

MUIR BEACH COMMUNITY SERVICES DISTRICT

19 Seacape Drive . Muir Beach, CA 94965 . 415-388-7804 . www.muirbeachcsd.com



**Thu, March 27, 2014
7:00 PM – Regular Meeting**

**Board of Directors
Community Center
19 Seacape Drive
Muir Beach, CA 94965**

TIMING OF ITEMS ON AGENDA

The Board attempts to hear all items in order as stated on the agenda, however it reserves the right to take items out of the order listed at any time during the course of the meeting.

SPECIAL NEEDS

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the District Manager at 415-388-7804. Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure participation in the meeting.

AGENDA

Item 1 CALL TO ORDER

Steve Shaffer, Board President
Scott Bender, Director
Paul Jeschke, Director
Peter Lambert, Director
Gerry Pearlman, Director

Leighton Hills, District Manager
Sharry Mullin, Meeting Secretary

Item 2 MOTION TO APPROVE CONSENT CALENDAR

All items on the Consent Calendar are considered to be either routine or non-controversial, and will be enacted by a single blanket action of the Board. Upon request from a Board member or any member of the public, individual items may be removed from the Consent Calendar in which case they will be discussed later in the meeting (under items removed from the Consent Calendar).

- A. **Approval of Minutes** – As attached: Draft Minutes from Feb 26, 2014 meeting.
- B. **Ocean Riders Motion Revision** – Last month the Board passed the following motion:

Given the importance of the significant role the Ocean Riders has played as a good neighbor to the Muir Beach community for the past 45 years, the Muir Beach Community Services District Board of Directors enthusiastically supports, with this resolution, the petition of the Ocean Riders to the National Park Service for the extension of their present lease for an additional 10 years.

The resolution was unsolicited, and upon reading, the Ocean Riders have requested that it would be more helpful if it were revised to read as follows:

The Muir Beach CSD supports Ocean Riders of Marin's mission and proposal to the NPS to operate the Golden Gate Dairy Stables. The programs they hope to offer will not only benefit the community but also the National Park Service and the public in general.

Item 3 NATIONAL PARK SERVICE REPORT

Representatives of the National Park Service may be present to update the community on various ongoing NPS projects.

Item 4 FIRE DEPARTMENT

Report by Fire Chief – Steve Wynn may be available to provide a brief update to the Board on the activities of the fire department.

Propane Safety – Paul Jeschke has suggested the CSD through its fire department encourage residents to be updating the pads their propane tanks sit upon and hopefully are anchored to. He will discuss further.

Community Survey – Paul has also suggested that the composition be made of Muir Beach residents relating to those with young children, number of seniors, numbers of renters vs owners, and from the standpoint of fire safety, the locations of rental rooms and cottages.

Item 5 DISTRICT MANAGER REPORT

Parking Enforcement – As suggested at the last meeting, I contacted Marin LAFCO to explain the difficulty our community has with lack of enforcement of parking regulations on nearby streets and the obvious safety implications, and to ask whether the CSD could be authorized to assist with parking enforcement. Keene Simonds, its executive officer, said a CSD may indeed be authorized to issue parking citations, and would support our efforts for the LAFCO commission to activate this latent power for us. Parking enforcement in Marin takes place via the Marin Parking Authority. The County and all cities/towns are members as are three non-municipal agencies – the Golden Gate Bridge District, the College of Marin, and Marin Municipal Water District each of whom has special parking enforcement needs. I contacted the Marin Parking Authority and they would welcome our joining their joint powers agency upon activation of this power by LAFCO, and they would then process any parking citations on our behalf. Obviously, unsafe parking has gotten out of hand at Muir Beach, with people blocking fire hydrants, parking in no-parking zones (drivers see rows of illegally parked cars not getting tickets, and blocking emergency access to community roads. I will present more on this topic at the meeting.

Bylaws – At the last meeting, it was agreed the discussion on the draft set of bylaws for the CSD be continued to this meeting. A draft is attached. If the bylaws are adopted at the meeting, we should elect a Board President and Board Vice President pursuant to the bylaws; if not passed, we should do the same pursuant to the authority in the Government Code.

