

# **MUIR BEACH COMMUNITY SERVICES DISTRICT**

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



**Thu, May 29, 2014  
7:00 PM – Regular Meeting**

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

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## **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.

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## **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 Mar 27, 2014 meeting.

### **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.

#### **Item 5 DISTRICT MANAGER REPORT**

**Water Main Replacement and Road Improvements** – We have engaged ILS Associates, Civil Engineers, to provide the necessary engineering work for the previously discussed project to upgrade Sunset Way and Cove Lane as part of the project to replace the water main. They now have CAD topographic maps previously prepared for the District to provide the base maps for their engineering work. The project will include replacement of the 4" PVC main with a 6" or 8" C-900 heavy duty main, replacement of all water service lines, re-grading of the road to improve drainage, turn-around improvements for fire trucks and ambulances, and improved drainage facilities. Since the water main will be moved to the center of the road, road drainage can occur on the inboard edge using a combination of culverts, standard type concrete curbs and rolled concrete curbs. As soon as we learn of their recommendations, we will provide opportunity for neighbor discussion and input. I've walked the length of Sunset and Cove with the civil engineers and it's not likely there will be much opportunity for widening or creation of additional parking spaces. I've asked them to provide for an occasional vehicle turnout (with no parking) where possible but opportunities are limited.

#### **Item 6 AGENDA ITEMS BY PAUL JESCHKE**

**Chipper Program** - Although this is a program of the VFA, it is funded by the CSD. Paul would like to discuss scheduling and funding.

**Banducci and NPS General Management Plan** - Paul would like to discuss the references in the GMP to future use of Banducci Ranch and (the State Parks') Santos Meadow.

**Road Safety** - Paul will report on his work regarding enhancing safety related to tour busses on Hwy 1 and Frank Valley Road.

#### **Item 7 AGENDA ITEMS BY GERRY PEARLMAN**

**Solar** - Gerry has asked for discussion of his son Avram's report distributed to the Board and discussed at the last Board meeting (which Gerry was not able to attend). Our thanks to Avram for preparing the report, which indicated that since tax incentives normally available for solar projects would not be available to the CSD (tax exempt) it is problematic financially. Further, the average cost of power for the CSD is extremely low since the District only pumps water at night. Avram's recommendation was that the best way the community could save on electric costs would be for the community to conserve water (which needs to be pumped from our wells into the distribution system). Further details appear in the minutes.

**Proposed Committee to Study and make Recommendations on NPS General Management Plan** - Gerry suggests a standing committee be created for the above purpose. As will have likely been discussed during "Item 3 National Park Service Report," the GMP is now a final document with the many years of available public comment now closed. The remaining action is for the Superintendent to adopt a Record of Decision, likely selecting the so-called preferred alternatives within the GMP. Once adopted, the GMP is only able to be challenged in court, with a finding that the NPS planners failed to follow proper procedures.

Not unlike the Marin's Countywide General Plan, the NPS General Management Plan is intended to provide a general framework for items and projects to be considered during the future 10+ year planning horizon. Each individual project needs its own planning process including future public comment on the specific proposed project. We can discuss at the meeting the benefits of a committee to study and make recommendations on the GMP.

**Item 8 RECREATION ITEMS**

**Community Center Playground Upgrades** – Scott Bender will update us on this project, now well underway.

**The Memorial Day BBQ** – We may receive a preliminary report on the financial success of the BBQ.

**Item 9 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 10 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 11 SELECTION OF DATE FOR NEXT MEETING** – Fourth Thursday: Thu June 26.

**Item 12 ADJOURNMENT**

**MUIR BEACH COMMUNITY SERVICES DISTRICT**  
Minutes of the Board of Directors meeting held on  
Thursday, March 27, 2014

**OFFICIAL MINUTES ONLY UPON APPROVAL**

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

**Item 1 CALL TO ORDER**

Steve Shaffer called the meeting of the Muir Beach Community Services District Board of Directors to order at approximately 7:08 PM and presided at the meeting.

