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FOR THE  
BOARD OF DIRECTOR'S INFORMATION PACKET  
FOR THE  
MUIR BEACH COMMUNITY SERVICES DISTRICT  
REGULAR BOARD OF DIRECTORS'  
MEETING ON WEDNESDAY, APRIL 23, 2003  
IN THE COMMUNITY CENTER AT 19 SEACAPE DRIVE  
THE REGULAR MEETING WILL BEGIN AT 7:00 P.M.**

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**AGENDA FOR THE MUIR BEACH COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS' REGULAR MEETING ON WEDNESDAY,  
APRIL 23, 2003 TO BEGIN AT 7:00 P. M. IN THE COMMUNITY CENTER  
LOCATED AT 19 SEACAPE DRIVE, MUIR BEACH, CALIFORNIA.**

**Directors:** President Steve Shaffer; Directors: Leighton Hills, Deborah Kamradt, Maury Ostroff, and Peter Rudnick.

- I. Open the public meeting: President Shaffer will call the public meeting to order.
- II. **Review and consideration of the April 23, 2002 Agenda.** Agenda items may be deleted, postponed, continued, or changed in scheduled sequence from the posted agenda so as to accommodate the needs of the Board and the public in attendance. However, no item can be added to the Agenda, for the purpose of having the Board make a decision, except as defined below under "Public Open Time".
- III. **National Park Service:** Representatives from the National Park Service ( N. P. S. ) will offer information on the ongoing Muir Woods and Beach activities relevant to the Muir Beach Community.
- IV. **Bills to be paid.** The Board will consider payment approval of the bills received requesting payment during the March 1 through March 31, 2003.
- V. **Fire Department, Emergency Disaster Committee:** Chief Sward will offer a report on the Department's activities since the last Board meeting.
- VI. **General Manager's Report:** The General Manager's written report follows, and the G. M. will be present to answer questions concerning the various elements in the report. This report is an integral part of the Agenda and the Board may take action on any or all items within the report.
  - A. **Administration:** The following is a summary of ongoing administrative matters:
    1. **Independent County Audit:** The completion of the independent County audit has been delayed by a request for some additional information for the use of F. E. M. A. Funds in the years immediately following the audit period. As this requires my going through files in storage, my recent illness has delayed forwarding the information to the auditor's office. The information will be forwarded during the week beginning April 20, 2003. The auditor assures me that this will complete the audit in time for the next Board meeting.
    2. **Communications:** While the District information phone 388-7808 is not being overwhelmed, it has experienced an increase in the number of contacts. The general information is updated at the beginning of each month, and then modified as necessary to give alerts to unforeseen conditions.
  - B. **Roads and Easements:** The items discussed below require the Board's review and action:
    1. **Mitigation of pedestrian way encroachment** at the southerly end of the Ahab Drive to Sunset Way pedestrian trail. The property owner, Bethany Villere has requested that the existing encroachment be removed and relocated within the District's right of way.

2. **Pedestrian access and landscaping encroachment** in the northerly area of the District Park Area in the Seacape Subdivision. We have received a formal written complaint concerning the blocking of the pedestrian way and the excessive landscaping encroachment, and several phone calls supporting this complaint.
3. **Fence blocking passage** of the access from Seacape Drive to the Muir Beach Overlook, via the District's Park area. the above reference written complaint also requests action concerning the fence that is perceived as blocking this possible trail.
4. **Revocation of Resolution 2002-12-11-01 and introduction of Resolution 2003-04-23-01** to replace the vacated resolution. This is the resolution establishing maintenance and landscaping provisions applicable to the District Park Area in the Seacape Subdivision. Copies of these resolutions are attached. While the adoption of the Resolution is less complicated than an Ordinance and becomes effective upon adoption (versus an Ordinance becoming effective 30 days after adoption), a public hearing is still required. The public hearing may be scheduled in combination with other public hearings and/or regular Board meetings. The initial Reading of the Title of the Resolution should be done during the current Board meeting. A majority of the Board is required for approval of a resolution.

**C. WATER OPERATIONS:**

1. Coliform tests taken during March were free of bacteria.
2. Gross water billing for the 02/23/02 through 03/23/03 billing period was \$3,512.08 including \$76.37 in late payment penalties and \$1.78 in interest charges. The monthly consumption surcharge for this period totaled \$889.19.

The table below tabulates the water production for the period February 23, 2002 to March 23, 2003.

Total volume of water measured through the master meter =	718,070 gallons
Average daily pumping rate	25,645 gallons
Highest pumping day volume pumped =	39,800 gallons
Lowest pumping day volume pumped =	14,400 gallons
Total volume billed through service meters =	606,336 gallons
Gross unaccounted for water loss =	111,734 gallons
Estimated un-metered maintenance use <sup>1</sup>	25,000 gallons
Estimated leak repair losses <sup>1</sup>	15,000 gallons
Net unaccounted for water loss (9.99%)	71,734 gallons
Average daily customer consumption per meter =	72 gallons
Average service billing =	\$22.94

<sup>1</sup> Maintenance use and leak losses estimated from tank level differentials.

- D. Water rates:** The draft Ordinance, 2003-01-01, as revised during the February meeting has been approved by the County Counsel for general format and content, with minor changes (corrected copy attached). The counsel recommends that the Board reintroduce the Ordinance and read the Title of the Ordinance during the meeting. Following the reading the Board should:
1. Set the date for a public hearing (at least five days after the first reading) which may coincide with a regular board meeting and,
  2. Select a desired communication method for informing the residents. The essential procedure is to agendize and post the agenda at least 72 hours prior to time of the Public Hearing. However, it is generally accepted that a mailing of a copy of the proposed Ordinance is forwarded to all water customers as well as posting the proposed Ordinance on the District bulletin boards.
  3. Hold the Public Hearing and following the public hearing the Board will vote on whether to adopt the Ordinance. At least two thirds of the Board of Directors must vote in favor for the Ordinance to be adopted.
  4. Following the Board's approval, the Ordinance must be published within fifteen days after its passage, with the names of those Board members voting for, against, abstaining and/or absent.
- E. Water Conservation Enforcement:** The County Counsel required substantial revisions and additions to Resolution 2002-12-11-01 establishing the water conservation enforcement procedures. The revised Resolution is attached for the Board's consideration. While the adoption of the Resolution is less complicated than an Ordinance and becomes effective upon adoption (versus an Ordinance becoming effective 30 days after adoption), a public hearing is still required. The public hearing may be scheduled in combination with other public hearings and/or regular Board meetings. The initial Reading of the Title of the Resolution should be done during the current Board meeting. A majority of the Board is required for approval of a resolution.
- F. Water Rights:** The possible dates for the next T. A. C. meeting have been forwarded to the committee members and a meeting will be scheduled when I have received their response.
- G. Capital Improvements:** DCV Consultants was notified of the Board's request for estimated costs for preparing the plans and specification for bid solicitation. The civil engineer has inspected the site and is in the process of developing his recommendations. I have had several conversations with Aaron Newman and he is still collecting cost information from various possible suppliers.
- H. Recreation:** Copies of the proposed community center deck roof plans and construction proposal forms were mailed to four (4) construction companies (including designer Tony Moore) that had previously indicated an interest in submitting construction proposals. One of the mailings was recently returned as no forwarding address. As of this date no sealed proposals have been received. However, the deadline for submission is by 7:00 pm Wednesday, April 23, 2003. The sealed proposals received should be opened during the Board meeting for the Board's consideration and possible awarding of a contract. The Board may delay awarding for further consideration or cancel the process as deemed necessary.