Item 6 RECREATION ITEMS

Community Center Playground Upgrades – Scott Bender has been working on this project and will update us on development, recent work and on future direction. Paul Jeschke would like to discuss the steps adjacent to the Community Center and possible safety upgrades that could be made.

Solar Panels – As discussed at the last meeting, Gerry Pearlman is working on a possible proposal to have additional solar panels owned and operated by the CSD. Since the last meeting, Misti Norton has reviewed the CSD’s electrical consumption. One challenge is that many of the financial incentives for solar projects come in the form of tax credits and being a government agency the CSD does not pay any taxes. Gerry and Misti can update us on any developments on this possible project.

Construction Noise – We have received a request that the CSD consider an ordinance, in addition to that in effect by the County, regulating construction noise. A neighbor will be present to discuss.

Item 7 ITEMS REMOVED FROM THE CONSENT CALENDAR, IF ANY

Discussion and action on items, if any, removed from the Consent Calendar to the Regular Agenda.

Item 8 PUBLIC OPEN TIME

1. *Topics should be within the jurisdiction of the CSD (water, roads, fire & public recreation).*
2. *The topic should not be elsewhere on the agenda.*
3. *The Board and staff may only briefly respond to statements and questions (legal requirement for items not posted on an agenda which lets members of the community know a topic is up for discussion).*
4. *Public comments are limited to 3 minutes per speaker, unless waived by the Board.*
5. *The period for public open time is limited to 15 minutes, unless waived by the Board.*

Item 9 SELECTION OF DATE FOR NEXT MEETING – Possible dates: Wed, April 23, Thu, April 24, Wed, April 30, Thu May 1.

Item 10 ADJOURNMENT

**BYLAWS OF THE
MUIR BEACH COMMUNITY SERVICES DISTRICT**

1.0 *Board of Directors is Legislative Body.* A legislative body of five members known as the Board of Directors shall govern the Muir Beach Community Services District (“District”). The Board of Directors shall establish policies for the operation for the District, and shall act only by motion, resolution or ordinance, passed by a majority of the members of the Board of Directors. Apart from his/her normal function as a part of the Board of Directors, no director has individual authority and may not commit the District to any policy, act or expenditure. The District Manager shall be exclusively responsible for the implementation of policies established by the Board of Directors. In accordance with Section 61064 of the Government Code, violation of any rule, regulation or ordinance adopted by the Board of Directors is a misdemeanor punishable pursuant to Section 19 of the Penal Code. ~~The Board of Directors shall provide for the implementation of its policies which is the responsibility of the District Manager. Apart from his/her normal function as a part of the Board of Directors, no director has individual authority and may not commit the District to any policy, act or expenditure.~~

1.1 *Terms and Vacancies.* The term of office of each member of the Board of Directors is four years and until his/her successor qualifies and takes office. Directors shall take office at the first meeting on or after the first Friday in December following their election. Any vacancy in the office of a member elected to the Board of Directors shall be filled pursuant to Section 1780 of the Government Code.

1.2 *Limitations.* A member of the Board of Directors may not be the District Manager, the District Treasurer or any other compensated employee or agent of the District.

2.0 *Officers of the Board of Directors.* The officers of the Board of Directors shall be the Board President and the Board Vice President.

2.1 *Chair of Meetings.* The Board President shall serve as the chairperson at all meetings of the Board of Directors. He/she shall have the same rights as the other members of the Board of Directors in voting, introducing motions, resolutions and ordinances, and any discussion or questions that precede such actions.

2.2 *Absence of Board President.* In the absence of the Board President, the Board Vice President shall act as the Board President. If the Board President and the Board Vice President are both absent, the remaining members shall select one of themselves to act as chairperson of the meeting.

2.3 *Election.* The Board President and Board Vice President shall be elected at the first meeting of the calendar year or at another subsequent meeting as determined by the Board of Directors. The term of office shall commence upon election and shall continue for one year and until his/her successor is elected and takes office.

