



# 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, December 7, 2021

Closed Session – 6:15 PM

Regular Meeting – 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, Governor Newsom signed into law Assembly Bill 361 which allows public agencies to meet remotely using teleconferencing as a means to hold public meetings to prioritize public health and safety during a State declared emergency, the same as under the Governor's Executive Order N-25-20 "Brown Act During a Pandemic", for 30-days by Board resolution, essentially extending the emergency provisions beyond their September 30, 2021 rescission date. The MBCSD will provide for public meeting participation via online "Zoom" access with a dial-in option for the upcoming meeting. 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.*

<b>6:15 pm</b>	<b>Item 1: Closed Session</b>
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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 identified as 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 Government Code Section 54956.9(d)(2) and (e)(1). The CSD has determined under matters of litigation, a point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.*

<b>7:00 pm</b>	<b>Item 2: Call to Order</b>
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**Board:** Steve Shaffer (Board President), David Taylor (Board Vice-President), Lisa Eigsti (Director), Leighton Hills (Director), Paul Jeschke (Director)  
**Staff:** Mary Halley (District Manager), Chris Gove (Fire Chief), Ernst Karel (Meeting Secretary)

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

MBCSD Agenda 12-7-2021

#### **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 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:

#### **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 10/27/21.
- B. Approval of Draft-Minutes from Special Board Meeting of 11/17/21.
- C. Approve Resolution 2021-4 to make the findings that the proclaimed State of Emergency continues to impact the ability to meet safely in person and declaring that the Board of Directors will continue to meet remotely in order to ensure the health and safety of the public for the next 30-day period extending from December 27, 2021 to January 26, 2022 in order to hold our next regularly scheduled Board Meeting on January 26, 2022. *(Please see attached MBCSD Resolution 2021-4: AB 361 30-Day Extension 12-27-21 To 1-26-2022)*

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

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

#### **Item 7: Charlotte's Way – requested by Charlotte's Way Property Owners**

Property owners on Charlotte's Way would like to discuss Charlotte's Way road/slide issue.

#### **Item 8: Muir Beach Easements and Drainage – requested by Tayeko Kaufmann**

Resident Tayeko Kaufmann is requesting that the Board discuss responsibility for maintaining roads and easements on Lower Muir Beach. Tayeko suggests, if there is a policy, a note should go out to the community stating who is responsible for what and also requesting that the CSD coordinate a previously mentioned meeting between all the Ahab property owners whose properties the drainage ditch transverses and the Sunset Way property owners who border those Ahab properties.

*Current MBCSD Land Use, Easements, and Encroachment Policy with Guidance can be found at:*  
<http://muirbeachcsd.com/wp-content/uploads/2021/05/MBCSD-Land-Use-and-Easement-Policy-with-Guidance.pdf>

#### **Item 9: District Manager Report**

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

<b>Item 10: MBCC Rental Coordinator – Laurie Piel</b>
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Resident Laurie Piel would like to present for discussion a new “MBCC Manager” job description which would expand the rental coordinator job to also include events planning, rental facilitator, maintaining supplies inventory, and Bistro hosting, as compared with the current “Rental Coordinator” position which currently only includes CC rental coordinating tasks. Salary, pay and hours would still need to be determined for this potential new job position. Additionally, there is currently a possible proposal from a Muir Beach resident to try out the old “Rental Coordinator” job description at \$325 p/month to be reviewed in 3 months. There has also been interest by one community member in being a rental facilitator for some but not all rentals.

<b>Item 11: CSD Equipment Use Policy – Director Hills</b>
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The Board is being asked to approve reinstatement of CSD Equipment Use Policy. The District has not been able to locate a copy of the policy passed in 2014 limiting the use of CSD equipment (such as the tractor, trailers, and every other item of CSD equipment) to projects of the CSD, and not for any personal use. As such, the following motion is being put forth for approval: Moved, that all equipment owned by the CSD and all of its departments shall be used only for CSD projects, and not for any personal use.

