however, disclaims any and all responsibility and liability for any materials that are prohibited under the District's Social Media Policy, which cannot be removed in an expeditious and otherwise timely manner. The District does not necessarily endorse, and is not responsible for, any content that has been submitted by any other party. [INSERT LINK TO POLICY IF FEASIBLE]”

## San Mateo County Harbor District

<b>Policy</b>	<b>Number:</b> 6.2.4	<b>Approved Date:</b> 9/21/05	<b>Revision Date:</b>
<b>Title:</b> Computers, Electronic Communications, and Social Media	<b>Prepared By:</b> E. Wilkerson	<b>Approved By:</b> Resolution 29-05	<b>Page:</b> 1 of 11
<b>Purpose:</b> To set the conditions for use of District electronic communications equipment, to notify employees that they have no privacy in the use of this equipment, and to set forth District Social Media policy			

### 1. Statement of Policy

This policy sets forth guidelines for appropriate and permissible use of technology to conduct business on behalf of the District. This policy applies to access to and usage of the Internet and Intranet, the transmission and exchange of electronic mail ([E-mail](#)) and other electronic message (such as text messages or instant messages), the use of computers, networks, servers, cell phones, landline phones, smart phones, personal digital assistants (PDAs), tablet computers, digital readers, voicemail, and any other forms of electronic communication. This policy applies whenever District employees are conducting business on behalf of the District, regardless of location or time. The access to cell phones, landline phones, smart phones, personal digital assistants (PDAs), texts, instant message, social media, websites, and voicemails for all District issued equipment and personal phones in which the District provides a phone allowance, or where the District provides access-. Further, this policy serves to give employees notice that there is a lack of privacy in any of these systems at the District. Additionally, this policy contains the District's Social Media policy.

### 2. Description of Procedures

Internet, including District websites, E-mail, [facsimile \(fax\)](#), voice-mail access, and access to Social Media is provided by the District to facilitate the performance of District work. The District provides electronic communications facilities and equipment in order to facilitate communications and enable employees and elected officials to perform their duties more efficiently and productively. To achieve this objective, this policy requires all employees who access and utilize District electronic communications to follow the guidelines set forth herein.

The Internet, E-mail, fax, voice-mail, and [Social Mmedia](#) must be used in compliance with applicable statutes, regulations, and District policy including those that require a work environment free from discrimination and harassment. Employees are expected to use common sense and judgment to avoid any communication that is disrespectful, offensive or illegal.

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#### GUIDELINES AND CONDITIONS

##### A. Administration

1. The District has software and systems in place, which can monitor and record usage of Internet, Intranet, e-mail and all electronic communications, in order to maintain compliance with ~~appropriate usage in compliance with~~ this policy. The District may access, intercept, read, review, copy, listen to or disclose content of any electronic communication generated, received, or stored on the District's electronic communications systems at any time without notice. Employees and elected officials should have no expectation of privacy in usage of any District electronic communications equipment or facilities.
2. Access to Internet sites, newsgroups, chat rooms, and other Internet-related services may be blocked to comply with this policy.
3. Use of District electronic communication is considered employee job performance, and any misuse of electronic communications or use in violation of any provisions set forth in this policy ~~contained herein~~ may ~~be~~ subject an employee to discipline, up to and including termination of employment.
4. An elected official's misuse of electronic communications or use in violation of any provisions set forth in this policy ~~contained herein~~ may subject the elected official to public censure.

##### B. Conditions

###### 1. District Property

All communications, ~~and~~ information and content created, sent, received, deleted, stored, or otherwise associated in any way with the District's systems ~~will be considered~~ are ~~business messages and the~~ property of the District. None of such content is the property of any employee or other user. The District is not responsible for any loss or damage incurred by an employee or elected official as a result of personal use of the District's electronic communications resources.

###### 2. Business Use

The District's electronic communications systems are the property of the District ~~and are~~ ~~business-related communications and information~~. Staff Messages are to be professional and courteous, composed in a business-like manner consistent with the professional agency image employees and elected officials are to maintain on behalf of the District.

###### 3. Personal Use

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Limited, occasional, or incidental personal use [of the District's electronic communications systems](#) -is permitted under the following conditions:

- a. Personal use does not interfere with the productivity of the employee or his or her co-workers;
- b. Personal use does not disrupt or delay the performance of District business;
- c. Personal use does not include any activity performed in connection with work for another employers or in connection with self-employment;
- d. Personal use does not include any activity related to the campaign of any individual running for public office; and
- e. Personal use does not include any activity otherwise in violation of this policy.

#### 4. Improper Use

Employees and elected officials are expressly prohibited from abusing the District's electronic communications systems in any way, including but not limited to the following:

- a. Threatening or harassing other employees or any other persons.
- b. Using obscene or abusive language.
- c. Online gaming or gambling.
- d. Creating, displaying, downloading, transmitting or storing offensive or derogatory photos (including but not limited to pornography or sexual oriented materials), images, messages or cartoons regarding sex, race religion color, national origin, marital status, age over 40, physical or mental disability, sexual orientation, gender identity or expression, ancestry, a known genetic predisposition to a disease or disorder, veteran status, or which in any way violates the District's policy on prohibiting employment discrimination and harassment prevention.
- e. Violating any laws, including use of unauthorized or pirated software or data. Information systems may not be used for any illegal purposes such as violating intellectual property rights, or participating in chain letters and pyramid schemes, or breaking into or "hacking" into the computers or intercepting the transmissions of others outside the District.
- f. Soliciting or proselytizing others for commercial ventures or for religious, charitable or political causes or candidates. Included are "for sale" and "for rent" messages or any other personal notices.
- g. Sending another person's confidential or private information, inappropriate personal messages, or sensitive information such as performance reviews or other personal information not subject to public disclosure.

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- h. Sending personal or general announcements not related to District business, unless approved in advance by the General Manager or designee for posting in District approved electronic areas, such as a bulletin board or Intranet.
  - i. Creating congestion or other disturbances. Information systems may not be used in a manner that is likely to or intended to cause unwarranted congestion breakdown of any component of the system or other disturbances.
  - j. Excessive transmission. Message and copies of messages are to be sent only to persons with an immediate business need-to-know.
  - k. Computer snooping or "hacking". Notwithstanding the District's right of access provided in section III.A.1. above, no employee or elected official is permitted to use information systems to access content created by others, except as authorized and reasonably necessary to perform the employee's job. The District's information systems may not be used without appropriate authorization from the General Manager to monitor the electronic files or communications of others, nor to obtain unauthorized access to files or networks through "hacking", using others' log-on or passwords, or otherwise breaching security measures.
  - l. Destroying or altering content: dDefined as the destruction or alteration of content of electronic communications with the intent to cause harm, injury or deception.
  - m. Misleading others concerning source of communication: dDefined as using another's computer, user identification or password without prior authorization to mislead the recipient into believing that the message originated from another person or another's computer.
  - n. Using District facilities to knowingly or intentionally propagate any computer virus, worm, Trojan horse, trap door program code, or similar code or program.
  - o. Downloading software from the Internet for business or non-business purposes or without prior approval of the General Manager.
  - p. Uploading software licensed to the District or data owned or licensed by the District without prior approval of the General Manager.
  - q. Interfering with District security systems, including any attempt to disable, defeats, or circumvents any District security facilities or systems.
- C. Operations**
- 1. Public Records. Electronic communications generally are public records and may be subject to public inspection and copying under the Public Records Act.
  - 2. Usage. Usage is limited to transitory communications, which are not required or intended to be kept for future references, unless Section C.5 below applies.
  - 3. Deletion. Electronic communications are to be read regularly, and all messages are to be promptly, or as appropriate, deleted from the mail server by both sender and recipient.

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Back-up tapes for such message files stored in District network are for record retention, and disaster and system failure recovery and will be deleted in due course of business. Inappropriate information must be immediately deleted to and emptied from "Trash".

4. Retention. E-mail communications should generally convey transitory information that has no lasting value to the District. E-mail should not be used to create important or lasting official records of the District. Where official records are required to satisfy a particular purpose or retention period, such as resolutions, ordinances, internal policies, official correspondence, contracts, personnel documents, etc., a form other than e-mail should be used (such as hard copy or other permanent unalterable form of recording). To avoid wasting computer storage space, ~~electronic mail~~ E-mail communications may be deleted from the system after sixty (60) days. ~~Electronic mail communications~~ Where an E-mail possesses more lasting significance, is the subject of a public records request, subpoena or production demand, or is relevant to pending or reasonably anticipated litigation, it must may be retained for longer durations, ~~but only upon request by the General Manager in accordance with the District's record retention requirements.~~

5. ~~Production. Electronic communications that are responsive to a public records request, subpoena or production demand, or which are otherwise relevant to any pending litigation or claims, shall be retained by the individual user.~~ The General Manager must provide written approval prior to destruction or deletion of such files. Duplicate E-mail communications may be destroyed at any time, provided that at least one version of that E-mail communication is retained somewhere for the applicable retention period. For instance, where an E-mail communication is received by multiple District personnel, only a single version of the e-mail need be retained and all other versions may be deleted.

The District, as provider of access to the District technology and communications systems, reserves the right to specify how ~~the~~ District network resources will be used and administered to comply with this policy. It is important to realize that the message content sent from the District account reflects upon the District (positively or negatively) to those who receive the message. Employees may be subject to disciplinary actions for using these resources in a manner other than for their intended purposes.

The information sources accessible via the Internet are worldwide and constantly growing in kind and number. It is not possible for an Internet access provider to fully manage the types of information accessible by its systems and users, especially with regard to content limitations. Nonetheless, the District reserves the right to restrict access to any data source if/when, in its sole discretion and after appropriate review, the District determines such a

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source to be problematic. Such restrictions do not constitute an implication of approval of other non-restricted sources.

In addition, some delivery methods and networks impose legal restrictions regarding the nature of messages allowed. Users are expected to comply with all such [restrictions regulations](#). Employees and other users of the Internet, E-mail and voice-mail can create criminal and civil liability for themselves and the District by using those services in an offensive, defamatory or illegal manner and in such event employees and other users may be subject to disciplinary action up to and including termination.

~~CD~~ SOCIAL MEDIA POLICY

1. PURPOSE

This Social Media Policy ("Policy") sets forth guidelines for the appropriate and permissible creation, [maintenance](#) and use of [all District social media websites](#), including but not limited to Facebook, Twitter, YouTube, MySpace, Yelp and LinkedIn. [The term "social media" refers to activities that integrate technology, social interaction and content creation. Social media enables users to create online communities to share information, ideas, messages, and other content by various means, including, but not limited to, Really Simple Syndication \(RSS\) and other web feeds, blogs, wikis, podcasts and photo- and video-sharing.](#) This Policy is designed to protect the San Mateo County Harbor District and its employees and is no way intended to restrict the flow of useful and appropriate communications or to abridge District employees' exercise of rights under the First Amendment of the Constitution, the National Labor Relations Act or any other applicable statutes.

2. [COMPLIANCE WITH APPLICABLE POLICIES AND LAWS](#)

[The District's social media sites shall comply with all appropriate District policies and procedures. The District's social media sites shall also comply with District conflict of interest rules and applicable ethics rules and policies.](#)

3. [POLICY STATEMENT](#)

The District permits and encourages the creation and use of social media websites to facilitate the productive use of the Internet for business purposes and to disseminate information about the District. To effectuate this objective, this Policy requires all employees who create and/or use social media websites to follow the guidelines set forth herein.

4. ADMINISTRATION AND CONDITIONS

a. ADMINISTRATION OF SOCIAL MEDIA FOR DISTRICT BUSINESS

<b>Policy</b>	<b>Number:</b> 6.2.4	<b>Approved Date:</b> 9/21/05	<b>Revision Date:</b>
Computers, Electronic Communications, and Social Media	<b>Prepared By:</b> E. Wilkerson	<b>Approved By:</b> Resolution 29-05	<b>Page:</b> 7 of 11
<b>Purpose:</b> To set the conditions for use of District electronic communications equipment, to notify employees that they have no privacy in the use of this equipment, and to set forth District Social Media policy			

i. The District General Manager or his/her designee is solely authorized to create social media websites for District business purposes.

ii. The District General Manager or his/her designee(s) is responsible for ensuring compliance with this Policy, as well as applicable federal, state, and local laws. The District may restrict or remove any content that is deemed to be in violation of this Policy or the District's Electronics Communications Policy or any applicable law, or contrary to the District's goals and/or interests, or unrelated to the subject of the original posting. The District's General Manager has the authority to make non-material changes to this Policy as the General Manager sees fit.

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iii. Content on District social media sites is likely subject to the California Public Records Act. Any content maintained in a social media format that is related to District business, including a list of subscribers and posted communication, may be a public record. Wherever possible, such sites shall indicate that any content posted or submitted for posting, including comments, may be subject to public disclosure upon request. The District shall preserve records required to be maintained pursuant to a relevant records retention schedule for the required retention period on a District server in a format that preserves the integrity of the original record and is easily accessible.

**b. CONDITIONS OF USE OF DISTRICT-MAINTAINED SOCIAL MEDIA**

i. The District General Manager and his/her designees are solely authorized to speak on behalf of the District. Employees who respond, in their capacity as District employees, to comments posted or received through District social media websites will make known their name and title.

ii. The same standards, principles, and guidelines that apply to District employees in performance of their assigned duties also apply to employee social media use. District employees who post comments or other content on social media websites maintained by the District, but who are not expressly authorized to speak on behalf of the District, must make known they speak only on behalf of themselves, and that the content contained in such posts do not necessarily reflect the positions, policies, or opinions of the District. Employees may not engage in the use of Social Media venues to publish, post, report on or discuss information or data about District programs or activities that are considered sensitive, confidential, preliminary, or not yet available to the public. Sensitive information, such as personally identifiable information, must be protected from use in blogging and social media venues.

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Computers, Electronic Communications, and Social Media	<b>Prepared By:</b> E. Wilkerson	<b>Approved By:</b> Resolution 29-05	<b>Page:</b> 8 of 11
<b>Purpose:</b> To set the conditions for use of District electronic communications equipment, to notify employees that they have no privacy in the use of this equipment, and to set forth District Social Media policy			

iii. Content posted by members of the public on any social media website maintained by the District is the opinion of the poster only, and does not necessarily reflect the positions, policies, or opinions of the District.

iv.. All social media websites created by the District must make known that they are maintained by the District and that they abide by the terms of this Policy.

c. ACCESS AND LINKS TO DISTRICT-MAINTAINED SOCIAL MEDIA

i. All social media websites, to the extent possible, should contain a hyperlink to the District's Official website.

ii. This Policy should be made accessible to users visiting the District's social media websites, either directly or through a hyperlink to the District's official website.

iii. The District reserves the right to deny access to District social media websites to any individual who violates this Policy or any applicable law at any time and without prior notice.

d. DISTRICT EMPLOYEE USE OF SOCIAL MEDIA

i.. Any creation, use or monitoring of social media by employees of the District relating to District business or employment at the District is subject to all federal, state, local laws, and District administrative policies and procedures, including without limitation, the Electronic Communications Policy.

ii. Employees may use District information resources only for business purposes. Therefore, unless authorized to do so by the District General Manager, employees may not use social media while at work, except on their own media devices during rest and meal periods.

iii. Employees, Commissioners, and Public Members of Committees, -who develop a personal website, write a personal blog, or publish content to a website or Social Media venue regarding District activities should consider using a disclaimer such as: "This posting is my own and does not represent the San Mateo County Harbor District's positions, strategies, or opinions. Any views expressed are my own only." Managers and supervisors should note that this standard disclaimer does not by itself exempt them from a special responsibility when blogging. By virtue of being in a supervisorial or a managerial position, they must consider whether personal thoughts they publish may be misunderstood as expressing District positions.

iv.. Employees, Commissioners, and Public Members of Committees are not authorized to use the District's trademarks or service marks (logos) in their postings.

v. District employee violation of this Policy may be reason for disciplinary action, up to and including termination of employment.

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<b>Purpose:</b> To set the conditions for use of District electronic communications equipment, to notify employees that they have no privacy in the use of this equipment, and to set forth District Social Media policy			

vi. The District ~~disclaims any and all liabilities-liable~~ for losses or costs incurred as a result of content posted on or via social media websites maintained by the District, or as a result of conduct deemed to be in violation of this Policy, or any applicable laws. ~~The District does not necessarily endorse, and is not responsible for, any content that has been submitted by any other party. The District shall inform all visitors and users of its social media sites of this disclaimer by posting the same to the District's social media sites, when feasible.~~

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e. Prohibited Content

For District social media sites, the following types of content are prohibited and may be removed by authorized District personnel:

- Content and/or language a reasonable person would find offensive, including but not limited to profane, obscene, pornographic content and/or language, or not consistent with community standards;
- Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, national origin, age, religion, gender, gender expression, gender identity, disability, medical condition, genetic information, sexual orientation, marital status or any other class protected under local, state or federal law;
- Comments that are not topically related to the District or the particular posting being commented upon;
- Defamatory or libelous content;
- Sexual content or links to sexual content;
- Threats to any person or organization;
- Solicitation of commerce, including but not limited to advertising of any business or product/service for sale;
- Conduct in violation of any federal, state or local law;
- Encouragement of illegal activity;
- Information that may tend to compromise the safety or security of the public or public systems;

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- [Content that violates a social media platform's policies or terms of use, as may be updated;](#)
- [Uploading or attaching files that contain viruses, corrupted files, or any other similar software or programs that may damage the operation of the District or another's computer;](#)
- [Materials that falsify the origin or source of software or other material contained in a file that is uploaded;](#)
- [Content that violates a legal ownership interest, such as a copyright or trademark, of any party; and/or](#)
- [Content that violates another person's right to privacy.](#)

f. [Standard Guidelines](#)

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[Attached as Exhibit A to this Policy is a standard guideline that staff should tailor to any District social media site and post on the same, when feasible.](#)

g. [Privacy Notice](#)

[District Employees and other users of using the Internet, E-mail, voice-mail, and sSocial mMedia while performing their work duties and/or using District technology?](#) are advised that the District will from time to time monitor systems activities through automated computer programs and other means. In that regard, the District may conduct reviews of the content of messages and files, and web sites visited on the Internet, including random reviews, when in the exercise of its business judgment, the District determines that it would be prudent to do so. As a result, District employees have no expectation of privacy in any District-provided computer equipment or electronic communications equipment. Employees are not authorized to access E-mail accounts other than those provided on the District Intranet (no AOL, [gmail](#), -Earthlink, Yahoo, etc.).

**EXHIBIT A: STANDARD GUIDELINE FOR POSTING ON SOCIAL MEDIA SITES**

On any District social media site, the following should be posted, when feasible:

“This is an official [Facebook, Twitter, YouTube] page of the San Mateo County Harbor District (District). For more information about District, please visit <http://www.smharbor.com/>. This site is intended to serve as a mechanism for communication between the public and District about the [describe topics] and as a forum to further District’s mission. Any comment submitted to this page and its list of fans may be considered a public record which is subject to disclosure pursuant to the California Public Records Act. [INSERT LINK TO POLICY IF FEASIBLE]”

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For Facebook or any site that allows comments, the page shall also include a Comment Policy Box with the following disclaimer:

“Comments posted to this page will be monitored and inappropriate content will be removed. Under the District’s Social Media Policy, the District will remove any prohibited content, including: (1) information that may compromise public safety, public security or efficient District operations; (2) conduct or encouragement of illegal activity; (3) sexual content or links to sexual content; (4) profane language or content; (5) threatening, violent, hateful, or malicious statements concerning individuals; (6) content that is false, factually inaccurate, or materially misleading; (7) content that violates a legal ownership interest of any other party, such as trademark or copyright infringement; (8) content that violates a social media platform’s policies or terms of use, as may be updated; (9) comments or content not germane to the District; (10) solicitations of commerce, such as product advertisements; (11) content that promotes, fosters, or perpetuates discrimination on the basis of race, religion, color, sex, gender identity, gender expression, sexual orientation, national origin, ancestry, citizenship status, uniformed service member status, marital status, pregnancy, age, medical condition, physical or mental disability (whether perceived or actual), and genetic information; (12) content that defames or threatens to defame the District, any third party, any individual or any group of individuals; (13) uploading or attaching files that contain viruses, corrupted files, or any other similar software or programs that may damage the operation of District or another’s computer; (14) materials that falsify the origin or source of software or other material contained in a file that is uploaded; and (15) unauthorized disclosure of confidential, sensitive, or proprietary information.

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The District, however, disclaims any and all responsibility and liability for any materials that are prohibited under the District’s Social Media Policy, which cannot be removed in an expeditious and otherwise timely manner. The District does not necessarily endorse, and is not responsible for, any content that has been submitted by any other party. [INSERT LINK TO POLICY IF FEASIBLE]”

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<b>Policies and Procedures</b>	<b>Number:</b> 6.1.13	<b>Date of Adoption:</b>	<b>Adopted By:</b>
<b>Title:</b> Employment Hiring Process	<b>Prepared By:</b>	<b>Approved By:</b>	<b>Page:</b> Page 5 of 7

Reasonable accommodations shall be made for disabled applicants to allow participation in the interview process.

- 4.3 The Personnel Office and the Department Head in which the position vacancy exists shall be responsible for the development of interview questions and standards for measurement of candidate responses. Consistency will be maintained in the questions asked of all candidates. The questions shall be job-related. Questions will be designed to measure job knowledge, experience, education or to solicit responses which reflect those personal traits which are job-related. Questions which pertain to race, sex, religion, age or marital status or other inquiries which tend to directly or indirectly disclose such information are prohibited.
- 4.4 Any questions that would indirectly divulge an applicant's age, national origin, or other discriminatory factor shall be made in strict accordance with Law.
- 4.5 Inquiries as to an applicant's ability to read, write or speak English and foreign languages are permitted when such inquiries are based on job requirements.
- 4.6 Inquiries about whether an applicant has certain specified sensory, mental, or physical disabilities which relate reasonably to fitness to perform the particular job, or whether an applicant has any disabilities or health problems which may affect work performance or which the employer should take into account may be permitted, but only under the direction of the Personnel Officer.
- 4.7 Other general inquiries which would tend to divulge disabilities or health conditions which do not reasonably relate to fitness to perform the job are not permitted.
- 4.8 The Personnel office will inform the interview panel of the responsibilities and requirements of the position to be staffed. Copies of the applications of final candidates will also be provided to the interview panel members prior to the interview, along with proposed interview questions. A representative of the Personnel Office will meet with panel members prior to the interview for an orientation on appropriate interview and assessment techniques needed to evaluate each candidate objectively.
- 4.9 Each panel member scores the candidates independently.
- 4.10 Following the interview, the Personnel Department will tally the examination results and interview scores and calculate final total score.

## 5. CERTIFIED EMPLOYMENT LIST

### 5.1 PLACEMENT ON LIST

- 5.1.1 Upon completion of the examination process, candidates who successfully completed all components of the examination and receive a minimum of 70% of total points shall be placed, from highest to lowest score, on a certified

<b>Policies and Procedures</b>	<b>Number:</b> 6.1.13	<b>Date of Adoption:</b>	<b>Adopted By:</b>
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employment list for the position. In the event two or more candidates receive the identical final, average score, the score earned by each candidate on the test given the greatest weight shall determine the position of the candidate's name on the list. Should this means fail to break the tie, the date and time on which each candidate's application was filed will be applied as the determining factor. The certified employment list shall be submitted to the Board of Harbor Commissioners for approval prior to any appointment being made from the list.

**5.2 TERM OF LIST**

5.2.1 Certified employment lists shall become effective upon the approval of the Board of Harbor Commissioners and shall remain valid for a period of one year, unless extended for an additional one (1) year by the Board of Harbor Commissioners.

**5.3 APPOINTMENT FROM LIST**

5.3.1 All vacancies within the District shall be filled by appointment from the certified employment list for the individual position. Appointments may be made from any classification on the certified employment list to serve in the best interest of the District.

5.3.2 Certified employment lists shall be classified in the following order:

- a) Classification Reinstatement
- b) Re-Employment
- c) Reinstatement
- d) Promotional
- e) Open-Competitive

5.3.3 Notwithstanding the above order, appointments may be made from any category in the above list if the General Manager determines that such appointments are in the best interest of the District.

**6. REFERENCE CHECK**

6.1 Before any offer of employment is extended by the Personnel Office, the Personnel Office shall conduct a reference check on the final candidate(s). This check shall include verification of previous employment duties, dates of previous employment, work history, attendance record, strengths, weaknesses, safety record, and other pertinent information. Parts of the reference check may be delegated to the affected department.

6.2 All positions may be designated by the Personnel Office to undergo a check on the applicant's driving record.

6.3 No reference check or background investigation will be conducted without first notifying the applicant of the investigation.

<b>Policies and Procedures</b>	<b>Number:</b> 6.1.13	<b>Date of Adoption:</b>	<b>Adopted By:</b>
<b>Title:</b> Employment Hiring Process	<b>Prepared By:</b>	<b>Approved By:</b>	<b>Page:</b> Page 7 of 7

- 6.4 Certain positions may be designated by the Personnel Officer or the Board of Harbor Commissioners to undergo a thorough background check by the Police Department or other designated individual/agency.
- 6.5 Results of the reference check and/or background check will help determine the applicant's fitness for the position. The reference and background checks shall be considered confidential.
- 6.6 A recommendation for hire will be forwarded to the Department Head, and/or General Manager, for final approval to extend an offer of employment.

**7. APPLICANT NOTIFICATION**

- 7.1 After references are verified and a final decision reached, the Personnel Officer shall notify the candidate of his/her selection, with an employment offer, and request that the offer be accepted or rejected within a set number of days.
- 7.2 If the first offer is rejected, it will be decided whether to hire another candidate or to re-open the position.
- 7.3 Once a candidate accepts the employment offer, all other candidates are notified in writing that they were not selected for the position, whether they were placed on the certified employment list for that position and their status for future employment.

**8. APPOINTMENT**

- 8.1 For all positions, an employment confirmation letter is forwarded to the final accepting candidate outlining the terms of employment. The letter is prepared and mailed by the Personnel Office in cooperation with the Department Head.
- 8.2 Personnel Action Forms will be prepared for the new employee by the Personnel Office. (See Attachment A.)

**9. APPLICANT EXPENSES**

- 9.1 Unless approved by the District Manager or Board of Harbor Commissioners, the District does not reimburse any applicant for travel costs in conjunction with the hiring process.
- 9.2 Relocation costs are paid in full by the employee unless otherwise budgeted and approved by the District Manager or Board of Harbor Commissioners.
- 9.3 The applicant should be advised of Items 1 and 2 above before reporting for the interview.

**BOARD MEETING AGENDA ITEM CHECK LIST**



Initials

BOARD MEETING DATE: 11/4\_\_\_\_\_

REPORT TITLE: Hiring Freeze Comments as

to importance of this Board Decision date: Clarify for new GM

\_\_\_\_\_  
\_\_\_\_\_

RESOLUTION NEEDED?  YES  NO

WHO WILL WRITE IT? Melanie\_\_\_\_\_

\_\_\_\_\_

Consent Item?  YES  NO

GM Approval (deadline is Tuesday @ Noon Week prior to meeting): \_\_\_\_\_

Resolution: No

Fiscal Impact (deadline by DoF Wednesday AM week prior to meeting): \_\_\_\_\_

\_\_\_\_\_

Legal Counsel Review (to counsel by Wednesday week prior to meeting at 3pm)

NOTES FOR: \_\_\_\_\_

\_\_\_\_\_

NOTES FOR: \_\_\_\_\_

\_\_\_\_\_

NOTES FOR: \_\_\_\_\_

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NOTES FOR: \_\_\_\_\_

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\_\_\_\_\_



## Staff Report

### District Hiring Freeze

#### Glenn Lazof: Interim General Manager (IGM);

**Background:** Staff is aware that commissioners had repeatedly been informed by staff that a hiring freeze on all regular position was put in place by a previous Commission action. (See attached e-mail from Debbie Nixon as an example.) This was the honest belief of our staff. When I began as IGM and like commissioners; I also accepted this as fact when I was so informed.

Originally the IGM's intention was an agenda item to recommend that the hiring freeze be rescinded. Instead, when the record was reviewed, staff has found documentation that although many commissioners wanted to enact such a hiring freeze, there is not clear documentation that this was actually enacted, at least not for all positions. Nor does it seem that there was an intention that a freeze be in effect for over ten years, essentially a permanent freeze. Apparently a "temporary freeze" on Deputy Harbormasters and Harbor Workers was enacted in 2006 and never rescinded.

The Commission has been asked to consider (and agreed) to suspend the freeze at various times, including for administrative positions which were likely not part of the hiring freeze.

Attached are some key documents from our search.

Minutes of May 3, 2006 – Item 4 – The Commission acts to approve 2006 – 2007 FY rates and fees. A consensus of commissioners express that they will only approve increase in live-aboard rates if there is a hiring freeze. The topic of the Freeze was to be on the May 17 Agenda.

May 17, 2006 Minutes – Item 13- The Commission unanimously approves a "temporary" freeze of Deputy Harbormaster and Harbor Worker positions.

