



MUIR BEACH COMMUNITY SERVICES DISTRICT

19 Seacape Drive Muir Beach, CA 94965 415 383 9969 www.muirbeachcsd.com

AGENDA

Regular Meeting of the Board of Directors

Tuesday, May 25, 2021 7:00 PM

Meeting held by Teleconference

Agenda will be emailed and posted

Zoom invitation will be emailed

Muir Beach, CA 94965

***SPECIAL NOTICE:** Due to the COVID-19 pandemic, with both current State and County orders to shelter-in-place, along with not allowing for groups to congregate publicly who do not normally shelter together, Governor Newsom signed Executive Order N-25-20 "Brown Act During a Pandemic" which allows for the temporary use of teleconferencing as a means to hold public meetings to prioritize public safety and health. The MBCSD will provide for public meeting participation via online "Zoom" access with a dial-in option. The public will be allowed to fully participate and provide public comment as well as all Board votes are required to be by roll call. Public noticing of meetings and instructions will use the same resident email address and be posted on your local bulletin boards.*

***TIMING OF AGENDA ITEMS:** 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. The following items will be considered, and any item can be discussed, acted upon, or approved 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.*

6:30 pm	Item 1: Closed Session
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The California Government Code provides that certain matters such as litigation, personnel matters, and real estate negotiations may be conducted in closed session. The matters shall be set out below. After any closed session, the legislative body shall reconvene in open session prior to adjournment and make disclosure of action taken during the closed session – authorized by CA Gov't Code Section 54954.5(e)

Public Employment – Title: District Manager – authorized by CA Gov't Code Section 54957(b)(1)

7:00 pm	Item 2: Call to Order
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Board: Steve Shaffer (Board President), Peter Lambert (Board Vice-President), Leighton Hills (Director), Paul Jeschke (Director), David Taylor (Director)

Staff: Mary Halley (District Manager), Chris Gove (Fire Chief), Ernst Karel (Meeting Secretary)

Item 3: Reconvene in Open Session
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Report as required on any actions taken in Closed Session.

Item 4: Approval of Agenda

The following item or items were not included in this agenda, along with the reason for not being included. Pursuant to the Bylaws of the Muir Beach Community Services District, the Board of Directors may now by motion require that the item or items be added back to this meeting's agenda. Should the item or items require research or preparation by staff or by member(s) of the Board of Directors in order
MBCSD Agenda 5-25-2021

to be properly heard, the item or items may be deferred to a subsequent meeting. The motion to approve this agenda may be without change or may be to re-include any item or items listed below.

Item(s) not included in this agenda: None

Item 5: 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 in the meeting (under Items Removed from the Consent Calendar).

A. Approval of Draft-Minutes from Regular Board Meeting of 4/22/21.

Item 6: Items Removed from Consent Calendar

Items moved from the Consent Calendar to the Regular Agenda, if any.

Item 7: NPS Update – Mia Monroe

NPS Park Ranger and Marin Community Liaison Mia Monroe will give an NPS update.

Item 8: District Manager Report

District Manager Mary Halley will present brief highlights from her DM report.

Item 9: MBCSD Draft-Land Uses, Easements, and Encroachment Policy

Lands and Easement Management Committee members presented the Draft-MBCSD Land Uses, Easements, and Encroachment Policy at the 4/22 Board meeting. The Board directed to give more time for community review and to provide advance comments for Board approval at the May meeting. (*See attached MBCSD Land Uses, Easements, and Encroachment Policy*)

Item 10: MBVFD Fire Chief Salary Position

The Board is being asked to approve providing compensation to the MBVFD Fire Chief using Measure W transient occupancy tax revenue. The MBVFD is an all-volunteer department in a region where the volunteer fire services typically operate with paid leadership.

The role and responsibilities of a paid Chief would not differ substantially from the current workload of the present Chief. Our fire department's readiness depends totally on the ability of the Chief to coordinate training and funding resources within the County and maintain thousands of pieces of equipment ranging from Fire trucks to EpiPens.

Instead of being 100% funded by an in-kind donation by the Chief himself, he and his successors would become a paid member(s) of the CSD administration. The proposed compensation of \$30,000/year would support the many additional hours the Fire Chief has to commit to departmental operations.

Measure W funds are an ongoing source of revenue exclusively for West Marin fire services and may be used for this purpose. Even with pandemic lockdown, the revenue from this tax would easily cover the proposed compensation over the past two years.

Item 11: Reimbursement of Volleyball Court Repair Costs

Residents Aran Moore, Chris Gove and Brad Eigsti, with help from other volunteers, cleaned and resurfaced grounds, brought in new sand, repaired lights, and replaced the net pole and net at the volleyball court. They are submitting receipts for expenses totaling \$1,929 and are requesting reimbursement for that amount from the CSD.

Item 12: MBCC Rental Coordinator

At the May 2020 Board Meeting, the Board approved making the MBCC Rental Coordinator a paid position of \$200/month. A solicitation including job description was sent out several times the following month and did not receive any interested applicants. It was then put back on the agenda at the July 2020 meeting giving the Board three possible options for proceeding forward with trying to fill the previously volunteer but now paid vacant position:

- a) should the CSD continue to offer the paid position at \$200 p/month for another month or two?
- b) should the Board review the current offered salary for the paid position and possible adjust? (Net rental income FY18/19 = \$13,400 / FY19/20 = \$11,511 /*FY20/21 = \$4,060 *partly closed due to Covid-19)
- c) should the Board wait to revisit the issue until the Community Center can reopen again knowing that rentals likely cannot resume until the position is filled?