- VII. PUBLIC OPEN TIME:** California State Law prohibits Board action on any item, within its jurisdiction, that has not been listed on the lawfully posted Agenda unless: *1) upon a determination by a majority of the Board that an emergency situation exists; 2) upon a determination by a two-thirds majority of the Board (or by no less than three members, if less than the entire Board is present) that the need to take action arose subsequent to the Agenda being posted; or 3) the item was posted for a prior Board meeting, occurring not more than five (5) days prior to the date action is taken on the item, and at the subject prior meeting, the item was continued to the meeting at which action is being taken. Other items will generally be received as information, or referred to staff for further consideration prior to the next scheduled meeting of the Board. As a matter of procedure, the Board may limit individual presentations to no more than five minutes. Individual presentations should involve non-repetitive items, and non-repetitive supporting information.*

### **PUBLIC INPUT**

**Old business:** The public may request further consideration, clarification, or modification of business items previously considered and acted upon by the Board. The public must reference the minute item and date of the approved minutes

**New Business:** The public may introduce items of new business, not included in the posted Agenda, that they wish the Board to consider at a future meeting, or they may present substantiating evidence to support emergency consideration. The presentation should include information and details offering a clear understanding of the problem to be considered.

In addition to the foregoing public input, the public has the right and will be invited to comment on any and all items listed on the posted Agenda. Comments are subject to the time and content limitations outlined above.

- VIII. Review of the draft minutes for:** The regular Board meeting held on March 26, 2003
- IX. Next meeting date:** May 28, 2003 is the fourth Wednesday in the month of May.

### **ADJOURNMENT OR CONTINUATION**

# MUIR BEACH CSD, BILLS TO BE PAID

## RECEIVED 03/01/03 THROUGH 03/31/03

VENDER NAME	USE CODE	DESCRIPTION	FUND	AMOUNT
<b>WATER CAPITAL IMPROVEMENT EXPENSES</b>				
Delta Environmental Laboratories	2115	Water Quality test for new well	B	\$3,430.00
ABC Consultants, Inc.	2117	Administrative fees paid this month	B	175.00
DCV Consultants	2713	New well specifications, well site work	B	1,101.80
Ghilotti Construction	4169	Install new services on Seacape Drive	B	6,894.15
<b>TOTAL WATER CAPITAL IMPROVMENT EXPENSES =</b>				<b>\$11,600.95</b>

<b>ADMINISTRATION EXPENSES, DIVISION CODE 9236</b>				
Kinko's	2049	Board packet copies	P	\$24.48
ABC Consultants, Inc.	2117	Administrative fees paid this month	B	600.00
Costco	2121	Annual membership for maint. mgr.	P	35.00
Salomon Smith Barney	2121	Returned check fee	B	15.00
Office Max	2133	Window envelopes, liquid paper, etc.	P	43.44
ABC Consultants, Inc.	2479	Travel allowance paid for last month	B	138.69
AT&T	2534	415-388-7804 toll calls paid this month	B	19.59
AT&T	2534	707-643-1143 toll cals paid this month	B	24.57
Cingular	2534	Cell phone paid this month	B	129.83
Pacific Bell	2534	707-643-1143 paid this month	B	18.97
Pacific Bell	2534	415-388-7804 & 388-7808 paid this month	B	101.23
Marin County	2713	Legal fees	C	55.00
<b>TOTAL G&amp;A EXPENSES =</b>				<b>\$1,205.80</b>

<b>FIRE DIVISION EXPENSES, DIVISION CODE 9240</b>				
ABC Consultants, Inc.	2117	Administrative fees paid this month	B	\$225.00
Pacific Bell	4827	Fire station phone paid this month	B	63.27
<b>TOTAL FIRE EXPENSES =</b>				<b>\$288.27</b>

<b>RECREATION EXPENSES, DIVISION CODE 9239</b>				
Sutton Freebairn-Smith	1028	Maint. manager wages paid this month	C	\$134.56
Salvador Gonzales	1073	Extra Hire wages paid this month	C	80.74
Juana Gonzales	1077	Janitorial wages paid this month	C	310.04
ABC Consultants, Inc.	2117	Administrative fees paid this month	B	500.00
Pacific Bell	2534	Community Centerpay phone paid this month	B	
Pacific Gas & Electric	2535	Community Center electric paid this month	B	
Lonna Richmond	2041BI	Bistro wages paid this month	C	96.89
Nancy Knox	2041BI	Bistro pastries purchased this month	P	22.50
Whole Foods, Trader Joe's, Bell's	2041BI	cream, jam for Bistro	P	8.59
Emiko Wang	2041TC	Tai Chi instruction February	B	72.00
<b>TOTAL RECREATION EXPENSES =</b>				<b>\$1,225.32</b>

<b>ROADS &amp; EASEMENT EXPENSES, DIVISION CODE 9237</b>				
Sutton Freebairn-Smith	1028	Maint. manager wages paid this month	C	\$80.74
Salvador Gonzales	1073	Extra Hire wages paid this month	C	228.76
Ghilotti Construction	2077	Drainage repairs	C	3,758.53
ABC Consultants, Inc.	2117	Administrative fees paid this month	B	500.00
<b>TOTAL R&amp;E EXPENSES =</b>				<b>\$4,568.03</b>

# MUIR BEACH CSD, BILLS TO BE PAID

## RECEIVED 03/01/03 THROUGH 03/31/03

### WATER DIVISION EXPENSES, DIVISION CODE 9238

Sutton Freebairn-Smith	1028	Maint. manager wages paid this month	C	\$2,287.57
Salvador Gonzales	1073	Extra Hire wages paid this month	C	40.37
Jackson's	2077	Weed wackeeer maintenance	B	122.89
Ghilotti Construction	2077	Leak Repairs	C	2,463.83
Delta Environmental Laboratories	2115	Title 22, organic & inorganic well tests	B	3,000.00
Herb's Pool Service	2115	Chlorine supplies	B	35.39
ABC Consultants, Inc.	2117	Clerical fees paid this month	B	950.00
ABC Consultants, Inc.	2117	Administrative fees paid this month	B	800.00
Public Storage	2121	Storage space March 03	B	59.00
USPO	2130	Postage	P	133.20
Kinko's	2133	Blank invoice forms	P	14.17
NEBS	2133	Voucher checks	B	100.84
Office depot	2133	Labels, tax forms, etc.	P	39.66
Sutton Freebairn-Smith	2479	Travel allowance JFebruary & March	B	200.00
Marin Cell U Phone	2534	Sutton's maintenance manager pager	B	9.95
Pacific Bell	2534	Upper tank phone relay paid this month	B	31.46
Pacific Gas & Electric	2535	Well & lower tank electric paid this month	B	

**TOTAL WATER EXPENSES = \$10,288.33**

### SECURITY DEPOSIT TRUST FUND TRANSACTIONS

PERS	1506	Shaffer medical trust medical insurance	B	\$296.59
Jim Murray	9025R	Refund water security deposit	B	100.00
Jennifer Dye	9255R	Refund rental security deposit	B	500.00

**TOTAL CHECKS ISSUED FROM TRUST FUNDS = \$896.59**

**B = Paid thru Salomon depository**  
**C = Paid thru County depositories**  
**P = Paid thru Petty Cash Funds**

**TOTAL WATER CAPITAL IMPROVMENT EXPENSES = \$11,600.95**  
**TOTAL GENERAL FUND EXPENSES = 17,575.75**  
**TOTAL CHECKS ISSUED FROM TRUST FUNDS = 896.59**  
**TOTAL OF ALL CHECKS ISSUED = \$30,073.29**

The above bills were approved for payment by the Muir Beach Community Services District Board of Directors on

the \_\_\_\_\_ day of \_\_\_\_\_ 2003.