August 9, 2006 Memo – Restates six month freeze of DHM and HW positions and requests a suspension of the freeze. The Commission unanimously removed the freeze for one DPHM position.

Minutes of February 7, 2007 – Item 5 - Action to permit hiring of one DHM

March 16, 2007 Minutes - Brief mention of hiring freeze (page 2). IGM not clear what "when one position is vacated there will be no more new hires" means. My best guess is that it sounds like the board agreed that there would always be at least one vacancy, but no formal action was taken.

**Analysis:** Normally a hiring freeze is enacted to offset an operating deficit, which is not a condition the District currently faces. The General Manager of a Special District normally

has the authority to employ persons to regular positions as provided for in the budget, in accordance with Personnel Policies and Procedures. This is also reflected in the District General Manager's Job Description (attached).

There is one vacant Harbor Worker position currently. We also expect Deputy Harbormaster vacancies in the coming months. Regardless of your action tonight, the IGM does not intend to make any regular hire appointments before the new GM arrives.

It is not a best practice for elected officials to approve hiring decisions, other than the selection of the General Manager. The General Manager, as the Executive Officer responsible for the day to day administration of the District, should be accountable for hiring decisions. This is especially important with a new General Manager who can leverage this rare opportunity to appoint 100% of the administrative staff. It is also important to avoid any appearance of political patronage in the selection of employees. Therefore, even if commissioners find that staff's research on the particulars of an existing hiring freeze is inconclusive; staff would continue to recommend that there not be a hiring freeze in place at this time.

The Board still retains the final authority to fund positions and to decide on the number of approved positions. A list of funded positions including vacancies is attached. As long as vacant positions have been budgeted for, and as long as Staff abides by budgetary controls, no hiring freeze is necessary as the budget will dictate what and how many vacant positions can be filled within budgetary constraints.

To summarize, it is not clear to staff if there is a freeze on all regular hire positions, what the specific terms of the freeze are, and what public purpose is served by a ten year hiring freeze. Therefore the IGM is requesting Commissioners act to clarify going forward, and in particular is recommending that no hiring freeze be left in place the cleanest way forward would be for the Commission to clarify that no "Hiring Freeze" is in effect going forward.

**Recommendation:** Approve Resolution 53-15 which finds a hiring freeze is not in effect at the District.

**Fiscal Impact:** Unknown, if all appointments require commissioner action to be filled, then there are minor additional costs associated that process. There would not be savings from retaining a freeze unless one assumes that the GM would fill positions without Commission approval that would not be approved by the Board.

**San Mateo County Harbor District  
Resolution 53-15**

**Regarding the Elimination of a Hiring Freeze**

**Whereas**, the District has a substantial number of open staff positions that need filling; and

**Whereas**, there may have been actions taken in the past consistent with a partial hiring freeze that may have been put in place; and

**Whereas**, the Interim General Manager recommends that the Board now act to clarify that no hiring freeze exists so that the new General Manager will be able to fill vacant positions.

**Now therefore, be it resolved** that the Board of Commissioners of the San Mateo County Harbor District clarifies and affirms that no hiring freeze in in effect and that any prior hiring freeze that may have been in place is rescinded.

Approved this 4<sup>th</sup> day of November 2015 at a special meeting of the Board of Harbor Commissioners by a vote as follows:

For:

Against:

Abstaining:

Absent:

Attested

**BOARD OF HARBOR COMMISSIONERS**

\_\_\_\_\_  
Melanie Hadden  
Interim Deputy Secretary

\_\_\_\_\_  
Tomas Mattusch  
President

## Glenn Lazof

---

**Subject:** FW: hiring freeze info

> On Mar 31, 2015, at 12:39 PM, Debbie Nixon <[dnixon@smharbor.com](mailto:dnixon@smharbor.com)> wrote:

>  
> Hi Sabrina,  
>  
> When I search for information regarding the Hiring freeze, the earliest document I found was from 2006.

>  
> I have attached the Minutes from May 3, 2006. Item 4 under the budget talks about the hiring freeze.

>  
> I have attached a memo from August 5, 2006 referencing the hiring freeze, which references deliberations during the District's budget for FY06/07 and provides more information.

>  
> I have attached the Minutes from February 7, 2007 where on page 3 there are more talks about the hiring freeze.

>  
> I have attached the Minutes from the March 16, 2007 meeting where at the bottom of page 2 it states that there was a short discussion on what the hiring freeze means.

>  
> Thank you,

>  
> Debbie Nixon  
> Administrative Assistant/Deputy Secretary San Mateo County Harbor  
> District  
> 400 Oyster Point Blvd., #300  
> South San Francisco, CA 94080  
> 650/583-4400 phone  
> 650/583-4611 fax  
> [www.smharbor.com](http://www.smharbor.com)

REPORT:  
PROPOSED ACTION:

Draft Minutes  
Approval

**Action:** Motion by Tucker, second by Campbell to approve Items 1 and 2. The motion passed.

Ayes: 2  
Nays: 0  
Abstentions: 1 Parravano

## New Business

3 TITLE: **Right of Entry for Water Transit Authority for Preliminary Dredge Study at No Cost to San Mateo County Harbor District**  
REPORT: Johnson  
PROPOSED ACTION: Approve recommendation

Tucker advised that in the WTA authorization letter a provision should be included that the District will have access to the data compiled from the structural design studies.

**Action:** Motion by Tucker, second by Campbell to approve right of entry for Water Transit Authority for preliminary dredge study at no cost to the District. The motion passed.

Ayes: 3  
Nays: 0  
Abstentions: 0

4 TITLE: **Rates and Fees Schedule for FY 2006-07**  
REPORT: Schnapp, Resolution 28-06, Rates and Fees Schedule  
PROPOSED ACTION: Adopt Resolution 28-06 to Approve Rates and Fees Schedule for FY 2006-07

Robert C. Ingles addressed the Board regarding the berthing fee increase. He asked the Board to consider extending any exemptions provided to the commercial fishing businesses with salmon licenses to be extended to sport fishing businesses with salmon licenses.

San Mateo County Harbor District — Minutes of Regular Meeting May 3, 2006

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Page 2

Campbell stated that she supported an increase in Live Aboard fees to \$325 only if a hiring freeze is agreed to. Tucker and Parravano agreed with Campbell. There was discussion regarding an across the board hiring freeze or freezing specific positions. By consensus the Board agreed that the administration could continue with recruitment and hiring to fill the current vacancies of Accounting Technician/Administrative Assistant at Oyster Point Marina/Park and Administrative Assistant at the Administration Offices. Temko requested that the Board consider, as part of the hiring freeze discussion, equal distribution between the harbors as attrition opportunities present themselves. The topic of a hiring freeze will be placed on the May 17 agenda.

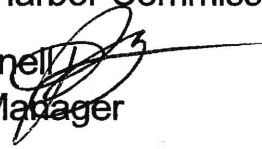
**Action:** Motion by Tucker, second by Campbell to approve adoption of Resolution 28-06 to approve Rates and Fees Schedule for FY 2006-07. The motion passed.

Ayes: 3

**San Mateo County  
Harbor District****Memo**

**Date:** 8/9/2006

**To:** Board of Harbor Commissioners

**From:** Peter Grenell   
General Manager

**Re:** Suspension of Hiring Freeze for one (1) Deputy Harbor Master (A) Position at Pillar Point Harbor

---

**RECOMMENDATION**

Suspend the hiring freeze for one (1) Deputy Harbor Master (A) position at Pillar Point Harbor to respond to a second DHA vacancy that will occur as of September 1, 2006, conditioned on demonstration of need based on analysis of workload, scheduling, shift organization, and responsiveness to tenant and customer needs.

**BACKGROUND**

The Harbor Commission established a suspension of hiring for Deputy Harbor Master positions on May 17, 2006 for a six-month period, for the purpose of salary savings and budget economy. One DHA position at Pillar Point Harbor was, and is, vacant.

One more Deputy Harbor Master at Pillar Point Harbor has just submitted his resignation, effective from August 31, 2006. His departure will create two DHA vacancies at Pillar Point. At the time the freeze was put in place, the Commission considered that if necessary, a patrolman might be transferred from Oyster Point Marina/Park to Pillar Point Harbor.

Several factors should be considered in addressing this overall situation. They include, on the one hand, the District's continuing debt service situation with Department of Boating and Waterways, as yet unresolved; reduction of cash reserves because of debt service and expenditures to

complete several large facility repair and replacement projects; and reduced or flat revenues and increasing operating costs. These considerations were behind the hiring freeze in the first place.

On the other hand, Pillar Point is facing an increasing workload, in addition to ongoing harbor operations and search and rescue activity. Aside from increased activity with the reopening of Highway 1 at Devil's Slide, repair of Johnson Pier is beginning, the new restroom is expected to start construction in September, and the District will now be investigating possible alterations to the rear and roof of the Pillar Point lessees' building as part of its promotion and marketing efforts with respect to harbor business. Additionally, special events that require extensive staff activity are scheduled including a Chamber of Commerce mixer in September and the Mavericks surf competition some time this winter. Lastly, crab season will open in November, which will not be subject to the restrictions suffered by the salmon fishery this summer.

At Oyster Point, the expected development of the WTA ferry terminal and rebuilding of the small boat launch ramp and parking area will call for significant new demands on staff time.

## **CONCLUSION**

The addition of one more DHA vacancy will generate further salary savings. However, the impact of two DHA vacancies at Pillar Point on harbor operations and customer service needs to be examined in terms of staff workload, scheduling, shift organization and responsiveness to tenant and customer needs. Further, assuming a need to fill the second vacancy is demonstrated, a shift of personnel from Oyster Point to Pillar Point to meet this need must be investigated as well regarding potential adverse impacts on Oyster Point operations.

Padreddii questioned staff how they advise tenants at both harbors of the proposed changes in rates and fees. Grenell said they are notified on their monthly billing statements, and the Fiscal Year 2007-08 budget will be on every Agenda until approved by the Board and also noticed to tenants.

Grenell concluded that both Pillar Point Harbor and Oyster Point Marina/Park tenant meetings are in the process of being set up.

Campbell asked that on the current FY06-07 rates and fees schedule under launch ramp, recreational use only, the 20% discount to senior owner should state 65 years of age and older.

**5 TITLE: District Immediate and Projected Staffing Needs**  
**REPORT: Memo**  
**PROPOSED ACTION: To Be Determined**

Grenell stated that the Harbor Commission last spring took action to address staff costs by establishing a hiring freeze for the Deputy Harbormaster (DHM) position. The Commission suspended the freeze last Fall to fill a vacancy caused by the departure of another DHM. The freeze was then re-instituted and remains in place.

Grenell informed the Board that since the departure of another DHM at Pillar Point Harbor there have been various communications with management resulting in the following suggested changes:

Grenell first recommended that the Commission maintain the hiring freeze indefinitely, subject to review on a case-by-case basis as situations arise which would result in continued saving in salary and benefits.

Second, Grenell said he would fill Pillar Point Harbor's second DHM vacancy now by rotational transfer from Oyster Point Marina. This would result in substantial savings in salary and benefits by avoiding a new a hire. He added that Oyster Point staff budget would decrease and Pillar Point staff budget would remain roughly the same.

Third, the DHM transfer from Oyster Point Marina will be made on a four to six-month rotational basis, determined by Grenell with input from Johnson and Charles White, Assistant Harbormaster. He added that seniority will not be a factor in making the decision.

Fourth, Grenell will work with Temko to improve management efficiency of the Pillar Point Harbor Patrol including the use of the Harbor office and maintenance building facilities. Since the Administration unit vacated the Harbor office building 2 ½ years ago, the vacated space is available for potential leasing for purposes of new revenue generation.



Lastly, Grenell added that upcoming capital projects will involve a considerable amount of attention and time from Johnson. He said that following the DHM transfer to Pillar Point Harbor, Oyster Point Marina supervisory staff would be re-allocated on a temporary basis to assist in project task coverage which would result in salary and benefit savings.

Campbell questioned whether San Francisco Water Transit Authority (WTA) was sending in their own project coordinator to facilitate their upcoming projects, as she had understood it.

Grenell stated that Steve Castleberry, WTA, Director, has said he would like his staff to be project coordinator for purposes of sediment testing and dock removal and the geotechnical terminal services. Grenell added that Johnson, however, will continue to act as project manager for other items involving WTA, for example, the breakwater and the urgency item on tonight's agenda regarding the United States Army Corps of Engineers. He said Johnson has more knowledge of the site than anybody from the WTA.

Campbell asked whether the District has money for approval for anything else besides the two items on the Agenda tonight.

Grenell stated that WTA has approved up to \$300,000.00 for the two items on tonight's Agenda, but the District continues to work with USACE on the breakwater.

Tucker suggested focusing on staffing itself and WTA when we get to that item.

Grenell reiterated that besides the WTA projects, there are numerous jobs which will require intensive work from staff, and the most efficient way to address this is to have Johnson focus his time on those upcoming jobs. The net result will be a five figure cost saving and completed work.

John Draper, Assistant Harbormaster and Shop Steward at Pillar Point Harbor, stated that he understands a hiring freeze means no new hires, however when an employee leaves staffing levels should be kept the same. Draper stated he doesn't think a transfer from Oyster Point Marina is fair because in effect they will be short staffed. He added that he feels the Harbor Patrol is taking the brunt of the District's cost saving benefits. Draper concluded that morale is at an all time low at Pillar Point Harbor.

A short discussion about why some members of the Board and staff were not copied on memos from the Harbormasters regarding staffing levels took place. Grenell stated Johnson had numerous personnel issues in his memo that were not suitable for public viewing.

Lundie said he needs to know what the managers feel about how a transfer from one harbor to the other will affect their operations. Johnson stated that the focus of his memo was to look into the future of the District where he identified some specific personnel sensitive material.

Johnson suggested that the hours of operations be modified and landscape services for routine maintenance should be done. Although the Oyster Point Marina crew has said things will be

tight, they are willing to work together to handle the maintenance in order to avoid extra costs. Johnson concluded that his crew understands the need for the transfer and they support it; they do have a volunteer to be the first to transfer.

Lundie stated that he is concerned that a transfer from Oyster Point Marina to Pillar Point Harbor will have a negative impact on operations at Oyster Point Marina. He added that being a life-long member of the union he does not think its right that a seniority rule will not be a criterion in the deciding factor.

Johnson said a concern he and Temko had was making sure whoever was transferred was willing and ready because Pillar Point Harbor needs someone who has had all necessary training for search and rescue.

Wilkerson added Operating Engineers Local Union #3 has not included seniority rules in their contract language and the District has no formal written policy.

Parravano stated that this item started with the staffing levels and has grown into reallocation of staff and dealing with current capital projects. He added that to make the best decision he needs to deal with each issue separately. He asked that staff clarify what a Lead Maintenance Specialist (LMS) is and where an LMS fits in with a DHM.

Temko stated that his operations have two DHM's working under the LMS to focus mainly on maintenance; however, they are still able to do search and rescue. Temko added that there is a lot of job sharing in his operations.

Parravano asked if there is a way to designate DHM's for maintenance and for search and rescue in order to fulfill the needs at each Harbor. Grenell said that he and the Harbormasters have looked at that alternative for the last few years, but with the reduced staff it was put on hold.

Parravano asked each Harbormaster if it would be easier for them if they had a defined role for each LMS and all DHM's; and in addition, do they each have enough resources at their operations to do this.

Johnson said he has been meeting with his crew regarding structural changes in staff. They have looked at introducing a maintenance worker and reducing from eight DHM's to six.

Campbell stated that the basic issue before us tonight is whether it is in the District's best interest to do a transfer from one Harbor to the other and this should be looked at and decided upon.

Tucker said that the issue we are asked to decide upon is whether or not to keep the hiring freeze in place as recommended by Grenell.

Lundie concluded that the District has the ability to hire from a certified list. He said the main concern is to save the District money, however the downside is crews will have to work more overtime, decreased morale and possible workers comp claims. He said he voted for the hiring freeze on the basis that there would be no more hires, but he never intended to vote for it to lower staff levels through attrition. He suggested hiring someone from the current certified list. He reiterated that, the District can't forget to take care of rank and file as they are the "nuts and bolts" of the District.

Tucker asked that the Board make a motion on the recommendation made by staff on whether to maintain the hiring freeze and do a transfer or lift the freeze for a new hire.

Campbell said that originally she thought the best interest of the District was a transfer from Oyster Point Marina to Pillar Point Harbor, but since reallocation of staffing has been brought in she thinks the hiring freeze should be lifted for this position only and be filled from the certified list.

**Action:** Motion by Campbell, second by Lundie to remove the freeze for the one position at Pillar Point Harbor and fill it from the certified list. The motion passed.

Ayes: 5

Nays: 0

Parravano said he needs to know if it is possible to have more defined roles between patrolmen.

Tucker asked that Wilkerson work on a scope of duties and go through the Union to meet and confer process.

**Item 19 was taken up.**

<b>19</b>	<b>TITLE:</b>	<b>Ship to Shore Lease</b>
	<b>REPORT:</b>	Grenell
	<b>PROPOSED ACTION:</b>	To Be Determined

Grenell handed out to the Board a proposal from Franco Carrubba, owner of Caffe Riace in Palo Alto. He stated that the lease for Ship to Shore Fish Market expires on March 1, 2007 and that Carrubba is interested in taking over the lease.

Grenell informed the Board that Carrubba recently acquired the Shoreline Station in Half Moon Bay and currently owns and operates eight operations in Palo Alto and Stanford.

Maurice Carrubba, Franco's son, stated they would like to bring a Sicilian style café to the Harbor serving local fish, homemade pasta, sausage and gelato. He added that they do everything from an average deli to catering and fine dining and feels they are a good fit. He concluded that they are ready to work and willing to run a first class establishment.

**San Mateo County Harbor District  
Board of Harbor Commissioners  
*Special Meeting Agenda***

**March 16, 2007  
9:00 a.m.**

**Oyster Point Yacht Club  
911 Marina Blvd.  
South San Francisco, CA**

## **Roll Call**

### **Commissioners**

James Tucker, President  
x Ken Lundie, Vice President  
Leo Padreddii, Treasurer  
Sally Campbell, Secretary  
Pietro Parravano, Commissioner

### **Staff**

Peter Grenell, General Manager  
Marcia Schnapp, Director of Finance  
Theresa N. Hayes, Deputy Secretary

x- absent

Padreddii arrived at 10:25 a.m.

## **Public Comments/Questions-Public and Staff Recognition- None**

## **New Business**

1	TITLE:	<b>Budget Workshop #2: Study Session</b>
	REPORT:	Schnapp, Draft Budget
	PROPOSED ACTION:	To be determined

Tucker advised staff to discontinue including copies of the draft budget in the Agenda packets. Board members will bring their copies to each meeting. He directed staff to bring a copy of any changes made to the draft budget.

Schnapp presented the Board with a PowerPoint Presentation of the District's current and proposed Budget.

After review of the presentation there was discussion of how revenue could be raised.

Campbell stated she is not inclined to support increases to the District user groups until staff fully evaluates job duties of each position to make sure the District is working efficiently. Campbell asked that staff analyze this and bring it back to the Board.

Parravano said that the Ferry Terminal project at Oyster Point Marina/Park is a great idea, but feels that it is a financial burden on the District. He asked that staff look into cost sharing with the City of South San Francisco.

Grenell stated that the Water Transit Authority has been informed that the District will not pay for operations and maintenance of the Ferry Terminal Service.

Grenell added that the City will fund parts of the project if needed, specifically the Breakwater. He suggested that an amendment might possibly be made to the Joint Powers Agreement (JPA) the District has with the City for regular maintenance and security.

An extensive discussion occurred of evaluation of job duties and descriptions of staff.

Parravano suggested looking at cost savings of health insurance through co-pays and deductibles.

Tucker stated that while evaluating staff duties and keeping the hiring freeze in effect, fees should also be raised 12% to 15% across the Board.

Padreddii arrived at 10:25 a.m.

Campbell suggested that the District raise fees 10% for the first six months and another 5% for the six months after that.

Padreddii requested that tenants be given sufficient notice of the District's plan to raise rates and fees.

Grenell said that it will be noticed on monthly billings and each Agenda until the final Budget. Campbell suggested a small ad in the Half Moon Bay Review. (A public notice will be placed in the Half Moon Bay Review).

Parravano stated that the water bill at Pillar Point Harbor is too high and suggested having staff look into automatic shut-off.

A short discussion on what the hiring freeze meant to the Board took place. The Board agreed that when one position is vacated there will be no more new hires.

A short discussion on capital projects was held.

## **Adjournment**

**Action:** Motion by Campbell, second by Parravano to adjourn the special meeting. The motion passed unanimously at 11:36 a.m.

APPROVED BY:

Leo Padreddi<sup>oo</sup>  
Leo Padreddi  
Treasurer

ATTESTED BY:

Theresa N. Hayes  
Theresa N. Hayes  
Deputy Secretary

Johnson reported that messages were left for the owner at telephone numbers listed on the individual's account and the boat was raised at District expense. Johnson felt that the District fulfilled their responsibilities fully in this event.

**Action:** Motion made by Tucker, second by Lundie to deny the claim. The motion passed.

Ayes: 4  
Nays: 0  
Abstentions: 1 Campbell

**12 TITLE: Temporary Change in Operating Schedules for Pillar Point Harbor Lessees**  
**REPORT: Memo**  
**PROPOSED ACTION: Approve temporary change in operating schedules for Pillar Point Harbor Lessees**

Parravano reported that CalTrans is estimating that Devil's Slide will not open until September 2006. The Board agreed that the temporary change would not extend beyond the Devil's Slide opening consistent with the lease rent deferments.

**Action:** Motion made by Tucker, second by Padreddii to approve the staff recommendation allowing discretionary temporary change in operating schedules for Pillar Point Harbor Lessees. The motion passed.

Ayes: 5  
Nays: 0  
Abstentions: 0

**13 TITLE: Temporary Suspension of Hiring to Fill Vacant Deputy Harbor Master and Harbor Worker Positions at Pillar Point and Oyster Point Harbors**  
**REPORT: Memo**  
**PROPOSED ACTION: To Be Determined**

Tucker clarified the goals of the temporary suspension including a six month review of revenues and expenses compared to what was estimated.

Campbell supported the temporary action as part of the District's good faith efforts in negotiating with the Department of Boating and Waterways (DBAW) on current loans. She supported a six month review because the District should have a clear picture of finances at that point.

Grenell reported that he had attended a budget hearing for DBAW in Sacramento earlier in the day. At the hearing the requested action to return \$15 million dollars to the DBAW budget was denied. Grenell had an opportunity to meet with Harold Flood (DBAW) and gave him the District's Preliminary Budget for FY 2006-07, the current Rates and Fees Schedule, and discussed the hiring freeze and other District measures including rate increases and project

deferments. The DBAW staff is prepared to hear from the District regarding the current loan agreement.

**Action:** Motion made by Tucker, second by Lundie to approve a temporary suspension of hiring to fill vacant Deputy Harbor Master and Harbor Worker positions at Pillar Point and Oyster Point Harbors. The motion passed.

Ayes: 5  
Nays: 0  
Abstentions: 0

**14** TITLE: **Bills and Claims in the Amount of \$138,873.05**  
REPORT: Bills and Claims Detailed Summary  
PROPOSED ACTION: Approval of Bills and Claims for payment and a transfer in the amount of \$138,873.05 to cover payment of Bills and Claims

**Action:** Tucker advised that he reviewed the bills and claims and they were in order. Motion by Tucker, second by Lundie for approval of the Bills and Claims for payment and a transfer in the amount of \$138,873.05 to cover payment of the Bills and Claims.

Ayes: 5  
Nays: 0  
Abstentions: 0

**Action:** Motion by Tucker, second by Campbell to recess for five minutes.

Ayes: 5  
Nays: 0  
Abstentions: 0

## Reports for Possible Discussion/Action

### Administration and Finance

**15** **General Manager – Grenell**

**Action:** Grenell advised he had nothing to add to his written report.

**16** **Human Resource Manager – Wilkerson**

**Action:** Wilkerson advised she had nothing to add to her written report.

**17** **Finance Director – Schnapp**

**Action:** Schnapp reported that she presented the Preliminary Budget to the crew at Pillar Point Harbor earlier in the day. It went well.

Tucker directed Schnapp to keep both facilities informed and Schnapp agreed.



## **GENERAL MANAGER**

The General Manager is the Executive Officer of the District and for the Board of Directors. The General Manager administers the District and has exclusive management and control of the operations and works of the District, subject to approval by the Board of Directors. The General Manager provides day-to-day leadership for the District.

The General Manager attends all meetings of the District's Board, unless otherwise requested, and such other meetings as the Board specifies.

The General Manager employs such employees as the General Manager deems necessary for the proper administration of the District and the proper operation of the works of the District in accordance with District Personnel Policy. Compensation of such employees and the General Manager is subject to approval by the Board of Directors. The General Manager shall delegate authority at his/her discretion and has authority over all employees, including terminating for cause or lack of worthwhile work in accordance with District Personnel Regulations. The General Manager will provide a motivating work climate for District employees.

The General Manager shall maintain cordial relations with all persons entitled to the services of the District and attempt to resolve all public and employee complaints. The General Manager shall encourage citizen participation in the affairs of the District.

The General Manager shall carry into effect the expressed policies of the Board of Directors. The General Manager should plan the short, medium and long term work program for the District.

The General Manager shall prepare the District Budget. The General Manager shall manage the District budget.

The General Manager should possess a bachelors degree or equivalent in a related field to the business of the District. The General Manager must have a valid California driver's license. The General Manager should have the ability to efficiently prepare annual budgets and long-term revenue outlay plans and have the ability to effectively communicate, both written and verbal.

**El Granada**  
**Administrative Office**  
**(650) 583-4400**  
as of November 1, 2015

<u>Title</u>	<u>Status</u>
Accounting Specialist	Temporary Employee
Administrative Assistant	Temporary Employee
Accountant	Full Time/On Leave
Administrative Assistant/Deputy Secretary to th	Temporary Employee
General Manager	Full Time Employee
Senior Accountant	Temporary Employee/Account Temps
Interim Administrative Services Manager	Temporary Employee
<b>Director of Finance</b>	<b>OPEN</b>
<b>Human Resources Manager</b>	<b>OPEN</b>
<b>Harbor Master</b>	<b>OPEN</b>

**Pillar Point Harbor**  
**(650) 726-4382**

<u>Title</u>	<u>Status</u>
Deputy Harbor Master	Full Time Employee
Deputy Harbor Master	Full Time Employee
Deputy Harbor Master	Full Time Employee
Deputy Harbor Master	Full Time Employee
Accounting Technician/Admin Asst	Temporary Employee
Assistant Harbor Master	Full Time Employee
Deputy Harbor Master	Full Time Employee
Accounting Technician/Admin Asst	Full Time Employee
Deputy Harbor Master	Full Time Employee
Deputy Harbor Master	Full Time Employee
Deputy Harbor Master	Full Time Employee
Deputy Harbor Master	Full Time Employee
Lead Maintenance Specialist	Full Time Employee
<b>Harbor Worker</b>	<b>OPEN</b>

**Oyster Point Marina**  
**(650) 952-0808**

<u>Title</u>	<u>Status</u>
Deputy Harbor Master	Full Time Employee
Deputy Harbor Master	Full Time Employee
Deputy Harbor Master	Full Time Employee
Deputy Harbor Master	Full Time Employee
Deputy Harbor Master	Full Time Employee
Assistant Harbor Master	Full Time Employee
Accounting Technician/Admin Asst	Full Time Employee
Lead Maintenance Specialist	Full Time Employee

**Commisioners**

<u>Title</u>	
Secretary	Filled
Commissioner	Filled
President	Filled
Treasurer	Filled
<b>Commissioner</b>	<b>Open</b>
Full Time	22
Open	4
Temporary	6
<b>Total</b>	<b>32</b>
Commissioners	4
Open Commissioner	1
<b>Total</b>	<b>5</b>

## Staff Report

### Discussion of Process for Appointment of Member of Board of Harbor Commissioners (Commissioner Mattusch)

#### Glenn Lazof: Interim General Manager (IGM)

**Background:** President Mattusch has suggested the following procedure for your consideration:

A list of qualified applicants should be distributed to the board via email and published on the District's website on November 11, 2015. It's important that the board and the public have an opportunity to vet the applicants in advance on the interviews.

Interviewing candidates for appointment should be conducted in open session. The amount of time for each interview should be the same for each applicant, and no more than 30 minutes for each applicant if the number of applicants is 5 or less. If the number of applicants is 6 or more the interview time would be reduced to no less than 20 minutes per interview.

Applicants should be asked to sit outside the meeting until they are called for an interview. This will ensure that applicants called last don't have an unfair advantage by hearing the questions and answers in advance of their interview. This will allow all applicants an equal amount of time to formulate responses to interview questions.

A maximum of 3 questions per Commissioner

At the conclusion of the interviews, the Commission shall vote to appoint an applicant to serve the remainder of the term for which the vacancy exists. All nominations shall be oral and do not require a second. Once all nominations are received, the Commission shall vote. Votes shall be by oral roll call. The first applicant to receive a majority vote will be appointed.

The Brown Act states: 54953. (C) No legislative body shall take action by secret ballot, whether preliminary or final.