Board President Shaffer suggested, that given the ongoing pandemic lockdown, the Board should just let the issue ride for a few months and the other Board members agreed. So, as the State looks towards a goal of opening up by mid-June 2021, the CSD Board is being asked to consider:

- 1) the need for a MBCC Rental Coordinator, and if so, 2) the appropriate salary to fill the position, and 3) by when would the position need to be filled.

Item 13: Public Open Time

Please note:

- 1. Topics should be within the jurisdiction of the CSD (Water, Roads, Fire Protection, & Recreation).
- 2. The topic should not be elsewhere on the agenda.
- 3. The Board and staff may only briefly respond to statements and questions (i.e. the legal requirement for items not posted on an agenda which otherwise informs community members that a topic is up for discussion and/or action.)
- 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 10 minutes, unless waived by the Board.

Item 14: Recognitions & Board Member Items

Board recognitions and pending events of interest to the community.

Item 15: Adjournment

Next Agenda Meeting Date: Wednesday, June 16, 2021
Next Board Meeting Date: Wednesday, June 23, 2021

1 **Item 6: Items Removed from Consent Calendar**

2 No items removed.

5 **Item 7: District Manager Report**

6 District Manager Mary Halley will present brief highlights from her DM report, a written
7 document which (as always) is included with the monthly meeting packet available online at
8 <http://www.muirbeachcsd.com/meetings>.

10 Covid update: Marin County expected to go to Yellow by May 4, and by June 15 California will
11 move forward to open things up. Phased opening of the Community Center being planned to
12 begin in May and continue in June.

14 Redwood Creek: Levels now are like late September in a usual year. Halley has already been
15 actively monitoring the creek. We will very likely be looking at early mandatory water
16 conservation measures, and so she is preparing for that now.

18 Work on Community Center continues. The MBCSD website is being moved over to a safer
19 platform.

22 **Item 8: MBCSD Lands and Easements Management Committee (update)**

23 Committee Chair Mary Halley and fellow committee members present the committee's Draft-
24 MBCSD Land Uses, Easements, and Encroachment Policy for discussion and Board approval.
25 *(See attached MBCSD Land Uses, Easements, and Encroachment Policy)*

27 The members sequentially present aspects of the background and draft, resulting from nine
28 months of work. The PowerPoint presentation will be available on the CSD website, and the
29 verbal presentation can be heard in the audio recording.

31 Hills emphasizes that the document should be considered a living document that can be
32 revisited. Discussion follows.

34 The proposed policy will now be available for the public to study. After receiving comments, the
35 document will be recirculated, and it will be taken up at the next meeting.

38 **Item 9: MBCC Rental Coordinator**

39 At the May 2020 Board Meeting, the Board approved making the MBCC Rental Coordinator a
40 paid position of \$200/month. A solicitation including job description was sent out several times
41 the following month and did not receive any interested applicants. It was then put back on the
42 agenda at the July 2020 meeting giving the Board three possible options for proceeding forward
43 with trying to fill the previously volunteer but now paid vacant position:

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45 two?
- 46 b) should the Board review the current offered salary for the paid position and possible
47 adjust? (Net rental income FY18/19 = \$13,400 / FY19/20 = \$11,511 /*FY20/21 = \$4,060
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- 49 c) should the Board wait to revisit the issue until the Community Center can reopen again
50 knowing that rentals likely cannot resume until the position is filled?

1 Board President Shaffer suggested that given the ongoing pandemic lockdown, the Board
2 should just let the issue ride for a few months and the other Board members agreed. So, now
3 nine months later, as the State looks towards a goal of opening up by mid-June 2021, the CSD
4 Board is being asked to consider:

- 5 1. the need for a MBCC Rental Coordinator, and if so,
- 6 2. the appropriate salary to fill the position, and
- 7 3. by when would the position hire be needed.

8
9 None have any ideas and so the issue is again postponed.

10 11 12 **Item 10: Vegetation Management for Upper Park Trail**

13 Following the discussion at the 3/24/21 Board Meeting concerning the issue of bikes on the Muir
14 Beach Park trails, the Board approved for the Fire Chief Chris Gove to purchase a flail mower to
15 be used in the creation of a fire break and to coordinate with the adjacent neighboring property
16 owners before mowing. Board Director Jeschke noted after the meeting that the topic of the
17 agenda item had been related to “bike use on trails” and not “vegetation management” and
18 asked that the purchase and use of a flail mower be revisited and reviewed by the Board as a
19 vegetation management and trail use issue.

20
21 Discussion ensues. Hills spoke with the person who designed the trail previously, and he
22 suggested that in those areas where there are turns, to be separated into two separate trails.

23
24 Adjacent neighbor Dave McKenzie chimes in that only minor widening of the trail would do a lot.
25 Fire Chief Gove says that since we’re now a FireWise community we need to create some
26 defensible space. Adjacent neighbor Rick Bernard is in favor of help with creating defensible
27 space. Discussion ensues. The need for the cleared area to be wide enough to accommodate
28 two separate trails, one for bicycles and one for pedestrians, is emphasized. Hills and McKenzie
29 will do a site visit to consider which vegetation can be cut without adversely affecting habitats.