<b>Item 12: Public Open Time</b>
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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.

<b>Item 13: Recognitions &amp; Board Member Items</b>
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Board recognitions and pending events of interest to the community.

<b>Item 14: Adjournment</b>
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Next Agenda Meeting Date: Wednesday, January 19, 2022

**Next Board Meeting Date: Wednesday, January 26, 2022**

1 **MUIR BEACH COMMUNITY SERVICES DISTRICT**

2 Minutes of the Board of Directors' meeting held on  
3 Wednesday, **October 27, 2021**  
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  
9 are draft only and subject to change. Upon approval by the Board, these minutes become the  
10 Official Minutes of the meeting.  
11

12 **Item 1: Call to Order**

13 Steve Shaffer called the meeting of the Muir Beach Community Services District Board of  
14 Directors to order at approximately 7:03 pm.  
15

16 Directors present: Steve Shaffer (Board President), David Taylor (Board Vice  
17 President), Lisa Eigsti (Director), Leighton Hills (Director), Paul  
18 Jeschke (Director)  
19

20 Staff present: Mary Halley, District Manager  
21 Chris Gove, Fire Chief  
22  
23

24 **Item 2: Approval of Agenda**

25 Item(s) not included in this agenda: Mia Monroe (Item 6) will not be able to join, and it is  
26 proposed that an emergency item about Charlotte's Way be put in its place as Item 6.  
27

28 MOTION: To approve the agenda, with replacement of Item 6 from NPS update to  
29 emergency Charlotte's Way discussion  
30 Moved: Hills, seconded by Taylor  
31 Vote: AYES: Unanimous  
32  
33

34 **Item 3: Consent Calendar**

- 35 A. Approval of Draft-Minutes from Regular Board Meeting of 9/22/21.  
36 B. Approval of Quarterly Financial Reports dated 9/30/21.  
37 C. Approval of Resolution 2021-2: To Adopt Assembly Bill AB 361 allowing to hold  
38 meetings by teleconference for the next 30 days due to ongoing State declared  
39 emergency (see attached Resolution 2021-2).  
40 D. Reinstatement of CSD Equipment Use Policy: We haven't been able to locate a copy of  
41 the policy passed in 2014 limiting the use of CSD equipment (such as the tractor,  
42 trailers, and every other item of CSD equipment) to projects of the CSD, and not for any  
43 personal use. As such, the following motion is contained as part of the Consent  
44 Calendar: Moved, that all equipment owned by the CSD and all of its departments shall  
45 be used only for CSD projects, and not for any personal use.  
46

47 Taylor would like to remove D from the consent calendar and discuss in more detail separately  
48 in Item 4.  
49

50 MOTION: To approve the consent calendar minus Item D.  
51 Moved: Hills, seconded by Taylor

1 Vote: AYES: Unanimous

2  
3  
4 **Item 4: Items Removed from Consent Calendar**

5  
6 We haven't been able to locate a copy of the policy passed in 2014 limiting the use of  
7 CSD equipment (such as the tractor, trailers, and every other item of CSD equipment) to  
8 projects of the CSD, and not for any personal use. As such, the following motion is  
9 contained as part of the Consent Calendar: Moved, that all equipment owned by the  
10 CSD and all of its departments shall be used only for CSD projects, and not for any  
11 personal use.  
12

13 Taylor says that the issue is complicated with respect to Fire Department equipment. The issue  
14 will be discussed in more detail in the next meeting  
15

16  
17 **Item 5: Supervisor Dennis Rodoni**

18 Dennis Rodoni, District 4 Supervisor, is joined by Tom Lai, Director of Community Development  
19 Agency, and Senior Planner Jack Liebster, who will discuss the Local Coastal Plan,  
20 amendments that are approved, and amendments still being worked on, namely the  
21 Environmental Hazards. DM Halley has been very engaged in the environmental hazards work  
22 both here and in Marshall.  
23

24 Rodoni begins with a county update: Covid pandemic, high vaccination rates, booster,  
25 vaccinating children. Emergency services in full operation with pandemic, fires, and flooding.  
26 County budget is looking good, no cuts, better off than predicted. \$50 million of stimulus funds  
27 coming from Federal Government in two instalments; looking at ways to spend that one-time  
28 money.