**Analysis:** If a procedure is not agreed upon or finalized tonight this can also be addressed at November 16 Special meeting. The only legally required qualification is that the appointee be a registered voter in San Mateo County.

The appointment is at a special meeting November 16. The deadline for applicants to submit applications and materials to the District Office is 5pm, Monday November 9. Note the suggested process is to distribute the materials to all commissioners on November 11, 2015. (A district holiday, although temporary hire staff will be available).

Using the suggested process above, if the actual nomination and voting process takes half an hour the process could conclude by 11pm, as long as there are fewer than 14 candidates. Staff has made special arrangements to stay in the room past the normal 11pm security cut-off, just in case.

Will all commissioners be asked to submit up to three questions in writing or will they be able to ask different questions of each candidate? You may want to be clarify whether follow up questions would be permitted.

The President normally determines the order in which commissioners are called upon, unless otherwise directed, it should be assumed that this will apply when the floor is open for nominations. An alternative, applied to President Mattusch' s suggestion, would be to call out the nominations in a preselected random order (such as pulled from a hat) and continue voting until one receives a majority vote.

Is it your intention that a nomination be voted on more than once, if so under what circumstances? (For example, if all nominations fail to receive a majority on the first round of voting). One objective would be mitigating perceived advantages or disadvantages of being one of the first nominees to be voted on.

**Recommendation:** Policy

**Fiscal Impact:** None, other than the minor cost impact of some processes taking longer than others.

# Coastside Democrats

President Mattusch and Commissioners  
San Mateo County Harbor Commission  
504 Avenue Alhambra, 2nd Floor,  
El Granada, CA 94018

October 21, 2015

Subject: SMC HD Board Appointment Process

Honorable President Mattusch and Commissioners,

On behalf of the Board of the Coastside Democrats, I urge you, the Board of Harbor Commissioners, to make a decision regarding a Special Election or Appointment to fill the vacant seat. Ideally, we hope that you will work hard to appoint the Commissioner and spare the taxpayers of San Mateo County a costly Special Election. We do not think it's in the best interest of the Harbor District for the board to decline to make a decision and abdicate the process to the Board of Supervisors.

To ensure a fair and open appointment process, the Coastside Democrats Board of Directors recommends that the SMC Harbor District Board use the following standard procedure, as used by most other boards when appointing to fill a vacancy:

After following California Law posting requirements, at public meeting of the Board, the standard process for appointing to fill a vacancy is:

1. Interview the applicants at a public meeting and allow the public to suggest questions.
2. Directors, if they so desire, should indicate which applicants they like and why.
3. Chair invites a motion.
4. A Director moves to appoint applicant x.
  - o Second. If none, go to step 3.
  - o Vote. If motion receives 3 or 4 votes, you're done.
  - o Otherwise, go back to step 3.
5. Upon a successful process, the Applicant can be sworn in on the spot if the board is certain that the applicant meets the legal requirements for holding the office (resident of the District and registered voter.)

Please remember that Votes for the appointment should be conducted orally during open session not in writing, in accordance with the Brown Act section: GC 54953(c) No legislative body shall take action by secret ballot, whether preliminary or final.

Please include this letter in the Commission packet.

Sincerely,

*Bill Kehoe*

William Kehoe  
President, Coastside Democrats  
[CoastDemBill@gmail.com](mailto:CoastDemBill@gmail.com)



## **Staff Report**

### **Cancel the Meeting of November 18, 2015 (Commissioner Brennan)**

#### **Glenn Lazof: Interim General Manager (IGM);**

**Background:** Please see e-mail from Commissioner Brennan Attached

Steve McGrath expressed appreciation for Commissioner Brennan's concerns. He would prefer that his first regular meeting be November 18. He plans to bring you a short focused agenda.

**Analysis:** None

**Recommendation:** IGM recommends that Mr. McGrath be able to arrange his first public meeting according to his preference.

**Fiscal Impact:** Variable, but certainly there are savings in staff, consultant, and legal costs when no meeting takes place. No Budgetary Impact.

## Glenn Lazof

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**From:** Sabrina Brennan <sabrina@dfm.com>  
**Sent:** Tuesday, October 27, 2015 11:33 AM  
**To:** Glenn Lazof  
**Cc:** Melanie Hadden; Sabrina Brennan; Tom Mattusch  
**Subject:** Nov. 4, 2015 Harbor District Meeting Agenda Item

Hello Glenn,

Please include the following agenda item on the Nov. 4, 2015 agenda.

"Discussion and possible action regarding cancellation of the Nov. 18, 2015 Regular Harbor District meeting."

The purpose of this item is to provide an opportunity for the new General Manager and new administrative staff members to catch up on the workload backlog discussed at the October 21, 2015 Harbor Commission meeting.

Please let me know if you need any additional information.

Thank you,  
Sabrina



## STAFF REPORT

TO: San Mateo County Harbor District Commissioners

VIA: Glenn Lazof, Interim General Manager

FROM: Marcia Schnapp, Interim Administrative Services Manager

DATE: November 4, 2015

SUBJECT: If Board cancels regular November 18, 2015 Board Meeting,  
Board to Authorize Staff to Pay Bills & Claims Occurring Between October 29, 2015  
and November 20, 2015 in an Amount Not to Exceed \$350,000

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If Board cancels regular November 18, 2015 Board Meeting, Board to Authorize Staff to Pay Bills & Claims Occurring Between October 29, 2015 and November 20, 2015 in an Amount Not to Exceed \$350,000.

### **Background**

The Commission is considering cancelling the regular November 18 Board Meeting. Absent the cancellation of the regularly scheduled meeting, the Board would normally be asked to approve the bills and claims for normal District operating and capital expenditures.

Should the Board take action to cancel the November 18 Board meeting, Staff requests authority to issue up to \$350,000 (three hundred and fifty thousand dollars) in payments for bills and claims that will arise due to normal District operations.

While not anticipated at this time, any urgent items over and above the amount requested above may be presented to the President of the Board for interim approval.

### **Financial Impact**

The payment of items for normal operations that will be included in the above request have already been provided for in the Fiscal Year 2015-16 Budget. There is no budget amendment needed at this time.

### **Recommendation**

Staff recommends the Board approve this request.



**Administration/Operations****Memo**

**To:** Board of Harbor Commissioners  
**From:** Glenn Lazof, Interim General Manager  
**Date:** October 29, 2015; covering the period October 15, 2015 - October 29, 2015  
**Re:** November 4, 2015 Activity Report

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**Administration**

- Prioritization continues as we are functioning with 100% interim and temporary employees in administration and finance.
- IGM has also been spending additional time supporting the Assistant Harbormasters while the Harbormaster position is vacant.

**Meetings:** Doing our best to be prepared for meetings of Commissioners and assist with meeting legal requirements has to take precedence over much of our work. Below is a list of planned public meetings where preparation, support, and/or attendance occurred during this period (Note also that we have new staff tasked with meeting notices and packets since September 25):

**Board of Harbor Commissioners**

- Regular Meeting of October 21, 2015
- Regular Meeting of November 4, 2015
- Special Meeting of November 4, 2015
- Special Meeting of November 16, 2015

**Finance Committee**

- Finance Committee October 22, 2015
- The next scheduled regular meeting would have been Thursday, November 26, 2015. It has been rescheduled to November 19, 2015 at 4pm due to the Thanksgiving Holiday.

**Oyster Point Liaison Group Standing Committee**

- The City is fine with waiting until mid-November so that Mr. McGrath can take part. The commission should direct staff otherwise if they have another preference as the city is flexible.

**Other Board Mandated- Time Sensitive Activities****Legal Mandates/Issues:**

- Posting Notices as directed regarding filling of Commission Vacancy
- Public Records Act – 7 requests pending.

**Transition:** As an Interim General Manager one of my most important goals is to make as much progress as possible towards creating a work environment that will support the recruitment and retention of a successor of the highest quality and professionalism.

- Preparing IT resources, e-mail, and other information for Mr. McGrath to review prior to start date, as requested.
- Working with McGrath on staffing and other issues where we can give him a head start
  - On site face to face “shadowing” with new GM
  - Phone Calls and in person meetings to “Looping” him in on pre-eminent topics
  - Melanie Hadden and administrative staff providing materials and information to Mr. McGrath as requested
  - VPN Access as of this report our IT vendor has not been able to provide, but he should have access to district e-mail.

**These are tasks that can be described as completed:**

- Notice of Emergency Purchase – We had a vessel sink in its slip at Oyster Point Marina. There were no injuries. Staff finds this to be an emergency because of the potential for environmental damage. Per policy 4.3.3 the President of the Board was notified of this purchase. We anticipate a cost in the neighborhood of \$23,000. The owner had no insurance, but will be pursuing reimbursement through DBW grants and/or collections  
Note: OPM staff is now actively pursuing obtaining insurance certificates for all vessels.

**These are tasks where adequate progress was made during this period:**

- Status of Romeo Pier Demolition Coastal Development Permit
  - Met with engineer, Brad Porter, to ascertain district tasks required to respond to status update from Coastal Commission.
  - The District will need a report from a qualified biologist. There will be an amendment to the Moffatt & Nichols contract for this purpose.
  - Although there are no plans to do so at this time, we are proceeding with permitting such that we retain the ability to replace the pier, with another structure, which does not necessarily need to be at that site. The removal may be applied as a credit for a future project.
- **2016-2021 Mavericks Permit**
  - Staff and Counsel are working co-operatively with Permittee to synchronize CEQA compliance for the five year permit with Coastal Commission / County requirements
- **2015 Mavericks Surf Contest Conditions and Permits**
  - Interagency Event Planning meetings are underway.
  - We have received the Proof of Insurance. It is valid through January 26, 2016. Staff will follow up that we receive a certificate for an additional term if the event is not held prior to that date.
  - The Coastal Development Permit will be considered by the Coastal Commission November 5, 2015.
    - Application (No. 2-15-1458) of Cartel Management to authorize temporary activities related to Mavericks One-day Surf Contest near Pillar Point Harbor, including exclusive use of surfing area, closure of portion of West Trail and Pillar Point Marsh parking lot and implement traffic and parking controls throughout Princeton-by-the-Sea, San Mateo County.
    - Coastal Commission action on the contest is scheduled at Oceano Resort Hotel, 280 Capistrano Drive, Half Moon Bay, CA 94019

- Coastal Commission Staff report notes that San Mateo County is the lead agency for this event. The County has filed for a categorical exemption under CEQA
  - The meeting will be live streamed at <http://www.coastal.ca.gov/mtgcurr.htm>
- Proceeding with preparing for annual renewal of Commercial Activity Permits
- Review of Pillar Point restaurant lease regarding requirements to conduct business in leased space.
- Reviews of routine financial and personnel documentation, prior to authorization
- Five Year Capital Improvement Plan (CIP) additions to interim list as adopted October 21, 2015 are pending.
- Labor Negotiations
  - Prepare for Closed Sessions and receive updates.
- Warnings, notices, and pending evictions are in process. Typical causes include disturbances, vessels which are not seaworthy, pollution issues, lack of insurance, and failure to pay fees.
  - We are beginning to process an increasing backlog of formal actions for transient and other slip holders, particularly at Oyster Point Marina.
  - Legal expenses will reflect these activities.
  - As is common to such matters, commissioners might expect Public Comments and other efforts to support individuals who are concerned about the potential loss of dwelling units.

**These are items in which some progress was made, but not as much as we would like:**

- Public Hoist at Pillar Point – The hoist is installed and certified, but some painting and application of grease still needs to be done as this report is published. Staff expects to recommend liquidated damages as completion is after the October 8 deadline. The contractor had requested an extension, until October 30 and we expect them to appeal to the Commission, at an upcoming meeting. Liquidated damages are \$500 per day. Crab fishing should not be impacted by the delay. Season opener is November 7, Commercial November 15.
- Health Insurance – We are looking for alternative coverages for 12 individuals from the regular plan and put on a COBRA like plan. This must be resolved by January 30, 2017
- The Midcoast Community Council has requested that the District remove the blinking light at the Pedestrian Crossing and also has raised a concern regarding a red curb that apparently was not properly permitted. Their letter to San Mateo County Public Works and IGM's initial response are attached.
- Laundry services at Oyster Point Marina

**These are items in which some progress was made, but far less than is required to limit exposures and forestall future issues:**

- Cost Accounting Enterprise and Public Purpose Activities
  - We continue to collect the raw data needed for cost allocation and plan to be able to produce our first cost allocation representing the first half of the fiscal year by the second regular meeting of March.
- Commissioner Brennan's Request for Methane Testing Information at former Oyster Point Landfill
  - The City of South San Francisco expense \$70-\$90,000 on a contract for testing and related engineering services each year. \$76,000 expended so far this year.
- Providing payment documents requested by Commissioner Brennan:

- All Jan. and Feb. 2015 bills/invoices and all June 2012 bills/invoices as presented to the District Treasurer
  - Just under of 300 documents with attachments, checks, and 20% complete.

**These are tasks in which no progress was made during this period:**

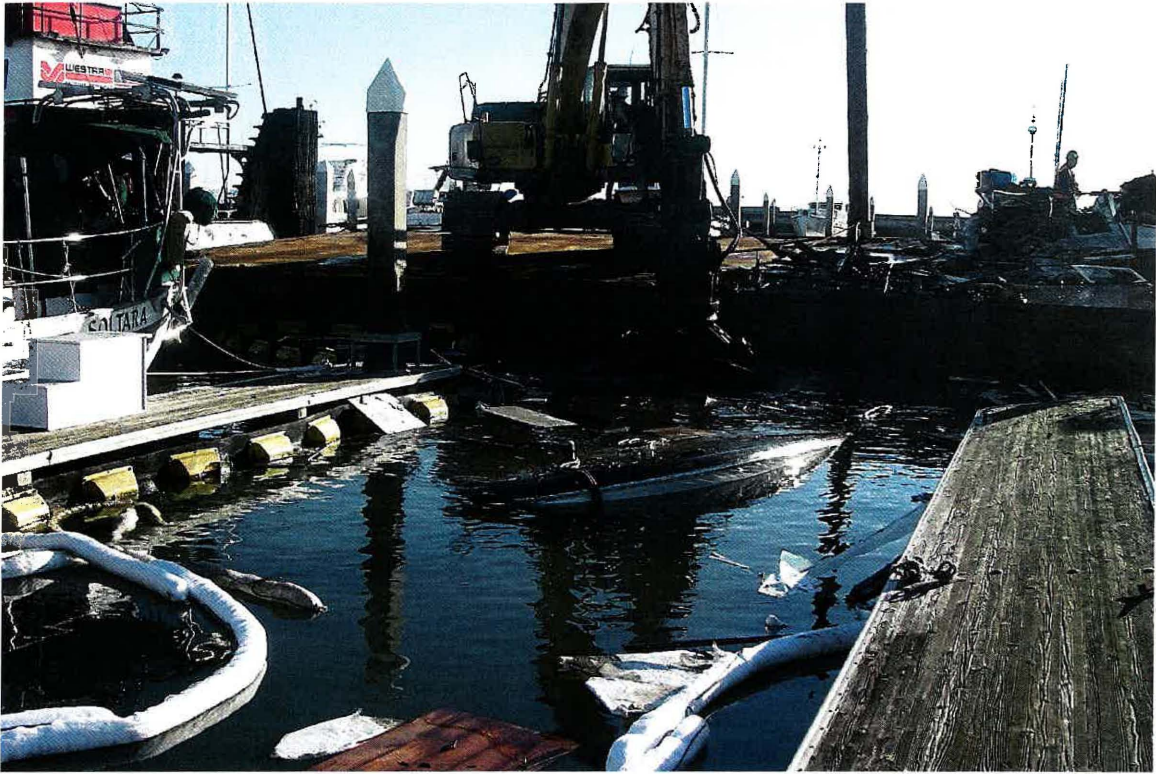
- Developing Public Financing RFP's for Financial Advisor, issued after IT RFP closes
- Working with Open Gov. to set up web site - Staffing issue in Finance will delay; operational issues are primary at this time.
- Letter to City of South San Francisco requesting reasonable period to prepare a thorough response to their concerns (although preference is that Liaison Group meets first) will proceed following meeting of Liaison Group, to be scheduled approximately mid-November.
- Mavericks Store Lease- end date is June 30, 2016
- Updating District's Reserve Policies.
- Phondini agreement for development of social media plan will proceed after Board Approval of the Social Media Policy on this Agenda.
- Late Annual Review of Fees and Charges for increased revenue coverage of District costs including consideration of proposing:
  - Fees/ permits for Large Truck Impact on Johnson Pier
  - Greater clarity between market rates fees and those limited by law to cost of service
  - Consistency between fees for similar services
  - Environmental Fee
- Moving to a "Paperless" environment
  - Investigating issuance of IPADs for Board Meeting Use
- Reviews and updates of all Policies and Procedures
  - Including New Policies and Procedures for District Treasurer

**These are tasks which have been paused, either due to other priorities, and other reasons as described herein:**

- Oyster Point Study Session this item was tabled by the Commission.
- Fish Buyer Unloading Fees, Retail Fees. The Commission tabled this item.
- Previously Reported:
  - Four responses received to the RFP legal services, prior to my appointment. Additional reasons for pause: complex pending and potential legal matters need to proceed with labor negotiations. It seems appropriate to wait to take this up after the successful Information/Action requests from individual commissioners – 44 were submitted.
- Completion of Office Move - This decision will be left for the new General Manager.
- Developing Public Financing RFP's for Bond Counsel, and Underwriter/Placement Agent – Selection of Financial Advisor first may provide focus and efficiencies for these selections.

**Transparencies**

- Individual Commissioner Requests from Monday Oct 3- Wed October 28.
  - Information/Action requests from individual commissioners – 44
  - Most from single commissioner – 35
  - Total Completed – 39
  - Most for single commissioner – 30



# Midcoast Community Council

*An elected Advisory Council to the San Mateo County Board of Supervisors  
representing Montara, Moss Beach, El Granada, Princeton, and Miramar*  
P.O. Box 248, Moss Beach, CA 94038-0248 - [www.MidcoastCommunityCouncil.org](http://www.MidcoastCommunityCouncil.org)

**Dave Olson**   **Chris Johnson**   **Lisa Ketcham**   **Dan Haggerty**   **Erin Deinzer**   **Laura Stein**  
Chair   Vice-Chair   Secretary   Treasurer

Date: October 14, 2015  
To: Jim Porter, Director, SMC Public Works Dept  
Cc: Diana Shu, DPW Road Operations  
SMC Harbor District Interim General Manager Glenn Lazof  
Supervisor Don Horsley and Aide Sarah Rosendahl  
From: Midcoast Community Council/ Dave Olson, Chair  
Subject: **Capistrano Road parking and crossings (Princeton)**

This memo formally sums up recent email exchanges with specific MCC requests regarding parking and crossings on Capistrano Road along the harbor in Princeton.

## **Crossings**

The two existing crossings at the Fishtrap and Brewing Company consist of standard pedestrian crossing signs and white high-visibility-pattern painted crosswalks. These provide appropriate safety for crossing this 25-mph street.

The MCC requests a consistent treatment for the crossing at the harbor entrance, where the Harbor District has installed a pedestrian sign in the median with constantly flashing lights. We have heard much community input against excessive lighting in the Midcoast. These lights are not pedestrian operated and their constant flashing appears excessively bright all night long. Preferably and most simply, this could be remedied by de-activating the lights on the crossing sign and adding the high-visibility-pattern painted crosswalk instead.

## **Parking**

We request that parking be restored within parking cutouts except for fire hydrant access. The curb/sidewalk treatment was designed for parking in the cutouts. Coastal access parking is at a premium and should not be removed unless for safety reasons. If an application is received to legalize the red curb paint, please consider this our comment on that application.

Thank you for your consideration and assistance.

## Glenn Lazof

---

**From:** Glenn Lazof  
**Sent:** Monday, October 26, 2015 12:57 PM  
**To:** 'Dave Olson, MCC'; 'Lisa Ketcham'  
**Cc:** Jim Porter; Don Horsley; Sarah Rosendahl; Diana Shu  
**Subject:** RE: Capistrano Road parking and crossings (Princeton)

Good Morning,

I have been briefed by District Staff on this issue.

**Request for consistent treatment of Pedestrian Crossings.** My understanding is that the blinking light was installed by the Harbor District out of a concern for public safety by then District Manager, Peter Grinnell, and Keet Neerhan, the owner of the hotel across the road. I'm told that foot traffic was quite heavy at that site and that there were a number of near misses between pedestrians and cars.

If available would a Pedestrian Operated Light resolve this issue? Or does the MCC feel that this information supporting the safety concern was not accurate, i.e. that this site was no more dangerous than the other pedestrian crossings in the area and therefore should have identical crossings as the other sites?

**Parking:** If I understand the October 14 memo SMC DPW and your information below, is DPW agreeing to repaint the red curb, is that correct?

The new General Manager, Steven McGrath, will start November 9. Until then you may continue to address your responses to me.

Also please accept my apologies for this delayed response.

Thank you

Glenn Lazof

-----Original Message-----

From: Dave Olson, MCC [<mailto:daveolsonmcc@gmail.com>]  
Sent: Monday, October 19, 2015 3:11 PM  
To: Glenn Lazof  
Subject: Re: Capistrano Road parking and crossings (Princeton)

Glenn Lazof <[glazof@smharbor.com](mailto:glazof@smharbor.com)> wrote:

> Good Afternoon Mr. Olson,  
>  
> I will be discussing this with staff tomorrow and identifying next steps.

Thank you! Either I or Lisa Ketcham is available to discuss this with

somebody on your staff, just let us know.

> -----Original Message-----

> From: Dave Olson, MCC [mailto:daveolsonmcc@gmail.com]

> Sent: Thursday, October 15, 2015 5:11 PM

> To: Jim Porter

> Cc: Don Horsley; Glenn Lazof; Sarah Rosendahl; Diana Shu

> Subject: Capistrano Road parking and crossings (Princeton)

>

> For background, the council brought these issues to DPW informally

> via email.

>

> We wanted to make it a formal request, please see the attached letter.

>

> The curb painting was verified by DPW to have been done without a permit, but is still in the process of being resolved.

We wanted to go on record officially on this issue.

>

> DPW has indicated that the crosswalk at the flashing pedestrian sign might be painted to the requested style at the next repainting, and this letter is a formal request for that.

>

> The flashing pedestrian sign was installed with a permit, applied

> for by the Harbor District. DPW has told the MCC that for the

> sign to change, we'll need to work with the Harbor District, and this letter is a request to start working on that issue.

>

> With the recent resignation of the Harbor Master, we weren't sure who would be the best contact, so we've addressed it directly to the interim General Manager.

Dave Olson

Chair, Midcoast Community Council

650.387.3618 (cell)

daveolsonmcc@gmail.com

<http://www.midcoastcommunitycouncil.org/>



**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CALIFORNIA 94105-2219  
(415) 904-5260 OR (415) 904-5200 FAX (415) 904-5400

WWW.COASTAL.CA.GOV



10-27-15P05:30 RCVD

Page: 1

Date: October 23, 2015

**IMPORTANT PUBLIC HEARING NOTICE  
COASTAL PERMIT APPLICATION**

**PERMIT NUMBER** 2-15-1458

**APPLICANT(S)** Cartel Management

**PROJECT DESCRIPTION:**

to authorize temporary activities related to Mavericks One-day Surf Contest near Pillar Point Harbor, including exclusive use of surfing area, closure of portion of West Trail and Pillar Point Marsh parking lot and implement traffic and parking controls throughout Princeton-by-the-Sea

**PROJECT LOCATION:**

throughout Princeton-by-the-Sea, San Mateo County.

**HEARING DATE AND LOCATION:**

**DATE** Thursday, November 5, 2015

**TIME** 9:00 a.m.

**ITEM NO:** Th14c

**PLACE** Oceano Resort Hotel

280 Capistrano Drive, Half Moon Bay, CA 94019

**PHONE** (415) 407-3211 [phone number will only be in service during the meeting]

**HEARING PROCEDURES:**

This item has been scheduled for a public hearing and vote. People wishing to testify on this matter may appear at the hearing or may present their concerns by letter to the Commission on or before the hearing date. The Coastal Commission is not equipped to receive comments on any official business by electronic mail. Any information relating to the official business should be sent to the appropriate Commission office using U.S. Mail or courier service.

**AVAILABILITY OF STAFF REPORT:**

A copy of the staff report on this matter will be available no later than 10 days before the hearing on the Coastal Commission's website at <http://www.coastal.ca.gov/mtgcurr.html>. Alternatively, you may request a paper copy of the report from **Renée Ananda**, Coastal Program Analyst, at the North Central Coast District Office.

**SUBMISSION OF WRITTEN MATERIALS:**

If you wish to submit written materials for review by the Commission, please observe the following suggestions:

## **IMPORTANT PUBLIC HEARING NOTICE COASTAL PERMIT APPLICATION**

- We request that you submit your materials to the Commission staff no later than three working days before the hearing (staff will then distribute your materials to the Commission).

- Mark the agenda number of your item, the application number, your name and your position in favor or opposition to the project on the upper right hand corner of the first page of your submission. If you do not know the agenda number, contact the Commission staff person listed on page 2.

- If you wish, you may obtain a current list of Commissioners' names and addresses from any of the Commission's offices and mail the materials directly to the Commissioners. If you wish to submit materials directly to Commissioners, we request that you mail the materials so that the Commissioners receive the materials no later than Thursday of the week before the Commission meeting. Please mail the same materials to all Commissioners, alternates for Commissioners, and the four non-voting members on the Commission with a copy to the Commission staff person listed on page 2.

- You are requested to summarize the reasons for your position in no more than two or three pages, if possible. You may attach as many exhibits as you feel are necessary.

**Please note:** While you are not prohibited from doing so, you are discouraged from submitting written materials to the Commission on the day of the hearing, unless they are visual aids, as it is more difficult for the Commission to carefully consider late materials. The Commission requests that if you submit written copies of comments to the Commission on the day of the hearing, that you provide 20 copies.

### **ALLOTTED TIME FOR TESTIMONY:**

Oral testimony may be limited to 5 minutes or less for each speaker depending on the number of persons wishing to be heard.

### **ADDITIONAL PROCEDURES:**

The above item may be moved to the Consent Calendar for this Area by the Executive Director when, prior to Commission consideration of the Consent Calendar, staff and the applicant are in agreement on the staff recommendation. If this item is moved to the Consent Calendar, the Commission will either approve it with the recommended actions in the staff report or remove the item from the Consent Calendar by a vote of three or more Commissioners. If the item is removed, the public hearing described above will still be held at the point in the meeting originally indicated on the agenda.

No one can predict how quickly the Commission will complete agenda items or how many will be postponed to a later date. The Commission begins each session at the time listed and considers each item in order, except in extraordinary circumstances. Staff at the appropriate Commission office can give you more information prior to the hearing date.

Questions regarding the report or the hearing should be directed to **Renée Ananda**, Coastal Program Analyst, at the North Central Coast District Office.

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
 45 FREMONT STREET, SUITE 2000  
 SAN FRANCISCO, CA 94105  
 PHONE: (415) 904-5260  
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# Th14c

Filed: 10/6/2015  
 Action Deadline: 4/04/2016  
 Staff: R.T. Ananda - SF JM  
 Staff Report: 10/22/2015  
 Hearing Date: 11/05/2015

## STAFF REPORT: CDP APPLICATION

**Application Number:** 2-15-1458

**Applicant:** Cartel Management, Inc.

**Project Location:** Pillar Point Marsh parking lot, West Trail, Mavericks Beach and designated locations within Pillar Point Harbor and Princeton-by-the Sea, San Mateo County.

**Project Description:** Application to authorize activities related to the one-day 'Titans of Mavericks' surf contest (to be held sometime between November 1, 2015 and March 31, 2016) near Pillar Point Harbor, including to have exclusive use of the offshore surfing area, to close a portion of the West Trail and the Pillar Point Marsh parking lot, to limit use of Harbor shoreline areas, and to implement traffic and parking controls throughout the Princeton-by-the-Sea in San Mateo County.

**Staff Recommendation:** Approval with Conditions.

---

### SUMMARY OF STAFF RECOMMENDATION

Cartel Management, Inc., the Applicant, is requesting authorization to: 1) have exclusive use of the Mavericks offshore surfing area near Pillar Point Harbor; 2) close the West Trail; 3) close and use the Pillar Point Marsh parking lot and Mavericks Beach; 4) limit public access use along the Harbor shoreline southeasterly of the West Trail toward Romeo Pier and the Pillar Point upper bluff trails; 5) designate for private use only Harbor locations that include floating dock

finger "H" on Johnson Pier, 25 to 40 parking stalls within the Pillar Point Harbor District parking lot as well as six long spaces located westerly of the Harbormaster's Office, and one lane of the two-lane public boat launch ramp; and 6) implement traffic and parking controls throughout Princeton-by-the-Sea (i.e., the area that is located inland of the Harbor in San Mateo County). All of these requests would apply to a one-day, invitation-only big wave surf contest that would take place on a single day between November 1, 2015 and March 31, 2016, where the day would be chosen by event organizers 24 hours before the event day itself based on surf conditions.