30 31 32 **Item 11: Surveillance Camera at Highway 1 Mailboxes**

33 Currently, resident Leighton Hills has installed a fake surveillance camera with associated
34 signage at the mailboxes on Highway 1 (across from the Pelican Inn) to help prevent mail theft,
35 but in the past two weeks there had once again been two incidents of mail theft. It now seems
36 that the presence of a camera and signage alone is not enough to deter the thieves and
37 Leighton is now proposing that the CSD pay to install a real camera that could provide actual
38 video footage of an incident to help possibly apprehend the perpetrators. The CSD maintains a
39 mailbox at that location, and while it has never been broken into, it is a depository for water
40 payments and thus could benefit from further protection. The Board is being asked to approve
41 spending not to exceed \$650 along with an estimated \$5 per month monitoring charge (no
42 charge for Internet service) for the purchase and installation of a surveillance camera to monitor
43 activities at the Highway 1 mailboxes. Topics for discussion may include any public signage
44 required to alert the public of the surveillance activity and any liability that may be incurred by
45 the CSD if the public relies on the camera for mail protection.

46
47 Jeschke asks about privacy, and who has access to the footage. Hills suggests that the video
48 would not be available to anyone unless there was a reported crime, in which case it would be
49 forwarded to DM Halley who could provide it to law enforcement. Discussion ensues.

1 MOTION: That the CSD authorize \$650 to be spent on out-of-pocket costs for
2 installing a real video camera at the CSD mailbox.
3 Moved: Hills, seconded by Jeschke
4 Vote: Four ayes, one no (Lambert). The motion passes.
5
6

7 **Item 11: Public Open Time**

8 Don Cohon brings up the speedbumps on Sunset Way; his companion has had an MRI
9 because of some that are so steep that they've caused discomfort. Hills responds that they tried
10 many variations, and that it takes bumps that are steep to keep people from speeding. Laatsch
11 also finds that some are too steep. Hills states, it's a trade-off.
12

13 Don Cohon asks about the chipper once owned by the community. It was sold to Cuco, who
14 now owns it. Halley and Gove mention that we will have more chipper days, in June and in early
15 September.
16
17

18 **Item 12: Recognitions & Board Member Items**

19 Marilyn Laatsch gives a big cheer to the Lands and Easements committee.
20
21

22 **Item 13: Adjournment**

23 Next Agenda Meeting Date: Wednesday, May 19, 2021

24 Next Board Meeting Date: Wednesday, May 26, 2021
25

26 There being no further business to come before the board, the meeting is adjourned.
27

28 Meeting adjourned at 21:14.

Muir Beach Community Services District

Balance Sheet

Accrual Basis

As of April 30, 2021

	Apr 30, 21
ASSETS	
Current Assets	
Checking/Savings	
TriC Checking	
TriC Fire	250,888
TriC Lower Tank Reserve	66,669
TriC General Fund	46,119
Prop 68 20% Matching Reserve	25,668
TriC Pipes & Equip Reserve	6,610
TriC Water	(43,128)
Total TriC Checking	352,825
TriC MMF - General Fund	
TriC MMF - General Fund - Other	155,675
Reserve for County Loan Pmt	45,920
Total TriC MMF - General Fund	201,595
Total Checking/Savings	554,420
Other Current Assets	
Due from Water Ops to Gen'l Fd	44,276
Total Other Current Assets	44,276
Accounts Receivable	
Receivables	2,173
Total Accounts Receivable	2,173
Total Current Assets	600,868
Fixed Assets	
Other Fixed Assets	
Road Improvements	1,135,952
Land	755,573
Buildings	600,400
Playground Upgrades	174,189
Equipment	153,535
Land - Fire Station	147,918
Equipment - Fire Trucks	103,871
Buildings - Fire Station	54,079
Furniture & Fixtures - CC	10,467
Electric Gate	6,967
Shed Roof	3,688
Accumulated Depreciation	(874,832)
Total Other Fixed Assets	2,271,806
Water System Assets	
100-Year Equipment Post 2008	652,370
Historic Water System Equipment	546,323
40-Year Equipment Post 2008	354,261
Mains and Valves (historic)	60,939
Other Water System Assets	54,217
10-Year Equipment Post 2008	51,235
15-Year Equipment Post 2008	44,944
Wells (historic)	21,620
20-Year Equipment Post 2008	7,312
Equipt and Controls (historic)	6,973
5-Year Equipment Post 2008	4,084
Accumulated Depreciation	(688,429)

Muir Beach Community Services District

Balance Sheet

Accrual Basis

As of April 30, 2021

	Apr 30, 21
Total Water System Assets	1,115,850
Total Fixed Assets	3,387,656
TOTAL ASSETS	3,988,524
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
Loan from Marin Co Treasurer	203,420
Due to Gen'l Fd from Water Ops	44,276
Loans Payable	16,750
Total Other Current Liabilities	264,446
Accounts Payable	
Accounts Payable	6,076
Total Accounts Payable	6,076
Credit Cards	
Credit Card	1,113
Total Credit Cards	1,113
Total Current Liabilities	271,635
Total Liabilities	271,635
Equity	
Retained Earnings	3,421,338
Net Income	295,551
Total Equity	3,716,889
TOTAL LIABILITIES & EQUITY	3,988,524



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YOUR STATEMENT

Customer Service: 1-800-922-8742
TriCountiesBank.com

Page: 1 of 4
Statement Date: 04-30-21
Primary Account: XXXXXXXX5376

MUIR BEACH COMMUNITY SVCS DIST
19 SEACAPE DR
MUIR BEACH CA 94965-9701



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Account #	XXXXXXXX5376	Statement Dates	04-01-21 thru 04-30-21
Beginning Balance	311,998.66		
15 Deposits/Credits	110,262.85		
29 Checks/Debits	56,775.93		
Total Service Charges	0.00		
Interest and/or Reward Paid	0.00		
Ending Balance	365,485.58		