Directors present: Steve Shaffer, Scott Bender  
Paul Jeschke, Peter Lambert

Directors not present: Gerry Pearlman

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

**Item 2 MOTION TO APPROVE CONSENT CALENDAR**

- A. 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.*

MOTION: To approve items A and B  
Moved: Paul Jeschke, seconded by Peter Lambert  
Vote: AYES: Unanimous

**Item 3 NATIONAL PARK SERVICE REPORT**

No representatives of the National Park Service were present.

1 **Item 4 FIRE DEPARTMENT REPORT**

2  
3 **Report by Fire Chief** - This week was National Tsunami Week. There was a large turnout for today's  
4 drill with representatives from many agencies attending. During the drill, Fire Chief Steve Wynn was  
5 made aware of the many challenges that this type of disaster alert can present. Among them are reliance  
6 on the Office of Emergency Services and National Park Service to respond. Notification methods were  
7 discussed. Steve believes the focus must on communication and education for the people in Muir Beach.  
8 He recommends that residents sign up for Marin Alert. A priority would be for the park service to notify  
9 people on the beach. There will be other drills and Muir Beach may learn techniques applicable to other  
10 evacuation scenarios. Steve believes we can do an effective job on our own. The NPS rangers and  
11 sheriffs didn't realize Muir Beach had communication dead zones. The Fire Department has high band  
12 radios to overcome this. In addition, they know where the dead zones are. Director Paul Jeschke thinks  
13 we need to know who in the community may need help evacuating in the event of an emergency. Chief  
14 Wynn would like walkie-talkies purchased for all of the block heads. Communication is key in the event of  
15 a disaster. He will work on how chain of command goes from there.  
16

17 **Propane Safety** – Paul Jeschke has suggested the CSD, through its fire department, encourage  
18 residents to be updating the pads their propane tanks sit upon and hopefully are anchored to. He would  
19 like a plan developed to encourage owners to bring their tanks and pads to code. The tanks are typically  
20 owned by the propane company (rented by the homeowners) but are usually not upgraded after  
21 installation. The pads are the responsibility of the homeowner. David Schwartz is looking at one with a  
22 neighbor and will figure out what is needed. He thinks they might be able to make an economy-of-scale  
23 purchase of parts and pad pouring with a concrete contractor.  
24

25 **Community Survey** – Paul also suggested that a community census be made of Muir Beach residents  
26 as it relates to those with young children, the number of seniors, the numbers of renters vs. owners, and  
27 from the standpoint of fire safety, the locations of rental rooms and cottages. There was a discussion  
28 about what mechanism could be used to compile this information.  
29

30 **Item 5 DISTRICT MANAGER REPORT**

31  
32 **Parking Enforcement** – Four years ago the County increased fines for illegal parking on County roads  
33 and Highway One to \$99, however, the fines have received almost zero enforcement, and illegal,  
34 dangerous parking is prevalent in and near the community on sunny days. Oftentimes, emergency  
35 vehicles are not be able to access homes or residents in the community in the event of fire or medical  
36 emergency. Leighton contacted LAFCO to learn whether a CSD can be authorized to issue parking  
37 tickets on the County roads and Highway 1, particularly when safety is at issue. The head of LAFCO,  
38 Keene Simonds, says yes, and is willing to support activating the Muir Beach CSD's latent power to do  
39 so.  
40

41 Leighton communicated with both the Marin Parking Authority and the MMWD and they were supportive.  
42 The ability to ticket would be on any road within the district, not just CSD roads. Initiating this would begin  
43 with submitting an application to LAFCO. LAFCO could make the approval in the span of two meetings.  
44

45 A discussion ensued about confining ticketing to County roads and Highway One. The agreed upon next  
46 step is to hold a public hearing on the topic over the next two meetings. If documentation is able to be  
47 prepared (a draft application to LAFCO), it would be introduced at the next meeting, and then discussed  
48 at length at the following meeting.  
49

50 **Bylaws** – With the modifications discussed and agreed upon at the meeting and those changes  
51 incorporated in the draft attached to the agenda, the bylaws were adopted.  
52

53 MOTION: To adopt the set of bylaws as attached to the agenda, incorporating the  
54 amendment to Item 4.4.  
55 Moved: Scott Bender, seconded by Paul Jeschke  
56 Vote: AYES: Unanimous

Pursuant to the bylaws that were adopted, the Board proceeded to hold an election for Board President and Board Vice President.