The Mavericks Surf Contest started as an informal surfing contest by and between surfers in the local surfing community, and it has morphed over the years into a larger event, including with respect to the current request. Over the years, event organizers have "fine-tuned" the event to protect the public and participants, as well as to protect coastal resources. Because event activities straddle coastal development permit (CDP) jurisdictions of San Mateo County and the Commission, the County has requested and the Applicant and the Executive Director have agreed to treat this application as a consolidated CDP application.

The proposed project is a popular, water-oriented, recreational event that brings visitors and global interest to the community and California, and there is a great deal of public support for the contest. At the same time, though, it is not without its impacts. For example, public access within Pillar Point Harbor and at Mavericks Beach would be off limits in some cases, and would overall reduce the amount of public access provided on the day of the event. In addition, the event has the potential to create public access and parking difficulties, both due to limiting parking and the intensification of traffic associated with the event. However, Staff believes that the impacts will only be temporary in nature, and can be managed in such a way as to provide as much access as possible while still providing for the event, and that other potential impacts (e.g., to habitat areas, eroding bluffs, etc.) can be appropriately avoided with the proper direction to visitors.

Thus, Staff recommends approval of the CDP for the proposed project. That approval includes conditions requiring the Applicant to implement certain BMPs to protect coastal resources, to submit traffic and parking plans for the Princeton area, and to monitor event impacts so as to allow changes to be made as necessary for future events. As conditioned, staff believes that the project can be found consistent with the Coastal Act and recommends that the Commission approve the CDP. The motion is found on page 4 below.

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### APPENDICES

Appendix A – Substantive File Documents

### EXHIBITS

- Exhibit 1 – Regional Map and Aerial Photos of Area
- Exhibit 2 – Project Site Map
- Exhibit 3 – Other Permits/Approvals
- Exhibit 4 – Coastal Resources Past Event

## I. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in approval of the CDP as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission approve Coastal Development Permit Number 2-15-1458 pursuant to the staff recommendation, and I recommend a yes vote.*

***Resolution to Approve CDP:** The Commission hereby approves Coastal Development Permit Number 2-15-1458 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

## II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
3. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
4. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Approved Project.** This CDP authorizes development associated with the Mavericks Surf Contest as described in the proposed project description (titled *Coastal Development Permit Application 2-15-1458, Cartel Management, Titans of Mavericks, Response to September 23, 2015 CCC Incomplete Letter* dated and received in the Commission's North Central District

Office on September 28, 2015) as modified by these conditions for a single day between November 1, 2015 and March 31, 2016 only.

2. **Other Agency Approvals.** PRIOR TO THE DAY OF THE EVENT, AND IN ANY CASE PRIOR TO EXERCISING THIS CDP, the Permittee shall submit to the Executive Director written evidence that all necessary permits, permissions, approvals, and/or authorizations for the approved project have been granted, or are not required, by all applicable agencies (including the San Mateo County Harbor District, the Monterey Bay National Marine Sanctuary, and the United States Coast Guard). Any changes to the approved project required by these agencies shall be reported to the Executive Director. No changes to the Commission-approved project shall occur without a Commission amendment to this CDP unless the Executive Director determines that no amendment is legally necessary.
3. **Traffic and Parking Plan.** PRIOR TO THE DAY OF THE EVENT, AND IN ANY CASE PRIOR TO EXERCISING THIS CDP, the Permittee shall submit two copies of a Traffic and Parking Plan to the Executive Director for review and approval. The Plan shall identify all measures to be taken to control and direct traffic, and to provide the public with adequate parking in the area of the event on the event day. The Plan shall be premised on minimizing traffic and parking impacts to the public, shall identify all measures and methods to be used to control traffic and parking (including in terms of personnel, signs, barriers, web alerts and other notifications, etc.), and shall be submitted with evidence of San Mateo County Harbor District, San Mateo County Sheriff's Office, California Department of Transportation, and California Highway Patrol review and approval.
4. **Event Notification.** AT LEAST TWO DAYS PRIOR TO THE DAY OF THE EVENT, AND EARLIER IF POSSIBLE, the Permittee shall identify the day of the event for planning staff of the Commission's North Central District Office.
5. **Best Management Practices.** The Permittee shall place trash and recycling receptacles and containers at appropriate locations throughout the event area during the event, and shall properly service said receptacles to avoid overflowing and discharge of debris and other materials. Rinsing of water vessels shall be conducted at appropriate locations as designated by the San Mateo County Harbor District. Debris and other potential water pollutants shall be prohibited from discharging into Pillar Point Marsh, on access trails, and into adjacent coastal waters of the Harbor and ocean. Debris and trash shall be contained and disposed of in a proper manner to avoid environmental impacts. The Permittee shall ensure that all areas affected by the event are returned to their pre-event condition or better within one day of the event day.
6. **Monitoring and Post-event Reporting.** The Permittee shall monitor all event activities, and shall submit two copies of a monitoring report to the Executive Director for review and approval within 60 days of the event's conclusion. The monitoring report shall document any and all impacts associated with the event, including but not limited to identifying any observed impacts to Pillar Point Marsh, any observed marine wildlife in the area, and any documented disturbances to marine wildlife from event activities. The monitoring report shall contain written and photographic documentation of the condition of the affected project areas prior to, during, and after the event. The Permittee shall also consult with other event-support agencies, such as the San Mateo County Harbor District, the California Highway

Patrol and the County Sheriff's Department, after the event to obtain data, information and observations from these agencies regarding traffic conditions and public access flow throughout the event area and transportation routes in the vicinity during the event, and shall include such information in the submitted monitoring report. The monitoring report shall also include an assessment of traffic and parking control measures effectiveness. The monitoring report shall document all measures taken to restore the affected project area to pre-event conditions or better. The monitoring report shall include a site map annotated with points that refer to photographs or other visual documentation.

7. **CDP Expiration and Extension.** This CDP shall expire on October 31, 2016 unless prior to that time the Permittee requests an extension of the expiration date of this CDP via a CDP amendment. Any such extension request must be accompanied by the appropriate application fee, may request up to four additional years of authorization, and must include information regarding event as required in Special Condition 6.

#### **IV. FINDINGS AND DECLARATIONS**

##### **A. PROJECT LOCATION**

The proposed project is located within and adjacent to Pillar Point Harbor, including offshore waters adjacent to the Harbor, in Princeton-by-the-Sea, an unincorporated community of San Mateo County (**Exhibit 1**). The proposed project is a one-day event that would utilize several locations within and adjacent to the Pillar Point Harbor area, including the Mavericks surfing area offshore, the Harbor District's West Trail and the access point to Mavericks Beach located from the West Trail, Mavericks Beach itself, the Pillar Point Marsh parking lot, and the shoreline adjacent to Pillar Point Marsh. Project activities located within the inner harbor area include Johnson Pier (specifically exclusive use of floating dock finger "H"), portions of the harbor parking area, and exclusive use of one of the two public ramps at the public boat launch within the Harbor (**Exhibit 2**). Events proposed on land locations within the coastal zone are owned and operated by the San Mateo County Harbor District (SMCHD), San Mateo County Parks, and the U. S. Air Force. Street and parking areas affected by the proposed project are owned by SMCHD, San Mateo County, and Caltrans. The focal point of the proposed event will occur offshore at the Mavericks surf break, sited in waters off-shore of Pillar Point Harbor. Activities occurring in offshore waters are located within the Monterey Bay National Marine Sanctuary (MBNMS).

Mavericks Beach is a public recreational destination used by a broad spectrum of the public as it can easily be accessed by individuals with varying levels of physical capabilities by using the West Trail. The West Trail is a public access trail that extends between the Harbor's outer breakwater, Mavericks Beach and the Pillar Point Marsh parking lot. The trail is approximately 1.2 miles long, 15 feet wide, and fairly level. Public recreational activities that occur here include predominately passive recreational opportunities such as walking, dog-walking, watching the sun set, and bird watching. Mavericks Beach is a sandy beach located outside of the Pillar Point Breakwater. The beach becomes narrow at high tides and vulnerable to wave run-up. Additional public access trails can be found at Pillar Point Bluff County Park, located to the north of Mavericks Beach, and on the upper bluff uplands located landward of the West Trail, which



includes SMCHD and Air Force property. A large portion of the Pillar Point blufftop is located within Air Force property and is excluded from public use.

Pillar Point Marsh is a fresh water stream marsh that drains into a brackish water marsh. It serves as important bird habitat for local and migrant species and may support state and federally-protected California red-legged frog and San Francisco garter snake. South of Pillar Point Marsh parking lot and adjacent to Pillar Point Marsh is a shoreline beach that provides access along the waterfront from the West Trail to Princeton-by-the-Sea. Pillar Point Harbor is a very active harbor that is open to both commercial fishermen and the public. Johnson Pier provides berths for both commercial and recreational vessels. Johnson Pier is a commercial fishing hub and is a base for one of California's top operating commercial fishing fleets. Johnson Pier also accommodates a fueling dock and pump-out station (**Exhibit 2**).

## **B. PROJECT DESCRIPTION**

The proposed project is a one-day, big-wave surfing-by-invitation-only event called the "Titans of Mavericks" surf contest. The event would occur on one day between November 1, 2015 and March 31, 2016, with the actual day of the event chosen when surf conditions are best. The Applicant indicates that there would be about 48 hours advance notice of the actual contest. Ideal wave conditions for the event call for waves that reach heights in excess of 25 feet. The event would span a total time period of 18 hours, from 5:00 AM to 11:00 PM; this includes time allotted to set-up and shut-down activities. The actual surfing portion of the contest would take place from between approximately 8:00 AM and 4:00 PM. There will be 24 athletes participating in the event. Event set-up activities include the California Highway Patrol (CHP) and County Sheriff's Department installing electronic traffic control signs along Highway One that alert the travelling public to traffic changes, posting "No Parking" signs along Highway 1 that extend from the Half Moon Bay Airport to just north of Sam's Chowder House property at 4210 Highway 1 for the duration of the event to ensure pedestrian safety, stationing law and traffic enforcement personnel at the intersection of Highway 1 and Capistrano Road, and staging safety, emergency, and production personnel at temporary closure points within Princeton-by-the-Sea and the Harbor and at certain access areas during the event (e.g., at Mavericks Beach, West Trail, Pillar Point Marsh parking lot, and the shoreline beach adjacent to Romeo Pier).

West Trail, the trail extending from the Pillar Point Marsh parking lot to Mavericks Beach, would be closed from 5:00 AM to 4:00 PM, and the other specified areas patrolled by County public safety teams would close between the hours of 7:00 AM and 3:00 PM on the day of the event. The public would be allowed to hike on the County/Air Force upper bluff trails, but would not be allowed to stop and watch the surfing event from those locations. The Pillar Point Marsh parking lot would also be closed to the public and used exclusively for emergency services and staging by event personnel, including American Medical Response and the California Department of Forestry and Fire Protection (CalFire), law enforcement mounted horse patrol trailers, beach marshals, security, and also for porta-potties for use by personnel and event contestants. Event security personnel would be stationed along the shoreline and beach west of Romeo Pier. Public use of this area during the event would be limited to allowing the public to pass and repass along the strand but no assembling or congregating would be allowed. The surfing event may include a small check-in station located at Perched Beach. One of the two

public launch ramps and the shoreline to the west of the boat launch and along Perched Beach would remain open and accessible to the public.

The proposed event's off-shore water activities include the operation of motorized personal water craft (MPWC) for emergency rescue and safety purposes, as well as monitoring and filming the event. Johnson Pier, specifically dock finger "H", will be used for MPWCs during this event. Competitors and support and production teams will load in and out from this location. The Applicant will be coordinating with SMCHD to minimize potential impacts on SMCHD's other operations. See detail of activities at each location shown on **Exhibit 2**.

### **C. PROJECT BACKGROUND**

The Mavericks surf event and the public's interest in the event has grown each year the event has taken place. Historically, the proposed event vicinity, including West Beach Trail, adjacent lower bluffs, and the upper bluff hillside trails, was heavily used by the public trying to view the offshore event during the annual surf competition. During at least one year, visitors that came to Princeton-by-the-Sea and Pillar Point Harbor for the surf competition attended a festival held outside of the Oceano Hotel where a big screen was set up for live-streaming the contest, and food was sold, music played, and an awards ceremony was conducted. Historically, large crowds of spectators also gathered for the event and groups would station themselves on the cliffs and bluffs overlooking Mavericks Beach, on trails, the Harbor inner beach, and the marsh area adjacent to the harbor waters (**Exhibit 4**). The large mass of people created unsafe conditions and caused damage to the bluffs and associated habitats, overburdening and crushing vegetation, and exacerbating some erosion of the hillside and upper bluff. In 2010 spectators who had stationed themselves on the outer breakwater and on the nearshore of Mavericks Beach were hit with unexpected, large, rogue waves that knocked them down and caused multiple injuries to observers and the loss of equipment. The unsafe conditions caused the Harbor District, the County and the event organizers to consider additional safety additions for the event going forward (**Exhibit 3**).

In recent years, organizers have gained experience in handling the crowds, and the Applicant has proposed additional safety closures for the day of the event. This year, the event does not include a festival and proposes to focus on the surf contest itself to showcase the skills of the 24 elite surfers. The Applicant has coordinated with many agencies, including, but not limited to, the U. S. Coast Guard, Cal Fire, San Mateo County Emergency Services, California Highway Patrol, California State Parks, San Mateo County Sheriff, San Mateo County Parks, San Mateo County Harbor District, and the Monterey Bay National Marine Sanctuary. To protect public safety and sensitive resources, several of these agencies (SMCHD, County Parks, and MBNMS) have required temporary closures to public use and the public access restrictions in the project area being requested by the Applicant in this CDP application, and respective authorizations have been conditioned upon these closures.<sup>1</sup>

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<sup>1</sup> Since 2010, SMCHD has required that access to its parking lot, the West Trail, and Mavericks Beach be closed in order to protect the sensitive resources, including Pillar Point Marsh, and the safety of the public. Pillar Point Bluff County Park will allow recreational use of the trails during the event; however, the County explicitly states on its website that no viewing or spectating will be allowed from Pillar Point Bluff during the Mavericks Surf Competition. The MBNMS permit, additionally, does not allow spectators on Mavericks Beach.

#### **D. STANDARD OF REVIEW**

The project is located in both the Commission's and San Mateo County's CDP jurisdictions. The County, the Applicant, and the Executive Director have all agreed to a consolidated CDP review for the project, as allowed by Coastal Act Section 30610.3. As such, the standard of review for a consolidated CDP application is the Chapter 3 policies of the Coastal Act with the San Mateo County certified LCP providing non-binding guidance.

#### **E. PUBLIC ACCESS AND RECREATION**

##### *Applicable Policies*

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea "shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3." The proposed project is located seaward of the first through public road, State Highway 1. Coastal Act Sections 30210 through 30224 specifically protect public access and recreation opportunities that exist along the coast and in coastal waters. These overlapping policies are for the protection of access to and along the shoreline and protection of offshore waters for the public's recreational use. In particular:

*§ 30210. In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

*§ 30211. Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

*§ 30212(a). Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources*

...

*§ 30212.5. Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

*§ 30213. Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...*

*§ 30214. (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access*

*depending on the facts and circumstances in each case including, but not limited to, the following:*

- (1) Topographic and geologic site characteristics.*
- (2) The capacity of the site to sustain use and at what level of intensity.*
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access are to adjacent residential uses.*
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter...*

*§ 30220. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

*§ 30221. Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

*§ 30223. Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

*§ 30224. Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division by...increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities...*

Coastal Act section 30240(b) also protects park and recreational areas, stating in applicable part:

*§ 30240 (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas*

#### ***Analysis***

Section 30210, as cited above, requires that maximum access and recreational opportunities shall be provided to all people consistent with public safety needs while still protecting natural resources from overuse. Section 30212(a)(1) in particular provides that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where it is inconsistent with public safety or the protection of fragile coastal resources.

The public beaches and access trails located along the Pillar Point and Princeton-by-the-Sea shoreline, and trails on adjacent bluffs within the project area, provide the public with a variety of recreational opportunities such as walking, watching the sun set, and bird watching. The West Beach Trail serves as an easily accessible pedestrian pathway and also as an important emergency services access route to the outer breakwater and Mavericks Beach. There are less

formalized public access trails located upon the bluff areas above the West Beach Trail. Individuals looking for more strenuous hiking opportunities can also enjoy these upper bluff trails above the Harbor and Mavericks Beach. Mavericks Beach also provides access to the offshore Mavericks surfing area. The Pillar Point Marsh parking lot provides support facilities for public access in this area, as the public can conveniently park in this lot while using the trails and beach areas. The Pillar Point Marsh parking lot, West Trail, and the various upper bluff trails are also a valued public benefit as they are available free of cost (**Exhibits 1 and 2**). Further north of the project site on approximately 140 acres is the Pillar Point Bluff County Park. There are blufftop trails along this section of the coast which look out onto the offshore waters of Pillar Point.

The Mavericks surf break occurs far out in the ocean and is further obscured by a large rock formation; therefore the competitors in the event cannot be easily seen by the public from any vantage point on Mavericks Beach or the Pillar Point bluffs. Mavericks Beach access is dangerous during ideal event conditions, as it becomes narrow at high tides and the coastline is more vulnerable to wave run-up. Any members of the public stationed at the beach, on the outer breakwater or on the bluffs above the beach are at risk from dangerous rogue waves, (i.e., unpredictable waves that are larger than average height).<sup>2</sup> The event itself takes place during the winter storm season along the coast. As such, the surf conditions found to be ideal for this competition also can result in a very dangerous setting for those who may wish to view the contest from the near shore environment. The large surf, cold temperatures of the water, and wave run-up can be hazards to public safety along shoreline locations. Individuals standing and or climbing on rocks on the breakwater and in the nearshore, as documented in 2010, have been victims of rogue waves.

New development proposals must provide maximum access and recreational opportunities to the public consistent with public safety needs, in addition to the protection of natural resources, as provided by Sections 30210, 30212(a)(1), and 30214 cited above. Also as mentioned above, during past events, large crowds of spectators gathered upon the cliffs and bluffs above Mavericks Beach and along the trails, beach, and marsh area adjacent to Pillar Point Harbor (**Exhibit 4**). The large crowds congregating in the project area created unsafe conditions, strained the site's capacity, and caused resource damage. In essence, coastal resource areas were overburdened by the public use and resulted in the removal of existing vegetation and further erosion occurring on the bluffs above Mavericks Beach.

The proposed 2015-16 event would restrict public access in the area of the contest for one day by closing the parking lot, West Beach Trail, and Mavericks Beach and by limiting public congregation along the adjacent upper bluff and shoreline areas. These access restrictions, however, will provide protection for both the event contestants and the general public. The closures will additionally provide protection of natural resources within the area that include Pillar Point Marsh habitat and its associated coastal bluff. In addition, public access limitations will be temporary, limited to less than 24 hours, and public access in the form of pass and repass will still be allowed along the upper bluff trails, throughout Pillar Point Bluff County Park, and

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<sup>2</sup> According the Titans of the Mavericks Incident Action Plan, rogue waves can occur when the surf appears small; and have been known to cause injuries and the drowning of individuals standing or climbing on rock out-crops and bluffs located immediately adjacent to and along the shoreline.

along the shoreline south of Pillar Point Marsh throughout the duration of the event. Therefore, while the event does propose to limit some public access, it is only for a limited duration during winter conditions, and it does still provide access in the project vicinity. The project can be found consistent with Sections 30210 and 30212(a)(1) of the Coastal Act, and appropriately regulates the time, place and manner of access as required by Section 30214.

Section 30220 of the Act states that coastal areas suitable for water-oriented activities that cannot readily be provided at inland water areas shall be protected for such uses. California surf areas benefit from the protections afforded under this section of the Coastal Act. The Mavericks surf event is a premier, world-class competition that is free to the public. The water-oriented activity depends on the unique ocean conditions available at the offshore Mavericks break, particularly wave heights in excess of 25 feet, which are created in part by an unusually-shaped underwater rock formations located off-shore. Holding a contest within offshore waters requires use of on-shore support facilities and staging. The dangerous nature of the contest requires that emergency support be easily and quickly deployed. As described above, the temporary closures of various public access amenities normally open to public use will enable contest purveyors to adequately protect contestants and the general public, as well as coastal resources such as the habitat of Pillar Point Marsh, erodible shoreline bluffs above the West Trail, Mavericks Beach, and at Pillar Point. Further, the conditions and terms of permits issued by other relevant entities, in particular the NOAA, Office of National Marine Sanctuaries (ONMS), make certain the marine resources in offshore waters (**Exhibit 3**) are protected. The Mavericks surf competition is clearly a recreational, water-oriented activity that cannot occur at any inland water area. As conditioned and as permitted this proposed development can be found consistent with the intent of Coastal Act Section 30220.

Section 30212.5 requires that coastal access facilities, such as associated parking lots and trails, be distributed throughout the respective coastal locations and not be overly concentrated in one geographic area. This ensures that impacts to fragile coastal resources are avoided, minimized, or mitigated, and that the available coastal resources are not overburdened by public use. This year's proposed event does not involve a public festival or central viewing screen of the contest as was done in past seasons. This year, the public will be able to view the event live via personal phones and computers so that viewing will be widely distributed and can occur well away from the Pillar Point area. The Applicant has anticipated the potential for the public to come to the area in hopes of watching the event as in the past and has taken measures to direct people to alternative viewing locations available in Half Moon Bay and in Pillar Point. In particular, the Applicant has coordinated with the CHP and the San Mateo County Sheriff, who will be stationed at the intersection of Highway 1 and Capistrano Road, to direct the general public coming to the area to various appropriate viewing venues in the local areas. Currently, these venues include Mavericks Brewing Company (at 390 Capistrano Road in Princeton-by-the-Sea); Old Princeton Landing (at 460 Capistrano Road in Princeton-by-the-Sea); Miramar Beach Restaurant (at 131 Mirada Road in Half Moon Bay, about three miles away from Pillar Point); Cameron's Pub (at 1410 Cabrillo Highway in Half Moon Bay, less than one mile from Pillar Point); and at the East Side Eatery/Pleasure Pizza (at 800 41<sup>st</sup> Avenue in Santa Cruz, more than 50 miles away from the event site). These alternative viewing venues will give the public the opportunity to safely view the event without being at risk in the event's proximity, which will also help to reduce traffic and potential impacts on parking and public access to the coast in the Pillar Point Harbor Area.

Additional access concerns associated with the proposed project include impacts on vehicular access to the area via State Routes/Highways 1 and 92, and surface streets including Capistrano Road and Prospect Way, as there could be impacts on the major coastal travel routes during the event and associated potential impacts to public access to and from the coast. The proposed project includes a general prohibition on parallel parking along Highway 1 between the Half Moon Bay Airport to just north of Sam's Chowder House property that will be enforced by the CHP, to ensure pedestrian safety in the area during the event. One-way traffic will also be in effect along Capistrano Road beginning at the Harbor entrance and continuing to Prospect Road within Princeton-By-the-Sea. CHP officers and San Mateo County Sheriff deputies will be located at the intersection of Highway 1 and Capistrano Road to monitor traffic to and from Princeton-by-the-Sea, directing people to alternative viewing locations or to alternative public parking and access areas if they are trying to access coastal recreational areas. To ensure that the traffic control measures proposed are effective, **Special Condition 3** requires the Permittee to submit a traffic and parking plan, and **Special Condition 6** requires the Applicant to obtain data and information regarding traffic conditions and public access flow throughout the event area and transportation routes in the vicinity during the event and submit a post-event report to the Commission evaluating traffic control effectiveness. As required by **Special Condition 7**, any future authorization of the event will depend on the results of the post-event report. Thus, the proposed project activities as conditioned include measures to mitigate impacts to public access and traffic in the immediate coastal area.

Public parking normally available to the general public within the proposed project area includes the gravel-covered Pillar Point Marsh parking lot that has room for 40 vehicles and parking at Pillar Point Harbor that has a total of 653 spaces. The Oceano Hotel and shopping area which is located very close by has a large parking lot with an approximate total of 570 to 620 spaces (120 underground and 450 to 500 in the surface lot behind the hotel). The SMCHD permit issued for the event authorizes the Applicant to temporarily restrict the use of Pillar Point Marsh parking lot during the event. The Applicant will also exclusively use six long stalls located westerly of the Harbor Master office, and is authorized to use 25 to 40 parking stalls at "C" lot for competitor support, production equipment, and safety teams before, during and after the event. The majority of parking associated with the event would be at the Pillar Point Air Force Base Radar Tracking Station, where parking is always restricted to the public, and where event judging and production will be staged (**Exhibit 2**). The Applicant will be working with the SMCHD to encourage a reduced level of automobile use and the need for parking within the harbor area.

It is important to remember that this event does not occur during the peak summer beach season for recreational visitors to this part of the coast. The event occurs in the middle of the winter storm season at a time when fewer members of the general public are typically visiting and recreating along the shore. Therefore, while the event will temporarily restrict public parking areas in the Pillar Point Harbor area and may bring in additional visitors to the area, the parking restrictions are relatively limited in light of other available public parking in the area, and traffic control measures will be implemented during the event to assist and redirect the public to those alternate public parking areas to help the public wishing to access the coast. The off-site viewing location options for this surf event will also help to reduce and/or avoid traffic and parking impacts at the project site and by doing so protect coastal resources. The proposed project can therefore be found consistent with Section 30212.5 and 30214 of the Coastal Act.

Section 30223 requires that upland areas necessary to support coastal recreational uses shall be reserved for such uses where feasible. As described above, currently there are hiking opportunities open to the public landward of the Pacific Ocean and Pillar Point Harbor. Extensive ocean views can be seen from the upper coastal bluffs. The blufftop viewing locations also have the potential to draw interested members of the public to attempt to view the contest held off-shore. However, the existing blufftop is fragile and is not large enough to accommodate large numbers of spectators (**Exhibit 4**). Even though the proposed project includes active patrol of the upland trail areas to ensure that no crowds form upon the blufftop areas and in the upland habitat of Pillar Point, the public will still be able to hike in these locations and pass and repass along the blufftop trails during the event. The public can also still use portions of the Pillar Point harbor frontage along Princeton-by-the Sea, and visit businesses in the area. As such, the proposed project can be found consistent with Section 30223 as upland areas recreationally used by the public for hiking and viewing of the ocean will still be available for such use during the event.

Section 30211 requires that development shall not interfere with the public's right of access to the sea and the use of dry sand and rocky coastal beaches extending landward to the first edge of terrestrial vegetation. Section 30213, in particular, provides for the protection of free and low-cost access. The proposed temporary closures will impact and prevent public use of the surf area offshore as well as a public shoreline trail, parking areas, and access to the beach. The closures will occur only on a single day occurring during the winter months to protect the public from hazardous conditions at Mavericks Beach, specifically during very high tides and waves larger than average. The existing natural conditions at Mavericks and the outer breakwater during the winter can be dangerous to the public with respect to safe use. While the immediate public amenities would be closed, the public can go to other nearby free beaches, if weather and natural site conditions allow at the time. These nearby beaches include Surfer's Beach located to the south of the Harbor, in El Granada; Perched Beach, located westerly of the Harbor District's public boat launch; and the beach at the end of the trail extending seaward from the segment of the California Coastal Trail located along Prospect Way. Event security personnel and volunteers will be stationed at the shoreline/beach west of Romeo Pier. The public use of this stretch of beach during the event would be limited to pass and repass along the strand. The shoreline located to the west of the public boat launch and along Perched Beach will remain open and accessible to the public. As mentioned above, blufftop access trails in the area will remain open for limited public access. The right of access to the sea will not be permanently interfered with as the closure is temporary and there are other beaches and access trails nearby that will be open and available. Therefore, the proposed project can be found consistent with Sections 30211 and 30213.

In conclusion, the proposed project is a popular, water-oriented, recreational event that brings visitors and global interest to the community and California, and there is a great deal of public support for the contest. It should serve to increase awareness of the coast and coastal issues, and provide a means of publicizing the shoreline resources that California is famous for. As such, it includes an inherent public access benefit, especially as regards potential visitors to the California and San Mateo County coasts. At the same time, though, the project is not without its impacts. For example, public access within Pillar Point Harbor and at Mavericks Beach would be off limits in some cases, and would overall reduce the amount of public access provided on the



day of the event. In addition, the event has the potential to create public access and parking difficulties, both due to limiting parking and the intensification of traffic associated with the event. However, the impacts will only be temporary in nature, and can be managed in such a way as to provide as much access as possible while still providing for the event, and that other potential impacts (e.g., to habitat areas, eroding bluffs, etc.) can be appropriately avoided with the proper direction to visitors. The proposed project, therefore, can be found consistent with the Coastal Act access and recreation policies cited above.