### MUIR BEACH COMMUNITY SERVICES DISTRICT

\_\_\_\_\_  
Steven Shaffer, President

\_\_\_\_\_  
Donovan Macfarlane, Secretary

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04/18/03  
Accrual Basis

Muir Beach Community Services District 2001-2002  
Year to Date Income and Expense Summary  
July 2002 through March 2003

	<u>Jul '02 - Mar 03</u>
<b>Income</b>	
Administrative Income	36,628
Fire Operations Income	8,500
Firesafe Marin Grant Income	2,877
Recreational Activities Income	8,873
Water Capital Improvements Inco	49,654
Water Operations Income	43,510
<b>Total Income</b>	<u>150,042</u>
<b>Expense</b>	
A1702, Unemployment Insurance	34
Administrative Expenses	10,811
Fire Operational Expenses	3,564
Firesafe Marin Grant Expenses	1,033
Recreational Expenses	15,468
Roads & Easements Expenses	9,497
Water Capital Improve'ts Exp.	45,371
Water Operating Expenses	77,236
<b>Total Expense</b>	<u>163,014</u>
<b>Net Income</b>	<u><u>-12,972</u></u>



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04/18/03

Accrual Basis

## Muir Beach Community Services District 2001-2002

## Balance Sheet

As of March 31, 2003

	Mar 31, 03
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
Fund 428, County General Fund	30,622
Fund 429, County Investment Fun	
Capital Improvements	193,827
General Investments	78,460
Total Fund 429, County Investment Fun	272,288
Petty Cash Fund	-70
Salomon Smith Barney	
Fire Station Reserve	12,419
General Funds	17,083
Rental deposit trust	2,750
Shaffer CalPers Trust	-889
Water Security Deposit Trust	6,100
Total Salomon Smith Barney	37,463
Total Checking/Savings	340,303
Accounts Receivable	
Receivables	10,697
Total Accounts Receivable	10,697
Total Current Assets	351,000
Fixed Assets	
A4048, Office Equipment	537
Total Fixed Assets	537
<b>TOTAL ASSETS</b>	<b>351,537</b>
<b>LIABILITIES &amp; EQUITY</b>	
Liabilities	
Current Liabilities	
Other Current Liabilities	
1506CPSH Shaffer CalPers Trust	196
R9255R, Refundable deposits	2,740
W9025RD, Security deposits	6,400
Total Other Current Liabilities	9,336
Total Current Liabilities	9,336
Total Liabilities	9,336
Equity	
Retained Earnings	355,173
Net Income	-12,972
Total Equity	342,201
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>351,537</b>

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04/18/03

Accrual Basis

# Muir Beach Community Services District 2001-2002

## INCOME VERSUS EXPENSES

March 2003

	Mar 03
<b>Income</b>	
Administrative Income	
A9001, General Tax Income	11,145
<b>Total Administrative Income</b>	11,145
Fire Operations Income	
F9377, West Marin Funds	8,500
<b>Total Fire Operations Income</b>	8,500
Recreational Activities Income	
R9255, CC Rental Income	2,270
R9811, Rec. Programs Income.	
R9811BI, Bistro Income	124
R9811TC, Tai Chi Income	180
<b>Total R9811, Rec. Programs Income.</b>	304
R9834, Res. Handbook Income	1
<b>Total Recreational Activities Income</b>	2,575
Water Capital Improvements Inco	
H9031, Water Surcharge Income	
H9031, Consumption Surcharge	1,536
H9031, Water Surcharge Income - Other	60
<b>Total H9031, Water Surcharge Income</b>	1,596
<b>Total Water Capital Improvements Inco</b>	1,596
Water Operations Income	
W9025, Water Service Income	
W9025Int., Overdue bill interst	5
W9025LP, Late pay penalty	135
W9025, Water Service Income - Other	6,164
<b>Total W9025, Water Service Income</b>	6,303
Water Operations Income - Other	55
<b>Total Water Operations Income</b>	6,358
<b>Total Income</b>	30,174
<b>Expense</b>	
Administrative Expenses	
A2049, Conf., Mtgs. & Dues	24
A2117, Consulting Admin. Fees	600
A2121, Miscellaneous Expenses	50
A2130, Mailing & Shipping Exp.	
A2133, Office Supplies	43
A2479, Travel Expenses	139
A2534, Telephone/Communications	294
A2713, Legal fees	55
<b>Total Administrative Expenses</b>	1,206
Fire Operational Expenses	
F2117, Administrative Fees	225
F4827, W. Marin Fund Expenses	63
<b>Total Fire Operational Expenses</b>	288
Recreational Expenses	
R1028, Maint. Mgr. Wages	125
R1073, Janitorial wages	363
R1404, FICA	44
R2041, Rec. Program Expenses	
R2041BI, Bistro Expenses	121
R2041TC, Tai Chi Expenses	72
<b>Total R2041, Rec. Program Expenses</b>	193
R2117, Administrative Expenses	500

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04/18/03

Accrual Basis

**Muir Beach Community Services District 2001-2002****INCOME VERSUS EXPENSES**

March 2003

	Mar 03
R2534, Pay Telephone Expense	
Total Recreational Expenses	1,225
Roads & Easements Expenses	
E1028, Maint. Mgr. wages	75
E1073, Extra Hire Wages	213
E1404, FICA	22
E2077, Road & Easement Repairs	3,759
E2117, Administrative Fees	500
Total Roads & Easements Expenses	4,568
Water Capital Improve'ts Exp.	
H2117, Administrative Fees	175
H2713, Project Improvements	
H2713CP, System Improvements	1,102
H2713, Project Improvements - Other	3,000
Total H2713, Project Improvements	4,102
H4169UT, Priority Improvements	
H4169VR, Valve Replacement	6,894
H4169UT, Priority Improvements - Other	430
Total H4169UT, Priority Improvements	7,324
Total Water Capital Improve'ts Exp.	11,601
Water Operating Expenses	
W1028, Maint. Mgr. Wages	2,125
W1073, Extra Hire Wages	38
W1404, FICA	165
W1506, Medical benefits	297
W2077, Routine Repairs	2,587
W2115, Chemicals & Testing	3,035
W2117, Administrative Fees	1,750
W2121, Miscellaneous Expenses	59
W2130, Postage & Shipping	133
W2133, Office Supplies	155
W2479, Travel allowance	200
W2534, Telephone Relay Expense	41
Total Water Operating Expenses	10,585
Total Expense	29,473
Net Income	701

**Muir Beach Community Services District 2002-2003**  
**Profit & Loss Budget vs. Actual**  
 July 2002 through March 2003