3.0 *Officers of the District.* The Board of Directors shall appoint a District Manager. The Board of Directors shall also appoint a District Treasurer, who may be the same person as the District Manager. The Board of Directors may appoint a District Secretary, or if none is appointed, the duties of District Secretary shall be performed by the District Manager. The District Manager shall be responsible for the following:

- (a) The implementation of policies established by the Board of Directors for the operation of the District.
- (b) The appointment, supervision, compensation, discipline and dismissal of the District's employees and volunteers, consistent with policies established by the Board of Directors.
- (c) The supervision and management of the District's facilities and services.
- (d) The supervision and management of the District's finances.

4.0 *Open, Public Meetings.* All meetings, whether regular, special or emergency, shall be open and public. Notice thereof including an agenda of all items that may be discussed shall be given in accordance with provisions of the Ralph M. Brown Act of the Government Code. Except during open and public meetings, a majority of the Board of Directors shall not use communications of any kind, or a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is the subject matter of the District. Members of the Board of Directors may have communications with the District Manager or other staff provided that the District Manager or other staff does not then communicate to other members of the Board of Directors the comments or positions of members of the Board of Directors.

4.1 *Agenda Creation.* Agendas for regular or special meetings shall be prepared and distributed pursuant to the procedures of the Brown Act by the District Manager in consultation with the Board President or, in his/her absence, the Board Vice President, or in the case of a special meeting, those members of the Board of Directors calling the meeting. Each member of the Board of Directors may request that an item within the subject matter jurisdiction of the District be added to the agenda for an upcoming meeting by contacting the District Manager one week prior to the scheduled meeting.

4.2 *Meeting Discussion Confined to those on Agendas.* No action or discussion may be taken on items not on the posted agenda, except under the provisions enumerated in the Brown Act. For items raised during public open time, members of the Board of Directors or staff may only briefly respond to questions or statements concerning the item, may ask a question for clarification, and may refer the matter to staff or to be placed on a future agenda.

4.3 *Quorum Required.* Three members of the Board of Directors shall constitute a quorum for the transaction of District business. When a quorum is lacking no meeting shall commence, or if a meeting is underway, shall be adjourned by the Board President, the Board Vice President, or if neither is present, by any member of the Board of Directors, or by the District Manager.

4.4 *Regular Meetings.* Subject to holidays and scheduling conflicts, the regular meetings of the Board of Directors shall be held on the fourth Wednesday of each calendar month at 7:00 p.m. at the Muir Beach Community Center, 19 Seacape Drive, Muir Beach, CA, or if a conflict exists, such other date or location within the District as determined by the Board of Directors, or by the District Manager working in consultation with members of the Board of Directors. The regular meetings may occur more or less frequently than monthly based upon anticipated workload as determined by the Board of Directors. In accordance with Section 61044 of the Government Code, the Board of Directors shall hold a meeting at least once every three months.

4.5 *Special Meetings.* Special meetings may be called by the Board President or three members of the Board of Directors with a minimum of twenty-four hours public notice and posting of agenda.

4.6 *Minutes of Meetings.* The minutes of meetings of the Board of Directors shall be taken by a staff member for that purpose and shall be reviewed by the District Manager prior to their being submitted to the Board of Directors for approval. Upon review by the District Manager but prior to approval by the Board of Directors, the draft minutes may, at the direction of the Board of Directors, be posted on the District's website provided that the minutes display a conspicuous notation that they are draft minutes, subject to review, modification and approval by the Board of Directors. The minutes shall record the action taken by members of the Board of Directors for the passage or denial of all ordinances, resolutions and motions.

5.0 *Conflicts of Interest.* State laws are in place which attempt to eliminate participation by elected officials in decisions in which a conflict of interest exists. Members of the Board of Directors are encouraged to contact the California Fair Political Practices Commission (Advice Line 866-275-3772, www.fppc.ca.gov) whenever a possibility of a conflict arises. If questions remain they may be then posed to legal counsel for the District.