## **F. MARINE RESOURCES**

### ***Applicable Policies***

The Coastal Act protects the marine resources and wetland habitats adjacent to and within the project area. Coastal Act Sections 30107.5, 30230, 30231, and 30240 provide:

*§ 30107.5 "Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

*§ 30230. Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

*§ 30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

*§ 30240. Environmentally sensitive habitat areas; adjacent developments*

*(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

*(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

### ***Analysis***

Coastal Act Section 30230, as cited above, requires that marine resources be maintained, enhanced, and restored. Coastal Act Section 30231 requires that the biological productivity

and quality of coastal waters and wetlands be maintained and, where feasible, restored. Section 30107.5 defines “Environmentally sensitive areas,” as provided above. Section 30240 requires that environmentally sensitive habitat areas (ESHA) shall be protected against significant disruption of habitat values, allowing only resources-dependent uses within such areas. Further, development in areas adjacent to ESHAs, and parks, and recreation areas shall be sited and designed to prevent impacts which would degrade those areas. As previously discussed, proposed project activities would occur within the offshore waters of Monterey Bay National Marine Sanctuary (MBNMS) and adjacent to sensitive wetland habitat areas including the Pillar Point Marsh. The off-shore waters support an array of marine life that is maintained and protected by MBNMS. Pillar Point Marsh comprises freshwater and brackish marsh and may support the state and federally-protected California red-legged frog (CRLF) and San Francisco garter snake (SFGS).<sup>3</sup>

This marsh is considered ESHA, as defined by Section 30107.5, because it contains habitat that potentially supports CRLF and SFGS. None of the proposed project activities would occur within Pillar Point Marsh consistent with 30240(a). In addition, the project includes measures to ensure that activities proposed adjacent to the Marsh will not degrade those areas including the temporary area closures and trash and litter removal as required by the San Mateo County Harbor District permit, utilizing designated rinse stations for vessel cleaning, and most importantly patrol of the Pillar Point Marsh area to ensure that the public is not gathering and causing damage to sensitive marsh habitat. Therefore, the project is consistent with Coastal Act Section 30240.

The Mavericks surf competition relies primarily on the marine environment (i.e., the natural surf conditions of off-shore waters). The proposed event’s off-shore water activities include the operation of motorized personal water craft (MPWC) within the MBNMS for emergency rescue and safety purposes, as well as to monitor and record the event. Motorized water craft could impact water quality and marine wildlife due the noise of engines and residues spread by vehicles from fuel and or other substances used for the motorized equipment. MBNMS has authorized the proposed event’s off-shore activities, including certain activities that would otherwise be prohibited, most notably, the use of MPWCs (**Exhibit 3**). As required by the MBNMS authorization, the Applicant is not allowed to disturb marine wildlife, can only use MPWCs in a specified zone, and is required to close Mavericks Beach and monitor for marine wildlife during the event (**Exhibits 3**).

In addition to the project’s proposed protection measures and requirements of MBNMS and Harbor District, the Commission requires special conditions to limit the initial authorization of this temporary event to one year with monitoring before allowing the permit to be extended by additional years, submission of a post-event report to assess potential impacts on coastal resources from event activities, and implementation of best management practices (BMPs). Specifically, **Special Condition 6** requires the permittee to monitor and report on the conditions of the sensitive marsh area, public access, and marine wildlife prior to, during and after the event. **Special Condition 7** allows for a permit time extension to be considered only after post-event review and evaluation of the event’s impact on sensitive coastal

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<sup>3</sup> Fitzgerald Marine Reserve Master Plan, Part two: Environmental Setting, which was prepared by Sheila Brady/LSA, May 2002.

resources. **Special Condition 5** also requires BMPs to ensure that coastal habitat, water quality, and productivity of the area are not adversely affected. Thus, the proposed project as conditioned can be found consistent with Section 30230 and 30231 as it comprises special protection of the marine environment and sensitive wetland areas.

### **G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

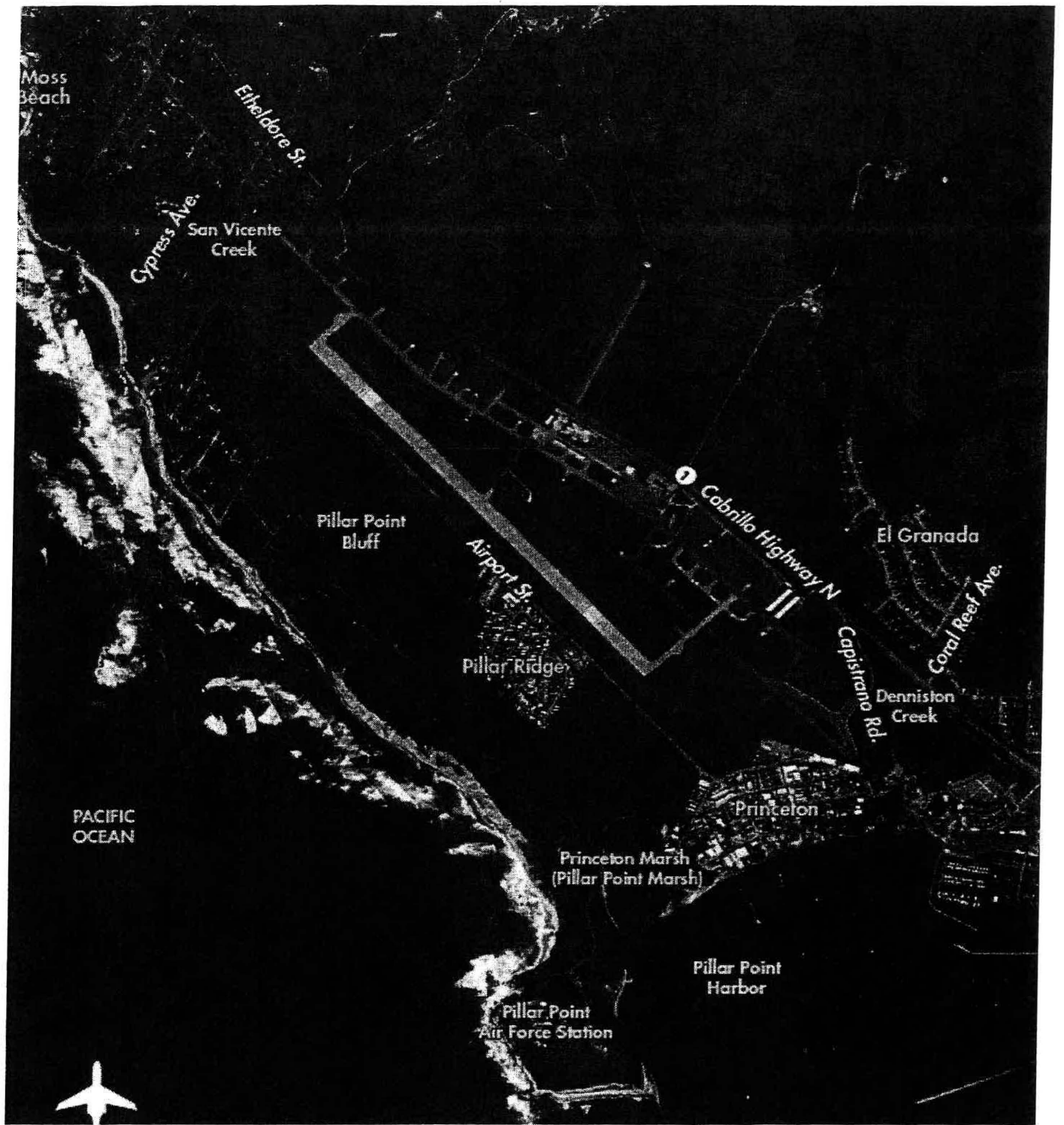
San Mateo County, acting as lead agency, found that the project qualifies for a Class 4 Categorical Exemption, pursuant to CEQA Guidelines (Cal. Code of Regs., Title 14, § 15304 [minor alterations to land]; see also Pub. Resources Code, § 21084)). The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The preceding coastal development permit findings discuss the relevant coastal resource issues with the proposal, and the permit conditions identify appropriate modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above, which are incorporated herein in their entirety by reference.

The Commission finds that as conditioned by this permit, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects that approval of the Project, as conditioned, would have on the environment within the meaning of CEQA. As so, the Project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

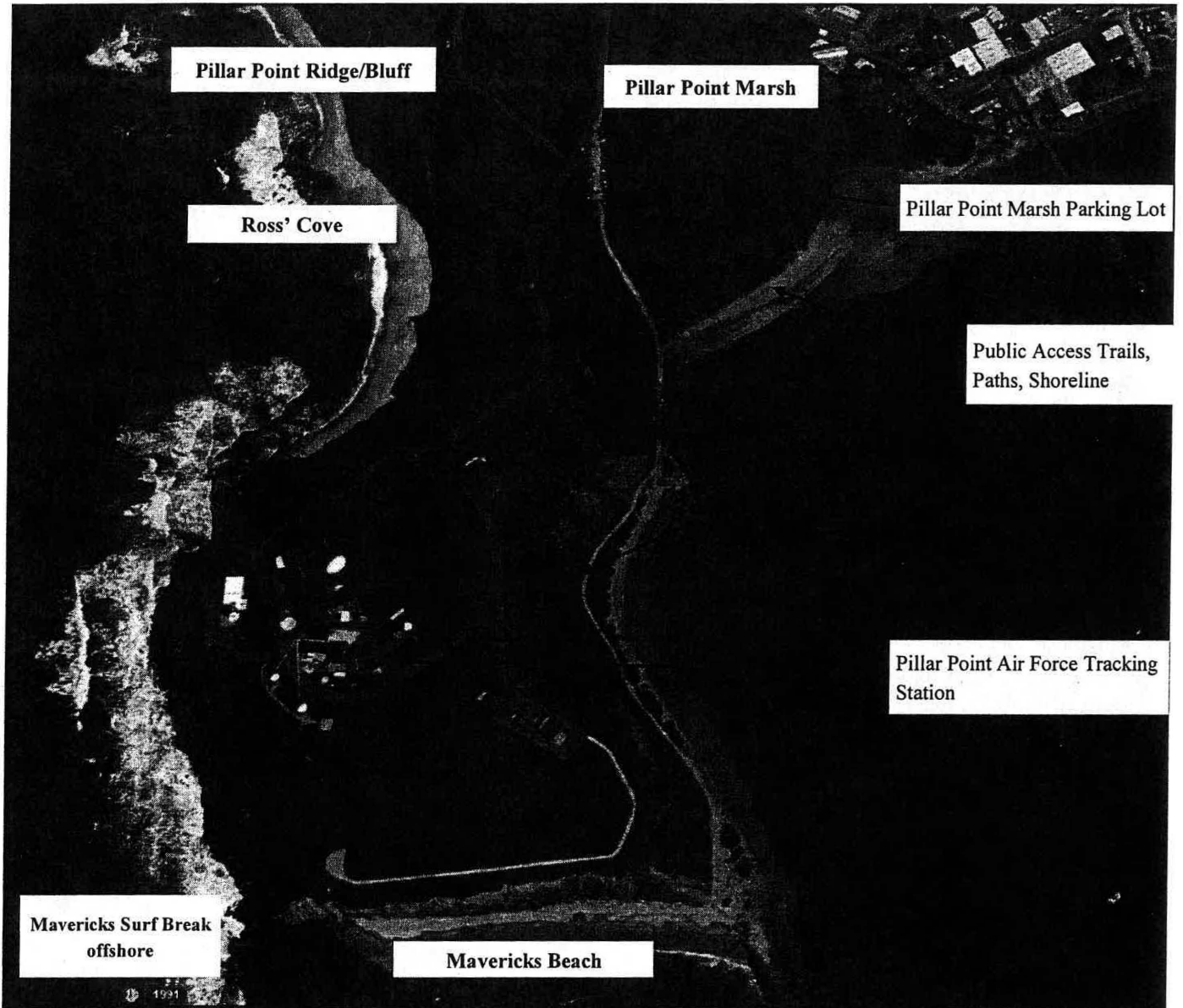
2-15-1458 (Cartel Management Mavericks Surf Contest)

**APPENDIX A – SUBSTANTIVE FILE DOCUMENTS**

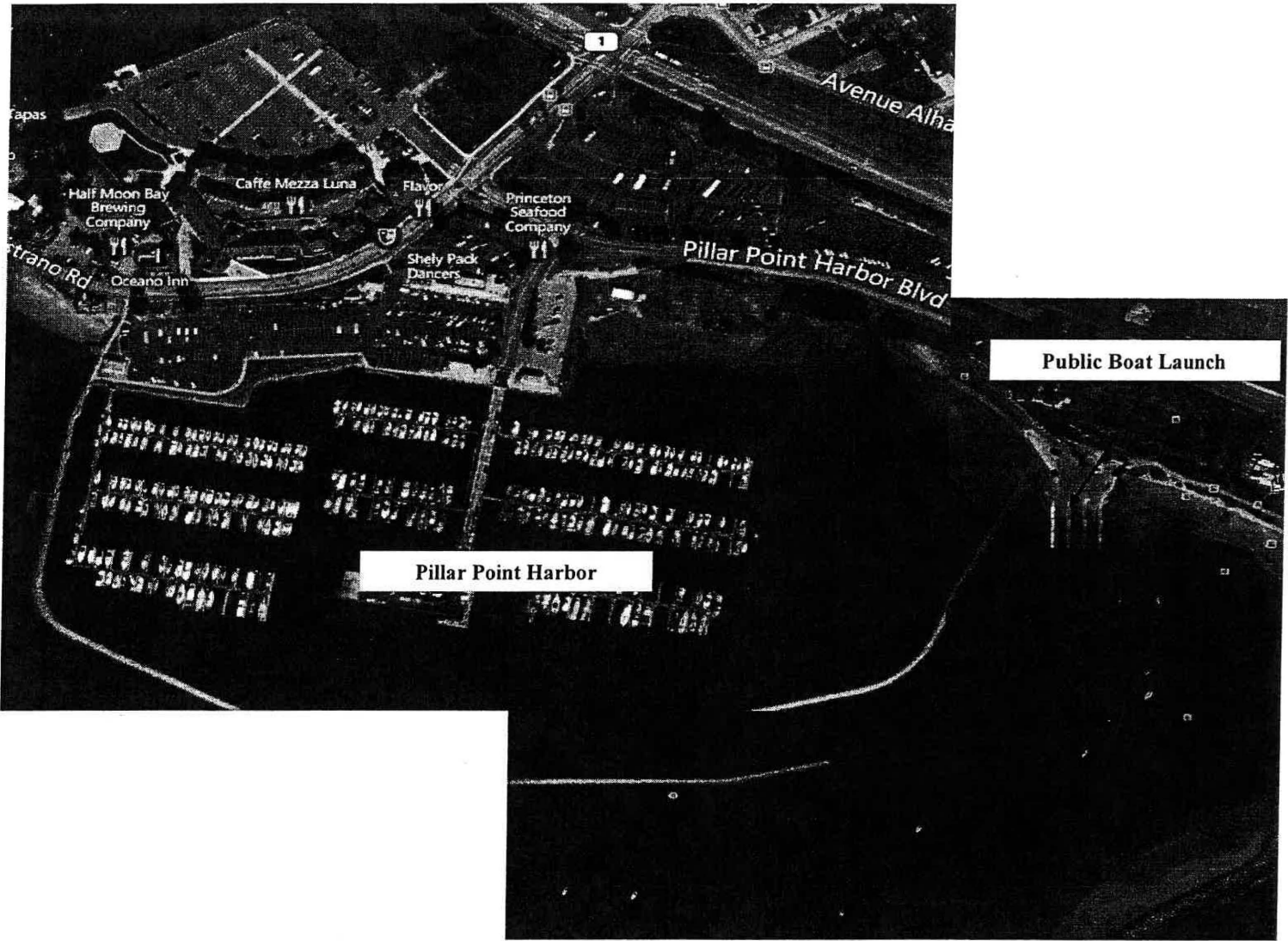
1. Fitzgerald Marine Reserve Master Plan, Part two: Environmental Setting. Prepared by Sheila Brady/LSA, May 2002



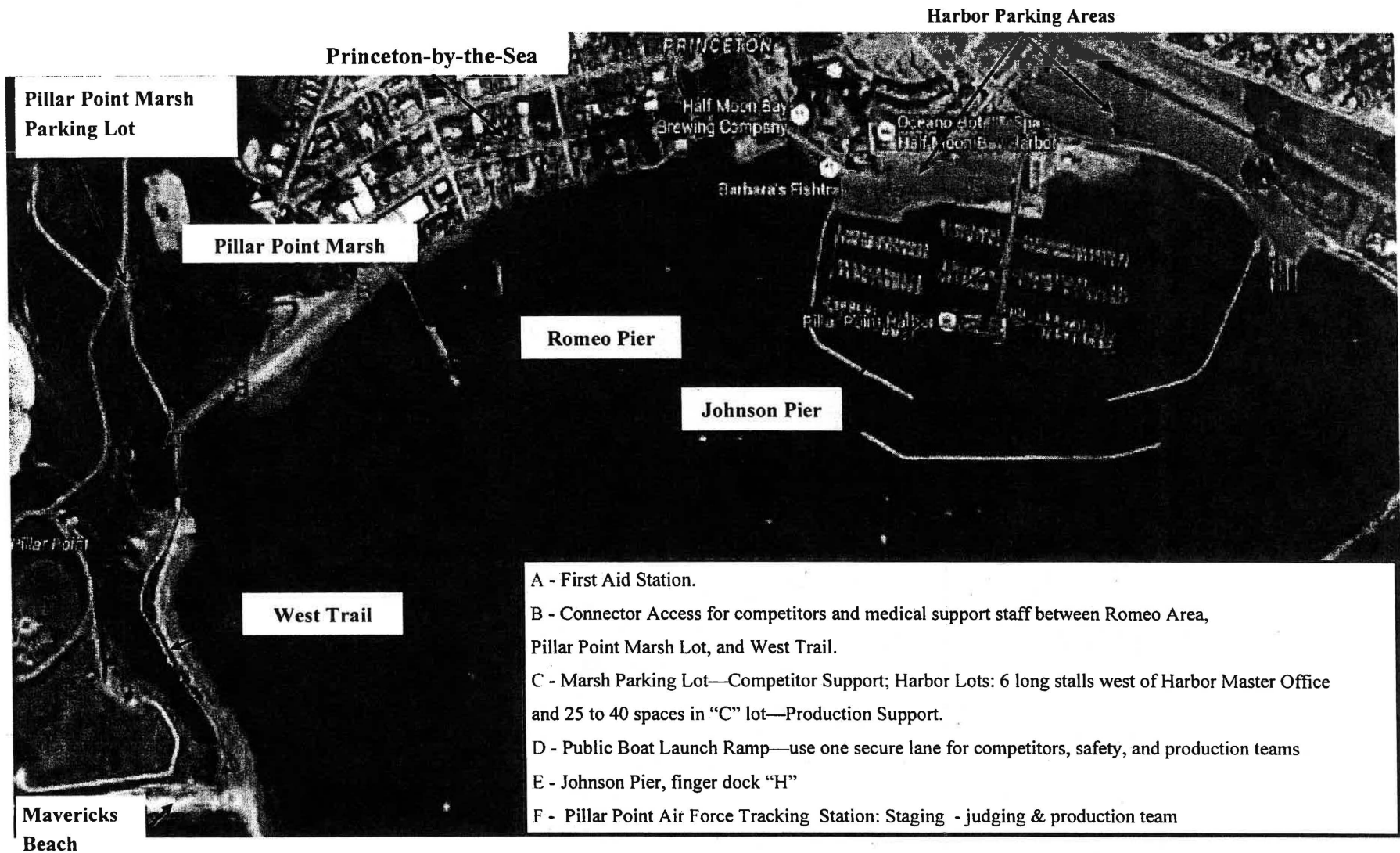
**Regional Map**



**Aerial Photo Pillar Point Vicinity**



**Aerial Photo Vicinity Pillar Point Harbor**



**SITE PLAN**



**San Mateo County Harbor District**  
Physical: 504 Avenue Alhambra, El Granada, CA 94018  
Mailing: PO Box 1449, El Granada, CA 94018  
Phone Number: (650)583-4400/ Fax Number (650)583-4611

**Special Use Permit**

Permit Number: 2015-34

**1. Special Use Permittee**

- |      |                        |   |
|------|------------------------|---|
| 1.1. | Name of Permittee:     | Cartel Management, Inc.                   |
| 1.2. | Contact Person:        | Zoe Lee Ahn (Cartel)                      |
| 1.3. | Address of Permittees: | 25 Johnson Pier, HMB, CA 94019            |
| 1.4. | Phone Number:          | Day: (510) 305-6262/ Cell: (310) 480-2577 |

**2. Special Use Permit Description**

- 2.1. This Special Use Permit is issued only for the purpose of using any portion of the Pillar Point/Mavericks beach controlled by the San Mateo County Harbor District ("District") and/or other District facilities as approved by the General Manager (collectively referred to as "Property") or designate during a Surfing Event at Mavericks surf break (the "Event").
- 2.2. The Event will be a paddle-in event and will take place on one day. The exact date will be determined by Permittee but must be between November 1, 2015 and March 31, 2016 as set forth more fully in Section 4.10.

**3. Special Use Permit Fee**

- 3.1 Payment by Permittee of the Application Fee of Five thousand dollars (\$5,000), which the District acknowledges was made on May 6, 2015. Payment of a Permit Fee of Eleven thousand six hundred dollars (\$11,600.00), which the District acknowledges has already been paid and deposited pursuant to a permit granted for a similar event in the 2014/2015 season (the 2014/15 Permit), although that event was ultimately cancelled. The parties agree to the following with regard to the Permit Fee already submitted by the Permittee.

3.1.1 The Permit Fee is intended to cover the District's Costs, defined as the sum of the following: (a) the District's reasonable costs pertaining to the administration of this Permit and the Permittee's use of the Property under this Permit, and (b) the District's reasonable costs pertaining to the administration of the 2014/15 Permit and Permittee's use of the Property pursuant to the 2014/15 Permit.

3.1.2 District Costs are those actual administrative costs that the District would not incur but for the Permittee's activities in association with planning for and holding the Event (both under this Permit and the 2014/15 Permit). For avoidance of doubt, District Costs do not include any costs associated with the processing or granting of either this Permit or the 2014/2015 Permit - such costs are covered by the Application Fee - and do not include any legal costs incurred prior to the effective date of this Permit.

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**Exhibit 3**  
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3.1.3 To the extent the District Costs are in excess of \$11,600.00, the District shall provide to the Permittee an invoice setting forth the costs incurred and the Permittee agrees to pay any undisputed invoice thirty days from the date of the invoice.

3.1.4 To the Extent the District Costs are less than \$11,600, the District shall reimburse Permittee any remaining amount within 60 days of the Event.

3.1.5 Along with any invoice submitted in accordance with Section 3.1.3, or along with any reimbursement submitted in accordance with Section 3.1.4, the District will provide Permittee an accounting of District Costs. Permittee will notify District within 15 days of receipt of any invoice if it disputes such accounting. In such an event, the parties agree mutually to use best efforts to try and resolve any dispute.

3.2 Payments of undisputed amounts not paid by the due date shall bear interest at 10.00% per annum until paid.

3.3 Permittee shall be charged \$30.00 for each check that is returned to the District for lack of sufficient funds.

#### 4. Terms and Conditions

4.1 Operating Hours: This Permit is in force on the day of the Event from approximately 5 a.m. to approximately 11 p.m.

4.2 Permittee shall provide on-water safety arrangements during the Event that meet all District requirements and any other requirements imposed on Permittee by other regulatory agencies.

4.3 Public safety for the non-participating public during the Event is of paramount importance. Both Permittee and the District are committed to conducting the Event in a manner that allows for the public to view the Event safely. At the District's direction, Permittee shall prohibit public access (a) to the District's marsh parking lot, (b) to the trail connecting the District's marsh parking lot to the Maverick's beach and (c) to the Maverick's beach, and use of these areas may be limited to use by law enforcement and public safety personnel and equipment.

4.4 Permittee's access (a) to the District's marsh parking lot, and (b) to the trail connecting the District's marsh parking lot to the Maverick's beach shall be limited to access required to comply with the terms of Section 4.3 above, or as may otherwise be permitted in writing by the District's Harbormaster, or for emergency use by Permittee staff with prior notice to District staff.

4.5 Permittee shall not provide for or use the Property for Event vehicles parking, except as required to comply with the terms of Section 4.3 above, or as may otherwise be permitted in writing by the District's Harbormaster.

4.6 Permittee must use reasonable care and may not unreasonably increase the burden on the Property. Permittee shall ensure the immediate area of the Event and all of the Property are kept free of debris, trash, etc., and shall return the Property to its original condition following completion of the Event.

- 4.7 Permittee shall provide an adequate number of portable toilets as determined by the General Manager in consultation with the Harbor Master.
- 4.8 Solicitation of Business and Advertising
- 4.8.1 On-site advertising, including informational and directional signs is allowed in the form prescribed at the discretion of the General Manager in consultation with the Harbor Master. Permittee shall obtain prior approval of the General Manager before placing any advertising or signs on the Property. Other than as set forth above, Permittee shall not alter, modify, remove any portion of, or affix any item to any structure on the Property at any time during the term of this Permit, except as specifically authorized by the District's General Manager or Harbor Master.
- 4.8.2 Companies other than those authorized by Permittee are not permitted to advertise on District property and any such advertising must comply with section 4.8.1.
- 4.9 Permittee shall be required to obtain and/or comply with the following:
- 4.9.1 Permittee shall provide the District with a copy of the Seller's Permit issued from the California State Board of Equalization, which entitles the Permittee to sell products and any other licenses, which may be required by other agencies. Licenses shall be maintained in accordance with law and Permittee must be able to produce licenses when requested to do so by a representative of the District.
- 4.9.2 The District will not grant a Commercial Activity Permit to other vendors for use of the Property for commercial purposes during the Event without prior authorization of the Permittee. The District will grant any such Commercial Activity Permit at its sole discretion, to be exercised in accordance with its policies.
- 4.9.3 A Certificate of Insurance for the Permittee's activities related to the Event described in Section 2.1 attesting to liability coverage consisting of a Comprehensive General Liability policy with a Broad Form Endorsement that provides coverage for bodily injury and property damage in the amount of \$1,000,000.00 per occurrence and \$2,000,000.00 per aggregate and a \$5,000,000.00 Umbrella and naming the San Mateo County Harbor District as an Additional Insured. The Certificate of Insurance shall provide evidence that the insurance includes the following endorsements: Additional Insured, Primary and Non-Contributory wording; and Waiver of Subrogation in favor of the District. It is understood that as provided for in Section 4.12 below, Permittee shall defend, indemnify, and hold harmless San Mateo County Harbor District. This certificate shall be maintained in full force and effect during the term of the permit. The Permittee will provide the District a Certificate of Insurance no later than November 1, 2015.
- 4.9.4 Permittee shall obtain and comply with all permits and other approvals, licenses and certifications as required by other government agencies and departments. Permittee shall furnish satisfactory evidence of such compliance upon request of the District.

- 4.9.5 Permittee shall not sell or permit to be sold alcoholic beverages on the Property.
- 4.10 Term of Permit. This Permit is effective from November 1, 2015, and shall terminate on the earlier of 11:00 pm on the day of the Event, or on March 31, 2016. This Permit becomes immediately null and void should any of the conditions specified in Section 4 not be met, or should any required certificates expire or be revoked or suspended.
- 4.11 This Permit shall be the sole Permit issued for the purpose of using District facilities in connection with holding a Surfing Event at Mavericks surf break during the term of this Permit.
- 4.12 This Permit is for Permittee's exclusive use and is not assignable without the prior consent of the District, which consent shall not be unreasonably withheld
- 4.13 Permittee, as a material part of the consideration to be rendered to the District under this Permit, waives all claims against the District for damages to all personal property in, on or about the District's facilities, and for injuries to persons in or about the District's facilities from any cause arising at any time. Permittee hereby agrees to defend, indemnify, and save harmless the District, its governing board, commissions, officers, employees and agents, from and against any and all claims, suits, actions liability, loss, damage, expense, cost (including, without limitation, costs and fees of litigation) of every nature, kind or description, which may be brought against, or suffered or sustained by, the District, its governing board, commissions, officers, employees or agents arising or resulting from the use of the Property by Permittee, its agents, employees, contractors, subcontractors or invitees or Permittee's breach of this Permit. The duty of the Permittee to indemnify and save harmless, as set forth herein, shall include the duty to defend as set forth in Section 2778 of the California Civil Code. It is the express intent of the parties that Permittee will indemnify and hold harmless the District from any and all claims, suits or actions arising from any cause whatsoever as set forth above, other than the sole negligence, willful misconduct or criminal acts of the District. Producer waives any and all rights to any type of express or implied indemnity against the JPB arising out of Permittee's use of or activities on the Property. This indemnity shall survive expiration or termination of this Permit.
- 4.14 Should either party to this agreement bring any legal action, dispute, or proceeding arising out of or relating to this permit, the parties shall meet in mediation and attempt to reach a resolution with the assistance of a mutually acceptable mediator. Neither party shall be permitted to file legal action without first meeting in mediation and making a good faith attempt to reach a mediated resolution. The costs of the mediator, if any, shall be paid equally by the parties. If a mediated settlement is reached neither party shall be deemed the prevailing party for purposes of settlement and each party shall bear its own legal fees and costs.
- 4.15 The laws of the State of California shall govern this agreement and any suit or action initiated by either party shall be brought in the County of San Mateo, California. In the event of litigation between the parties hereto to enforce any provision of the agreement, the unsuccessful party will pay the reasonable attorney's fees, court costs, discovery costs and expenses of litigation of the successful party.
- 4.16 Permittee shall pay a fee pursuant to Section 1719 of the Civil Code for the State of California for each check that is returned to the District for lack of sufficient funds.