	Jul '02 - Mar 03	Budget	\$ Over Budget	% of Budget
<b>Income</b>				
<b>Administrative Income</b>				
A9001, General Tax Income	36,610	43,800	-7,190	84%
A9203, Interest earned		1,600	-1,600	
A9772, Copier Income	3			
Administrative Income - Other	15			
<b>Total Administrative Income</b>	<b>36,628</b>	<b>45,400</b>	<b>-8,772</b>	<b>81%</b>
<b>Fire Operations Income</b>				
F9377, West Marin Funds	8,500	8,300	200	102%
F9763, Fire Assoc. Donations		5,100	-5,100	
<b>Total Fire Operations Income</b>	<b>8,500</b>	<b>13,400</b>	<b>-4,900</b>	<b>63%</b>
<b>Firesafe Marin Grant Income</b>	<b>2,877</b>			
<b>Recreational Activities Income</b>				
R9255, CC Rental Income	6,920	7,000	-80	99%
R9811, Rec. Programs Income.				
R9811BI, Bistro Income	974	1,400	-426	70%
R9811CD, Com. Din. Income		2,000	-2,000	
R9811CP, Child's Prog. Income	191	230	-39	83%
R9811TC, Tai Chi Income	788	1,120	-333	70%
<b>Total R9811, Rec. Programs Income.</b>	<b>1,952</b>	<b>4,750</b>	<b>-2,798</b>	<b>41%</b>
R9834, Res. Handbook Income	1	150	-149	1%
<b>Total Recreational Activities Income</b>	<b>8,873</b>	<b>11,900</b>	<b>-3,027</b>	<b>75%</b>
<b>Water Capital Improvements Inco</b>				
H9001, special Assessment Tax	34,518	55,875	-21,358	62%
H9031, Water Surcharge Income				
H9031, Consumption Surcharge	9,847	13,000	-3,153	76%
H9031, Water Surcharge Income - Other	705			
<b>Total H9031, Water Surcharge Income</b>	<b>10,552</b>	<b>13,000</b>	<b>-2,448</b>	<b>81%</b>
H9377, Interest Earnings				
H9377C, Cap. Imp. Interest	3,435	4,000	-565	86%
H9377G, Gen. Inv. Interest	1,149			
<b>Total H9377, Interest Earnings</b>	<b>4,584</b>	<b>4,000</b>	<b>584</b>	<b>115%</b>
<b>Total Water Capital Improvements Inco</b>	<b>49,654</b>	<b>72,875</b>	<b>-23,221</b>	<b>68%</b>
<b>Water Operations Income</b>				
W9025, Water Service Income				
W9025Int., Overdue bill interst	32			
W9025LP, Late pay penalty	715			
W9025, Water Service Income - Other	39,534	70,000	-30,466	56%
<b>Total W9025, Water Service Income</b>	<b>40,280</b>	<b>70,000</b>	<b>-29,720</b>	<b>58%</b>

## Muir Beach Community Services District 2002-2003

## Profit &amp; Loss Budget vs. Actual

July 2002 through March 2003

	Jul '02 - Mar 03	Budget	\$ Over Budget	% of Budget
W9772, Miscellaneous Income	3,150			
Water Operations Income - Other	80			
Total Water Operations Income	43,510	70,000	-26,490	62%
Total Income	150,042	213,575	-63,533	70%
Expense				
A1702, Unemployment Insurance	34			
Administrative Expenses				
A2049, Conf., Mtgs. & Dues	611	400	211	153%
A2117, Consulting Admin. Fees	5,400	7,200	-1,800	75%
A2121, Miscellaneous Expenses	330	300	30	110%
A2129, Gen. Election expenses		455	-455	
A2130, Mailing & Shipping Exp.	22	275	-253	8%
A2133, Office Supplies	128	450	-322	28%
A2137, Copier Maint. Expenses	188	150	38	125%
A2352, County Fees	491	8,000	-7,510	6%
A2479, Travel Expenses	1,498	2,200	-703	68%
A2534, Telephone/Communications	1,875	2,600	-725	72%
A2713, Legal fees	269	2,000	-1,731	13%
Total Administrative Expenses	10,811	24,030	-13,219	45%
Fire Operational Expenses				
F2117, Administrative Fees	2,025	2,700	-675	75%
F4827, W. Marin Fund Expenses	1,539	8,500	-6,961	18%
Total Fire Operational Expenses	3,564	11,200	-7,636	32%
Firesafe Marin Grant Expenses				
F2077-Chipper grant program				
F1073 chipper payroll	1,033	25,000	-23,967	4%
Total F2077-Chipper grant program	1,033	25,000	-23,967	4%
Total Firesafe Marin Grant Expenses	1,033	25,000	-23,967	4%
Recreational Expenses				
R1028, Maint. Mgr. Wages	235	2,250	-2,015	10%
R1073, Janitorial wages	2,896	2,700	196	107%
R1404, FICA	367	379	-12	97%
R1701, Work Comp Insurance	580	718	-138	81%
R2041, Rec. Program Expenses				
R2041BI, Bistro Expenses	2,004	2,100	-96	95%
R2041CD, Com. Dinner Expenses		600	-600	
R2041CP, Child's Program Exp.		200	-200	
R2041TC, Tai Chi Expenses	630	1,400	-770	45%
Total R2041, Rec. Program Expenses	2,634	4,300	-1,666	61%
R2077, Routine Repairs		5,000	-5,000	

## Muir Beach Community Services District 2002-2003

## Profit &amp; Loss Budget vs. Actual

July 2002 through March 2003

	Jul '02 - Mar 03	Budget	\$ Over Budget	% of Budget
R2097, CC Ground Maintenance		250	-250	
R2117, Administrative Expenses	4,500	6,000	-1,500	75%
R2119, Publications		500	-500	
R2121, Miscellaneous Expenses	100	100		100%
R2133, Office Supplies & Stamps		100	-100	
R2259, Refuse Removal	358	500	-142	72%
R2366, Building Supplies	75	350	-275	21%
R2534, Pay Telephone Expense	431	760	-329	57%
R2535, Energy Expenses				
R2535E, Electrical Expenses		1,000	-1,000	
R2535G, Butane Gas Expenses	118	250	-132	47%
R2535, Energy Expenses - Other	674			
Total R2535, Energy Expenses	793	1,250	-457	63%
R4048, Building Improvements	2,500	7,000	-4,500	36%
Total Recreational Expenses	15,468	32,157	-16,689	48%
Roads & Easements Expenses				
E1028, Maint. Mgr. wages	225	5,500	-5,275	4%
E1073, Extra Hire Wages	925	4,000	-3,075	23%
E1404, FICA	88	727	-639	12%
E1701, Work's. Comp. Insurance		1,210	-1,210	
E2077, Road & Easement Repairs	3,759	15,000	-11,241	25%
E2117, Administrative Fees	4,500	6,500	-2,000	69%
Total Roads & Easements Expenses	9,497	32,937	-23,440	29%
Water Capital Improve'ts Exp.				
H2049 Meeting & Hearing expense	3	400	-397	1%
H2117, Administrative Fees	1,575	2,100	-525	75%
H2352, County fees	240	324	-84	74%
H2713, Project Improvements				
H2713CP, System Improvements	5,871	60,000	-54,129	10%
H2713, Project Improvements - Other	3,000			
Total H2713, Project Improvements	8,871	60,000	-51,129	15%
H4169UT, Priority Improvements				
H4169NW, New Well	10,462	40,000	-29,538	26%
H4169VR, Valve Replacement	23,790	16,000	7,790	149%
H4169UT, Priority Improvements - Other	430			
Total H4169UT, Priority Improvements	34,682	56,000	-21,318	62%
Total Water Capital Improve'ts Exp.	45,371	118,824	-73,453	38%
Water Operating Expenses				
W1028, Maint. Mgr. Wages	12,185	20,625	-8,440	59%
W1073, Extra Hire Wages	2,061	3,000	-939	69%
W1404, FICA	2,183	1,810	373	121%