Transactions

Date	Description	Amount
4-02	Intuit Pymt Soln Deposit Muir Beach Community S	1,171.16
4-02	Intuit Pymt Soln Acct Fee Muir Beach Community S	20.00 -
4-02	Intuit Pymt Soln Tran Fee Muir Beach Community S	37.29 -
4-02	Paychex Inc. Payroll Muir Beach Community S	7,258.07 -
4-05	Paychex Eib Invoice Muir Beach Community S	125.29 -
4-05	Paychex Tps Taxes Muir Beach Community S	2,533.51 -
4-07	Deposit	525.11
4-12	Deposit	3,242.12
4-12	Deposit	1,085.22
4-13	Pgande Web Online Muir Beach Csd	23.69 -
4-13	Pgande Web Online Muir Beach Csd	65.77 -
4-13	Pgande Web Online Muir Beach Csd	217.31 -
4-13	Pgande Web Online Muir Beach Csd	674.86 -
4-14	County Of Marin COM Pay Muir Beach Csd	365.94
4-15	Doi Treas 310 Misc Pay Muir Beach Community S	152.51
4-15	Doi Treas 310 Misc Pay Muir Beach Community S	103.76
4-15	Doi Treas 310 Misc Pay Muir Beach Community S	79.73
4-16	County Of Marin COM Pay Muir Beach Csd	61,946.05
4-16	County Of Marin COM Pay Muir Beach Csd	3.67

Continued on Next Page

Transactions (Continued)

<u>Date</u>	<u>Description</u>	<u>Amount</u>
4-19	Intuit Pymt Soln Deposit Muir Beach Community S	91.89
4-19	Intuit Pymt Soln Tran Fee Muir Beach Community S	3.12 -
4-20	ATT Payment Muir Beach	86.11 -
4-21	Deposit	2,931.81
4-21	County Of Marin COM Pay Muir Beach Csd	38,052.98
4-26	Chase Credit Crd Autopaybus Hills Leighton J	644.51 -
4-28	County Of Marin COM Pay Muir Beach Csd	20.97
4-30	County Of Marin COM Pay Muir Beach Csd	489.93

Checks

<u>Check #</u>	<u>Date</u>	<u>Amount</u>	<u>Check #</u>	<u>Date</u>	<u>Amount</u>	<u>Check #</u>	<u>Date</u>	<u>Amount</u>
2076	4-21	196.14	2086	4-13	500.00	2092	4-13	8,083.21
2080 *	4-08	10.90	2087	4-05	21,836.29	2093	4-15	34.47
2081	4-07	815.59	2088	4-15	250.00	2094	4-20	278.31
2082	4-06	1,179.54	2089	4-16	7,406.00	2095	4-22	815.59
2084 *	4-06	70.36	2090	4-16	900.00	2096	4-21	690.00
2085	4-05	1,520.00	2091	4-21	500.00			

* Indicates a Gap in Check Number Sequence

End of Statement



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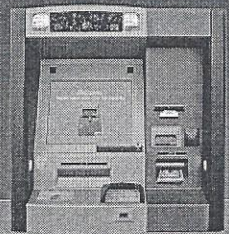
P.O. Box 909, Chico, CA 95927

YOUR STATEMENT

Customer Service: 1-800-922-8742
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Page: 1 of 1
Statement Date: 04-30-21
Primary Account: XXXXXXXX4049

MUIR BEACH COMMUNITY SVCS DIST
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Account #	XXXXXXXX4049	Statement Dates	04-01-21 thru 04-30-21
Beginning Balance	201,591.28		
0 Deposits/Credits	0.00		
0 Checks/Debits	0.00		
Total Service Charges	0.00		
Interest and/or Reward Paid	3.31		
Ending Balance	201,594.59		

Transactions

Date	Description	Amount
4-30	Int Pmt Sys-Gen	3.31

Interest Summary

Interest Earned	4/01/21 thru 4/30/21
Days in Statement Cycle	30
Interest Earned	3.31
Annual Percentage Yield Earned	.02%
Interest Paid this Year	13.24
Interest Withheld this Year	0.00

End of Statement

5/25/21 District Manager Report – Mary Halley

Water, Fire, Recreation, Roads, Finance, and Communications

General:

Covid-19 – am continuing to monitor the COVID-19 outbreak and recovery. Dr. Matt Willis reported at the 5/18 Board of Supervisors meeting that the County's next chance to go to the Yellow tier would be 6/1. Also, they still believe that on 6/15 the state will remove color-coded guidance and the County can remove Site-Specific Plans.

Alliance of Coastal Marin Villages (ACMV) – Marin County staff has just sent out new draft -LCP EH amendment to the Coastal Community Working Group (CCWG) for which I am the representative for Muir Beach. I have organized a few comments from Muir Beach residents to submit to the ACMV to include in the group's discussion.

Water:

Redwood Creek Stream Monitoring – stream flows are well below average for this time of year, so I have now been walking the creek every other day for the last month. The USGS discharge gage was malfunctioning but has now been repaired so we are all reviewing the correct data again. I will start a water conservation and leak detection tips informational campaign in the coming weeks. We have begun doing static water level testing and are looking into installing an 'Echo' automatic well level testing system. Water customers should be prepared for mandatory water restriction much earlier than usual this year. I have sat in on MMWD, NMWD, and BCPUD meetings and all report it is a worse drought than 1976-77. California has declared a drought in 41 counties and the Marin County Board of Supervisors declare an emergency drought declaration at the 5/18 meeting.