4.17 Any person, firm or corporation Permittee authorizes to work upon or enter upon the Property, including any contractor(s) and subcontractor(s), shall be deemed to be Producer's agent and shall be subject to all the applicable terms of this Permit.

**5.0 Revocation or Suspension of Permit**

This Permit is effective from **November 1, 2015**, and shall terminate on **March 31, 2016**. This Permit becomes immediately null and void should any of the conditions specified in Section 4 above not be met, or should any required certificates expire or be revoked or suspended.

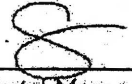
This Permit may be revoked or suspended by the San Mateo County Harbor District at any time and without notice by the District for violation of any Terms or Conditions of the Permit, or for violation of the Ordinances of the District.

**PERMITTEE:**

**SAN MATEO COUNTY  
HARBOR DISTRICT**

Zoe Lee Ahn

Print Name

  
Cartel Management, Inc. - Signature

6/29/15

Date

Glenn Lazof

Print Name

  
SMCHD

6/30/2015

Date



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL OCEAN SERVICE

Greater Farallones National Marine Sanctuary  
991 Marine Drive  
San Francisco, CA 94129

October 13, 2015

Ms. Zoe Lee  
Cartel Management Inc.  
c/o Titans of Mavericks  
5870 Melrose Avenue  
Los Angeles, CA 90038

Dear Ms. Lee:

The National Oceanic and Atmospheric Administration, Office of National Marine Sanctuaries Program (ONMS) has approved the issuance of authorization number MBNMS-2015-034 to conduct certain authorized activities within Monterey Bay National Marine Sanctuary (sanctuary) that would otherwise be prohibited. Activities are to be conducted in accordance with the authorization application, received on May 17, 2015, and all supporting materials submitted to the sanctuary, and the terms and conditions of authorization number MBNMS-2015-034 (enclosed).

This permit is not valid until signed and returned to the ONMS. Retain one signed copy and carry it with you while conducting the permitted activities. Additional copies must be signed and returned, by either mail or email, to the following individuals within 30 days of issuance and before commencing any activity authorized by this permit:

Max Delaney  
Permit Coordinator  
Greater Farallones National Marine Sanctuary  
991 Marine Drive  
San Francisco, CA 94129  
[max.delaney@noaa.gov](mailto:max.delaney@noaa.gov)

National Permit Coordinator  
NOAA Office of National Marine Sanctuaries  
1305 East-West Highway (N/ORM6)  
SSMC4, 11<sup>th</sup> Floor  
Silver Spring, MD 20910  
[nmspermits@noaa.gov](mailto:nmspermits@noaa.gov)

Your permit contains specific terms, conditions and reporting requirements. Review them closely and fully comply with them while undertaking permitted activities. If you have any questions, please contact Max Delaney at (415) 970-5255 or via email at [max.delaney@noaa.gov](mailto:max.delaney@noaa.gov). Thank you for your continued cooperation with the ONMS.

Sincerely,

Maria Brown  
Superintendent

Enclosure

Exhibit  
2-15-1458



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UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL OCEAN SERVICE

Greater Farallones National Marine Sanctuary  
991 Marine Drive  
San Francisco, CA 94129

## MONTEREY BAY NATIONAL MARINE SANCTUARY AUTHORIZATION

**Permittee:**  
Ms. Zoe Lee  
Cartel Management Inc.  
c/o Titans of Mavericks  
5870 Melrose Avenue  
Los Angeles, CA 90038

**Permit Number:** MBNMS-2015-034  
**Effective Date:** November 1, 2015  
**Expiration Date:** March 31, 2016

AND

Mr. Griffin Guess  
Cartel Management Inc.  
c/o Titans of Mavericks  
5870 Melrose Avenue  
Los Angeles, CA 90038

**Project Title:** 2015-2016 Titans of Mavericks Surf Contest.

This authorization is issued for activities in accordance with the National Marine Sanctuaries Act (NMSA), 16 USC §1431 *et seq.*, and regulations thereunder (15 CFR Part 922). All activities must be conducted in accordance with those regulations and law. No activity prohibited in 15 CFR Part 922 is allowed except as specified in the activity description below.

Subject to the terms and conditions of this authorization, the National Oceanic and Atmospheric Administration (NOAA), Office of National Marine Sanctuaries (ONMS) hereby authorizes the authorization holder listed above to conduct the below listed activities within the Monterey Bay National Marine Sanctuary (MBNMS or sanctuary). All activities are to be conducted in accordance with this authorization and the authorization application received on May 17, 2015. The authorization application is incorporated into this authorization and made a part hereof; provided, however, that if there are any conflicts between the authorization application and the terms and conditions of this authorization, the terms and conditions of this authorization shall be controlling.

### Permitted Activity Description:

The following activities are authorized by this permit:

The authorization holder is hereby authorized to use a maximum of 15 Motorized Personal Watercraft (MPWC) during the Titans of Mavericks surf contest for the purpose of search and rescue, contestant transport, filming, and logistics.

Exhibit  
2-15-1458



The authorization holder is also hereby authorized to alter the seabed by temporarily installing a traditional anchor on the seafloor within the MBNMS, for a buoy to mark the competitor pickup location for the MPWC shuttle. The authorization holder is also authorized to alter the seabed by temporarily installing buoys and moorings (as described in the USCG MEP) to delineate the contest zone. All buoys and moorings shall be removed with 24 hours of the completion of the contest.

No further violation of sanctuary regulations is allowed.

**Permitted Activity Location:**

Within the Monterey Bay National Marine Sanctuary (MBNMS), at the Mavericks surf break, offshore Pillar Point, in Half Moon Bay.

**Authorized People:**

The following people are authorized to work under this permit:

Zoe Lee (Cartel Management)

Griffin Guess (Cartel Management)

The 15 authorized MPWC operators (see Special Conditions)

**Special Terms and Conditions:**

1. This authorization is valid only if the authorization holder submits to the ONMS a U.S. Coast Guard Marine Events Permit for the 2015-2016 Titans of Mavericks (surf contest) in advance of the surf contest that is valid for the day of the surf contest and only if all of the following Special Terms and Conditions are met. The permittee shall coordinate with Christina Ramirez (at [christina.l.ramirez@uscg.com](mailto:christina.l.ramirez@uscg.com) or 415-399-3585) for the USCG Marine Events Permit (MEP). A copy of the final USCG MEP should be submitted to the GFNMS Permit Coordinator, listed in General Condition 1 prior to the date the contest is held.
2. The authorization holder must notify Max Delaney at [Max.Delaney@noaa.gov](mailto:Max.Delaney@noaa.gov) and via cell phone at (650) 678-4943 immediately when the contest is announced. This authorization is only in effect for one day.
3. All MPWC operators associated with the surf contest and authorized under this permit shall be required to wear outerwear or attire that is highly visible and easily identifiable from a distance. Examples of such outerwear include vests, shirts, sleeve covers and helmets or helmet covers in a color such as bright fluorescent blue, pink, or lime green (yellow or orange is **not** acceptable). The final color and design for the outerwear shall be approved by the sanctuary Superintendent in advance of the contest. Each of the 15 MPWC riders authorized by this permit shall wear this approved outerwear at all times while operating MPWC in the waters of the MBNMS during the contest day.
4. Fifteen (15) laminated and numbered "authorized MPWC operator identification cards" will be provided by ONMS staff to the authorization holder prior to the day of the surf contest. These permit cards shall be carried by the operators of each of the fifteen MPWC authorized under this



permit at all times when operating MPWC in the waters of the MBNMS while this permit is valid.

5. The permittee shall arrange a pre-contest briefing with the GFNMS permit coordinator to ensure that all MPWC operators are educated about the conditions of this permit prior to the day of the contest (including wearing outerwear at all times outside lifejackets, attaching placards to each of the 15 skis, and areas to avoid while transiting to and from the contest zone.

6. In order to avoid disturbing harbor seals, rafting seabirds, and other marine resources that may be using the nearshore environment (especially between Sail Rock and Pillar Point Harbor), the 15 MPWC riders authorized under this permit shall avoid operating in the nearshore environment during the contest day and shall remain within the permitted contest zone (shown in green on the map) except when they are conducting actual search and rescue operations around the surf break (see attached map entitled "NOAA 2015-2016 Mavericks MPWC Permit Map").

All MPWC riders transiting to and from the permitted contest zone shall also comply with this condition by traveling outside of the circular zone where vessel traffic is restricted by the USCG until they reach the established year-round access channel (again, see attached map entitled "NOAA 2015-2016 Mavericks MPWC Permit Map"). This circular restricted area (shown in gray on the map) is bounded by an arc extending approximately 1000 yards from Sail Rock (37°29'34" N, 122°30'02" W) excluding the waters within Pillar Point Harbor.

7. With the exception of actual search and rescue operations, MPWC may not be used north of Pillar Point (37.49600 N) or south of the bell buoy (identified as G"3") at 37.48154 N, 122.48156 W. MPWC may not be used east of Sail Rock except for actual search and rescue operations and contestant transport from the corner of the breakwater to the contest line-up location. The western boundary of the authorized MPWC use area is 122.51667 W (see attached "NOAA 2015-2016 Mavericks MPWC Permit Map").

8. This authorization does not allow disturbance of marine mammals or seabirds protected under provisions of the Endangered Species Act, Marine Mammal Protection Act, or Migratory Bird Treaty Act. Authorization for incidental or direct harassment of species protected by these acts must be secured from the U.S. Fish and Wildlife Service and/or NOAA Fisheries, depending upon the species affected.

9. Any aircraft commissioned by the authorization holder (e.g. filming or contest observation) must remain greater than 1,000 feet above sea level when flying over the Fitzgerald Marine Reserve (immediately north of the contest area).

10. The authorization holder is responsible for providing the MBNMS human use and wildlife monitoring data collected on the day of the contest by qualified wildlife monitors (to be approved by the Sanctuary Superintendent). Monitoring information shall be collected a minimum of 30 minutes prior to the surf contest start and 1 hour after the contest end time. The following information is to be recorded at 30-minute intervals:

- a. Number of people
- b. Number of dogs

- c. Number of boats (specify numbers of MPWC, non-motorized vessels, other);
- d. Number of aircraft (helicopters, airplanes, other)
- e. Number of birds (specify numbers of cormorants, pelicans, shorebirds, other seabirds)
- f. Number of marine mammals (specify numbers of harbor seals, whales, sea otters, sea lions, other pinnipeds, other cetaceans)

In addition to tracking the above information, the wildlife monitors shall look for, report, and document any incidents of wildlife disturbance by humans (including marine mammals, cetaceans, and/or birds). If an incident is observed, the monitors should note the following: the human activity that caused the disturbance, type and number of affected animals, approximate distance between animal(s) and human activity causing the disturbance, and any identifying features of vessel and or person(s) causing disturbance (e.g. vessel CF number, vessel color, aircraft tail number, general vessel/person description). Reports shall be made immediately to the ONMS on site coordinator, Max Delaney at (650) 678-4943. The permittee should ensure that each of the wildlife observers has the ONMS on-site coordinators cell phone number prior to the day of the event. The above information should be conducted for the following locations: Ross Cove beach, and offshore waters indicated by areas A, B, F, and G in attached monitoring location map (see attached "Mavericks 2015-2016 Monitoring Map"). Wildlife monitors shall also look for, and document any MPWC operating outside of permitted activities described in Special Conditions 5, 6, 7, and 8.

11. No used equipment such as used batteries, plastic, hydrocarbons, or any other components or materials may be discarded in the sanctuary at any time. In the event that any equipment is damaged or lost due to any cause, the authorization holder shall immediately locate and remove that equipment. The authorization holder may be required to pay any or all expenses associated with the locating of and/or removal by NOAA or its designee of any equipment that is not recovered by the authorization holder.

12. The authorization holder shall complete removal of any debris associated with the contest from affected sanctuary beaches by sunset on the day after the surf contest.

13. Access to Mavericks Beach by spectators will not be allowed during the day of the surf contest, and this authorization is conditioned on the premise that beach access will be closed. If public safety officials are not successful in preventing access to the beach during the contest, then the authorization holder shall be responsible for ensuring that access to the exposed reef and tidepools is closed should the contest occur during periods where predicted tides are less than +0.7 feet.

14. When discussing or conducting outreach about the surf contest with the media or any other audience, the authorization holder shall provide any relevant information about MBNMS regulations regarding the use of MPWC in the sanctuary. A fact sheet (entitled "2015 NOAA MPWC Fact Sheet") is provided as an attachment to this permit.

15. Within 30 days following the surf contest, the authorization holder must submit a log of all activities conducted under this authorization to the individuals listed in General Condition 1. The log shall include:

- a. Wildlife observer monitoring information described in Special Condition 9.
- b. A summary of all post-contest clean-up and survey activities.
- c. A summary of any equipment failure, damage, or loss, discharges, environmental damage, or unforeseen events associated with the authorized activity.

16. The permittee shall contact the US Coast Guard (contact is Alfred Albert at (510) 437-2980 or [Alfred.K.Albert@uscg.mil](mailto:Alfred.K.Albert@uscg.mil)) to inform them about the marker buoy that will be installed at the MPWC competitor shuttle pickup location, and determine whether it is necessary to place a notice in the "Local Notice to Mariners" indicating the location of this buoy.

17. The permittee shall remove the marker buoy at the MPWC competitor shuttle pickup location, the buoys delineating the contest zone by the surf break, and all associated equipment within 24 hours of the end of the contest.

18. No activity authorized by this permit shall disturb or impact any historical or marine archaeological resources of the sanctuary. If historical or marine archaeological resources are encountered at any time, the authorization holder shall cease all further activities under this permit and immediately contact Maria Brown, the Greater Farallones National Marine Sanctuary Superintendent, at 561-6622 ext. 301.

19. This activity may also require permission from other agencies. Failure to obtain all other necessary permits and/or authorizations makes ONMS authorization MBNMS-2015-034 null and void.

**General Terms and Conditions:**

1. Within 30 (thirty) days of the date of issuance, the permittee must sign and date this permit for it to be considered valid. Once signed, the permittee must send copies, via mail or email, to the following individuals:

Max Delaney  
Permit Coordinator  
Greater Farallones National Marine Sanctuary  
991 Marine Drive  
San Francisco, CA 94129  
[max.delaney@noaa.gov](mailto:max.delaney@noaa.gov)


National Permit Coordinator  
NOAA Office of National Marine Sanctuaries  
1305 East-West Highway (N/ORM6)  
SSMC4, 11<sup>th</sup> Floor  
Silver Spring, MD 20910  
[nmspermits@noaa.gov](mailto:nmspermits@noaa.gov)

2. It is a violation of this permit to conduct any activity authorized by this permit prior to the ONMS having received a copy signed by the permittee.
3. This permit may only be amended by the ONMS. The permittee may not change or amend any part of this permit at any time. The terms of the permit must be accepted in full, without revision; otherwise, the permittee must return the permit to the sanctuary office unsigned with a written explanation for its rejection. Amendments to this permit must be requested in the same manner the original request was made.


4. All persons participating in the permitted activity must be under the supervision of the permittee, and the permittee is responsible for any violation of this permit, the NMSA, and sanctuary regulations for activities conducted under, or in junction with, this permit. The permittee must assure that all persons performing activities under this permit are fully aware of the conditions herein.
5. This permit is non-transferable and must be carried by the permittee at all times while engaging in any activity authorized by this permit.
6. This permit may be suspended, revoked, or modified for violation of the terms and conditions of this permit, the regulations at 15 CFR Part 922, the NMSA, or for other good cause. Such action will be communicated in writing to the applicant or permittee, and will set forth the reason(s) for the action taken.
7. This permit may be suspended, revoked or modified if requirements from previous ONMS permits or authorizations issued to the permittee are not fulfilled by their due date.
8. Permit applications for any future activities in the sanctuary or any other sanctuary in the system by the permittee might not be considered until all requirements from this permit are fulfilled.
9. This permit does not authorize the conduct of any activity prohibited by 15 CFR § 922, other than those specifically described in the "Permitted Activity Description" section of this permit. If the permittee or any person acting under the permittee's supervision conducts, or causes to be conducted, any activity in the sanctuary not in accordance with the terms and conditions set forth in this permit, or who otherwise violates such terms and conditions, the permittee may be subject to civil penalties, forfeiture, costs, and all other remedies under the NMSA and its implementing regulations at 15 CFR Part 922.
10. Any publications and/or reports resulting from activities conducted under the authority of this permit must include the notation that the activity was conducted under National Marine Sanctuary Permit MBNMS-2015-034 and be sent to the ONMS officials listed in general condition number 1.
11. This permit does not relieve the permittee of responsibility to comply with all other federal, state and local laws and regulations, and this permit is not valid until all other necessary permits, authorizations, and approvals are obtained. Particularly, this permit does not allow disturbance of marine mammals or seabirds protected under provisions of the Endangered Species Act, Marine Mammal Protection Act, or Migratory Bird Treaty Act. Authorization for incidental or direct harassment of species protected by these acts must be secured from the U.S. Fish and Wildlife Service and/or NOAA Fisheries, depending upon the species affected.
12. The permittee shall indemnify and hold harmless the Office of National Marine Sanctuaries, NOAA, the Department of Commerce and the United States for and against any claims arising from the conduct of any permitted activities.

13. Any question of interpretation of any term or condition of this permit will be resolved by NOAA.


Your signature below, as permittee, indicates that you accept and agree to comply with all terms and conditions of this permit. This permit becomes valid when you, the permittee, countersign and date below. Please note that the expiration date on this permit is already set and will not be extended by a delay in your signing.

  
Ms. Zoe Lee  
Cartel Management, Inc.

October 15/2015  
Date

**DocuSigned by:**  
  
20451C5A209B4BE...  
10/15/2015  
Date

Mr. Griffin Guess  
Cartel Management, Inc.

  
Maria Brown  
Superintendent  
Greater Farallones National Marine Sanctuary

October 13, 2015  
Date

3 documents are attached:

- (1) NOAA 2015-2016 Mavericks MPWC Permit Map
- (2) Mavericks 2015-2016 Monitoring Map
- (3) 2015 NOAA MPWC Fact Sheet

2015-2016 Titans of  
Mavericks Surf Contest

Required Wildlife Observer  
Monitoring Locations

*Permit No. MBNMS-2015-034*

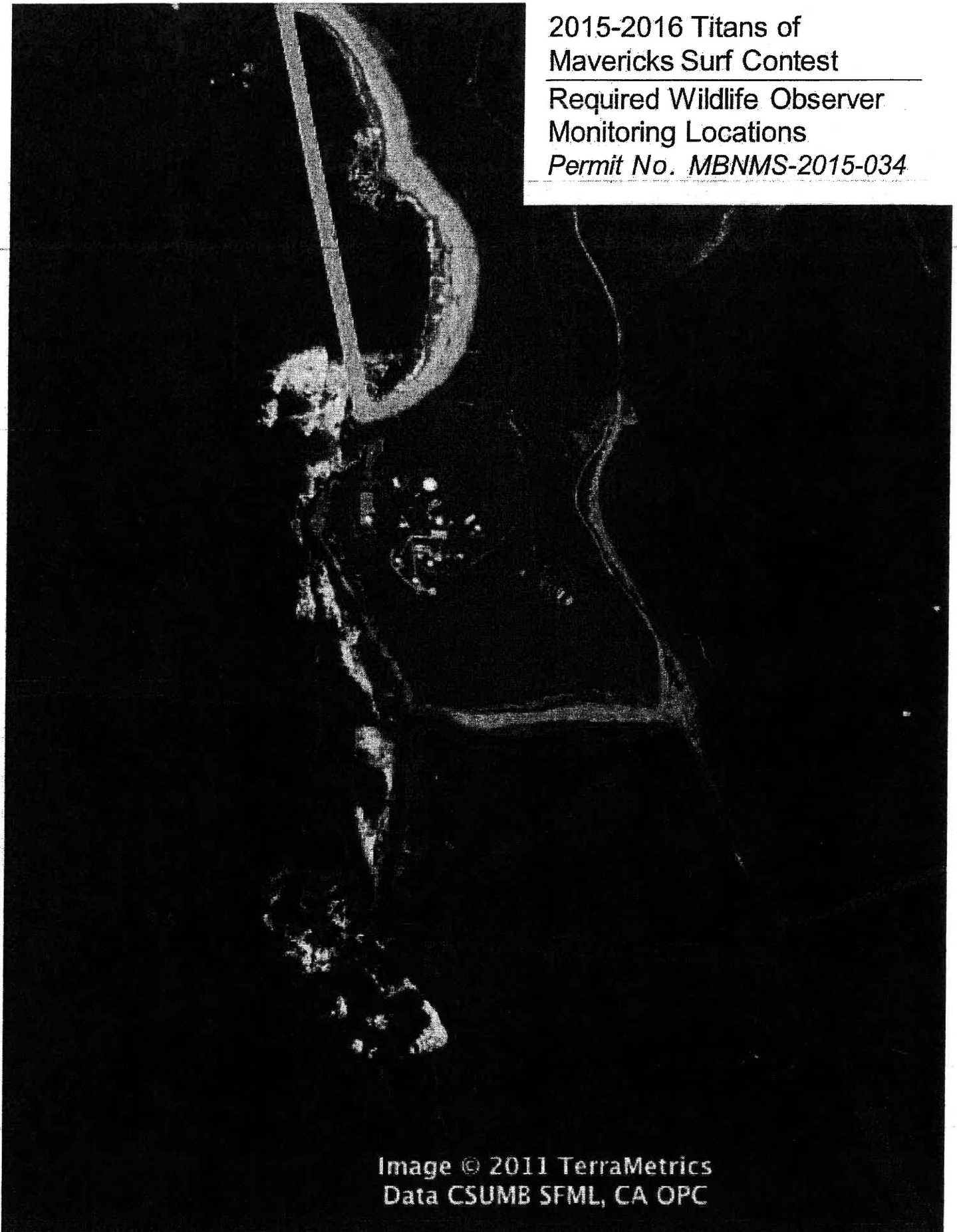






Image © 2011 TerraMetrics  
Data CSUMB SFML, CA OPC

**Titans of Mavericks**  
**2015-2016 Surf Contest**  
**Motorized Personal Water Craft**  
**Operating Area**  
**Permit MBNMS-2015-034**

-  Operation Area by Permit ONLY
-  MPWC Zones
-  Seasonal Access Route
-  James V. Fitzgerald Marine Reserve

\*Zone 5 is accessible December-February only during high surf warnings (not advisories) issued by the National Weather Service for San Mateo County.  
 See [www.weather.gov](http://www.weather.gov)

**Titans of Mavericks**  
 2015-2016  
 Surf Contest  
 Operation Area  
 By Permit ONLY  
 See MBNMS-2015-034  
 for special conditions  
**G "1"**  
**FIG 2.5s GONG**

**ZONE 5**  
 Limited seasonal access\*

**USCG REGULATORY ZONE**

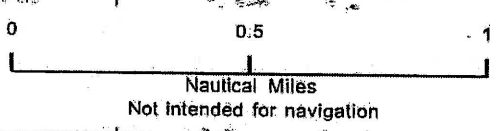
**ACCESS ROUTE**

**ZONE 1**  
 Year-round access

Access route is designed to help boaters avoid sensitive wildlife areas, submerged rock hazards and entanglement in kelp beds.

**G "3"**  
**FIG 4s BELL**

EXHIBIT 13  
 2.15.1.509  
 15 OF 17

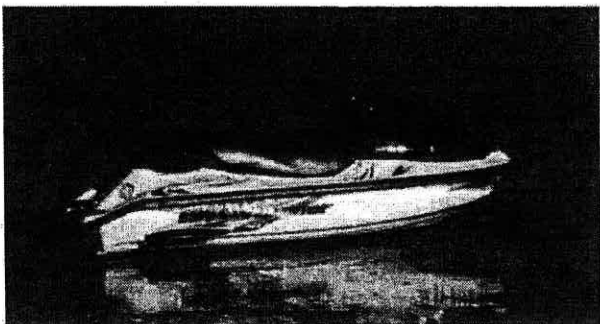


122°31'W      122°30'W      122°29'W      122°28'W

Tim Reed, SIMoN/GFNMS, 110113

37°30'N  
 37°29'N

# Monterey Bay National Marine Sanctuary Regulations For Motorized Personal Watercraft (MPWC) (i. Jet-skis→ etc.)



## MPWC Definition 15CFR922.131:

The term **Motorized Personal Watercraft (MPWC)** has been clarified and updated to include all modern jet-ski type and similar craft

*"Motorized personal watercraft (MPWC) means:*

*Any vessel, propelled by machinery, that is designed to be operated by standing, sitting, or kneeling on, astride, or behind the vessel, in contrast to the conventional manner, where the operator stands or sits inside the vessel;*

*Any vessel less than 20 feet in length overall as manufactured and propelled by machinery and that has been exempted from compliance with the U.S. Coast Guard's Maximum Capacities Marking for Load Capacity regulation found at 33 CFR Parts*

*181 and 183, except submarines; or*

*Any other vessel that is less than 20 feet in length overall as manufactured, and is propelled by a water jet pump or drive."*

**NOTE:** These federal regulations apply throughout Monterey Bay National Marine Sanctuary (MBNMS) in effect as of March 9, 2009

## MPWC Zone 5 15CFR922.132(a)(7):

NOAA has created a zone for seasonal, conditional MPWC use at Mavericks

Zone Five (at Mavericks) exists only when a National Weather Service-issued High Surf Warning is in effect for San Mateo County and only during December, January, and February.

### High Surf Warning (HSW) – National Weather Service

High Surf Warnings are NOT High Surf Advisories. High Surf Warnings predict the most severe surf conditions.

NOAA Weather Radio announcements for a HSW cycle about every 15 minutes and include a tone alert

HSWs are posted on the Internet 24/7 at: <http://www.weather.gov>

**See Zone 5 map on reverse**

For questions on MPWC use in San Mateo County contact:

**Greater Farallones National Marine Sanctuary** at [Farallones@noaa.gov](mailto:Farallones@noaa.gov) or 415-561-6622

For questions on MPWC use throughout **Monterey Bay National Marine Sanctuary** see: <http://montereybay.noaa.gov> or contact 831-647-4201

**Among the common types of MPWC are: Jet-skis→ (any passenger capacity), jet bikes, hovercraft, air boats, race boats; some remotely operated craft are also included.**





## STAFF REPORT

TO: San Mateo County Harbor District Commissioners

VIA: Glenn Lazof, Interim General Manager

FROM: Marcia Schnapp, Interim Administrative Resources Manager

DATE: November 4, 2015

SUBJECT: Finance and Administrative Services - General Report to Board

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### Finance Committee

Staff is looking into the cost of documenting, doing inventory and having district documents scanned in order to increase public access to documents that are public records documents.

### Finance

Finance continues to experience a shortage due to the extended leave of one of its permanent staff. Ahead of the start of the new General Manager, Finance department is continuing to work on the day-to-day tasks of the harbor accounting operations, accounts payable, accounts receivable and payroll.

Tasks pending completion:

Document scanning project

Year End Close/Audit

General Ledger Account Re-Mapping Project and GL re-design

Implementation for public vs. enterprise accounting of revenues and expenses;

OpenGov upload (requires a new GL (general ledger) that they can upload);

Preparation for December 2015 \$1.4MM loan payment to DBW;

DBW Loan Reconciliation;

DBW Refinance;

### Staffing

The new General Manager has a tentative start date of Monday, November 9, 2015. Staff has been attempting to hold positions open as long as possible to enable the new General Manager to have input into any recruiting decisions.

Staff will continue to work with the Board to determine what additional projects they have requested staff to complete that can be prioritized, identifying those that are critical, and need completing on an urgent basis, versus those tasks that can wait for permanently hired staff to address (e.g., historical research, strategic planning, changes to policies, etc).

Open Positions:

**HR/Administrative Services Manager**

**Harbor Master**

**Director of Finance**

**Accounts Payable/Accounting Technician**

**Payroll (staff on long term disability leave)**

**Administrative Assistant/ Deputy Secretary to the Board**

**Deputy Harbormaster/Harbor Worker**

**Other Items**

Rates and Fees  
Lease Amendments  
District Policies

**RFPs**

**IT Support Services**

The RFP for IT Support Services was posted to the District's website the week of September 28, 2015, and is now available for viewing. The deadline for responding is November 3, 2015. Staff will be able to report response received at Board meeting.

**OPM Bait Shop Lease**

The Bait Shop Lease has been sent to DBW for review and approval. No word yet.

**OPM Security Services**

Staff has requested an extension of services to allow the new GM time to analyze the services provided and determine whether to continue to utilize the services, and if so, whether to continue as before or whether to change the service model in any way.

**Financial Advisory Firm RFP**

This RFP is due to be released once the IT RFP has closed.

**Bond/Tax Counsel Firm RFP**

Still pending; not started.

**Web Services**

Staff has been put on a waitlist for website design and implementation. The new GM has already had input into this item. Staff will await his direction before going further.