29 Important measures coming up next year: Parks renewal Measure A in June, and library parcel  
30 tax in November. Both renewals will likely be renewed to continue that good work.

31 Continued quarterly meetings with GGNRA. Today received information from Laura Jost, the  
32 General Superintendent, about a PG&E tree trimming project in Muir Woods.

33 Continue to look for funding for the Pacific Way bridge; "we haven't found that magic pot yet but  
34 we're continuing to shake the bushes"; Frank Valley Road has been scheduled to get a 60%  
35 design to us but has been delayed; Federal people are delayed in all their designs because of  
36 Covid and other reasons; we're also looking for extra funds for that project which is already  
37 over-budget. Good news for both is that if the stimulus package passes, we believe both of  
38 those projects are in good positions to get federal funding.

39 Fire station in MB: Chris Gove was happy to get entitlements done early; Rodoni is excited to  
40 help and be part of that project.

41 Redistricting at the county, following census: Muir Beach will still be in District 4, but there will  
42 be some adjustments because District 4 is a little low in population.  
43

44 Tom Lai: After 12+ years of hard work, the Local Coastal Program (LCP) was put into play by  
45 the Board of Supervisors this past summer. Still work to do on the Environmental Hazards  
46 section, but I am proud of the program.

47 Terminology: The Local Coastal Program (LCP) is made up of a policy document, or Land Use  
48 Plan (LUP), and a set of regulations, or the Implementation Program (IP). Those include the  
49 zoning and subdivision regulations that implement the policies in the LUP.  
50

1 Jack Liebster, Long Range Planning Manager, oversees the LCP, gives high-level overview of  
2 some of the changes being implemented as part of this.  
3 Implemented last August. There was a lot of change, but some of that change was fending off  
4 even more radical changes proposed by the Coastal Commission. For example, under  
5 agriculture, we have a new land use for agricultural home stays to help with economic stability  
6 of farms. For example, the Agricultural Dwelling Cluster allows for intergenerational succession.  
7 New flexibility in ag processing and retail sales, section for ongoing ag which does not require  
8 coastal permit, we provide for educational tours, etc. For environmental resources,  
9 Environmentally Sensitive Habitat Area (ESHA) comprises valuable habitat types; we provide  
10 for initial assessment screening, and where that indicates the possibility of an ESHA within 100'  
11 of a project, we require a site assessment to be submitted to proceed with a permit. This could  
12 happen in Muir Beach. Another new LCP policy allows for ESHA buffers to be reduced, and  
13 some encroachment, to allow some flexibility. The buffers (Terrestrial ESHA) are set at 50' but  
14 may be adjusted as appropriate. We also have buffers for periphery of wetlands at min. 100'  
15 and for streams and riparian vegetation which are 50' landward. Changes in coastal permitting  
16 framework allows flexibility in processing, including a De Minimis Coastal Permit Waiver, and  
17 emergency coastal permits that we didn't have before. A De Minimis Waiver is a minimal kind of  
18 action and the director may determine that a project is eligible if (1) it doesn't adversely affect  
19 coastal resources, (2) is consistent with LCP, and (3) is not located where an action would be  
20 appealable to the Coastal Commission. Also have allowance for non-public hearings, Public  
21 Waiver for Minor Development. Provisions for categorical exemptions and exclusions are  
22 continued, though all of these require enhanced public notice and often direct notice to the  
23 Coastal Commission. One important change is that where before any kind of permit would  
24 trigger the LCP, now the only thing that triggers the LCP is the LCP itself. We established a  
25 Mapped Village Core commercial area, where commercial is identified as the "principal  
26 permitted use" (not appealable to CC) and residential as a "permitted use".