Lower Tank Property – installation of new split-rail fence along two sides of the LT property should begin the week of May 24 after they finish the current CC deck roof pane replacement.

EAR 2020 Report – completed, finalized, and submitted.

SWB 2021 Water Sanitary Survey – was held onsite on 5/12. Ryan Thissen the SWB engineer who is assigned to our system toured our water system infrastructure and facilities from the wells to the upper tank. Our Water system operators, along with Leighton and myself, were all in attendance. We passed with flying colors!

Fire:

Firehouse – still waiting on County planners to approve minor changes on coastal permit application.

Recreation:

MB Community Center – the MBCC is currently closed until further notice due to COVID-19. The playground continues to remain open with no change to the social distancing and capacity limits on equipment. The current CC opening plan will be in stages, opening up the existing classes on staggered days in June (if Marin County goes to the yellow tier on 6/1), followed by Bistro after 6/15, then hopefully community events in July or August.

Prop 68 Per Capita Recreation grant – after initial meeting with Marin County Planner Immanuel Bereket, he was supportive of the parking plan, then referred me on to the DPW to oversee our project. DPW was slow to respond and said our plans needed to go through design review – which it shouldn't – so I have ask Supervisor Rodoni to follow-up so we can keep this project on track.

MBCSD District land and easement issues – draft-MBCSD Land Uses, Easements, and Encroachment Policy was presented at the April 22 Board meeting and is before the Board for approval at the May 25 meeting. It was sent out to the community again after the 4/22 meeting to give another month to review and submit comment.

Trails – Director Hills and resident Dave McKenzie volunteered to review upper park trail and make recommendations as to the amount and timing of any vegetation removal and biker/hiker multi-user trail solutions.

Measure A Funding – the 9 pains of glass roof panels for the CC main deck are currently being installed. Have submitted our revised FY20/21 and estimated FY21-22 Work Plans to County Parks grant administrator. Marin County Parks is looking to put an additional 10-year Measure A extension on either the November 2021 recall election ballot or the June 2022 primary ballot.

Roads:

Sunset Way Project – still finishing any last payments and tracking costs as required. Have not yet received release request for retainer nor has the contractor submitted an invoice for last payments.

Communications:

Website – ex-MB resident and website developer Tom Passow finished moving our website over to a more secure host platform called WP Engine. We now need to consider if we want to change our DNS from the old host platform to a more Domain specific host (such as Cloudflare) that will interface with both WP Engine and our Gmail account. Have updated the communications folder to reflect the changes. Then, as always, continuing to update pages and post documents on the website.

Muir Beach Directory – is current thru 4/2/21 and continue to post every new updated version on the district website 'Contact and Links' page.

Finance:

Audits – have completed the preliminary audit for the Measure W (ToT) Fire department grant and have submitted all documents required for the Measure A audit.

Budgets – have started the FY21/22 Draft-Budget to be ready for the first reading and preliminary approval at the June 2021 Board meeting and final approval at the July 2021 Board meeting.

Capital Planning – currently the only capital projects in planning are those using grant funding: Measure A, Recreation Per Capita OGALS, and the Firehouse. No other major infrastructure projects are being planned until the Sunset Way project loan is fully paid off over next two years.

Insurance – we received the Worker's Compensation insurance premium for 2021-22 which, while the gross premium increased by about \$100 from last year, the overall net premium was \$743.53 less due to an increase in our bonus point award savings program up from 15% the previous year to 26% this year.

District Office Business – We continue to allow visitors to the MB office by appointment, but hopefully we will be able to go back to drop-in visitors after June 15. The District will continue to hold remote meetings thru the video conferencing method "Zoom" thru May but might be able to resume in-person meetings by late June if the community is ready. We may also look into how people can still participate in meetings by Zoom platform if there is any interest from members who can't normally attend in person. As always, I am continuing to process all District mail and work with Sharry to make sure payroll timesheets, routine/event reimbursements, Credit Card expenditures, incoming payments and outgoing checks are all processed and expedited between agencies, employees, and vendors promptly.

Respectfully submitted,

Mary Halley

MBCSD District Manager

Muir Beach Community Services District

MBCSD Land Uses, Easements, and Encroachment Policy

Background Muir Beach Community Services District (MBCSD) owns both real property (land) as simple fee and manages some defined access and utility easements for specific purposes over privately owned real property. *(See Attached – Map of Muir Beach Community Services District)* The purpose of this document is to provide the MBCSD Board of Directors with policy for managing these lands and easements, along with providing guidance for dealing with encroachments either by private property owners onto a) land owned outright by the MBCSD; and b) easements maintained by the MBCSD in public trust for specific purposes.

I. MBCSD Land Uses and Encroachments Policy

Policy Statement This District Land policy specifically addresses requirements and procedures relating to the use of MBCSD Public Parklands and Water District properties.

Application This policy applies to the District lands/properties that are held as ‘fee simple’ and dedicated to Public uses, including parklands and water system properties.

Practical Definition of Encroachment Encroachments can take many forms, but generally is defined as any situation where an individual homeowner has created, or allowed to be created, a private use of District lands that is not consistent with the dedicated Public uses.

