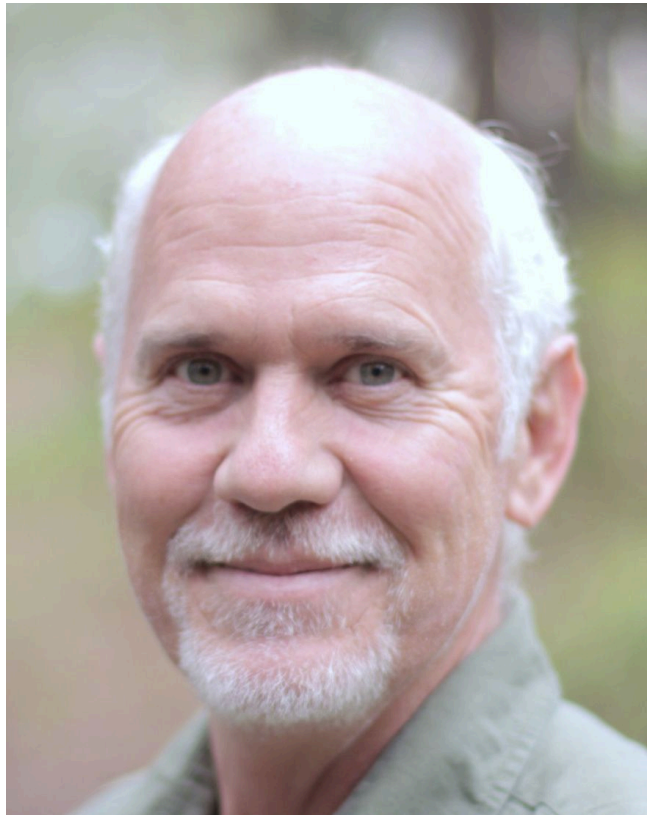

In My View: The Other Side of the Issue

July 14, 2023



I attended the Crescent City Harbor District (CCHD) Board of Commissioners meeting (6/20) when they scheduled a closed session to discuss the judgement against the harbor to pay \$1.9 million to Fashion Blacksmith.

Three Questions

At the meeting Roger Gitlin put on his reporter hat and asked the Commissioners three questions.

- “When do you plan to agendize, either in a special meeting or regular meeting, the \$2 million lawsuit decision against the Harbor?”
- “When do you plan to discuss the arbitrators mandate to repair the CCHD building occupied by tenant Fashion Blacksmith, by the September 15 deadline?”
- “When do you plan to discuss the mandate by arbitrators to dredge the inner harbor underneath the FB syncrolift, by October 31?”

In his Triplicate story (6/28), “Harbor Commission remains mum on arbitration decision,” Gitlin observed, “This item has been referred to closed session at least a dozen occasions but the CCHD has never reported out discussion or decisions by the public commissioners on this matter.”

One thing Gitlin and I agree on is the value of transparency in government decision making.

Different Sides

As I left the meeting, Gitlin said to me, “We are on different sides of this Fashion Blacksmith issue.” My first response was to defend my objectivity on harbor issues. Then I considered whether I have taken a side.

Admittedly, I have been a big booster of the Harbor District’s success in securing grant funding for infrastructure improvements, but this doesn’t mean that I will not criticize the actions of the Harbor District when it is warranted.

My second thought on Gitlin’s statement is that a newsperson has an obligation not to take sides. They should be objective and cover different sides of an issue. Reporters are supposed to report the news, not editorialize.

As an opinion journalist I reserve more latitude to express opinions, but I place a high value on reporting the facts accurately. Accordingly, I will reflect on both sides of this conflict.

Harbor Impact

In another Triplicate story (June 21), “Arbitrator decides for Fashion Blacksmith,” Gitlin printed a statement from Fashion Blacksmith. There was no discussion of what this means for the financial viability of the Harbor District. That is the other side of this story.

It’s hard to blame Gitlin for not covering the Harbor’s side of the story when the only statement he got from the Harbor District is, “CCHD is analyzing its options and working to find a solution to these issues.”

I have questions that deserve answers. Can the Harbor District survive paying this \$1.9 million judgement? The district only has about \$1 million in total cash assets. If they drain their coffers, will they have enough funding to match the many grants that they have secured for rebuilding the harbor?

There is value to the harbor if there is a boat repair business like Fashion Blacksmith. They are needed to help fishermen who need repairs in the middle of the fishing season. Lost time is lost money.

However, if I had to prioritize one over the other, I would argue that the harbor is a primary community asset and Fashion Blacksmith is a secondary private asset. The harbor can exist without a boatyard, but the boatyard cannot exist without the harbor.

Why We Don’t Know

At this point it is hard for a member of the public to know for sure how this mess happened. Virtually all the discussions that the Commissioners had regarding Fashion Blacksmith were behind closed doors. But it

seems that the Harbor Commissioners may have made some mistakes.

It is tempting for elected boards to retire behind closed doors to discuss difficult and controversial issues, without public scrutiny. But there are strict rules over what can and cannot be discussed in a closed session.

If there is a vote or decision made in closed session, there is a requirement to report this to the public and record the decision in the minutes of that meeting.

Generally, it is not allowed for an elected official to disclose the content of discussions in closed session. One exception to this rule is a “whistle blower” provision that allows an official who witnesses a violation of closed session rules to report this complaint outside of closed session confidentiality requirements.

One penalty for closed session meeting violations is a court order to record all closed session discussions.

Lease Renewed

The Harbor District laments that the Fashion Blacksmith lease was signed during a time when it was easier to dredge without permits. The Harbor District had permits but allowed them to expire. Without permits, there is no legal way that the Harbor can dredge the inner harbor near Fashion Blacksmith.

The Harbor District claims that they are stuck with an old lease that was approved decades ago. However, it appears this lease was renewed by the current board two or three years ago. It is difficult to tell precisely when this occurred because all the discussion was held in closed session.

At some point at least three of the current Harbor Commissioners had to vote to extend this lease, but I have found no record of this vote. This extension was likely approved out of fear of being sued. Ultimately this didn’t work out since they were sued anyway for failure to meet the lease terms.

More Transparency

I have pieced together this information from available sources, but if I got any of the details wrong, I invite the Harbor District to provide clarification.

In the future, I urge the Harbor District to be more transparent and judicious in their use of closed sessions. This is a government agency, not a private club. The public has a right to know what they are doing.

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