

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

**June 11, 2015  
6:30 p.m.**

**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 Chanel 26 and residents from Montara through Pescadero can tune into Comcast Chanel 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  
Nicole David, Vice President  
Robert Bernardo, Secretary  
Pietro Parravano, Treasurer  
Sabrina Brennan, Commissioner

**Staff**

Glenn Lazof, Interim General Manager  
Debbie Nixon, Deputy Secretary  
Steven Miller, District Counsel

**B.) New Business**

- 1    TITLE:                    **Stating District Opposition to Dissolution**  
    REPORT:                Lazof, Memo  
    PROPOSED ACTION:     Consider Commission Policy Opposing Recommendations for District Dissolution.
  
- 2    TITLE:                    **Additional Legal Support**  
    REPORT:                Lazof, Memo  
    PROPOSED ACTION:     The Commission may make findings related to procurement and approve hiring of Wittwer-Parkin LLC to provide an opinion and review the draft responses of LAFCo Municipal Service Review.

# Adjournment

The next scheduled meeting will be held on June 17, 2015 the Municipal Services Building, 333 Arroyo Drive, South San Francisco at 6:30 p.m.

*Special Agenda Posted As Required:*  
June 10<sup>th</sup> at 3:30 p.m.



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Glenn Lazof  
Interim General Manager

## **Staff Report**

### **Stating District Opposition to Dissolution**

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

**Background:** LAFCO has submitted a Circulation Draft of the Municipal Services Review (MSR) of the District, on Friday May 26. This agenda item is an opportunity for Board of Commissioners to make a statement to the Community regarding their opposition to Dissolution of the District.

**IGM Recommendation:** Policy.

The following is from a press release by the President and Vice President, should the commission find this useful in crafting a motion. The San Mateo Harbor District Board of Commissioners strongly opposes the dissolution of this District. This agency intends to responsibly address LAFCo recommendations and will consider all recommendations carefully.

The District is further committed to bringing stability while implementing solutions for the efficient and continuous improvement of District operations. We are looking forward to an inclusive and constructive public dialogue that focuses on solutions. Our goal is to make the harbors thrive and have the District endure over time.

**Fiscal Impact:** None. At the direction of the Interim General Manager, Staff and Counsel began working in support of this goal shortly after release of the MSR Circulation Draft.

## Staff Report

### CONSIDERATION OF ENTERING INTO CONTRACT FOR LEGAL SERVICES WITH WITTMER-PARKIN LLC TO ASSIST WITH COMMENT LETTER RESPONDING TO DRAFT MUNICIPAL SERVICE REVIEW

**Glenn Lazof: Interim General Manager**

**Background:** LAFCO has submitted a Circulation Draft of the Municipal Services Review (MSR) of the District, on Friday May 26. The comment period ends June 26, 2014. President Mattusch, in consultation with the Interim General Manager and District General Counsel submitted memoranda to commissioners regarding the process to be used to prepare the District's official comments.

As should be expected, the IGM, initiated several activities shortly after the Circulation Draft was issued. These were designed to respond to the Administrative Draft MSR within LAFCO's deadlines. The Interim General Manager will continue to treat this issue as a priority unless directed otherwise by the Commission. Action taken from this report, other than those reflected in the first paragraph, include:

- Initial Reviews by District General Counsel, Interim General Manager and other staff
- Establish process for including Commissioner input into report
- Scheduling, with the President (or Vice President as necessary)
- Opportunities to interview willing LAFCO Commissioners to gain insight into most effective responses
- Contacting Partner Agencies who have worked successfully with the District for Letters of Support
- Legal and Staff reviewing past LAFCO MSR's regarding the Harbor District

As reported last week, District Counsel was reluctant to continue working on this item after the June 8th Special meeting was called. It was unclear whether that assistance was still supported by the Commission. Since that time, and not wanting to disrupt our response, the General Manager has continued to request this assistance, at least until directed otherwise by the Commission. At least one Commissioner has expressed the desire for General Counsel to not be our lead counsel in this matter. This Special Meeting provides another opportunity for the Commission to provide such direction.

**Analysis:** The Interim General Manager has confidence in the current plan, as described above, but also has no objection to adding another set of legal eyes to our response if the Commission desires.

A competitive procurement has not taken place; therefore, should the Commission elect to make this assignment, staff has submitted proposed findings to support an alternative

procurement procedure. Wittwer- Parkin, LLC appears to have a significant local government expertise. Below is a list of Wittwer-Parkin, LLC's other government clients from their website:

California Coastal Commission; City of Saratoga, Assistant City Attorney; Coastside Community Water District; County of Sonoma; County of Tulare; Fairbanks Ranch Community Services District; Granada Sanitary District, El Granada, General Counsel; Housing Authority of the County of Santa Cruz, General Counsel; Rancho Santa Fe Community Services District; Santa Clara County Open Space Authority, General Counsel; Spreckels Community Services District; Whispering Palms Community Services District.