27  
28 Environmental Hazards Policy still in progress. Working with local communities, and DM Mary  
29 Halley has been a valuable contributor to that process. Schedule has been pushed back. Issues  
30 there include the idea of what constitutes an "existing structure", because only those can qualify  
31 for a shoreline protective device like a seawall or abutment. This is becoming an issue in MB  
32 with the Groneman project. We just completed a feasibility study looking at green alternatives  
33 such as dunes, which would be a viable alternative to building more seawalls in our coastal  
34 areas.

35  
36 Tom Lai: New LCP updates to be comparable to others in the state, gives new tools such as  
37 emergency permitting, using languages consistent with other jurisdictions (such as ESHA).  
38 More protective of resources, with flexibility in permitting process. The Environmental Hazards  
39 has a potentially big impact on MB, e.g. the existing application appealed to the Coastal  
40 Commission, a lot of which hinges on questions of what is a "bluff" and a "bluff edge". If the CC  
41 staff's interpretation of our definition of a bluff is validated by the CC then that would require a  
42 deep review of how we're going to craft Environmental Hazards policy, because in MB most of  
43 the developed areas would be considered bluffs and be subject to very restrictive policies,  
44 certainly regarding shoreline protective devices or bulkheads that might be necessary to hold up  
45 the toe of the cliff that sits below many of these homes. Encourage you to monitor and  
46 participate as these develop early next year.

47  
48 Questions:

49 Pacific Way Bridge – subject to discussions on the infrastructure bill in congress.

50 Chris Gove asks about the length of approval periods in the new LCP. Initial approval period is  
51 extended by a year; overall maximum duration is still six years.

1 Linda Lotriet asks about how best to be involved in the ongoing process. Liebster replies that  
2 people can come to meetings, and that their office would also like to come to interested  
3 community members for discussions.

4 Christian Riehl thanks Tom and Jack, and asks about a prior version of the EH, where work  
5 done on a house that was 50% of the (possibly decades-old) value of the house would trigger  
6 LCP requirements. Liebster replies that it's not 50% of the value of the house, but 50% of any  
7 structural component of the house, that would cause you to have to meet the LCP requirements.  
8 There is still a pitched battle on that question. Voices of local folks should be heard on that, but  
9 whether the CC listens is another question. We are developing a set of policies that exclude that  
10 particular requirement; as we work them up through the public process, we hope voices can be  
11 heard at the commission level. Our draft has not yet been released, because Commission staff  
12 hasn't had a meeting with us for a long time, due to staff turnover etc. Discussion continues on  
13 this topic *[at 45:00 in the recording]*. Rodoni adds that there's an equity issue in that 50% is  
14 reached much faster on a smaller home than a larger home.

15  
16 Another speaker emphasizes the equity issue, where a local firefighter can't get a permit but a  
17 newcomer 20' up the road can and asks how she can support the efforts. Lai mentions  
18 meetings, the webpage, and that people can subscribe by email to get updates. Search "Marin  
19 LCP" to find the webpage, which is  
20 <https://www.marincounty.org/depts/cd/divisions/planning/local-coastal-program> .  
21 She also asks about solar microgrids.

22  
23 Tayeko Kaufman asks about whether all of MB is now considered on a "bluff" according to the  
24 new LCP. Lai clarifies that it's not everything west of Shoreline Highway, but everything west of  
25 Sunset. Groneman's situation is different in that it's a new home on a lot that has a seawall  
26 device. The same doesn't apply to existing homes elsewhere in MB. The CC has delegated the  
27 responsibility to issue permits for most of the projects to the county, except for more sensitive  
28 lands like beaches etc. However, most county decisions are appealable to the CC, and that's  
29 the situation Groneman is facing, where the CC disagreed and forced an appeal to the CC.

30  
31 Graham Groneman encourages everyone to read the staff report, and thanks Tom and Dennis  
32 for support in that project. He says to take the staff report with a grain of salt. It tells a definitive  
33 story that is not consistent with the info the county was provided or with the regulations in effect  
34 when I applied. For example, a pier foundation is what they consider a coastal armament, where  
35 we know it's a preferred construction technique in an area like this. He asks about septic  
36 systems and EH. Conversation continues about such issues *[at about 1:00:00 on the recording]*.