PASSED, APPROVED, AND ADOPTED to be the Bylaws of the Muir Beach Community Services District this _____ day of ~~February~~March, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven Shaffer, Board President
Board of Directors
Muir Beach Community Services District

ATTEST:

Leighton Hills, District Manager

1 **MUIR BEACH COMMUNITY SERVICES DISTRICT**
2 Minutes of the Board of Directors meeting held on
3 Wednesday, February 26, 2014
4
5

6 **OFFICIAL MINUTES ONLY UPON APPROVAL**
7

8 Prior to approval of these minutes by the Board of Directors in a public meeting, these minutes are draft
9 only and subject to change. Upon approval by the Board, these minutes become the Official Minutes of
10 the meeting.
11

12 **Item 1 CALL TO ORDER**
13

14 Steve Shaffer called the meeting of the Muir Beach Community Services District Board of Directors to
15 order at approximately 7:10 PM and presided at the meeting.
16

17 Directors present: Steve Shaffer, Scott Bender
18 Paul Jeschke, Gerry Pearlman
19

20 Directors not present: Peter Lambert
21

22 Staff present: Leighton Hills, District Manager
23 Sharry Mullin, Meeting Secretary
24

25 **Item 2 MOTION TO APPROVE CONSENT CALENDAR**
26

27 A. Financial Reports – Income statement, balance sheet and transactions for current fiscal year (July 1,
28 2013 through Dec. 31, 2013); all as attached to the meeting agenda.
29

30 MOTION: To approve item A
31 Moved: Gerry Pearlman, seconded by Paul Jeschke
32 Vote: AYES: Unanimous
33

34 **Item 3 NATIONAL PARK SERVICE REPORT**
35

36 Brian Avides of the NPS provided a preliminary update on the status of repaving Pacific Way by NPS. He
37 believes discussions on this topic are underway between the County and NPS. He will follow up with us
38 by email about the possibility of the CSD being included in these discussions. Mia Monroe spoke of an
39 upcoming event where residents will be invited to join with scientists to learn more about the GGNRA.
40 Salmon and steelhead trout have returned to Redwood Creek and fish counts are up. Signage issues
41 were discussed for the Muir Beach parking lot and for Highway One. A Muir Beach Full sign will be put
42 on Highway One and Pacific Way to test effectiveness.
43

44 **Item 4 FIRE DEPARTMENT REPORT**
45

46 Fire Chief Steve Wynn reported. Incidents attended by the fire department included illegal fires on the
47 beach, a motorcycle down, a car off the road and flooding near the Pelican Inn. The work NPS did in the
48 creek was successful at keeping some of the flooding in check.
49

50 Steve Wynn is beginning work on a customized firefighting manual. Individual fire crew members will be
51 evaluated and checked off on specific skills on an annual basis. The fire department needs street
52 addresses in Muir Beach to be sequential and in logical order. This will improve the ability and speed
53 with which the fire department and other providers of emergency services are able to respond. When
54 Sunset Way is repaved and since there are no curbs, numbers may be also painted on the pavement.
55

1 Community emergency preparedness efforts are doing well. Steve Wynn has been attending block
2 meetings, and is also working on a communications tree. Community medical supplies are being
3 collected from local hospitals. March 27 there will be a tsunami drill from 10-noon.

4
5 **Item 5 IMPACTS OF NATIONAL PARK SERVICE PROJECTS**

6
7 Gerry Pearlman drafted and presented a proposed resolution to be provided to the NPS by the Muir
8 Beach CSD.

9
10 MOTION: Be it resolved that whenever the National Park Service offers a proposal
11 that has a significant impact on Muir Beach and its residents, that the
12 Muir Beach Community Services Board of Directors be included in the
13 preliminary planning process. Where warranted by the size and scope of
14 the proposal, funding shall be provided by the National Park Service for
15 an independent consultant to be hired by the District to help in its
16 evaluation of the project.

17
18 Moved: Gerry Pearlman, no second received, no further discussion.
19 Vote: None

20
21 Other items raised by Gerry and discussed included issues related to the new parking lot, repaving of
22 Pacific Way, use of the Banducci property in the future, use of the house at the Golden Gate Dairy, and
23 issues around a forthcoming bus stop near the Pelican Inn.

24
25 **Item 6 DISTRICT MANAGER REPORT**

26
27 **Bylaws** – A draft set of bylaws for the CSD were discussed at the meeting. The directors decided the
28 discussion would continue at the next meeting.