**Insurance**

Insurance RFP is scheduled to be released in January 2016.

# Memo

To: Board of Harbor Commissioners  
From: John Draper, Assistant Harbor Master  
CC: Glenn Lazof, Interim General Manager  
Date: November 4, 2015

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## Harbor Master Report

### Pillar Point Harbor

#### Construction Update & General Status Updates

- The Hoist Installation has started and should be done by October 30, 2015.
- AHM preparing bid for Fish Buyers building roof.
- AHM preparing bid for annual electrical inspection to be performed in winter for best load factor review.

#### PPH Miscellaneous

- Multi agency water rescue training (Coast Guard, Harbor Patrol, Cal Fire, State parks lifeguard, Mavericks water patrol)
- SAR (Search and Rescue) 3 cases, 3 medical cases
- Revenue status report for California Canoe and Kayak (see attached document)

#### Occupancy Overview (October)

#### PPH

- Total occupancy (inner harbor) – 100% (this includes slips, end ties and walk way)
- Berth occupancy ( inner Harbor) - 100% (369 slips out of 369 are occupied)
- Moorings (Outer Harbor) – 21% (8 out of 38 moorings occupied)

#### Calendar Reminder Items of District Events and Activities

- **October 27<sup>th</sup> -November 9<sup>th</sup>**, Lady Washington Returns to PPH
- **December 12<sup>th</sup>** PPH “Holiday Boat Lighting” Event
- **January 30<sup>th</sup> -February 6<sup>th</sup>** “Crab Week” at PPH Areas
- **(Spring Date TBD)** Blessing of the Fishing Fleet 2016

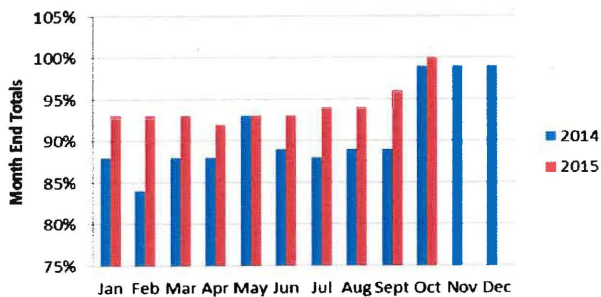
## **EMS-Clean Marina Activities-District Wide**

- PPH -Vessel Annual Inspections and new vessel inspections on going. Tenants contacted regarding proof of insurance and sea worthiness activities.
- Pump-Out Services: Mooring and long term transients are being contacted for the monthly service with Bay Green Marine Sanitation Services to further improve our harbor and marina water quality conditions. The additional pump outs will not exceed the current contract amount on an annual basis. This modest expense can be funded from the existing operating budget to support this modest increase in expense. This is a perfect example of taking the initiative to fulfill our mission. “To assure that the public is provided with clean, safe, well-managed, financially sound and environmentally pleasant marinas”.

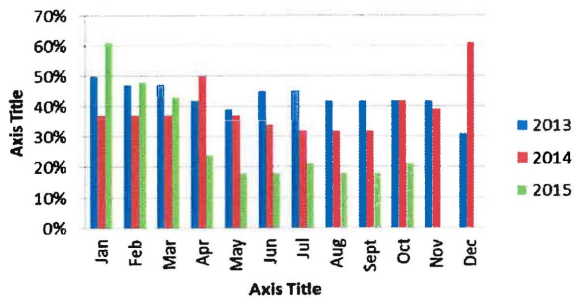
# Pillar Point Harbor Dashboard

## Monthly Marina Activity Report - October 2015

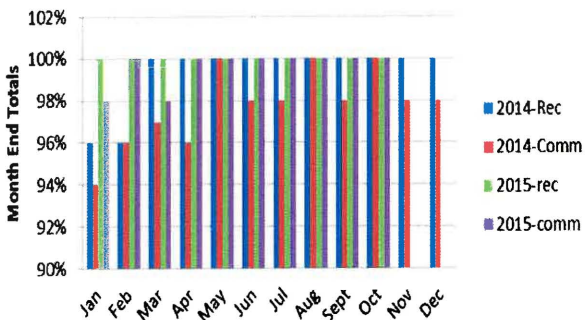
### Overall Occupancy 369 slips available (Oct 15 - 100% occupied)



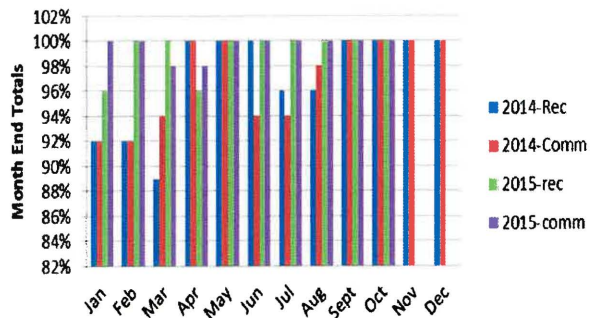
### Mooring Occupancy 38 Moorings Available (Oct 15 - 21% occupied)



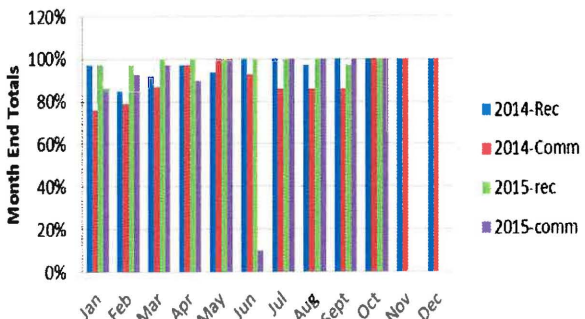
### 30 ft Slips (Total: 28 rec, 54 comm)



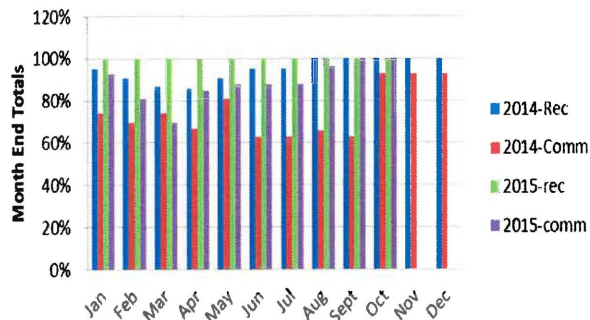
### 35 ft Slips (Total: 26 rec, 48 comm)



### 40 ft Slips (Total: 34 rec, 29 comm)

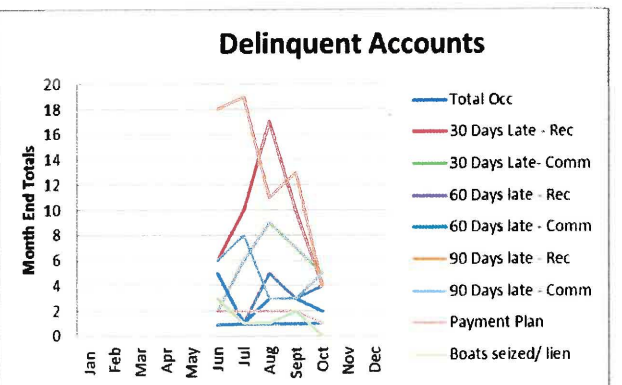
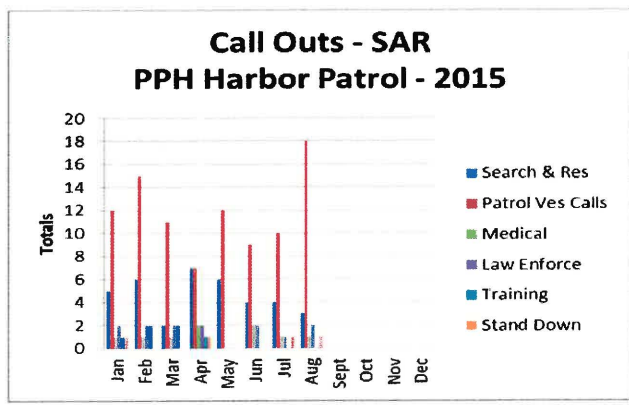
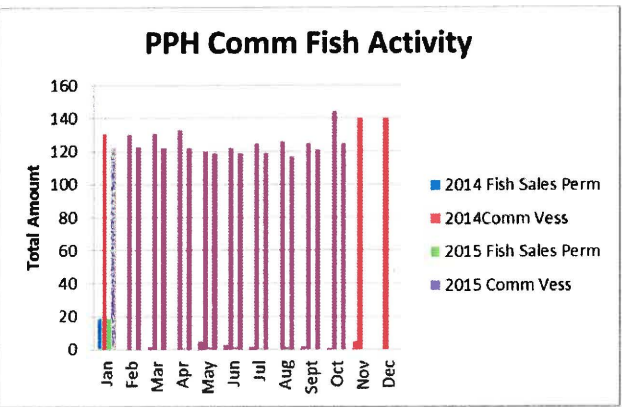
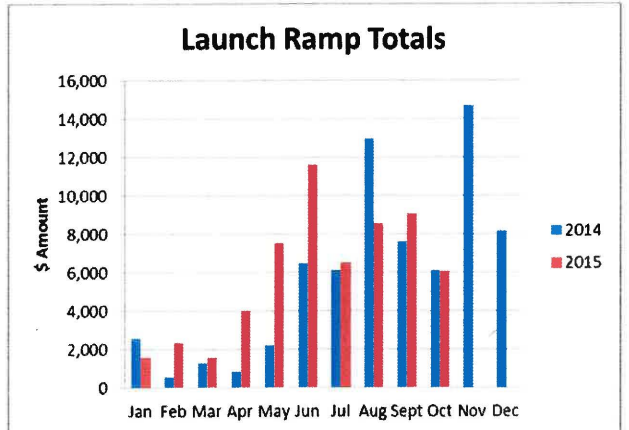
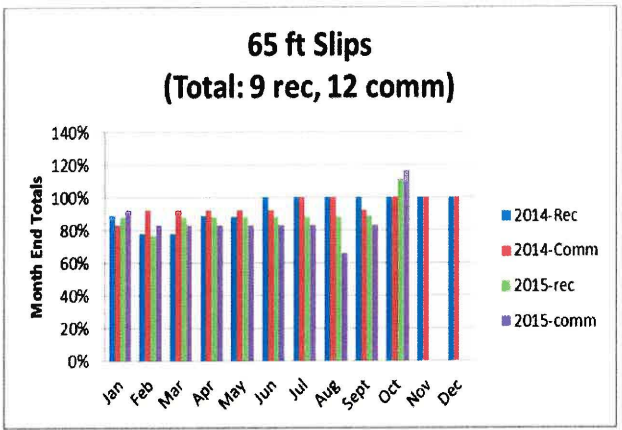
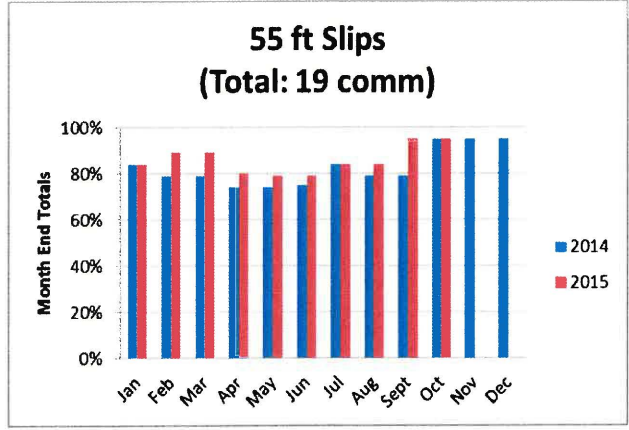
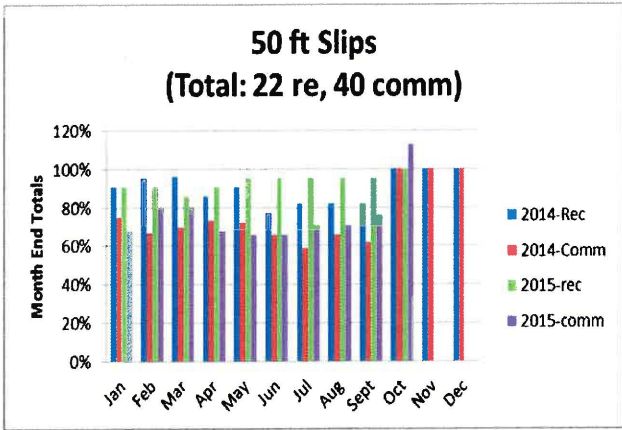


### 45 ft Slips (Total: 22 rec, 27 comm)



# Pillar Point Harbor Dashboard

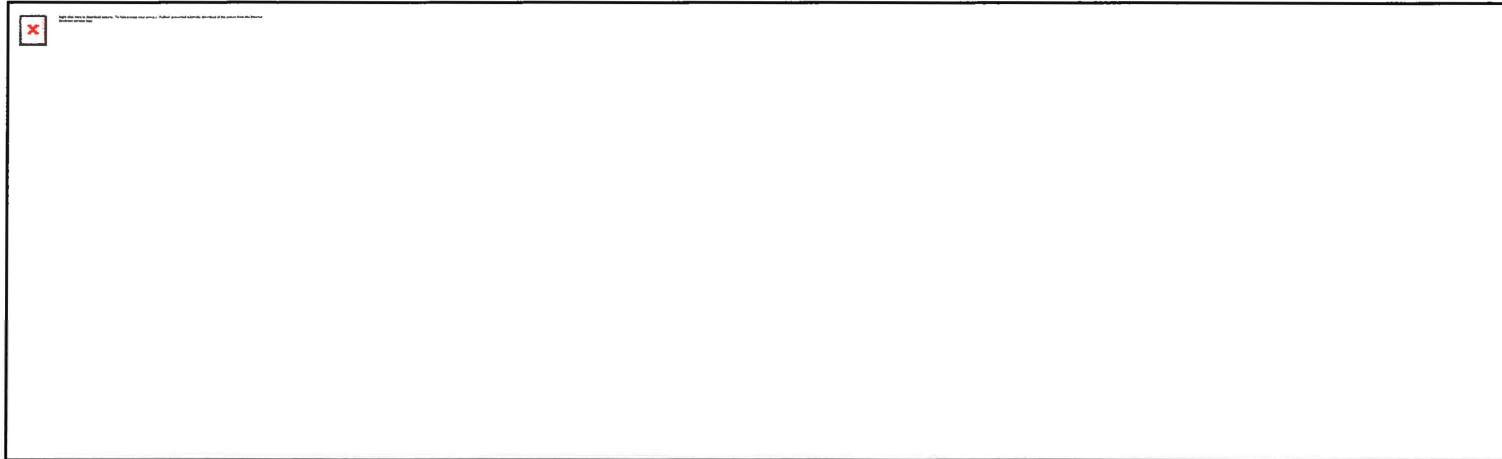
## Monthly Marina Activity Report - October 2015



## Katherine Fogarty

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**From:** no-reply@baygreen.net  
**Sent:** Monday, October 26, 2015 6:00 AM  
**To:** accounting@baygreen.com; Scott Grindy; Michelle Reloba; Katherine Fogarty  
**Subject:** BayGreen Registered Liveboards: SMCHD Pillar Point Marina (Weekly Check)



## BayGreen Registered Liveboards: SMCHD Pillar Point Marina (Weekly Check)

	Customer name	Vessel Names	Dock And Slips	Customer type name
1	ANDREWS Herrick	SEAFREE	C-034	On Call
2	CHAVEZ Bryan	ON Y VA	H-025	On Call
3	De CRISTOFORO R.J.	BELLA LUNA	C-033	Bi-Weekly
4	ESPY Richard	BELBIT	C-002	On Call
5	GERAKIN Zeno	VITRUM	C-037	Every 4 Weeks
6	HAFKER Dagny	WALKABOUT	B-039	Every 4 Weeks
7	HARRISON Mark	WALKABOUT	B-020	Every 4 Weeks
8	JONES Derek	JUNO	C-011	ON HOLD
9	MATFYKA	OUR GRAND	C-039	Bi-Weekly

	Jackie	PLAN		
10	MONNEY Leo	AMALIA	C-017	Bi-Weekly
11	MORAIS Thomas	TERRAPIN	C-013	Bi-Weekly
12	NAYFACK Nick	ANTARES	B-028	On Call
13	PECSVARADI Susan	NO NAME	C-024	Out of Service
14	POUNDERS William	MANANA II	B-036	Bi-Weekly
15	SANDSTROM Eric	NO NAME	B-017	Bi-Weekly
16	SCHUMAN Cara	KAIROS	A-040	Every 4 Weeks
17	SKELTON Chad	BY GEORGE	B-001 (recreational side)	Bi-Weekly
18	SPINAK Scott	PERFETTO	C-028	On Call
19	TRAUTWEIN Ann	REDEMPTION	B-026	Bi-Weekly
20	WEISS Steven	BESO DEL MAR	C-015	Bi-Weekly

Fair Winds!  
The BayGreen Team  
415-621-1393



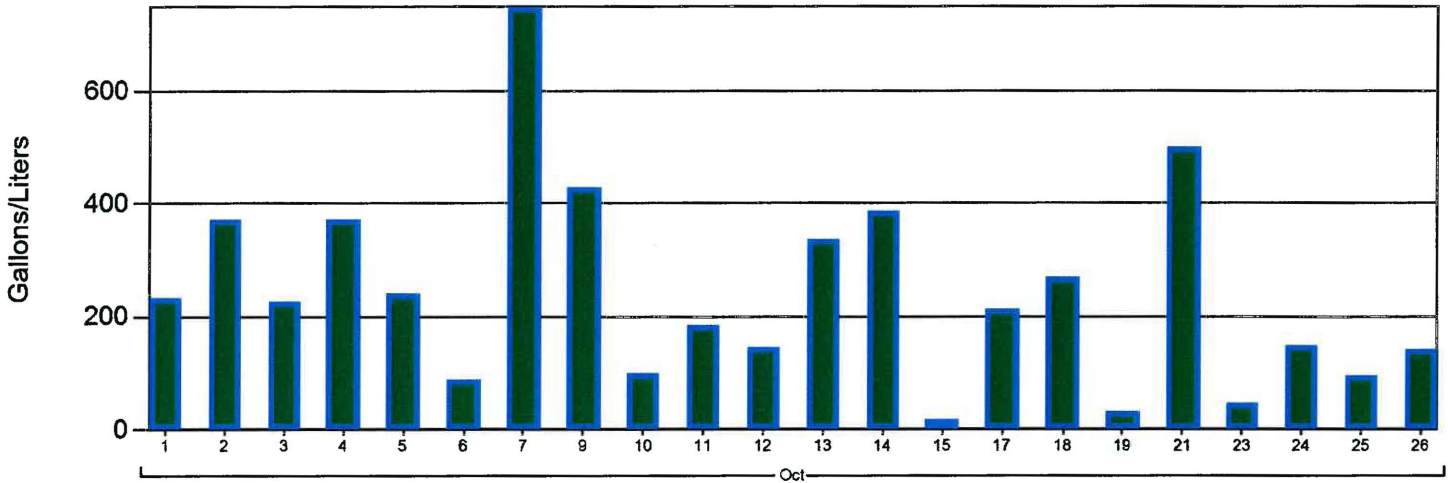


# MarineSync CVA Report

San Mateo County Harbor District

Report Period: 10/1/2015 - 11/1/2015

**Total Pumpout Flow**



**TOTAL PUMPOUT FLOW**

**Date Value**

**System: Pillar Point Harbor**

**Pumpout: Pillar Point Harbor**

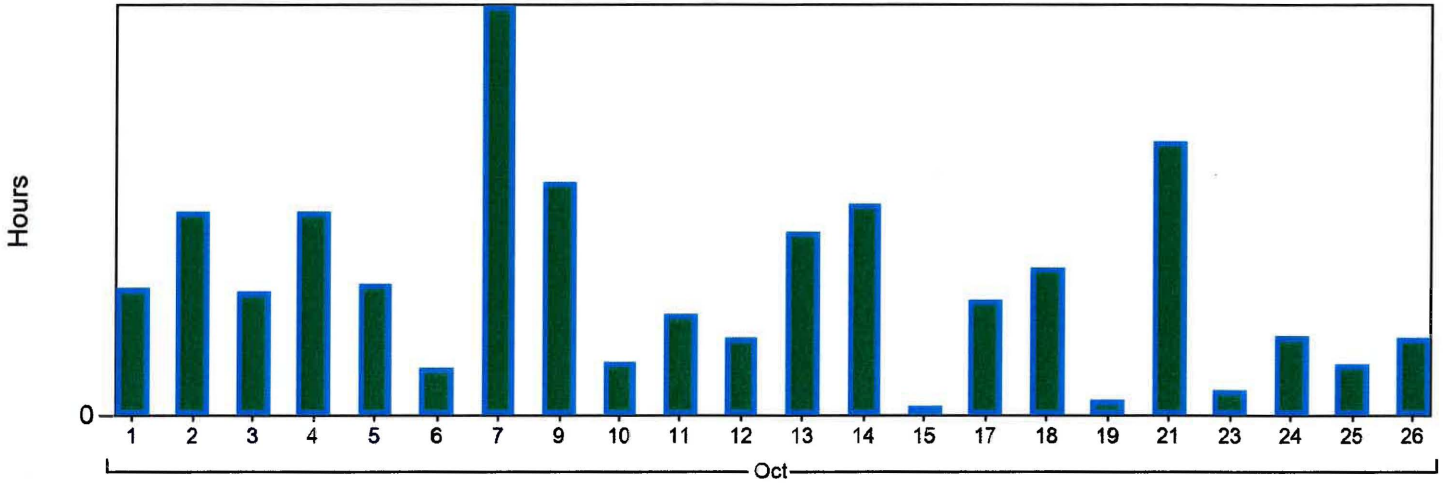
*Units Not Configured*

*Per Hour: 1,260*

Monday, October 26, 2015	143
Sunday, October 25, 2015	98
Saturday, October 24, 2015	149
Friday, October 23, 2015	48
Wednesday, October 21, 2015	502
Monday, October 19, 2015	32
Sunday, October 18, 2015	270
Saturday, October 17, 2015	212
Thursday, October 15, 2015	19
Wednesday, October 14, 2015	388
Tuesday, October 13, 2015	336
Monday, October 12, 2015	146
Sunday, October 11, 2015	186
Saturday, October 10, 2015	100
Friday, October 09, 2015	430
Wednesday, October 07, 2015	747
Tuesday, October 06, 2015	91
Monday, October 05, 2015	243

Sunday, October 04, 2015	373
Saturday, October 03, 2015	227
Friday, October 02, 2015	373
Thursday, October 01, 2015	233
<b>Total</b>	<b>5,347</b>
<b>Avg. Per Day</b>	<b>167</b>
<b>Max Day</b>	<b>747</b>

**Pumpout Runtimes**



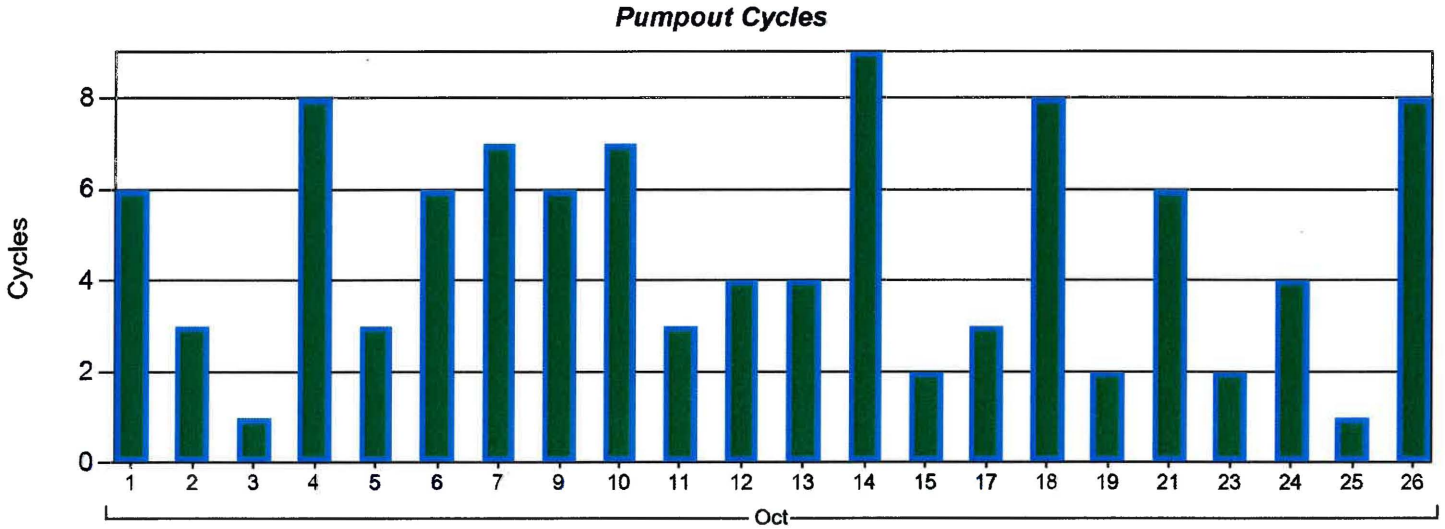
**PUMPOUT RUNTIMES (h:m:s)**

**System: Pillar Point Harbor**

**Pumpout: Pillar Point Harbor**

Date	Value
Monday, October 26, 2015	0:6:50
Sunday, October 25, 2015	0:4:41
Saturday, October 24, 2015	0:7:50
Friday, October 23, 2015	0:2:16
Wednesday, October 21, 2015	0:23:56
Monday, October 19, 2015	0:1:31
Sunday, October 18, 2015	0:12:52
Saturday, October 17, 2015	0:10:06
Thursday, October 15, 2015	0:0:53
Wednesday, October 14, 2015	0:18:30
Tuesday, October 13, 2015	0:16:19
Monday, October 12, 2015	0:6:56
Sunday, October 11, 2015	0:8:52
Saturday, October 10, 2015	0:4:47
Friday, October 09, 2015	0:20:28
Wednesday, October 07, 2015	0:35:35
Tuesday, October 06, 2015	0:4:19
Monday, October 05, 2015	0:11:34
Sunday, October 04, 2015	0:17:47

Saturday, October 03, 2015	0:10:48
Friday, October 02, 2015	0:17:47
Thursday, October 01, 2015	0:11:7
<b>Total</b>	<b>4:14:38</b>
<b>Avg. Per Day</b>	<b>0:11:34</b>
<b>High Day</b>	<b>0:35:35</b>
<b>Low Day</b>	<b>0:0:53</b>



**PUMPOUT CYCLES**

**Pillar Point Harbor**

**Pumpout: Pillar Point Harbor**

Date	Value
Monday, October 26, 2015	8
Sunday, October 25, 2015	1
Saturday, October 24, 2015	4
Friday, October 23, 2015	2
Wednesday, October 21, 2015	6
Monday, October 19, 2015	2
Sunday, October 18, 2015	8
Saturday, October 17, 2015	3
Thursday, October 15, 2015	2
Wednesday, October 14, 2015	9
Tuesday, October 13, 2015	4
Monday, October 12, 2015	4
Sunday, October 11, 2015	3
Saturday, October 10, 2015	7
Friday, October 09, 2015	6
Wednesday, October 07, 2015	7
Tuesday, October 06, 2015	6
Monday, October 05, 2015	3

Sunday, October 04, 2015	8
Saturday, October 03, 2015	1
Friday, October 02, 2015	3
Thursday, October 01, 2015	6
<b>Total</b>	<b>103</b>
<b>Avg. Per Day</b>	<b>3</b>
<b>High Day</b>	<b>9</b>
<b>Low Day</b>	<b>1</b>

**Resolution 15-15**  
of the  
**San Mateo County Harbor District**  
to

**ADOPTING THE COMMERCIAL ACTIVITY PERMIT FOR  
CALIFORNIA CANOE & KAYAK, RATE AND FEE STRUCTURE**

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**Whereas**, at its meeting on April 15, 2015, the San Mateo County Harbor District Board of Harbor Commissioners (“Board”) voted to approve a Commercial Activity Permit to California Canoe and Kayak (“Permittee”) for a 90 day trial period at the rate of \$2.25 per person per day or \$25.00 per week whichever is greater; and

**Whereas**, Staff now recommends that the Board extend the permit until December 31, 2015 at the same rates, at which point the Permittee must reapply for a new permit; and

**Whereas**, under the terms of the extended permit, the Permittee will be required to provide its own water, and will be responsible for trash and recycling activities, will provide temporary warning cones where appropriate at kayak crossing zones, and will work to communicate and control parking so that all instructors, staff and customers of the Permittee do not park at the boat ramp area, but in appropriate locations.

**Now, therefore, be it resolved**, that the Board of Harbor Commissioners of the San Mateo County Harbor District authorizes the General Manager to issue an extended Commercial Activity Permit to California Canoe and Kayak in effect until December 31, 2015, on terms consistent with this Resolution; and

**Be it further resolved**, that the Board of Harbor Commissioners of the San Mateo County Harbor District authorizes the General Manager to extend the permit for the period from January 1, 2016—December 31, 2016 if an application for renewal is filed by the Permittee, and on terms deemed by the General Manager to be in the District’s best interest.