37  
38 Elliot asks about undergrounding utilities with PG&E, and Rodoni responds. Elliot comments  
39 that if the community is interested in putting a microgrid in MB, he would be happy to dedicate  
40 some resources from his company to do that; they are installing microgrids throughout the Bay  
41 Area. Rodoni is interested in following up.

42  
43 Leighton Hills asks about how the state government had taken away local control for duplexes,  
44 lot splits, and so on, and how that relates to the Coastal Zone.

45 Lai responds *[starting at 1:06:40 on the recording]* that he's referring to SB9 and SB10 signed  
46 by the governor this year. While such laws can be construed as taking away local control,  
47 usually these do not strip away the protections given under the coastal act in the coastal zone.  
48 He proceeds to discuss in detail the permitting process for ADUs inside and outside the coastal  
49 zone.  
50

1 Rodoni wraps up the conversation with final thoughts from 1:10:00 – 1:15:00 on the recording.  
2 DM Halley asks a final question about septic systems, and Tom Lai responds. Discussion ends  
3 at 1:21:00.  
4  
5

6 **Item 6: NPS Update – Emergency on Charlotte's Way**

7 Hills provides a summary *[beginning at 1:21:40 on the recording]*: In the recent storm, an  
8 enormous amount of mud had flowed down Sunset and Cove after clogging a culvert outside of  
9 the CSD's road easement on Don Cohon's property and caused the water from Cove Lane  
10 creek to come out of the creek, up onto the driveway and flow down along Sunset, causing  
11 damage to the Somers' house. The source of the mud was a landslide on Charlotte's Way,  
12 where half of the dirt under the width of the road is simply gone and came down the hill. At this  
13 point, the residents on Charlotte's way are faced with about 5' pathway for car, and emergency  
14 vehicles can't reach that, nor can propane or garbage trucks etc.  
15

16 John Schick continues and reiterates the seriousness of the situation. It is a scary situation and  
17 seems financially out of reach for the residents. Residents are asking for help from the CSD in  
18 terms of planning, and resources, and project management.  
19

20 Conversation continues about how to pay for the work, and to what extent the CSD will take  
21 responsibility or assist.  
22

23 Schick: Soils engineer was dismissive of the idea of cutting into the easement into the uphill  
24 side, because even if you do that, you still need to shore up under the road where there's the  
25 vertical cliff currently completely unsupported. So, the project would still be to build a wall under  
26 the road to shore it up. Schick recalls a time in the 1990s when a culvert failed, and the CSD  
27 came in and repaired it. By history and by precedent, the CSD should also come to help in this  
28 case.  
29

30 Hills *[1:30:00]* describes the level of participation of the CSD as varying over the years. He  
31 wants the CSD to explore possibilities with FEMA. He says that the reason the CSD doesn't  
32 take Charlotte's Way, as like Sunset and so on, is that it's not a road but a shared driveway, of  
33 which there are several others in Muir Beach that the CSD does not maintain.  
34

35 Schick says it's a 1200-ft road, not a shared driveway.  
36

37 Robin Collier *[1:35:20 on the recording]* says that a committee decided that any road that had a  
38 turnaround, a fire truck turnaround, was a CSD road, and we met for over a year with lots of  
39 discussions. He points out that this part of Charlotte's Way actually serves seven houses,  
40 because you can't really get a propane truck to Ted Elliot's house and turn around, you have to  
41 continue to the end to turn around. He holds that it's a CSD road, and asks why the Board, the  
42 majority of whom live on Sunset, would pay for work on Sunset but only 1/7 of the cost for  
43 Charlotte's Way. He says that it serves the whole community and affects the whole community if  
44 a fire truck can't get out there, not just those that live there. He asks the Board to check the  
45 history.  
46