29
30 **Beachcomber Support** – Maury Ostroff and others working on the Beachcomber are in the process of
31 building a new subscriber base for this long-time community publication. They are requesting funds to
32 cover expenses until the subscriber base is rebuilt.

33
34 MOTION: To provide \$1,000 to the Beachcomber now and up to \$1,000 additional,
35 as needed.
36 Moved: Scott Bender, seconded by Paul Jeschke
37 Vote: AYES: Unanimous

38
39 **Review of Water Agencies by LAFCO** – Marin Local Agency Formation Commission is conducting a
40 review of all water agencies in Marin. The CSD submitted answers to a lengthy questionnaire, which are
41 available at muirbeachcsd.com/about.html.

42
43 **Drought Update** – On January 28, 2014, all water providers in Marin made a presentation to the County
44 Board of Supervisors updating the board on drought conditions within their service areas. The pages
45 from the presentation that apply to the Muir Beach CSD are attached to the agenda for this meeting.

46
47 **Consideration of a Gate for Pacific Way** – A problem exists with parking on Pacific Way. One possible
48 solution is to install an electric gate at the beginning of the road that would open automatically and would
49 make non-residents reluctant to park on Pacific Way. The estimated cost is \$1,500. The topic was
50 discussed and deferred until after we have a chance to see how other modifications are working.

51
52 **Parking Enforcement** – Four years ago the County increased fines for illegal parking at Muir Beach to
53 \$99, however, they have not been regularly enforced, and illegal, dangerous parking is prevalent in and
54 near the community on sunny days. Oftentimes, emergency vehicles would not be able to access
55 community streets and illegal parking blocks access to the community's fire hydrants. Leighton contacted
56 LAFCO to learn whether a CSD can be authorized to issue parking tickets particularly when safety is at

1 issue. The head of LAFCO, Keene Simonds, says yes, and is willing to support activating the Muir Beach
2 CSD's latent power to do so. Leighton and Scott Bender will explore this further and make
3 recommendations at a future meeting.

4
5 **Item 7 RECREATIONAL ITEMS**

6
7 **Storage Organizers** – Laurie Piel related various problems with storage organization and capacity at the
8 Community Center. She located a system costing \$6,420 that she thinks would address all of the
9 problems and asked that the Board approve the expenditure.

10
11 MOTION: To approve the expenditure of \$6,420 for a storage system for the
12 Community Center kitchen area.
13 Moved: Scott Bender, seconded by Gerry Pearlman
14 Vote: AYES: Unanimous
15

16 **Community Center Playground Changes** – Scott Bender reported on a project of proposed playground
17 upgrades, which would be funded by Measure A sales tax proceeds for the Muir Beach CSD. He
18 described the project scope, reported on multiple outreaches to the community, and a provided a timeline
19 for implementation of the project. There was discussion about the design and about construction going
20 out to bid. A further outreach to the community on this project will be in the form of a community
21 walkthrough to be announced on the community email list.
22

23 **Ocean Riders** – Gerry Pearlman introduced the following motion.

24
25 MOTION: Given the importance of the significant role the Ocean Riders has played
26 as a good neighbor to the Muir Beach community for the past 45 years,
27 the Muir Beach Community Services District Board of Directors
28 enthusiastically supports, with this resolution, the petition of the Ocean
29 Riders to the National Park Service for the extension of their present
30 lease for an additional 10 years.
31
32 Moved: Gerry Pearlman, seconded by Scott Bender
33 Vote: AYES: Unanimous
34

35 **Item 8 ITEMS REMOVED FROM THE CONSENT CALENDAR**

36
37 No items were removed from the Consent Calendar for discussion.
38

39 **Item 9 PUBLIC OPEN TIME**

40
41 A question was asked for clarification on the repaving of Sunset Way. The Board confirmed there will be
42 opportunities for input from neighbors. A civil engineer must come out to look at the project. Projects
43 with a cost of \$25,000 or more must be put out to bid.
44

45 **Item 10 SELECTION OF DATE FOR NEXT MEETING**

46
47 The date for the next meeting was set for Thursday, March 27, 2014.
48

49 **Item 11 ADJOURNMENT**

50
51 The meeting was adjourned at approximately 9:40 PM.