Types of Encroachments The term ‘encroachment’ specifically includes, but is not limited to, barricading of access whether physical or placing of private property/no trespassing signage, allowing damage to occur as a result of uses on private property, dumping in the public areas, private development on Public lands, obstructions caused by trees and tree branches, and propagation of non-native and/or invasive species of plantings from individual lots into Public areas. Encroachments may be identified in various ways, including but not limited to land surveys, visual inspection by MBCSD Staff and reports or complaints from the Public.

Policy Guidance Principles

- a. Exercise of this policy regarding encroachments must be equitable to all Muir Beach residents. People in similar situations must be afforded the same treatment with respect to process and enforcement of MBCSD policies.
- b. Exercise of this policy, and any allowance of encroachments must be transparent.
- c. Exercise of this policy must be equitable, giving priority to health and safety of people and the environment, and cannot harm or jeopardize clean water, fire protection, emergency access, property, or the environment.
- d. Exercise of this policy may not cause new or increased liability to the MBCSD.

- e. All costs of removing any structure or restoring land that was altered from its original state as a result of an encroachment must be borne by the person or landowner who currently has the encroachment.
- f. Nothing in this policy applies to disputes between neighbors in which the MBCSD has no interest.
- g. Nothing in this policy applies to the existing lease with the Marin Emergency Radio Authority (MERA) on District property.

District Lands Policy

1. District Responsibility MBCSD is responsible for maintenance and improvements on land in which it owns the fee simple interest.

2. Enforcement of Covenants As a property owner, the MBCSD has the right to pursue enforcement action in court for violations of restrictive covenants in the Seacape subdivision recorded in the [Deed and Declaration of Protective Covenants Book 2016 page 461](#) of the Marin County Land Records either on its own or in conjunction with another owner. Par. 11 of the Covenants defines every violation of covenants as a nuisance, public or private, depending upon how many residents are adversely affected.

3. Parklands [\(See District lands\)](#) District Parklands (including the Bowyer Donation) have been dedicated to being used as public parks and are protected from any subjective or categorical changes in use. Public dedicated right of use shall be preserved and not infringed upon. Any encroachment into MBCSD parklands from individual lots is not allowed. There is zero-tolerance for encroachments on parklands and any instances of existing or new encroachments, of any type, must be reversed. Existing encroachments shall be remediated at a pace consistent with the “District Lands - Encroachment Prevention and Enforcement Guidelines” and shall be done in cooperation with the current homeowners involved. Parklands cannot be sold or leased and can only be exchanged for other equivalent land of equal value and esthetic appeal and used for recreational purposes only.

4. Water District Properties [\(See District Lands\)](#) Water is considered a vital and essential service so: A) No property that is being actively used by the water system to produce or distribute water (such as wells, tanks, pumps, pipes, etc.), or structurally essential to providing water service, or is a backup property that could be potentially put into service as a mitigation against system failure should ever be sold. Unauthorized encroachments are not allowed, existing or new of any type, and must be reversed if not previously approved by the District. Existing encroachments shall be remediated at a pace consistent with the “District Lands - Encroachment Prevention and Enforcement Guidelines” *(see Exhibit 1)* and shall be done in cooperation with the current homeowners involved. B) Leasing of water system property not currently being used by the water system, or essential to supporting property that currently is in service, can only be considered on an individual basis. All leases will retain a restoration clause to be negotiated and/or approved by the Board. Leasing of any water system property can only be done under 1-year short-term lease contracts that shall be reviewed annually by the Board for additional 1-year extensions. All leases are revocable at any time if the majority

of the Board all conclude that the leased property is now needed for the water system. No permanent structures can be built on leased water system lands and the land must be returned to its original state at the lessee's expense to the satisfaction of the District Manager within 60-days, or less, unless pre-determined in the lease agreement or extended at the sole discretion of the Board, when either the lease expires or is not renewed for an additional lease term or revoked by the District.

II. MBCSD Easement Management and Encroachment Policy

Background This Easement policy governs maintenance and improvements to streets, pedestrian and other easements, removal of obstructions, nuisances, and enforcement of covenants in the [Bello Beach](#) and [Seacape](#) subdivisions.

Definition of Easements An easement is a nonpossessory right to use and/or enter onto the real property of another without possessing it. In the Bello Beach and Seacape subdivisions, easements typically take the form of rights-of-way (often described as roads, lanes, and pedestrian) and utilities.

Longfellow Legal Memos The Longfellow legal opinions dated January 22, 2021 [consisting of "[Analysis of Muir Beach Rights-of-Way Issues](#)", "[Supplemental Analysis Regarding Seacape Rights-of-Way](#)", and "[Summary of Rights-of-Way Memos](#)"], which have been published on the MBCSD website, are specifically incorporated by reference herein.

Purpose of Easement Policy This policy seeks to achieve a balance between the MBCSD's ability to carry out its governmental functions and private property rights. The policy is designed to achieve the goal of keeping the roads and pedestrian easements open and in good repair for the mutual use and benefit of the community and public at large and requires the cooperation by all concerned for the greater good. Indeed, that is the essence of "community." Costly litigation and/or coercive action to secure compliance should be the last resort.

Policy Exceptions Roads and easements accepted by the County of Marin (i.e., Seacape Drive, Ahab Drive, Starbuck Drive, Muir Beach Overlook, a 50 ft Non-development easement, and a Non- access easement) are undisputedly not affected by this policy.

District Easement Policy

1. Easements over Non-MBCSD Owned Property With respect to non-MBCSD owned property, as putative owners in fee simple, the responsibility for maintaining and improving roads and pedestrian easements (hereinafter "rights-of-way") in the former Bello and Seacape subdivisions rests with the lot owners whose lots abut such rights-of-way to the middle of the road.