47 Hills says it's the first he's heard of that policy about the turnaround.  
48

49 Conversation continues about what the historical and present role of the CSD is, and how this  
50 urgent problem can be addressed. One option to pursue is whether there is insurance money

1 available. The CSD and DM Halley will begin pursuing all options for coordinating resources.  
2 Conversation ends at 2:35:30  
3  
4

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>.  
9

10 Because the meeting is running long, we will come back to this item at the end of the meeting if  
11 there's time.  
12  
13

14 **Item 6: Fire Department SCBA Expenditure – Fire Chief Gove**  
15

16 The Board is being asked to approve a Fire Department expenditure to replace expired Self-  
17 Contained Breathing Apparatus (SCBA) cylinders (15-year useful life), which were originally to  
18 be paid for by a West Marin Fire grant at a cost of \$10,425.60. These new (in this case  
19 reconditioned) cylinders are needed to keep the fire trucks in compliance. Funds will come out  
20 of Fire Department funds, but amount is over the current fiscal year approved budget limit for  
21 equipment purchases, so needs approval for separate allocation.  
22

23 MOTION: To authorize the FD to use FD funds to pay for these reconditioned SCBA  
24 bottles.

25 Moved: Taylor, seconded by Eigsti

26 Vote: AYES: Unanimous  
27  
28

29 **Item 9: Water Connections for ADUs**

30 *[begins at 2:39:45 on the recording]*

31 A Muir Beach resident is processing an application with the County for an Accessory Dwelling  
32 Unit (ADU), being a smaller secondary housing unit that typically results in more affordable  
33 rents than the rents for full homes. The County is requiring a separate water connection for the  
34 ADU, and we have been asked to provide a Will-Serve letter confirming water service for the  
35 new ADU.  
36

37 A question before the Board is whether the connection fee for an ADU should be the same, or  
38 less, than that for a standard water connection. At \$6,500, Muir Beach's standard connection  
39 fee is a fraction of that charged by other water districts in Marin. Connection fees are regarded  
40 as "buy ins" to our existing water system, where a new connection pays for its share of the  
41 existing extensive infrastructure that has already been constructed by the rest of the community  
42 – such as the water tanks, water mains, water wells and the like.  
43

44 A second question comes up because this particular resident is one of the highest water users  
45 in the district: if, in order to qualify for a new water connection, the resident must demonstrate  
46 an intention and ability to conserve, for example by using an amount of water that is less than  
47 that specified in the Water Conservation Ordinance for the avoidance of penalty rates under that  
48 ordinance. Not qualifying for a new water connection could be considered an additional penalty  
49 that's not contained in the Water Conservation Ordinance. As such, Hills doesn't believe such a  
50 restriction is appropriate. But Water Conservation Ordinances haven't been looked at for over  
51 ten years, so the Board could consider amending the Water Conservation Ordinance at some

1 future date to provide for additional penalties for water usage specified in the conservation  
2 ordinance or other conditions it believes are appropriate. It could also encourage use of grey  
3 water systems at Muir Beach.

4  
5 Hills suggests that rather than withholding this ADU connection, we revisit the policy in the  
6 future to allow for future conservation measures.

7  
8 Shaffer wonders why we only charge \$6,500, rather than something like \$15,000, for a new  
9 water connection.

10  
11 Paul Jeschke thinks additional ADUs in MB is quite possible, especially in upper MB where  
12 there is more space. The problem is that we don't have a policy of limiting water, of deciding  
13 how many permits we can issue, how many houses we can service. Water is a precious  
14 commodity, but it may be a finite amount of water, and the situation is getting more critical every  
15 year. We do not have an unlimited amount of water. This particular homeowner however acts as  
16 if we do, having been among the very highest water uses for more than a year, even following  
17 promises that he would conserve water. So, do we reward him with an additional permit?  
18 Jeschke points out that our 2014 resolution on water is pursuant to the California Water Code  
19 Section 350, which says that we already have the right and the ability to restrict water  
20 connections. Section 356 reads,

21 *"The regulations and restrictions may include the right to deny applications for new or*  
22 *additional service connections, and provision for their enforcement by discontinuing*  
23 *service to consumers wilfully violating the regulations and restrictions."*

24 It gives us the power and the authority, and in this case, he thinks there is no reason to reward  
25 this homeowner with a new water permit.

