

San Mateo County Harbor District Board of Harbor Commissioners Meeting Minutes

February 5, 2014
6:00 p.m.

Comfort Inn
2930 Cabrillo Highway
Half Moon Bay, Ca. 94019
All Harbor District Commission meetings are recorded.

Roll Call

Commissioners

Robert Bernardo, President
Pietro Parravano, Vice President
James Tucker, Treasurer & Secretary
Sabrina Brennan, Commissioner
William Holsinger, Commissioner

Staff

Peter Grenell, General Manager
x Debra Galarza, Director of Finance
Marietta Harris, Human Resource Manager
Scott A. Grindy, Harbor Master
Jean Savaree, District Counsel

X=Absent

Public Comments/Questions -

Joshua Cosgrove, Leonard Woren

Staff Recognition- Grindy announced that the Half Moon Bay Chamber of Commerce gave the District a bronze Recognition Award for District contribution to the Coastside community through participation, sponsorship and other support of special events. He also stated he wrote a letter of appreciation to all District staff that helped with the Mavericks Invitational event, and thanked everyone for their efforts, actions and support both on land and water.

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calendar are approved by one motion unless a Commissioner requests at the beginning of the meeting that an item be withdrawn or transferred to the regular agenda.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

Brennan asked to remove Item 1 (Minutes of Meeting January 15, 2014) from the Consent Calendar.

Brennan asked that the Minutes of January 15, 2014 be tabled to the next meeting with corrections.

- 1 TITLE: **Minutes of Meeting January 15, 2014**
 REPORT: Draft minutes
 PROPOSED ACTION: Approval

Action: Motion by Holsinger, second by Parravano to approve the minutes of meeting January 15, 2014 with corrections. The motion passed.

Ayes: 3
Nays: 0
Abstain: 2 (Holsinger, Tucker)

Urgency Item

Motion: That there is a need to take immediate action regarding the need to change Harbor Commission meeting location by resolution, and that the need for action came to the attention of the District subsequent to the agenda being posted and too late to meet the 72- hour posting requirement.

Action: Motion by Brennan, second by Tucker to place the urgency item on the Agenda. The motion passed unanimously.

Ayes: 5
Nays: 0

Public Comment for Urgency Item: Leonard Woren, Bill Kehoe, Dan Haggerty, Kathryn Slater-Carter

TITLE: **Resolution 04-14 to Amend Resolution 23-13 to change the location of the first regular Harbor Commission meeting of each month to be held at Sea Crest School, 901 Arnold Way, Half Moon Bay 94019**

REPORT: Grenell, Memo, Resolution

PROPOSED ACTION: Adopt Resolution 04-14 to change the location of the first regular Harbor Commission meeting each month to be held at Sea Crest School, 901 Arnold Way, Half Moon Bay 94019

Action: Motion by Tucker, second by Parravano to adopt Resolution 04-14 to change the location of the first regular Harbor Commission meeting each month to be held at Sea Crest School, 901 Arnold Way, Half Moon Bay 94019. The motion passed unanimously by roll call vote.

Ayes: 5

Nays: 0

Commissioner Requests

The Board of Harbor Commissioners may make requests. Requests may be made to place items on future agendas.

Brennan asked for the Accounts Receivable reports. She stated she previously made a request for them. Harris stated a couple of emails were sent to Brennan in regard to the Accounts Receivable reports. Brennan stated she responded to the email and didn't receive the reports. Grenell stated there was a potential for private information to be inadvertently divulged. He stated, given that possibility, it was important to give direction to staff and through Board action. Brennan stated it was a request and not complicated.

Holsinger made a point of information stating that a Public Records Act Request is subject to a certain procedure that needed to be followed. He asked the President what action needed to be taken. Holsinger stated he would look to Counsel but it sounded like an issue directed at the General Manager by a Commissioner of the Board as a Public Records Act request. He stated certain information has been redacted based upon the procedure established and the procedure was what needed to be adhered to.