Approved this 17th day of June 2015 at a regular meeting of the Board of Harbor Commissioners by a recorded vote as follows:

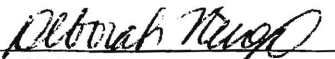
For: Bernardo, Brennan, David, Mattusch, Parravano

Against: None

Absent: None

Abstaining: None

**Attested**

  
Debbie Nixon  
Deputy Secretary

**BOARD OF HARBOR COMMISSIONERS**

  
Tom Mattusch  
President

## Cal Canoe & Kayak Fees

<b>Month:</b>	<b># of Passengers:</b>	<b>\$2.25</b>	<b>Total:</b>
5/15	42	2.25	100.00
6/15	48	2.25	108.00
7/15	148	2.25	333.00
8/15	139	2.25	312.75
9/15	108	2.25	243.00
Total Received as of 10/27/15			<b>\$ 1,096.75</b>

\*\* In May 2015, they had 42 passengers at \$2.25/passenger for a total of \$94.50. However, per their contract with the District, they are required to pay at a rate of \$2.25/person/day or \$25/wk, whichever is greater

**California Coastal Sediment Master Plan  
Public Outreach and Plan Formulation  
Stakeholder Meeting 5 (Santa Cruz Littoral Cell)  
September 25, 2015 (9:00am to 12:00pm)  
USGS Office (Conference Room)  
2885 Mission Street Extension  
Santa Cruz, California**

**Conference Call Info:  
Telephone No.: (888) 273-3658  
Access Code: 7951308  
Security Code: 1111**

**Web Meeting Information:  
Website: <https://www.webmeeting.att.com>  
Meeting Number: (888) 273-3658  
Access Code: 7951308**

**Meeting Notes**

1. Introduction (John/Chris)
2. California Coastal Sediment Master Plan Overview (John)

Started in 1999, when little federal funding was going to CA for coastal sediment management.

5W's of CSMW

Who: Collaborative Taskforce

Why: Coastal wetlands have been degraded and lost in the past several recent decades.

When: 1999 to 2015, six meetings held along the coast this year

Purpose to restore protect and preserve coast and wetlands.

Encourage sediment bypass (dams other) due to urbanization

BECA's: Beach Erosion Concern Areas. Areas of coastal beaches at risk, have received input from stakeholder that there is a concern for loss of the beach.

Purpose: Formulate, Restore, Reduce, Sustain, Enhance

Accomplishments: See website. Outreach, RSM Plans, and Web mapper tool and database are next to complete.

What about CSMW Statewide Plan? That is what the RSM Plans is, on a regional/localized basis

3. Public Outreach and Plan Formulation Summary (David)

6 Meetings total with 5 completed and one more to come in San Francisco. Scope includes stakeholder outreach, meeting notes, sediment management activity list, and implementation framework. The purpose of this meeting is to obtain stakeholder input, identify CRSMP data/information gaps, and look towards future implementation.

#### 4. Santa Cruz Littoral Cell Regional Sediment Management Plan Overview (James)

From Pillar Point to Moss Landing.

Plan organized into 9 sections.

Some areas where beach erosion is problematic.

Recommended RSM strategies is a highlight of the Plan, presents options without being prescriptive.

BECA's and SICH's: Process to identify them based on input from the public, literature review, data.

RSM Measures: (See table in presentation).

Potential sediment sources identifies in 4.4 of report.

Many Biological resources, protected areas, sanctuaries, create limitations.

Regulatory and Policy Considerations: NEPA, CEQA...

Economic Considerations include recreational value, homes, businesses, infrastructure, BCA?

Coastal Erosion Hazard Zones identifies assets at risk (because of erosion)

BECAs and SICHs – lists potential measures to address the issues at each of the sites identified

Ran through an example of looking at measures for Surfer's Beach  
Pillar Point Harbor commissioners may be interested in using upland material rather than dredged material

How quickly is sediment accumulating at Pillar Point? One time initial dredge, or see what BCA is for sediment removal 5, 10, etc., years.

What about surfing as economic driver for beach?

TNC Website has resources of cliff erosion, backshore flooding.



Draft report is up now (April) but final report will be going up, with the understanding that updates will continue since it is adaptive management.

5. Santa Cruz Littoral Cell Sediment Management Activities (David)

David indicated that the sediment management activities list will consist of the types of information: (i) Projects, (ii) Studies, and (iii) Research. He provided examples of each type of sediment activity taken from work in southern California. One of the examples he mentioned was the Broad Beach project in northern Malibu, which he mentioned as an initial example of a project involving private-public partnership. Someone asked what the goal of the Broad Beach project was and David indicated that it has several goals, one of which was to protect septic fields in the backyards (ocean side) of coastal residential properties in the Broad Beach neighborhood.

David mentioned that sediment management activities could include both large and medium-scale beach nourishment projects as well as opportunistic sand placement. The San Diego Regional Beach Sand Project II (RBSP II) was mentioned as an example of a large scale beach nourishment project. Someone asked if a MOU/MOA was developed for the RBSP? David indicated that an MOU/MOA was not prepared for the RBSP; however, Cliff Davenport mentioned that such an agreement was not needed because the project was implemented by the San Diego Association of Governments (SANDAG), which is a Joint Powers Authority so the necessary agreements between the various entities (e.g., coastal cities) was already in place.

As an example research project, David ~~mentioned~~ mentioned the beach processes study that was conducted by the Scripps Institution of ~~Oceanography~~ Oceanography to study how sand placed at ~~TorryTorrey~~ Pines Beach during the RBSP II moved over time.

David mentioned that the development of Total Maximum Daily Loads (TMDL's) for pollutants could impact regional sediment management because in some locations TMDLs are being developed/could be developed for sediment as a conditional pollutant. The TMDLs usually target fine-grained sediment, which is usually associated with pollutants; however, measures aimed at trapping fine-grained sediment also trap coarse grain sediment, including sand. Doug George and Dave Revell discussed the issue of cobbles. They pointed out that although a lot of effort has gone into the study of sand and some effort has gone into the study of fine-grained sediment no effort has been expended on increasing knowledge of cobbles (e.g., extent, importance in overall coastal sediment budget, transport processes). This raised the question of how research ~~conducted~~ conducted under the sediment master plan is being incorporated into sediment management activities. The group indicated that they would like to see this addressed as part of the next steps in the sediment master plan effort.

The issue of the 80/20 rule was raised by several stakeholders. Allan Ota (EPA) pointed out that the 80/20 rule is not a rule but, rather, a "rule of thumb" intended to provide screening guidance. The 80/20 "rule of thumb" basically states that dredged sediment containing more than 20% fines (less than 80% sand) will not be readily considered for beneficial use as beachfill. Demonstration projects at Santa Cruz Harbor and Tijuana Estuary have been conducted over the past five to ten years to study the impact of placing sediment with high portions of fine-grained sediment on nearshore biological resources. This information has been developed to assist regulatory agencies in making decisions regarding beneficial use of sediment with portions of fine-grained sediment higher than 20%.

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#### 10. Adjournment (All)

# Memo

To: Board of Harbor Commissioners  
From: Jim Merlo, Assistant Harbor Master  
CC: Glenn Lazof, Interim General Manager  
Date: November 4, 2015

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## Harbor Master Report

### Oyster Point Marina

#### Construction Update & General Status Updates

- AHM working on bid for slurry seal of the bay trail and other specific related asphalt work needed at OPM.
- AHM preparing bid for annual electrical inspection to be performed in winter for best load factor review.

#### OPM Miscellaneous

- Staff working on vessel inspections to meet tenant requirements of which include updated insurance information.
- Working with staff & tenants on vessels that are pending lien actions.
- A vessel sunk on October 23, 2015. It was removed on Thursday, October 29th at the cost of 23,000 dollar to be reimbursed to the district through the VTIP grant.

#### Occupancy Overview (October)

##### OPM

- **Total occupancy: 298 slips out of 428, 70%**
- **Berth Occupancy: 290 slips out of 414, 70%**
- **# of Live-Aboards: 38**
- **# of Long Term transients: 20**

#### Calendar Reminder Items of District Events and Activities

- **December 5<sup>th</sup>** for OPM Decorated Boat & Holiday Tree Lighting.
- **March 19, 2016** “OPM Easter Egg Hunt”
- **May 7, 2016** “OPM Annual Kite Festival”

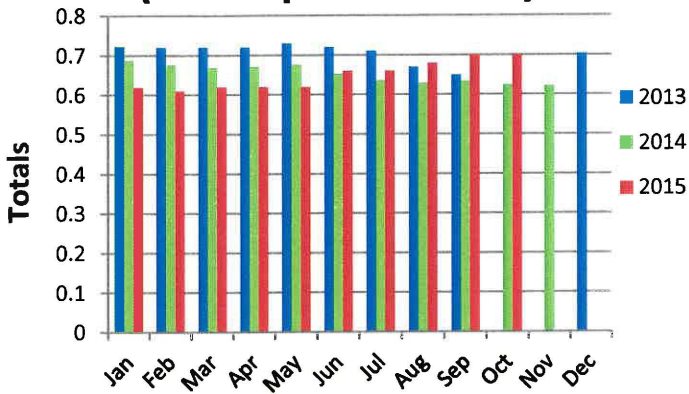
## **EMS-Clean Marina Activities-District Wide**

- OPM-Vessel Annual Inspections and new vessel inspections on going. Tenants contacted regarding proof of insurance and sea worthiness activities.
- Pump-Out Services: Mooring and long term transients are being contacted for the monthly service with Bay Green Marine Sanitation Services to further improve our harbor and marina water quality conditions. The additional pump outs will not exceed the current contract amount on an annual basis. This modest expense can be funded from the existing operating budget to support this modest increase in expense. This is a perfect example of taking the initiative to fulfill our mission. “To assure that the public is provided with clean, safe, well-managed, financially sound and environmentally pleasant marinas”.

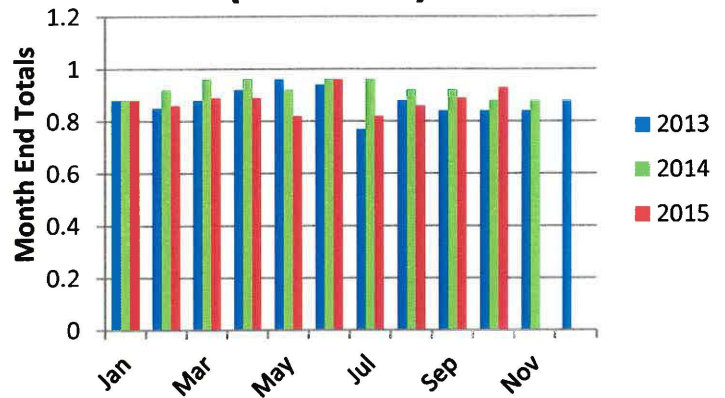
# Oyster Point Marina

## Monthly Marina Activity Report - June 2015

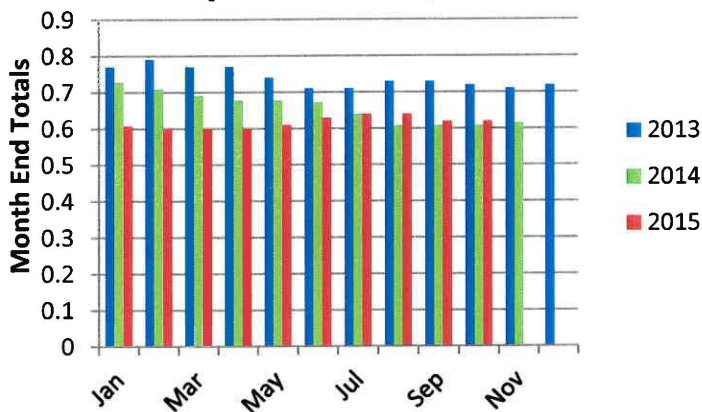
### Overall Occupancy (428 Slips Available)



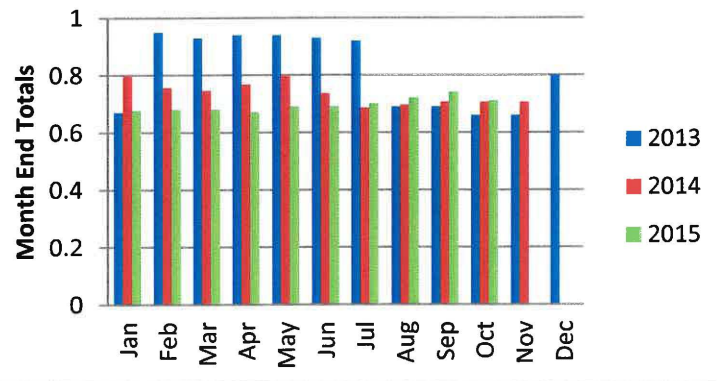
### 26 ft Slips (Total: 25)



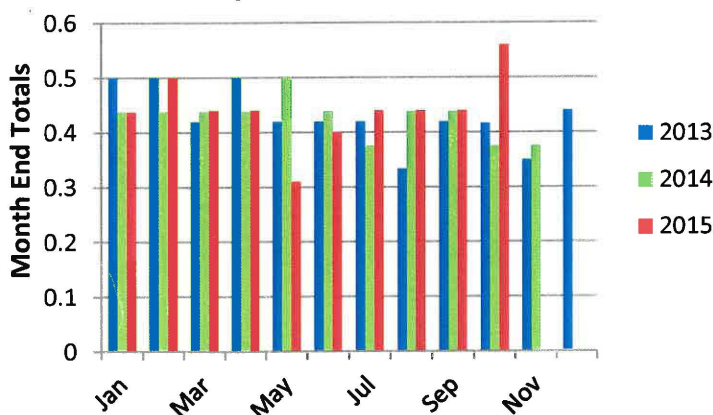
### 30 ft Slips (Total: 158)



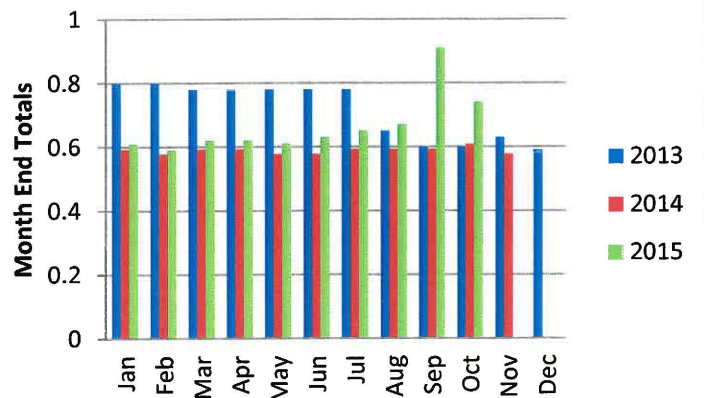
### 36 ft Slips (Total: 99)



### 40 ft Slips (Total: 16)

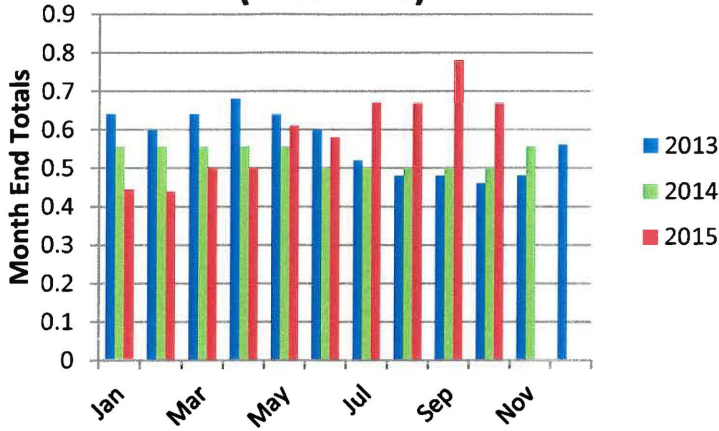


### 45 ft slips (Total: 64)

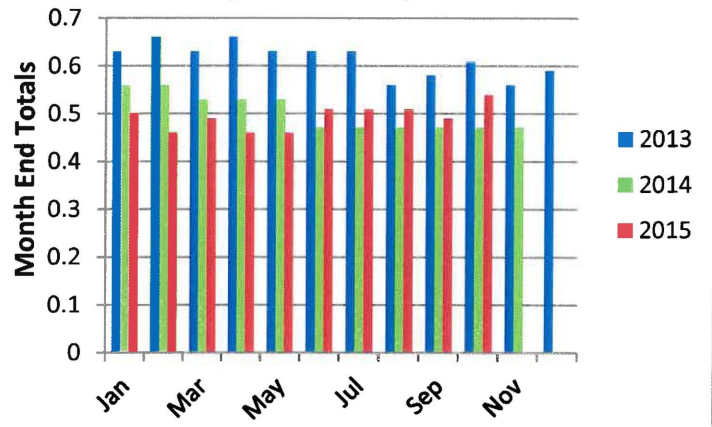




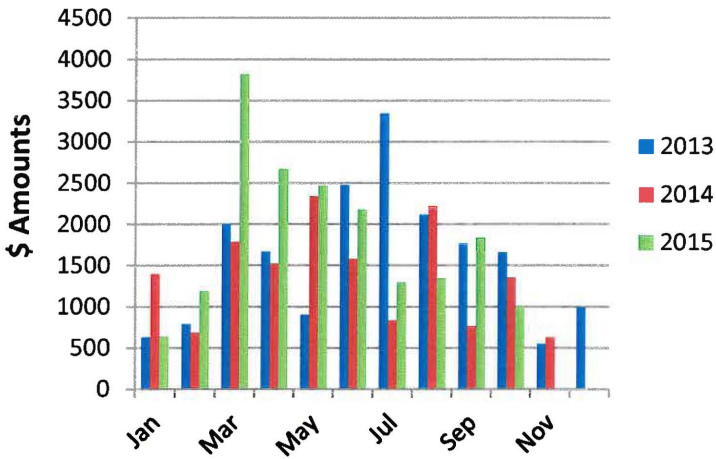
### 50 ft Slips (Total: 18)



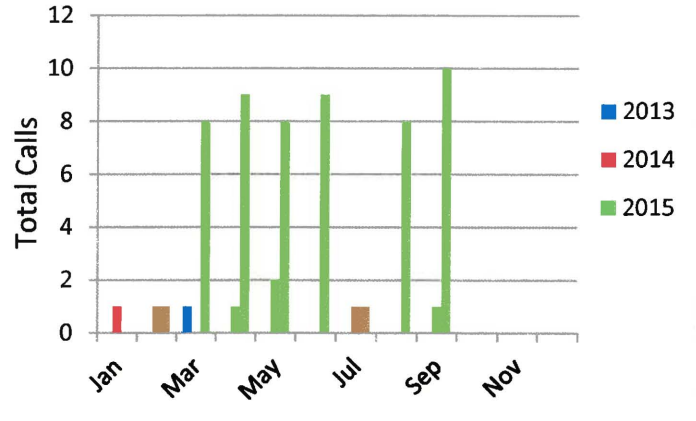
### 60 ft Slips (Total: 34)



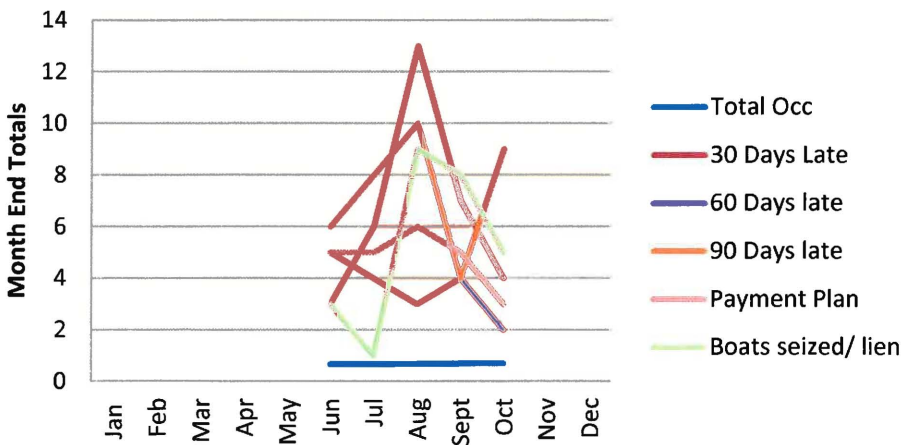
### Launch Ramp Totals



### Call Outs (OPM Harbor Patrol - 2013-2015)



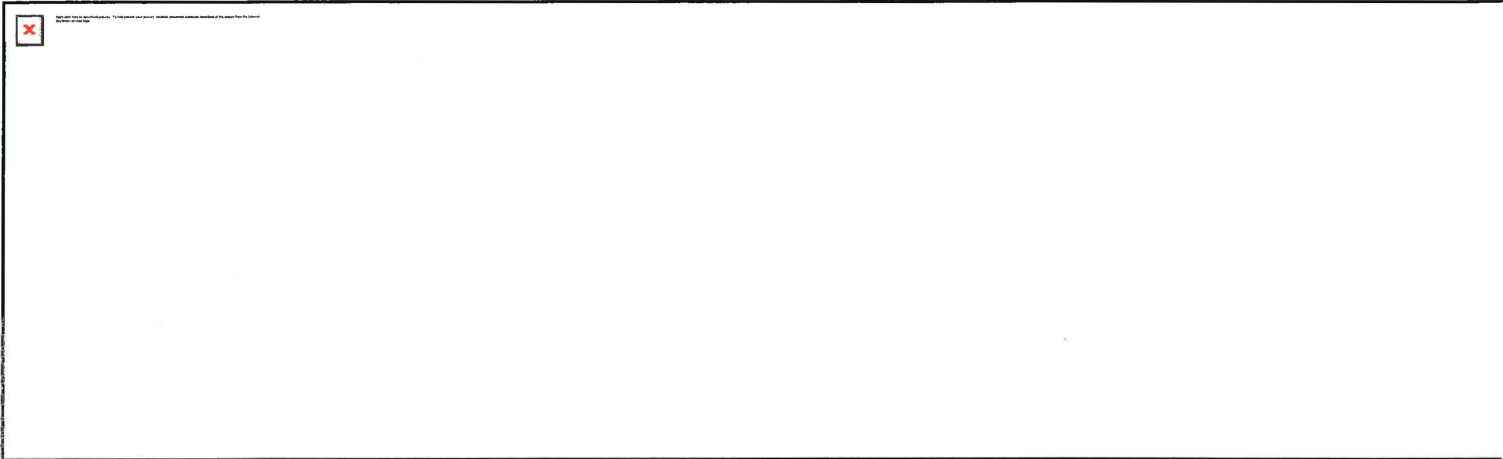
### Delinquent Accounts



## Katherine Fogarty

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**From:** no-reply@baygreen.net  
**Sent:** Monday, October 26, 2015 6:00 AM  
**To:** accounting@baygreen.com; Scott Grindy; Michelle Reloba; Katherine Fogarty  
**Subject:** BayGreen Registered Liveboards: SMCHD Oyster Point Marina (Weekly Check)



## BayGreen Registered Liveboards: SMCHD Oyster Point Marina (Weekly Check)

	Customer name	Vessel Names	Dock And Slips	Customer type name
1	ANDREWS Eric and Bettina	PASSION	11#022	Bi-Weekly
2	BONGIORNO Gian	VIDA MIA	14#033	Bi-Weekly
3	BOOTH Rob	S.S.MINNOW	13#034	Monthly
4	BYNUM Alan	OAXACA   MISS TIFFANY	13#024   13#022	Bi-Weekly
5	CASSERLY James	KOOKABURRA	11#036	Bi-Weekly
6	FINTA Donel	SUZANNE	5#032	Monthly
7	FREZZA Joe	SEASCAPE	14#037	Bi-Weekly
8	GRINDY Scott	HMS BEAGLE 2	11#end	Bi-Weekly
9	LACHENMYER Mike (PREPAY)	SEA CLOUD	12#013	On Call
10	LANCASTER Cory	KIZMUIT	12#026	On Call

11	LOPEZ Ruben	CRESENDO!	3#010	Monthly
12	MAXCY Dickson	REDOUBT	12#042	On Call
13	McKENNA Vul	LEE WAY	6#009	Monthly
14	NICHOLS Mason	MTNEST	11#010	Bi-Weekly
15	SIVER Kevin	CENTURION	13#038	Monthly
16	STRONG William	BITCH	3#026	Monthly

Fair Winds!  
The BayGreen Team  
415-621-1393

**California Coastal Sediment Master Plan  
Public Outreach and Plan Formulation  
Stakeholder Meeting 5 (Santa Cruz Littoral Cell)  
September 25, 2015 (9:00am to 12:00pm)  
USGS Office (Conference Room)  
2885 Mission Street Extension  
Santa Cruz, California**

**Conference Call Info:  
Telephone No.: (888) 273-3658  
Access Code: 7951308  
Security Code: 1111**

**Web Meeting Information:  
Website: <https://www.webmeeting.att.com>  
Meeting Number: (888) 273-3658  
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**Meeting Notes**

1. Introduction (John/Chris)
2. California Coastal Sediment Master Plan Overview (John)

Started in 1999, when little federal funding was going to CA for coastal sediment management.

5W's of CSMW

Who: Collaborative Taskforce

Why: Coastal wetlands have been degraded and lost in the past several recent decades.

When: 1999 to 2015, six meetings held along the coast this year

Purpose to restore protect and preserve coast and wetlands.

Encourage sediment bypass (dams other) due to urbanization

BECA's: Beach Erosion Concern Areas. Areas of coastal beaches at risk, have received input from stakeholder that there is a concern for loss of the beach.

Purpose: Formulate, Restore, Reduce, Sustain, Enhance

Accomplishments: See website. Outreach, RSM Plans, and Web mapper tool and database are next to complete.

What about CSMW Statewide Plan? That is what the RSM Plans is, on a regional/localized basis

3. Public Outreach and Plan Formulation Summary (David)

6 Meetings total with 5 completed and one more to come in San Francisco. Scope includes stakeholder outreach, meeting notes, sediment management activity list, and implementation framework. The purpose of this meeting is to obtain stakeholder input, identify CRSMP data/information gaps, and look towards future implementation.

#### 4. Santa Cruz Littoral Cell Regional Sediment Management Plan Overview (James)

From Pillar Point to Moss Landing.

Plan organized into 9 sections.

Some areas where beach erosion is problematic.

Recommended RSM strategies is a highlight of the Plan, presents options without being prescriptive.

BECA's and SICH's: Process to identify them based on input from the public, literature review, data.

RSM Measures: (See table in presentation).

Potential sediment sources identifies in 4.4 of report.

Many Biological resources, protected areas, sanctuaries, create limitations.

Regulatory and Policy Considerations: NEPA, CEQA...

Economic Considerations include recreational value, homes, businesses, infrastructure, BCA?

Coastal Erosion Hazard Zones identifies assets at risk (because of erosion)

BECAs and SICHs – lists potential measures to address the issues at each of the sites identified

Ran through an example of looking at measures for Surfer's Beach  
Pillar Point Harbor commissioners may be interested in using upland material rather than dredged material

How quickly is sediment accumulating at Pillar Point? One time initial dredge, or see what BCA is for sediment removal 5, 10, etc., years.

What about surfing as economic driver for beach?

TNC Website has resources of cliff erosion, backshore flooding.

Draft report is up now (April) but final report will be going up, with the understanding that updates will continue since it is adaptive management.

#### 5. Santa Cruz Littoral Cell Sediment Management Activities (David)

David indicated that the sediment management activities list will consist of the types of information: (i) Projects, (ii) Studies, and (iii) Research. He provided examples of each type of sediment activity taken from work in southern California. One of the examples he mentioned was the Broad Beach project in northern Malibu, which he mentioned as an initial example of a project involving private-public partnership. Someone asked what the goal of the Broad Beach project was and David indicated that it has several goals, one of which was to protect septic fields in the backyards (ocean side) of coastal residential properties in the Broad Beach neighborhood.

David mentioned that sediment management activities could include both large and medium-scale beach nourishment projects as well as opportunistic sand placement. The San Diego Regional Beach Sand Project II (RBSPII) was mentioned as an example of a large scale beach nourishment project. Someone asked if a MOU/MOA was developed for the RBSP? David indicated that an MOU/MOA was not prepared for the RBSP; however, Cliff Davenport mentioned that such an agreement was not needed because the project was implemented by the San Diego Association of Governments (SANDAG), which is a Joint Powers Authority so the necessary agreements between the various entities (e.g., coastal cities) was already in place.

As an example research project, David ~~mentioned~~ mentioned the beach processes study that was conducted by the Scripps Institution of ~~Oceanography~~ Oceanography to study how sand placed at ~~FerryTorrey~~ Pines Beach during the RBSPII moved over time.

David mentioned that the development of Total Maximum Daily Loads (TMDL's) for pollutants could impact regional sediment management because in some locations TMDLs are being developed/could be developed for sediment as a conditional pollutant. The TMDLs usually target fine-grained sediment, which is usually associated with pollutants; however, measures aimed at trapping fine-grained sediment also trap coarse grain sediment, including sand.

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