## Muir Beach Community Services District 2002-2003

## Profit &amp; Loss Budget vs. Actual

July 2002 through March 2003

	Jul '02 - Mar 03	Budget	\$ Over Budget	% of Budget
W1506, Medical benefits				
W1506CPSH	242			
W1506, Medical benefits - Other	2,301			
Total W1506, Medical benefits	2,543			
W1701, Work. Comp. Insurance	4,085	3,000	1,085	136%
W2049, Conferences & Training	215	400	-185	54%
W2058, Annual Permit Fee	1,889	1,883	6	100%
W2077, Routine Repairs	8,298	5,000	3,298	166%
W2115, Chemicals & Testing	3,630	5,000	-1,370	73%
W2117, Administrative Fees	15,750	21,000	-5,250	75%
W2121, Miscellaneous Expenses	570	1,000	-430	57%
W2130, Postage & Shipping	600	1,500	-900	40%
W2133, Office Supplies	1,396	1,000	396	140%
W2325, Contract Services	15,954	5,000	10,954	319%
W2479, Travel allowance	900	1,500	-600	60%
W2534, Telephone Relay Expense	376	600	-224	63%
W2535, Electrical Service	4,603	7,000	-2,397	66%
Total Water Operating Expenses	77,236	79,318	-2,082	97%
Total Expense	163,014	323,466	-160,452	50%
Net Income	-12,972	-109,891	96,919	12%

**RESOLUTION 2002-12-11-01,**

**A Resolution of the Board of Directors of the Muir Beach Community Services District Proposing Regulations for the Development and Maintenance If the District's Seacape Subdivision Park Area and the Pedestrian Trail Within the Park Area.**

---

**WHEREAS,** the District is the fee simple title holder of the subject Park Area and has the responsibility to maintain this area for the benefit of the District Residents, and

**WHEREAS,** the Park Area is designated in the Marin County Master Plan as one of the many scenic trails for use by the general public, and

**WHEREAS,** the residents of the district have expressed their desire to have a useable pedestrian trail located in the approximate center of the Park Area, and

**WHEREAS,** the residents adjacent to the Park Area of the Seacape Subdivision have indicated their desire to maintain and/or landscape that part of the Park area adjacent to their property, and

**WHEREAS,** it is the determination of the Board of Directors that it is to the benefit of the District, its residents, and the general public to have a policy that establishes specific guidelines for the landscaping and/or maintenance of the Park Area while maintaining the unrestricted, free and useable access and enjoyment of the Park Area pedestrian trail, fire break, and scenic view for public use.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Muir Beach Community Services District as follows:

**Section 1:** The Board of Directors hereby establishes and reserves the center 10 feet of the subject Park Area described as Assessor's Parcel Number 199-281-01, as a scenic pedestrian trail and fire break that shall be maintained for the use of the District residents and the general public with free and unrestricted access for their enjoyment. The Park Area described as Assessor's Parcel Number 199-26-09 is specifically excluded from this resolution.

**Section 2:** The Board of Directors hereby grants the Seacape Subdivision owners whose property is adjacent to the subject Park Area, the right to maintain and/or landscape the area adjacent to their property in compliance with the following conditions:

1. The area permitted for resident maintenance and/or landscaping shall be the area adjacent to the residents property lines for a distance of no more than 20 feet into the Park Area and lying between their property sidelines as projected 20 feet forward into the Park Area, specifically leaving the center 10 feet of the Park Area for the public pedestrian trail and fire break.
2. The property corners of the subject adjacent owners lot and the Park Area shall be clearly marked by a protective post extending no less than 2 feet above the ground surface, and labeled M. B. C. S. D. property on the Park side of the post.
3. Maintenance of the subject area shall either permit it to be left in its natural condition or maintained by mowing the native ground cover to a height adequate to preserve the life of the native ground cover. The existing native shrubs may be pruned to maintain views but shall not be removed without the specific approval of the District.



4. In the event the adjacent landowner desires to landscape the subject adjacent Park area, the regulations governing the landscaping shall:
  - a. A landscaping plan must be submitted to the district for review and approval prior to any work being performed. Prior to commencing work on the landscaping, the owner shall record the approved plan, along with a copy of this resolution as an attachment to the property title.
  - b. All plants and ground covers proposed by the plan must be classified as native to the area and drought resistant. Irrigation, through the use of domestic water supplied by the District, of the landscaped area during the drought season is prohibited.
  - c. All plants shall be limited to a height of no more than 4 feet above the existing ground level at the base of the plant.
  - d. None of the landscaping shall be permitted to block or otherwise hinder the public use of the pedestrian trail.
  - e. No dumping of debris or other unsightly materials shall be permitted within the Park Area, and in the event such dumping does occur the adjacent property owners will be given thirty (30) days notice to remove the debris. In the event the debris is not removed, the District will remove it and charge the owner for the cost of removal. Failure of the owner to pay the cost will result in the District placing a lien on the property.
  - f. The maintenance and/or landscaping shall be implemented and/or installed by the subject adjacent owner, at the owners expense with the owner indemnifying the District from any and all potential liability applicable to the maintenance an/or landscaping.
5. In the event that at some future date the requirements of the District necessitate the removal of the resident installed landscaping, the resident will be offered no less than ninety (90) days to remove the landscaping at the residents expense, prior to the District's use. In the event the resident fails to remove the landscaping within the ninety (90) days granted period, the District is free to implement its needs without liability or compensation to the property owner.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the Board of Directors of the Muir Beach Community Services District on Wednesday, January 29, 2003.

Ayes: Hills, Ostroff, Rudnick and Shaffer

Noes: none

Absent/Abstain: Kamradt

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Steven Shaffer, President of the Board

Attest: \_\_\_\_\_  
Secretary for the Board

**RESOLUTION 2003-04-23-01,**

**A Resolution of the Board of Directors of the Muir Beach Community Services District Proposing Regulations for the Development and Maintenance If the District's Seacape Subdivision Park Area and the Pedestrian Trail Within the Park Area.**

---

**WHEREAS,** the District owns the parcel of land designated "Park" on the Map of Seacape, recorded in Book 13 of Maps at Page 54, Marin County, California Records (also known as Assessors Parcel 199-281-01), extending from the Community Center to the intersection of Seacape Drive and Starbuck Drive (hereinafter "Park Area"), and

**WHEREAS,** the District has the responsibility to maintain the Park Area for the benefit of the District Residents, and

**WHEREAS,** the Park Area is designated in the Marin County Master Plan as one of the many scenic trails for use by the general public, and

**WHEREAS,** the residents of the District have expressed their desire to have a useable pedestrian trail located in the approximate center of the Park Area, and

**WHEREAS,** the residents adjacent to the Park Area of the Seacape Subdivision have indicated their desire to maintain and/or landscape that part of the Park area adjacent to their property, and

**WHEREAS,** it is the determination of the Board of Directors that it is to the benefit of the District, its residents, and the general public to have a policy that establishes specific guidelines for the landscaping and/or maintenance of the Park Area while maintaining the unrestricted, free and useable access and enjoyment of the Park Area pedestrian trail, fire break, and scenic view for public use.

**WHEREAS,** it is the determination of the Board of Directors that the most equitable and least offensive location for the pedestrian trail is the central ten (10) feet of the Park Area.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Muir Beach Community Services District as follows:

**Section 1:** The Board of Directors hereby establishes and reserves the center 10 feet of the Park Area described as a scenic pedestrian trail and fire break that shall be maintained for the use of the District residents and the general public with free and unrestricted access for their enjoyment. The extended Park Area located to the west of Seacape Drive and extending to the Muir Beach Overlook (also known as Assessors Parcel 199-162-09) is specifically excluded from this resolution.