Bernardo stated he wanted to get guidance from Counsel on the requests in regarding a solution to the item. He asked if the Board should place it on the agenda with regard to policy. Savaree stated it was what the General Manager was asking for. She stated Grenell wanted to have policy direction and Holsinger was addressing a different issue. Savaree

stated Brennan was asking for a particular set of information and the General Manager was asking the Board how to respond, while Holsinger stated that any member of the public could make a Public Records Act request which was separate from the conversation.

Bernardo asked Brennan she had a motion to place the item on an agenda. Brennan stated she did not make a Public Records Act request and asked for Accounts Receivable reports. She stated if she could not get the AR reports when requesting them as a Commissioner, then she would do so as a member of the public.

Tucker stated the Accounts Receivable reports are always available not redacted at the Harbor District Administration Office.

Bernardo stated this item was about a request and asked Brennan if she would like to place it on a future agenda. Brennan stated it would delay her ability to receive the Accounts Receivable reports and review the information as a Commissioner on the Board. She stated she previously discussed why it wasn't appropriate for her to go to the Administration Office.

Bernardo stated there was a discussion of Accounts Receivable reports for a few months and the issue was percolating and he wanted closure. He made a motion to put the Accounts Receivable item the next meeting agenda. Harris clarified: the AR reports were already available and a message was sent to Brennan via email asking her if she still wanted them redacted since that was the only way the reports would be able to be sent to her. She stated she did not receive a response back from Commissioner Brennan. Harris stated staff wanted the Board to make a decision if they would like the reports to be sent to Brennan unredacted.

Bernardo made a motion to place an Accounts Receivable reports item on the next agenda.

Action: Motion by Bernardo, second by Brennan to place an Accounts Receivable (AR) reports item on the next agenda. The motion failed.

Ayes: 2

Nays: 3 (Holsinger, Parravano, Tucker)

Tucker moved that an item be placed on the next Board agenda which clarifies the policy that pertains to Accounts Receivable and Public Records Act requests.

Action: Motion by Tucker, second by Bernardo to place an item on the next agenda regarding the policy that pertains to release of Accounts Receivable reports and other Public Records Act requests. The motion passed unanimously.

Ayes: 5

Nays: 0

Brennan mentioned an update on the appraisal of the building in El Granada, 504 Alhambra Avenue. She stated she noticed there wasn't mention of the appraisal on this agenda and asked if she needed to place it on a future agenda or if it was coming. Grenell stated it was coming when there was something to report. Brennan asked when the report would be. Grenell stated he was told the appraisal would be done within the next couple of weeks. He stated he would assure the Board that when the appraisal is provided, he would place it on the agenda as a Closed Session item.

Brennan stated she wanted the Board to have a finance committee which would have monthly reviews of Accounts Receivable, credit card statements, Bills and Claims as well as have the opportunity to make recommendations to reduce spending and to develop recommendations on approval of accounting procedures. She stated the Board would follow through the policy of having a finance committee. Brennan asked Bernardo if she could have this item placed on a future agenda. Bernardo stated he wanted to have a broad discussion on the Board level with regard to committee meetings. He asked Brennan if he could revise her request to have an item on an item the next agenda with recommendations for the various committees. Bernardo stated it would be in the form of an informational report in the General Manager's report.

Brennan stated there should be an in depth discussion about document storage and to find ways to protect the District's documents from emergencies. She stated if there was a fire, all important documents would be lost.

Brennan stated there were some misunderstandings about the FPPC and their recusal policy. She stated there needed to be a discussion about recusal and the FPPC's policy. Brennan stated the public was concerned with a commissioner who recuses himself and wanted five votes instead of four when it accommodates the FPPC's rules.

Bernardo stated it would be necessary for the Board to have a Closed Session on this item and have Legal Counsel explain recusal law. Savaree stated it could not be a Closed Session item.

Tucker made a motion to have a Closed Session item placed on the next agenda on Avenue Alhambra.

Action: Motion by Tucker, second by Brennan to have a Closed Session item at the next meeting discussing Avenue Alhambra. The motion passed unanimously.

Ayes: 5

Nays: 0

Tucker made a motion to have a Closed Session item placed on the next agenda discussing any and all complaints that had been received.