2. MBCSD's Involvement with respect to Easements Notwithstanding paragraph 1, where the MBCSD has heretofore exercised control over said areas by substantially maintaining and/or improving them for a five-year period without the permission of the owners or objection from any person, or where lot owners of the affected area unanimously consent, and where the MBCSD deems it necessary, appropriate and fiscally prudent, it will continue to maintain and/or

improve said rights-of-way as in the past. The scope of the MBCSD's responsibility shall be the area historically used by the public in the case of the Bello subdivision and the parameters of the rights-of-way as delineated on the subdivision map of [Seacape in Book 13 of Maps page 54](#) in the case of the Seacape subdivision. When considering maintenance projects requiring MBCSD funding, the MBCSD will take into consideration its statutory powers and any constraints on its legal authority as reflected in the Longfellow memos along with any calculated risks engendered thereby.

3. Unobstructed Public Use of Easements As a condition of the MBCSD's involvement, these rights-of-way must be kept open and unobstructed for use by the public, which has likely acquired an easement over them based on historical usage – as in the case of the Bello subdivision, or as a dedicated use as delineated on the map of [Seacape \(Book 13 of Maps page 54\)](#) – as is the case of the Seacape subdivision. In the Seacape subdivision, the offer of easements for public use by the developers specifically states: “Said easements are to be kept open and free from buildings or structures of any kind.”

4. Removal of Encroachments and Abatement of Nuisances within Easements Cases in which an encroachment (in whole or in part) by an individual property owner in the Bello Beach or Seacape subdivisions arguably impairs the ability of the MBCSD to carry out its statutory or charter powers of domestic water supply and distribution, protection against fire, providing recreational facilities and parks, and road maintenance (along with related improvements) will be considered on a case-by-case basis by the governing body. This may require the MBCSD to establish or acquire a judicially recognized property interest in the land. The MBCSD has statutory authority to abate public nuisances which may require appropriate legal action. This may apply to utility easements when and if applicable.

5. Enforcement of Covenants As a property owner, the MBCSD has the right to pursue enforcement action in court for violations of restrictive covenants in the Seacape subdivision recorded in the [Deed and Declaration of Protective Covenants Book 2016 page 461](#) of the Marin County Land Records either on its own or in conjunction with another owner. Par. 11 of the Covenants defines every violation of covenants as a nuisance, public or private, depending upon how many residents are adversely affected.

6. Rights of the Public Nothing contained herein shall affect the rights of the public (which has likely acquired easements over rights-of-way by implied dedication or prescriptive use) and/or lot owners (who have the right of ingress and egress along rights-of-way), from enforcing their rights to keep said rights-of-way free from obstructions or from enforcing covenants where applicable.

7. Administrative Procedure Any person contemplating the filing of a claim based upon a regulation or action by the MBCSD affecting their property, shall first inform the board of their intent. Upon receiving such a notice, the board shall schedule a hearing and render a final decision on the matter as soon as practicable within 45 days.