**Section 2:** The individual property owners adjacent to the Park Area are given permission, subject to revocation, to maintain and provide landscaping to the area immediately adjacent to their properties within the Park Area in compliance to the following conditions:

1. The area permitted for resident maintenance and/or landscaping shall be the area adjacent to the residents property lines for a distance of no more than 20 feet into the Park Area and lying between their property sidelines as projected 20 feet forward into the Park Area, specifically leaving the center 10 feet of the Park Area for the public pedestrian trail and fire break, subject to the following variables:

- a. Where the ground slope is too steep to accommodate safe pedestrian access without the provision of stairs, the trail may vary back and forth within the central 30 feet of the Park area so as to provide a slope not exceeding 3 inches of fall per 12 inches of length (a 3/12 slope).
  - b. In the event the ground slope does not permit safe pedestrian access, as provided in the above paragraph (a), the trail will be enhanced with stairs (conforming to District standards) situated within the center 10 feet of the Park.
  - c. At the Southerly end of the Park, situated between Assessor's parcels 199-281-09, 199-281-10, 199-201-07 and 199-201-06 the location of the pedestrian trail shall remain in the location as it currently exists, including all existing stairs, steps and gravel paths.
2. The property corners of the subject adjacent owners lot and the Park Area shall be clearly marked by a protective post extending no less than 2 feet above the ground surface, and labeled M. B. C. S. D. property on the Park side of the post.
3. Maintenance of the subject area shall either permit it to be left in its natural condition or maintained by mowing the native ground cover to a height adequate to preserve the life of the native ground cover. The existing native shrubs may be pruned to maintain views but shall not be removed without the specific approval of the District.
4. In the event the adjacent landowner desires to landscape the subject adjacent Park area, the regulations governing the landscaping shall:
  - a. A landscaping plan must be submitted to the District for review and approval prior to any work being performed. Prior to commencing work on the landscaping, the owner shall record the approved plan, along with a copy of this resolution as an attachment to the property title.
  - b. All plants and ground covers proposed by the plan must be classified as native to the area and drought resistant. Irrigation, through the use of domestic water supplied by the District, of the landscaped area during the drought season is prohibited.
  - c. All plants shall be limited to a height of no more than 4 feet above the existing ground level at the base of the plant.
  - d. None of the landscaping shall be permitted to block or otherwise hinder the public use of the pedestrian trail.
  - e. No dumping of debris or other unsightly materials shall be permitted within the Park Area, and in the event such dumping does occur the adjacent property owners will be given thirty (30) days notice to remove the debris. In the event the debris is not removed, the District will remove it and charge the owner for the cost of removal. Failure of the owner to pay the cost will result in the District placing a lien on the property.
  - f. The maintenance and/or landscaping shall be implemented and/or installed by the subject adjacent owner, at the owners expense with the owner indemnifying the District from any and all potential liability applicable to the maintenance and/or landscaping.

**Section 3:** The accommodations described in this resolution are expressly permissive. Permission may be modified or revoked at any time. Any landscaping provided under the provisions of this resolution becomes the property of the District and may be altered or removed at any time by the District without compensation to any party.

**Section 4:** The adoption of this Resolution voids and replaces the previously adopted Resolution 2002-12-11-01 establishing regulations for the development and maintenance of the district's Seacape Subdivision park area and the pedestrian trail within the park area.

**Section 4, Severability.** If any section, subsection, sentence, clause, phrase, portion or part of this Resolution is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such section shall not affect the validity of the remaining portions of this ordinance. The Board of Directors hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, portion or part thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase, portion or part be declared invalid or unconstitutional.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the Board of Directors of the Muir Beach Community Services District on \_\_\_\_\_.

Ayes:

Noes:

Absent/Abstain:

\_\_\_\_\_  
Steven Shaffer, President of the Board

Attest: \_\_\_\_\_  
Secretary for the Board

## ORDINANCE 2003-02-26-01

### An ordinance by the Board of Directors of the Muir Beach Community Services District Increasing Water Rates

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**Whereas**, California Constitution, Article X Section 2 provides "It is hereby declared that because of the conditions prevailing in this State the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which there are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such water is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare." And

**WHEREAS**, the District's water rights permit requires a "Tiered rate structure", and

**WHEREAS**, the District' has not changed its water rate structure since the fall of 1992, while inflation and new requirements of the federal "Safe Drinking Water Act" have substantially increased the costs of general water operations, and

**WHEREAS**, it is the determination of the Board of Directors that it is to the benefit of the District, its residents, and the general public to have a reasonable and uniform rate policy that provides adequate funding for the operations and maintenance of the water system while fairly allocating the costs of operations and maintenance, as well as the capital benefit of having a reliable potable water supply available to the District's consumers.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Directors of the Muir Beach Community Services District as follows:

**Section 1, Purpose:** The purpose of this ordinance is to adopt a water rate structure in compliance with terms of the District's water right permit while adequately funding the cost of water operations and maintenance, and fairly distributing the cost among the District's water consumers.

**Section 2, Tiered Water Rates.** All water consumers, on metered water service, shall pay a monthly charge per the following tiered rate schedule for water service:

Tier	Rate*
1	0 to 300 cubic feet (cf), a minimum charge of \$15.00
2	301 to 600 cf, \$15.00 plus \$0.0475 per cf above 300 cf
3	601 to 1,200 cf, \$29.25 plus \$0.0575 per cf above 600 cf
4	1,201 to 2,000 cf, \$63.75 plus \$0.0675 per cf above 1,200 cf
5	2,001 cf and above, \$104.25 plus \$0.0775 per cf above 2,000 cf.

\* The above rates are subject to the 25% consumption surcharge reserved for capital improvements, in accord with District Ordinance 2001-07-25-1, Section 3, as approved by the voters during the general election of November 2001

**Section 3, Severability.** If any section, subsection, sentence, clause, phrase, portion or part of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such section shall not affect the validity of the remaining portions of this ordinance. The Board of Directors hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, portion or part thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase, portion or part be declared invalid or unconstitutional.

**Section 4, Effective Date.** This ordinance shall be effective on the date of its adoption.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the Board of Directors of the Muir Beach Community Services District on \_\_\_\_\_.

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Steven Shaffer, President of the Board

\_\_\_\_\_  
Donovan Macfarlane, Secretary

## **RESOLUTION 2002-12-11-01**

### **A resolution by the Board of Directors of the Muir Beach Community Services District Proposing an Enforcement Policy for the Conservation of Water During Officially Noticed Water Conservation Periods.**

---

**WHEREAS**, the District was issued a water rights permit by the California State Water Resources Control Board on or about 16 January 2001 (hereinafter "Water Rights Permit"), and

**WHEREAS**, the District's water rights permit requires the District to establish a Technical Advisory Committee (hereinafter "T. A. C.") to assist in developing an Adoptive Management Plan that includes provisions for water conservation, and

**WHEREAS**, the District's water rights permit requires the District to establish a policy for enforcing water conservation during Drought Conditions, and

**WHEREAS**, the District acknowledges the limited water resources and the public values of protecting the essential and natural environmental conditions of the District area; and

**WHEREAS**, it is the determination of the Board of Directors that it is to the benefit of the District, its residents, and the general public to have a reasonable and uniform policy for enforcing water conservation during the drought season.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Muir Beach Community Services District as follows:

**Section 1:** The purpose of this Resolution is to adopt a water conservation program as required by the District's water rights permit and in accordance with Water Code Section 375. Conservation is necessary to reduce the quantity of water used by the District consumers during Drought Conditions (as defined in the Board's Findings of Necessity below) for purposes of conserving the District's water and complying with the District's water rights permit.