26  
27 Hills acknowledges that we do have limitations that we're not adequately enforcing, such as  
28 limitations on outdoor watering, like that resident are supposed to water only two days a week.  
29 We should monitor that for our largest water users. He asks Halley if this user's usage has  
30 come down since recently installing a Flume device, and she responds that there has been a  
31 reduction just in this cycle for the first time ever, perhaps as much as 50%. Hopefully that's due  
32 to being able to monitor via the Flume.

33  
34 Hills feels that refusing the permit would be an additional penalty that's not included in our  
35 ordinance and as such would not be fair.

36  
37 Jeschke feels that it's important that we do establish a policy for ADUs and more broadly one  
38 that establishes how much water we can provide. We don't want to have a system where  
39 anyone can build an ADU and have carte blanche to use as much water as they want – it's not  
40 sustainable. Victoria Hamilton-Rivers agrees. She recommends looking into what guidance the  
41 county is currently coming up with regarding ADUs to be one step ahead of that.

42  
43 Taylor agrees that right now our policy has a lot of holes in it, and those need to be addressed,  
44 but that right now current policy, as he interprets it, does not allow any other action than to  
45 approve the Will Serve.

46  
47 Discussion continues. Hills and Taylor interpret current policy to give the board no choice but to  
48 issue a Will Serve letter upon being asked for it.

49  
50 Halley agrees that we are bound by current policy in this case, but that we need to revisit and  
51 revise it going forward. There are interesting solutions and concepts that other water districts

1 are using, for example for Marin Water, to get an ADU you have to demonstrate “neutral  
2 impact”, by adding a greywater system to the main house as well as to the ADU, so that you’re  
3 reducing water usage so that it balances out. These are the kinds of things we should think of  
4 going forward.

5  
6 *[3:17:00 on the recording]*  
7

8 A an additional question is whether this means an additional meter, and Hills would say yes, so  
9 that we have separate knowledge and control over both usages.

10  
11 MOTION: To approve the issuance of a Will Serve letter for an additional water  
12 connection, with the requirement that there be a separate physical meter.  
13 Furthermore, we shall proceed to develop a policy that amends our Water  
14 Conservation Ordinance, to include more than just penalty rates for Muir  
15 Beach. In doing so, we should also pursue other options such as  
16 hydrology studies and so on.

17 Moved: Hills, seconded by Taylor

18 Vote: AYES: Shaffer, Taylor, Hills

19 NAYES: Eigsti, Jeschke

20 The motion passes.  
21  
22

### 23 **Item 10: Public Open Time**

24 Victoria Hamilton Rivers brings up something from the chat, which is the fact that the roads  
25 above Charlotte’s Way are county roads, and so could the county be brought into the situation.  
26 Halley says she did that a few years ago, and Rodoni put her in touch with Jenna Brady, and  
27 she gave reasons why the county has no responsibility for the water that drains down through  
28 Muir Beach, but she could still go back and ask again now that things have intensified.  
29

30 Chris Gove asks about the timeline for working on Charlotte’s Way. Shaffer summarizes.  
31  
32

### 33 **Item 11: Recognitions & Board Member Items**

34 Halley gives kudos to the MBVFD for their response on the recent storm.

35 Hamilton Rivers acknowledges everyone who’s been impacted by the storm and the mudslide  
36 and praises the way everyone is handling it.  
37  
38

### 39 **Item 11: Adjournment**

40 Under current rules for remote meetings rather than in-person, because the next meeting will be  
41 beyond 30 days from this one, a special meeting must be held for the single purpose of passing  
42 a resolution to have the next meeting within 30 days. That special meeting is scheduled.  
43