Action: Motion by Tucker, second by Parravano to have a Closed Session item at the next meeting discussing any and all complaints that had been received. The motion passed by roll call vote.

Ayes: 4

Nays: 0

Abstain: 1 (Brennan)

Holsinger read from a memo he created and made a motion to direct the General Manager to seek an Attorney General's opinion on whether or not any state law or laws would be violated: For an elected official or the government body of the elected official were to have an embedded link on the agency's website to that official's personal website. He stated he would like to put this item on the next agenda.

Action: Motion by Holsinger, second by Parravano to direct the General Manager to seek an Attorney General's opinion of whether or not it is violative of any state law or laws for an elected official or the government body of the elected official to have an embedded link on the agency's website to that official's personal website. The motion passed unanimously.

Ayes: 3

Nays: 2 (Bernardo, Brennan)

Continued Business

- 2 **TITLE:** **Change “Commissioner Requests” to “Agenda Setting”**
 REPORT: Tucker, Draft Minutes of December 4, 2013
 PROPOSED ACTION: Discussion and possible action to rename Board agenda item
 for “Commissioner Requests” to “Agenda Setting”, and to
 change the paragraph below to read: “Board of Harbor
 Commissioners may make requests to have future items
 placed on the agenda.”

Action: Motion by Tucker, second by Parravano to rename the Board agenda item from “Commissioner Requests” to “Agenda Setting”, and to change the paragraph below to read: “Board of Harbor Commissioners may make requests to have future items placed on the agenda.” The motion passed by roll call vote.

Ayes: 4
Nays: 1 (Brennan)

- 3 **TITLE:** **Records Disposal**
 REPORT: Memo, Resolution
 PROPOSED ACTION: Adopt Resolution 01-14 and approve Destruction of District
 Records

Public Comment for Item 3: Kathryn Slater-Carter, Tony Basso, Harvey Rarback, George Muteff, Bill Kehoe, Dan Haggerty.

Action: Motion by Tucker, second by Parravano to adopt Resolution 01-14 and approve Destruction of District Records after the results of the Grand Jury report. The motion passed unanimously.

Ayes: 5
Nays: 0

New Business

- 4 **TITLE:** **Request for Proposals-Vessel Pump Out Services Oyster Point Marina/Park and Pillar Point Harbor**
 REPORT: Grindy, Memo, Attachment
 PROPOSED ACTION: Approval to issue a Request for Proposals-Vessel Pump-Out Services at Oyster Point Marina/Park and Pillar Point Harbor

Grindy spoke on his report.

Public Comment for Item 4: Tony Basso

Action: Motion by Tucker, second by Parravano to approve issuance of a Request for Proposals-Vessel Pump-Out Services at Oyster Point Marina/Park and Pillar Point Harbor
The motion passed.

Ayes: 5

Nays: 0

- 5 **TITLE:** **City of San Carlos Request For Support And Compensation Agreement**
 REPORT: Grenell, Letter, Report Resolution, Attachments
 PROPOSED ACTION: Adopt Resolution 03-14 for support and compensation agreement

Grenell spoke on this item.

Public Comment for Item 5: Leonard Woren

Action: Motion by Tucker, second by Parravano to adopt Resolution 03-14 for support and compensation agreement. The motion passed by roll call vote.

Ayes: 3

Nays: 2 (Bernardo, Brennan)

- 6 TITLE: **Local Agency Formation Commission (LAFCo) Call For Nominations: Special District Selection Committee to Elect Special District Member On San Mateo LAFCo Pursuant to Section 56332**
REPORT: LAFCo Memo, Attachment
PROPOSED ACTION: To be determined

Grenell spoke on the report.

Bernardo stated that he will be at the March meeting to represent the District.

- 7 TITLE: **Bills and Claims in the Amount of \$337,653.90**
REPORT: Bills and Claims Detailed Summary
PROPOSED ACTION: Approval of bills and claims for payment and a transfer in the amount of \$337,653.90 to cover payment of bills and claims

Action: Motion by Tucker, second by Parravano to approve bills and claims for payment and a transfer in the amount of \$337,653.90 to cover payment of bills and claims. The motion passed by roll call vote.