**Section 2:** That during Drought Conditions, when the District must reduce its daily water production from an average maximum production of 45,000 gallons per day to no more than 35,000 gallons per day, it shall issue a Notice of Water Conservation to its customers.

**Section 3:** That no less 3 days after the issue of the Official Notice of Water Conservation, the District will record the meter readings of its customers.

**Section 4:** That the penalties, incentives and provisions as contained in Exhibit A, attached hereto and made a part of this resolution, shall be applied to the water billings occurring thereafter until the District issues a Notice That the Drought Conditions have ended. The Drought Conditions are considered as ending when sufficient rainfall occurs to increase the water flow in Redwood Creek adequately to eliminate the disconnected pond conditions.

**Section 5:** Findings of Necessity: The Board of Directors finds as follows:

- a. Water is a finite and precious resource.

- b. The District's water supply is limited, by the terms of the water rights permit, to an average of 45,000 gallons per day during normal conditions and no more than 35,000 gallons per day during Drought Conditions.
- c. The Water Rights Permit provides that during Drought Conditions the District must reduce its daily water production. Specifically, under the Water Rights Permit "Drought Conditions" are deemed to exist when conditions specified by T. A. C. recommendations are reached. The T. A. C. has specified that when the water flow in Redwood Creek declines to a point where disconnected ponds of water occur in Redwood Creek and the oxygen levels in the disconnected ponds decline to a level unable to sustain aquatic life, a Drought Condition exists. Once Drought Conditions exist, the District must reduce its water production as specified above and implement the water conservation enforcement procedures.
- d. Moreover, the Water Rights Permit requires the District to establish a policy for enforcing water conservation during Drought Conditions. The enforcement policy has been developed in cooperation with recommendations from the T. A. C. and includes the customer notification, meter readings, and the penalties provisions contained in Attachment "A".
- e. During Drought Conditions, residential customers will be assessed a penalty for using more than 2,000 cubic feet of water per month , as contained in the provisions of Attachment "A". The penalty conditions have been developed from a three (3) year historical analysis of consumer consumption, consumption per capita applicable to the District consumers, analysis of District population distribution, and analysis of voluntary consumer conservation efforts resulting from District conservation requests. The threshold level of 2,000 cubic feet per month (cfm) to active the excessive consumption penalties has been determined as the consumption adequate for the reasonable use for a family of six (6) persons or twice the average family size within the District. It has been determined that the elimination of residential consumption in excess of 2,000 cfm, combined with the cooperative consumption of the smaller family use and the commercial conservation requirements is adequate to reduce the overall District residential consumption to comply with the reduced production rates required by the water rights permit. The tiered penalty structure, which is tied to residential consumer's use of water, encourages water conservation and is reasonable.
- f. During Drought Conditions, commercial customers will be assessed a penalty for using more than 90% of the commercial's customer's average water usage for the previous billing periods ending in December, January and February prior to the issuance of the Notice of Water Conservation (rounded to the nearest 100 cubic feet). The threshold for commercial users is separate from the residential consumers due to the different commercial versus residential needs and has also been established from the historical use and voluntary conservation levels from the previous three (3) year period. Further, improvements in the water facilities have recently been installed by the commercial consumers. The tiered penalty structure, which is tied to commercial consumer's use of water, encourages water conservation and is reasonable.



- g. California Constitution, Article X Section 2 provides "It is hereby declared that because of the conditions prevailing in this State the general welfare requires the water resources of the State to be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use of or unreasonable method of use of water be prevented, and that the conservation of such water is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare."
- h. The conservation program proposed by this resolution is consistent with Water Code Section 375 and furtherance of the conservation mandate contained in California Constitution Article X Section 2, as well as the conservation mandate contained in the District's Water Rights Permit.
- i. This conservation program is exercised with a view to the reasonable and beneficial use of water, a limited resource, and in the interest of the District consumers and the public welfare.

**Section 6:** If any section, subsection, sentence, clause, phrase, portion or part of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such section shall not affect the validity of the remaining portions of this ordinance. The Board of Directors hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, portion or part thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase, portion or part be declared invalid or unconstitutional.

**Section 7:** This resolution shall take effect immediately following passage by a majority vote of the Board of Directors Of the Muir Beach Community Services District, posting on the Community bulletin boards, and mailing to the District water customers.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the Board of Directors of the Muir Beach Community Services District on \_\_\_\_\_.

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Steven Shaffer, President of the Board

\_\_\_\_\_  
Donovan Macfarlane, Secretary

## EXHIBIT A

### Penalty for Residential Water Usage of More than 2,000<sup>1</sup> Cubic Feet per Month

Cubic feet of use	Penalty Charge <sup>2</sup>	
	Per 100 cubic feet	Total
2,000 to 2,100	\$100	\$100
2,101 to 2,200	\$400	\$500
2,201 to 2,300	\$500	\$1,000
2,301 to 2,400	\$100	\$1,100
2,401 and above	\$100 for each additional 100 cubic feet increment	

<sup>1</sup> **Family Size:** The penalty threshold (2,000 cubic feet per household) is provided for households having 1 to 6 occupants. If a household has more than 6 occupants, a proportional threshold adjustment for the additional occupants can be obtained by contacting the District General Manager.

In the event the 2,000 cubic feet threshold does not reduce the total District water consumption adequately to meet the required reduced water production, the District may change the threshold, by resolution and notice to its customers, as necessary.

<sup>2</sup> **Reduced Initial Penalty:** The penalty will be reduced by 50% the first time the penalty is incurred. However, if the penalty-level consumption continues unabated, the reduction will be cancelled and the full penalty amount reinstated for the prior and future billing periods.

### Water Conservation for Commercial Customers

1. Commercial customers will not have an allowance for family size.
2. The penalty threshold for commercial customers will be set as : 90% of the commercial customer's average recorded water usage for the previous billing periods ending in December, January, and February prior to the issuance of the Notice of Water Conservation (rounded to the nearest 100 cubic feet). The penalty for failing to conserve, as required, will be in accord with the above Table for residential customers.

Donovan Macfarlane  
Fax: 707-643-1143

April 15, 2003

Re: Proposed Agenda Item for April 23, 2003 Board Meeting

Dear Donovan,

I would like to respectfully request that the issue concerning the boundary between the Villere property at 220 Sunset Way and the public access area, and the encroachment on the Villere property, be placed on the agenda for the April 23, 2003 Muir Beach Community Services District Board meeting (Please see attached proposal).

I also would like to request that copies of the attached correspondence, including the bid from Jedediah Thompson, be distributed to the Board Members for their consideration prior to the meeting.

Please let me know if there is anything that I can do to facilitate this process.

Sincerely,



Kent Andrews

Ph: 415-389-9047

Donovan Macfarlane  
Muir Beach Community Services District  
19 Seacape  
Muir Beach, California 94965  
Fax: 707-643-1143

April 15, 2003

Re: Proposed Agenda Item for April 23, 2003 Meeting

Dear Donovan:

We wish to respectfully propose that the following item be placed on the agenda for the April 23, 2003 meeting: **the boundary between the 220 Sunset Way property owned by Bethany Villere and the Public Access Area to the East of the property.**

#### BASIC PREMISE

The basic principles that we are encouraging the Board to consider are:

1. That Public Access Areas are to be made available for use by the public,
2. That respect for private property is to be upheld as a community value.

Taking responsible and appropriate action with respect to these principles serves the fundamental needs of the entire community in the long run.

Consequently, we are requesting that The Board consider relocating the pathway from where it currently encroaches on the Villere property to a location within the public access area.