Nominated: Steve Shaffer for Board President, by Peter Lambert.

Seconded: Scott Bender seconded

Vote: AYES: Unanimous.

Nominated: Scott Bender for Board Vice President, by Steve Shaffer

Seconded: Paul Jeschke seconded

Vote: AYES: Unanimous

## **Item 6 RECREATIONAL ITEMS**

**Community Center Playground Upgrades** – Scott Bender and Brad Eigsti presented a drawing with a current rendition of the plan for the playground upgrades. The present playground is out of code and poses a possible liability. The work suggested would be done in 3 - 4 phases. Details of the plan were discussed including expanding the existing playground area, replacing the gravel in that area with an appropriate fall material. Terracing, a garden area and seating nooks will all be incorporated.

David Schwartz and Associates will have involvement in the terracing and landscaping. Bids will be sought for all phases of the project with a cost greater than \$25,000.

They're ready to start on part of the project, which will probably be the playground area. The CSD has the funds to bridge the gaps in the Measure A receipts. They're developing a spreadsheet to lay out the costs of the different phases, which should be completed next week. As with all construction projects there may be discoveries that will change costs. They have started getting quotes on different components of the project.

MOTION: To adopt the drawings presented as a conceptual plan and to authorize expenditure of up to \$20,000 to begin work on the project.

Moved: Paul Jeschke, seconded by Scott Bender

Vote: AYES: Unanimous

**Solar Panels** – Gerry Pearlman has been working on a possible proposal to have additional solar panels owned and operated by the CSD. Since the last meeting, both Avram Pearlman and Misti Norton have reviewed the CSD's electrical consumption. Avram Pearlman provided a preliminary feasibility study for review by the Board. Two hurdles, the CSD pays a very low rate for electricity for pumping water because it pumps at night; the CSD doesn't pay taxes, so the tax credits that typically help with a project's feasibility are not easily available. Avram believes best way to save on electricity costs is to conserve water. The payback for new solar panels would not be likely in less than 15 years and project expenditure was estimated at upwards of \$190,000.

Misti Norton thinks she could obtain solar panels for half of what Avram listed in his report as she has access to equipment at wholesale. She offered the scenario of finding a "tax equity partner", whereby the partner could purchase the equipment, receive the tax incentives over the next few years, and then donate the equipment to the CSD. Misti will work on exploring this further, but the feasibility still seemed questionable.

**Construction Noise** – The CSD has received a request that it consider an ordinance, in addition to that in effect by the County, regulating construction noise. It was mentioned that the CSD does not have the authority to regulate noise, which is a County responsibility. The neighbor was not present but she may revisit it at a future meeting.

## **Item 7 ITEMS REMOVED FROM THE CONSENT CALENDAR**

1 No items were removed from the Consent Calendar for discussion.

2  
3 **Item 8 PUBLIC OPEN TIME**

4  
5 Many thanks were offered to Maury Ostroff for all of the work he did on the community directory. This  
6 elicited huge applause. Thanks were also offered to Laurie Piel for her work on the quick installation of  
7 beautiful new cabinets at the community center.

8  
9 A question was asked about periodic maintenance for the CSD tractor and chipper equipment. Both of  
10 these items undergo ongoing maintenance, but are still expensive to repair. The CSD adopted a policy  
11 last year that this CSD equipment be used only for official CSD projects.

12  
13 The steps leading up from the Community Center to Starbuck were discussed. They are in need of a  
14 better railing, and the nearby bench should be replaced or removed since it is in disrepair.

15  
16 **Item 9 SELECTION OF DATE FOR NEXT MEETING**

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18 The date for the next meeting was set for Thursday, April 24, 2014.

19  
20 **Item 10 ADJOURNMENT**

21  
22 The meeting was adjourned at approximately 9:10 PM.

## **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.

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 Thursday 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](http://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 27th day of March, 2014 by the following vote:

AYES: Scott Bender, Paul Jeschke, Peter Lambert, Steven Shaffer

NOES: None

ABSENT: Gerry Pearlman

ABSTAIN: None

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

ATTEST:

/s/ Leighton Hills  
Leighton Hills, District Manager