Map of Muir Beach Community Services District

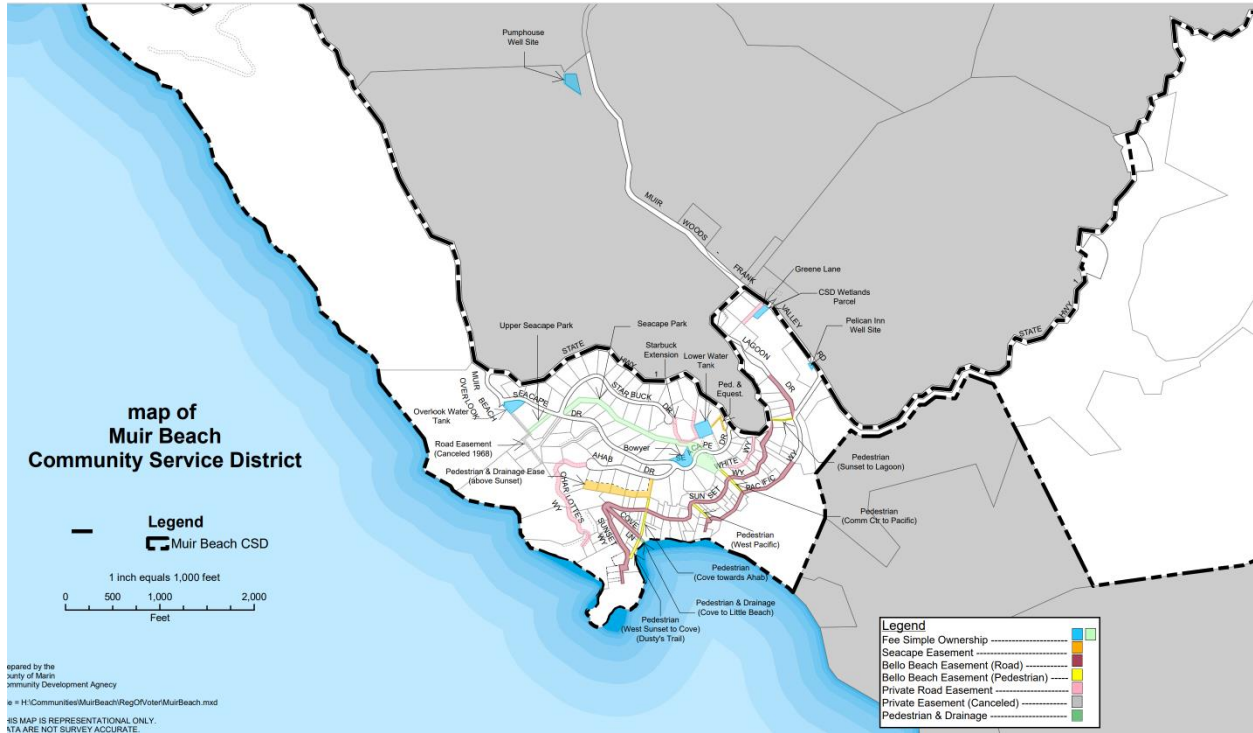


EXHIBIT 1

District Lands - Encroachment Prevention and Enforcement Guidelines

The MBCSD has a zero-tolerance for encroachments on District Parklands and does not allow unauthorized uses or encroachments on Water District properties as mandated in the MBCSD Land Use and Encroachments Policy. These guidelines are the approved steps which the MBCSD should follow in order to implement the District Land Policy and for guidance in overseeing management of the District properties.

1. Prevention Preventing encroachments and unauthorized uses on District land is essential to good land management practices. The MBCSD is a small enough District to maintain active oversight and monitoring of District's borders and those property borders should be actively and regularly reviewed. Taking preventive actions should always be considered as a first steps in deterring encroachments or aiding in the quick determination of an evolving encroachment. Steps that shall be considered and supported by the District are:

- a) Locating and securing all existing property survey markers where possible.
- b) Using short runs of light open split-rail fences or other means necessary in areas where it is cost effective to protect a given District property boundary that may be more vulnerable to encroachments or has a history of incidences of encroachment and may be more likely subject to a reoccurrence of future encroachments.
- c) Practice good open communications with the community as to what are the District land policies and promote neighborly support and goodwill for universal compliance.
- d) Whenever possible, organize volunteer workdays to promote community support and public ownership for District lands and policies.

2. General Enforcement Overall District guidance on encroachments will overlay the more specific steps to managing individual incidences.

- a) An individual homeowner cannot establish rights over public lands, thus there is no prescriptive rights for adverse possession on public lands.
- b) All encroachments are to be considered independently of other potential encroachments, so as a rule of thumb – just because one encroachment exists and may not yet have been dealt with, this does not then justify the existence of another encroachment.

c) The District has zero-tolerance for any encroachments on Parklands or unauthorized (without prior approval) encroachments on Water District properties and shall actively pursue all encroachments based on a determined priority to respond.

d) If the District has more than one outstanding encroachment at the same time, the District shall prioritize its actions based on high, moderate, or low urgency. This will be determined, first by the effect on public safety or interference with the primary use of property, then second, the nature of the encroachment whether it is built structures, physical infrastructure, or plantings, and also the size and area of encroachment, or its overall egregiousness.

e) A high priority would likely be addressed first before a low or moderate priority, and would likely include either safety issues, hard built surfaces and infrastructure, or be a relatively large area in size (which would be anything over 10 feet into the District property).

f) Moderate and low priorities can be addressed at the same time, if District resources can accommodate, but otherwise, would be addressed as soon as high priority encroachments have been resolved or are not actively taking large amounts of staff time and resources.

g) For either moderate or low priority encroachments that have not had good response from the homeowner of the encroaching property, the District can wait until the property goes on the market to contact the real estate agent to inform them of the encroachment. The agent then must correct or disclose the encroachment, otherwise the District can file against title.

h) The District has a number of legal procedures to deal with encroachments on its property (the same as any property owner), including placing a lien or seeking judgments from a court for monetary damages against the encroaching party.

3. Specific Enforcement If an existing encroachment or possible new active encroachment is discovered, District staff (likely the District Manager) shall intervene and engage immediately by following District protocols as follows:

a) Look for existing known property markers or assessor's maps to ensure it is a likely encroachment.

b) Contact homeowner where encroachment is occurring by any necessary means of communication and follow up with written documentation. Outreach and negotiations with the encroaching homeowners for voluntary removal of the encroachment is always an essential first step.

c) Heading off any building or ongoing active construction immediately until encroachment or potential encroachment issue is resolved to the satisfaction of the District Manager or any applicable Board action is necessary to mitigate further encroachment intensity and impact.

d) Research to determine whether an active encroachment does exist starting with the most easily determinable methods such as any existing assessor's maps, survey maps, Marin Maps, Google Earth, the County Historical Offices and discuss findings with encroaching property owner to further negotiate a resolution.

e) If negotiations become stalled either by lack of response from encroaching party or the encroaching party has taken a confrontational position, then District shall have an official survey done before taking next steps. Encroacher shall be advised that they will be liable for the cost of the survey along with any legal fees incurred by the District if the District has to file suit for removal of the encroachment.

f) If encroaching party is engaging in discussion for possible alternative solutions to removal, the District Manager will present those options and circumstances to the Board for consideration or approval, but only if the solutions have merit and meet all District land policy requirements. All negotiated solutions of merit; including leases, licenses, or swaps, require Board approval at a public meeting.

g) If encroaching party is still not responding after having been given a copy of the survey - which has been provided to the encroaching party, either in person or by certified mail, and the survey has officially established and substantiated the encroachment, but the encroaching party has still not taken steps to actively remove the encroachment or committed in writing to a timeline for removal, then the District Manager shall inform the Board of all the previous steps taken and request permission from the Board to file suit. The District shall be required to use an outside contracted lawyer who specializes in land issues.