#### BACKGROUND

Permitting public access to the 220 property has created problems and continues to create problems. Prior to the erection of the fence, approximately \$40,000 worth of damage was done to trees on the 220 property in the spring of 2000; a number of plants on the Villere property in the area near the public access have been damaged; one of the cars on the Villere property was damaged. A fence at least would have discouraged the tree damage and might have prevented all of the damage.

The steps presently in the pathway are in bad repair and the lower steps of the pathway flood when it rains. The stairs are currently a public hazard. Our understanding is that anticipated repair is likely to cost \$4000 to \$5000.

A builder who has done some of the more recent work on the Mathew Martenyi house, including the stairs leading to the deck (please see photographs), has submitted a bid to construct two walkways within the public access area that will remove the encroachment from the Villere property (please see attached bid).


**In addition**, in May 2003, Bethany Villere is moving her horse to the 220 property. Providing a safe and secure environment is a priority and is in the best interest of the horse, the community and the public.

## **PROPOSAL**

**That the MBCSD Board relocate the pathway from where it currently encroaches on the Villere property to a location within the public access area.**

We see this as a solution that is eminently fair, reasonable and feasible. Moreover, it serves the long-term interests of the entire community by upholding community respect for the value of private property.

Sincerely,



Bethany Villere & Kent Andrews  
220 Sunset Way  
Muir Beach, CA 94965  
Phone: (415) 389-9047

Jedediah E. Thompson  
202 Stanley Ave  
Pacifica, CA 94044  
(415) 254-5334

Customer: KENT AMOROWS  
SUNSET DR. (MIRA BEACH)

Job Description: Construction of landscaped stairs. Two (2) runs of 16 risers @ 7 1/2" & 15 treads @ 16". Pressure treated lumber and rebar used throughout. Excavation consists of 1/2 the project and construction and clean-up the other. Time of project is est. @ two (2) weeks max.

ITEM	MAT'L	LABOR	
		carpenter	helper
ESTIMATE / BID		160 <sup>00</sup>	
LABOR		2560 <sup>00</sup>	
Excavation / Demo	64 hrs @ 40 <sup>00</sup> 64 hrs @ 20 <sup>00</sup>		1280 <sup>00</sup>
Construction / Clean-up		1280 <sup>00</sup>	500 <sup>00</sup>
MATERIALS / EQUIPMENT			
Rentals / Removal (dump, truck, etc..)	1000 <sup>00</sup>		
MATERIALS etc. P.T. lumber / rebar concrete	1000 <sup>00</sup>		
total subs	0	0	0

estimate: \$ 7780 <sup>00</sup>  
TOTAL -

\$ 2000 <sup>00</sup> \$ 4000 <sup>00</sup> \$ 1780 <sup>00</sup>

1/2 DUE @ START \$ 3890 <sup>00</sup>  
1/2 DUE @ COMPLETION \$ 3890 <sup>00</sup>

Any questions please call. If you wish to proceed, my realistic start date would be 2nd week in April. Thank you. JED

**OFFICIAL MINUTES OF THE  
MUIR BEACH COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS REGULAR MEETING  
HELD ON WEDNESDAY, MARCH 26, 2003**

**Directors present:** President Shaffer; Directors: Hills, and Ostroff. Director Rudnick arrived and joined the meeting approximately ten minutes after the meeting was called to order. Director Kamradt had previously informed President Shaffer that she would not be able to attend the meeting.

**I. Call to order:** President Shaffer opened the meeting at 7:16 pm.

**II. Review and consideration of the Maarch 26, 2003 Agenda.** There was a brief discussion of the Agenda, and Director Hills *moved* to approve the Agenda as submitted; seconded by Director Ostroff, ayes all.

**III. National Park Service:** Ranger Jennifer Vic offered an update on the ongoing activities of the Park Service and reported that they expect the design consultants first draft plan for Big Lagoon to be received by April 3, 2003. She noted that there will be several public meetings and that the Park Service will have brochures available for the public. Director Rudnick arrived during this time and offered a brief report on his attendance to the various meetings involving Big Lagoon and the Watershed area.

Ranger Mia Monroe then reported that the Park Service is considering staff recommendation to close some of the Park and Beach areas to protect the natural resources from excessive pedestrian traffic.

**IV. Bills to be Paid Report:** There was a brief review of the report and Director Ostroff *moved* to approve the report as submitted including \$835 in capital fund expenditures, \$9,676.73 in general fund expenditures, and \$160 as a partial rental security deposit refund totaling \$10,671.73 in warrants issued, seconded by Director Hills, ayes all.

1 **V. Fire Department, emergency disaster committee:** Chief Sward reported that the new fire truck is now  
2 in service and that a possible sale of the older truck #660 is being negotiated. He also indicated that  
3 additional funds for the "chipper program" are in the approval process.  
4

5 **VI. General Manager's Report:**

6 **A. Administration:** The G. M. reported that the independent audit by Marin County has been  
7 delayed, but that Ms Procter indicated that it should be ready for the next meeting.  
8

9 **B. Roads and easements:** Director Hills reported that his scheduled meeting with Leslie Riehl and  
10 Karla Andersdatter, to consider modification of a speed bump on the easterly end of Sunset Way  
11 had not come about. As a result, he suggested that this matter no longer be an item for  
12 consideration and the Board concurred.  
13

14 **C. Water operations:** The G. M. reported that water operations were normal and noted that the leak  
15 repairs have returned the unaccounted for water losses to acceptable levels of less than 10%. He  
16 also noted that discussions with the County Attorney indicate that the legal format for the  
17 resolution on water conservation and ordinance for increasing water rates should be ready for the  
18 next Board meeting. Also, she will outline the formal procedure necessary for the public hearing  
19 and adopting the water rate ordinance.  
20

21 **D. Water rights.** As the conservation resolution has not been finally approved by counsel, the  
22 scheduling of the next T. A. C. meeting has been delayed.  
23

24 **E. Water Capital Improvements:** The G. M. reported that DCV Consultants is still working on the  
final draft of their recommendations and estimating the cost of having the improvements  
completed. In addition, he noted that the final flow tests on the new well have not been completed,  
as the abandoned well has not been sealed. When the sealing is completed, environmental health  
will authorize the completion of the new well. Director Hills indicated that he will contact Dennis  
McSweny of the State Park service to expedite the sealing of the abandoned well on their property.

**DRAFT**



1       **F. Recreation:** The G. M. reported that requests for proposal to construct the community center deck  
2 roof have been forwarded to four interested contractors, including designer/contractor Tony  
3 Moore. The proposals are to be returned in time for opening during the next Board meeting, for  
4 the Board's consideration and possible awarding of a contract.

5  
6       **VII. Public open time:** Resident Peter Wood requested the Board's consideration of the possible removal of  
7 Monterey pine trees on the community center property that are blocking his ocean view. The Board  
8 requested that the subject trees be flagged for their review and consideration.

9  
10       **VIII. Review of the draft minutes** for the February 26, 2003 meeting. There were no changes suggested for  
11 these minutes and Director Rudnick *moved* to approve the minutes as written; seconded by Director  
12 Ostroff, ayes all.

13  
14       **IX. Next meeting date:** Following a brief discussion the next meeting date was confirmed for Wednesday,  
15 April 23, 2003.

16 The meeting was adjourned at 8:47 P.M.

17  
18       These minutes were approved by the Muir Beach Community Services District Board of Directors, during  
19 their meeting on \_\_\_\_\_

20  
21  
22  
23 \_\_\_\_\_  
24 Steven Shaffer, Board President

\_\_\_\_\_  
Donovan Macfarlane, Secretary