Regarding our General Counsel, Hanson Bridgett has worked with San Mateo County LAFCo on numerous matters involving annexations, dissolutions, service-outside-of borders, and more. Clients on whose behalf of, report to have recently worked on matters of San Mateo LAFCo which include: San Mateo County Mosquito and Vector Control District; North Coast County Water District; Westborough Water District; City of San Carlos; City of Belmont; Harbor Industrial Area. Members of LAFCo are also Board members of agencies for which Hanson Bridgett serves as General Counsel or Special Counsel including San Mateo County Transit District, North Coast County Water District, and the City of Pacifica. The firm has also worked on annexation projects in counties outside of San Mateo County.

**Interim General Manager Recommendation:** Policy.

The Interim General Manager has no objection to obtaining additional assistance in our efforts to craft the best response if the Commission so desires. The Interim General Manager spoke with Jonathon Wittwer regarding an adequate not to exceed amount for collaborating with our existing efforts. We feel that 10 hours would suffice for review as well as allow for advising on strategy. Therefore, if the Commission elects to go this route, the recommendation is that your action include a not to exceed amount of \$3,000.

Staff continues to recommend against designating a new firm as lead counsel on this matter, even more so now that more of the allotted response time has passed since the June 8th Special Meeting.

**Procurement Findings:** (Action to be taken if the Commission acts to hire the additional legal firm)

The San Mateo County Harbor Commission finds that it is not in the District's best interest to conduct a competitive procurement for these services because of the short time available for input from Board, Staff, and Legal Counsel. The commission further finds that Wittwer-Parkin, LLC has special expertise that will be very beneficial to the District in this matter.

**Fiscal Impact:** See note to exceed in recommendation. Should the Commission opt for a larger role for Wittwer-Parkin, LLC, the hourly rate is \$285 for partners, \$240 for Senior Associates, \$60 for clerical.

District's General Counsel hourly rate is \$340.



# San Mateo County Harbor District

## Board of Harbor Commissioners

Tom Mattusch, President  
Nicole David, Vice President  
Robert Bernardo, Secretary  
Pietro Parravano, Treasurer  
Sabrina Brennan, Commissioner

Glenn Lazof, Interim General Manager

## MEMORANDA

To: Commissioners  
From: President Tom Mattusch  
Re: District Response to LAFCo Municipal Service Review

Background: The Municipal Service Review continues the finding of "No sphere of influence" which has been the case for decades. This is not a report which initiates dissolution of the District, but it raises the issue. We want to be sure that the District submits a thorough response.

Responses are due to LAFCo by June 26<sup>th</sup>, 2015. This is the deadline for the District's response. There is most likely no opportunity to provide written input after that date. The June 17<sup>th</sup>, 2015 Regular Meeting will include an Agenda item to enable the Commission to choose whether to authorize the President to work with the General Manager, to approve and send the District's response, or to call a special meeting on June 23<sup>rd</sup>, 2015 to review and approve the District's written response before it is sent.

Whichever process is chosen, I am requesting that if Commissioners have comments they wish to be included in the District's response to LAFCo, such comments be sent to the General Manager by Noon, Monday June 15<sup>th</sup>, 2015. The official District response will be created from these comments, input from Staff, Legal Counsel, and myself. Should the Commission want to hold a Special Meeting on this topic, a draft will be available for review at that time.

Thank you in advance for your input.

Sincerely,

Tom Mattusch  
President  
San Mateo County Harbor District



June 8, 2015

**VIA EMAIL**

Mr. Tom Mattusch, President  
Board of Harbor Commissioners  
San Mateo County Harbor District  
504 Avenue Alhambra  
El Granada, CA 94018  
email: tmattusch@smharbor.com

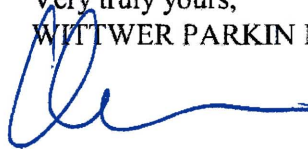
Dear Mr. Mattusch:

Thank you for contacting me regarding the Municipal Service Review for the San Mateo County Harbor District. As you know, on March 5, 2015, my office submitted a proposal in response to a Request for Proposals for District Legal Counsel. I have attached our proposal for your convenience. We would be pleased to provide special legal services with respect to the Municipal Services Review (MSR) if the Board of Harbor Commissioners decided to hire us to assist with the MSR. If approved by the Board, we would provide these services for the same rates as those set forth in our proposal.

We have worked with the Local Agency Formation Commission (LAFCO) in San Mateo County and LAFCOs in other counties. We have reviewed and assisted other agencies with MSRs on previous occasions. In reviewing the MSR, we would review the MSR, contact San Mateo County LAFCO to gain a more in-depth understanding of its concerns, provide a draft response to the MSR for your Board's review and approval, and submit the response if so directed. If your Board or District Staff have identified specific issues of concern, we would be happy to review and incorporate those concerns in any proposed response as appropriate.

Please let me know if you have any concerns or further questions. Thank you for your consideration.

Very truly yours,  
WITTWER PARKIN LLP



William P. Parkin

Encl.