Ayes: 4

Nays: 1 (Brennan)

- 8 TITLE: **Informational Report: District Commissioners Health Care Benefits**
REPORT: Grenell, Memo

Grenell spoke on his report.

- 9 TITLE: **Informational Report: Use of CAL-Cards**
REPORT: Grenell, Harris, Memo

Grenell spoke on his report.

campaigns for the King Salmon is to go through a public hearing, and depending on the input received by the public and agencies, they will proceed accordingly. Parravano stated it was a common practice which is done every five years. He stated the next hearing for the authorization is February 25th, 2014 in Santa Rosa, and written comments need to be submitted by February 20st 2014. Parravano asked his fellow Commissioners whether this could be done by consensus in direction to the General Manager to the Board. He stated it meant a lot for the Salmon fisherman in the state of California as well as Salmon fishermen coming into the state. Grenell stated it would be best to connect with Commissioner Parravano on content to make sure to relay an effective message. Brennan asked Grenell to email the Commissioners the final letter and link to the website. Grenell stated yes.

Brennan asked if a report for PRA information requests was still on schedule. Grenell asked what specific details are needed for the report. Brennan stated the details discussed at the January 15, 2014 Board meeting, but she would go over the details again. Grenell stated it would be helpful to confirm the details. Brennan stated there was a vote during the meeting on January 15, 2014 to approve having a report on the Public Records Act and the delays the public has experienced and ways the District would be able to meet the requirements. She stated there was going to be a discussion about ways of dealing with stress on the staff, and find a solution to making the process more efficient and effective.

Brennan thanked staff for setting up the new email addresses for the Commissioners. She asked if there was a way to forward the new email to the Commissioner's regular email addresses. Harris stated she would check with the IT technician.

- 16 TITLE: **Identification of District Real Property Negotiator**
 REPORT: Bernardo
 PROPOSED ACTION: Designate District Real Property Negotiator Peter Grenell

Action: Motion by Tucker, second by Holsinger to designate District Real Property Negotiator Peter Grenell and to go into Closed Session. The motion passed.

Ayes: 5

Nays: 0

The meeting adjourned to Closed Session at 9:30 p.m.

Closed Session

- 17 TITLE: **Conference with Real Property Negotiator Peter Grenell:
Pursuant to Government Code Section 54956.8**
- PROPERTY: Pillar Point Seafood (McHenry), Three Captains Sea
Products, Inc. (Fortado), Morning Star Fisheries (Mallory),
Johnson Pier, Pillar Point Harbor, El Granada, San Mateo
County, APN 047-083-060
- NEGOTIATING PARTIES: Pillar Point Seafood (McHenry), Three Captains Sea
Products, Inc. (Fortado), Morning Star Fisheries
(Mallory)
- UNDER NEGOTIATION: Price, Terms and Conditions for Lease of Property

Parravano recused himself. Brennan left the room while still in Closed Session.

Action: Motion by Tucker, second by Holsinger to adjourn to Open Session. The motion passed.

Ayes: 3

Nays: 0

Open Session resumed at 9:59 p.m.

Open Session, cont'd.

There was no reportable action from Closed Session.

Action: Motion by Tucker, second by Holsinger to adjourn the meeting. The motion passed unanimously.

Ayes: 5

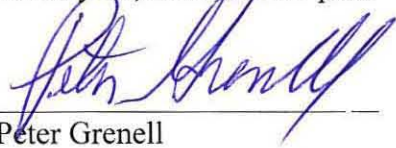
Nays: 0

The meeting adjourned at 10:00 p.m.

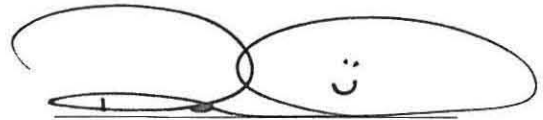
Adjournment

The next scheduled meeting will be held on February 19, 2014 at the Municipal Services Building, 333 Arroyo Drive, South San Francisco at 6:00 p.m.

Agenda Posted As Required:
January 29, 2014 at 3:30 p.m.



Peter Grenell
Acting Deputy Secretary



Robert Bernardo
President