44 Next Agenda Meeting Date: Wednesday, December 1, 2021

45 Next Board Meeting Date: Wednesday, December 8, 2021.  
46

47 There being no further business to come before the board, the meeting is adjourned.  
48

49 Meeting adjourned at 22:40.



## **RESOLUTION NO: 2021-4**

### **A RESOLUTION OF THE BOARD OF DIRECTORS OF MUIR BEACH COMMUNITY SERVICES DISTRICT MAKING FINDINGS THAT THE PROCLAIMED STATE OF EMERGENCY CONTINUES TO IMPACT THE ABILITY TO MEET SAFELY IN PERSON AND DECLARING THAT THE BOARD OF DIRECTORS WILL CONTINUE TO MEET REMOTELY IN ORDER TO ENSURE THE HEALTH AND SAFETY OF THE PUBLIC**

**WHEREAS**, the Muir Beach Community Services District (the “District”) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

**WHEREAS**, all meetings of the District’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District’s legislative body conduct their business; and

**WHEREAS**, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

**WHEREAS**, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19; and

**WHEREAS**, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings electronically without a physical meeting place; and

**WHEREAS**, as a result of Executive Order N-29-20, staff set up Zoom teleconference meetings for all District Board of Directors meetings; and

**WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which specified that Executive Order N-29-20 would remain in effect through September 30, 2021, at which point it would expire; and

**WHEREAS**, since the issuance of Executive Order N-08-21, the Delta variant has emerged, causing a spike in COVID-19 cases throughout the state; and

**WHEREAS**, the Governor's proclaimed State of Emergency remains in effect, and State and local officials, including the Marin County Director of Health and Human Services, the California Department of Public Health, and the Department of Industrial Relations, have imposed or recommended measures to promote social distancing; and

**WHEREAS**, on September 16, 2021, the Governor signed Assembly Bill 361 into law, as urgency legislation that goes into effect on October 1, 2021, amending Government Code Section 54953 of the

Brown Act to allow legislative bodies to continue to meet remotely during a proclaimed state of emergency, provided certain conditions are met and certain findings are made; and

**WHEREAS**, the continued local rates of transmission of the virus and variants causing COVID-19 are such that the Director of Health & Human Services has recommended that the County continue to emphasize social distancing in order to minimize the potential spread of COVID-19 during indoor, public meetings.

**WHEREAS**, the District cannot maintain adequate safe social distance between members of the public, Board members and staff in their respective meeting locations; and

**WHEREAS**, because of the rise in cases due to the Delta variant, the District is concerned about the health and safety of attendees, the District's Board of Directors desires to take the actions necessary to comply with AB 361 and to continue to hold its Board and committee meetings remotely.

**NOW, THEREFORE, THE MUIR BEACH COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS RESOLVES AS FOLLOWS:**

1. The Board has reconsidered the circumstances of the State of Emergency, and finds that:
  - a. The factors triggering the State of Emergency continue to directly impact the ability of the members of the Board of Directors and District staff, and members of the public to meet safely in person; and
  - b. State and local officials continue to recommend measures to promote social distancing.
2. District Board of Directors meetings will continue to be conducted remotely extending into the next 30-day period beginning December 27, 2021 to January 26, 2021 in compliance with AB 361 and Government Code Section 54953(e)(2), in order to ensure the health and safety of the public while providing access to public meetings.
3. The Board of Directors will reconsider the circumstances of the State of Emergency and revisit the need to conduct meetings remotely within 30 days of the adoption/or expiration of this Resolution.

REGULARLY PASSED AND ADOPTED this 7th day of December 2021.

AYES:

NOES:

ABSTAIN:

---

§/Steve Shaffer, Board of Directors

ATESTS:

---

§/Mary Halley, District Manager

# Muir Beach Community Services District

## Balance Sheet

Accrual Basis

As of October 31, 2021

	Oct 31, 21
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
TriC Checking	
TriC Fire	248,362
TriC Lower Tank Reserve	86,667
TriC General Fund	26,207
TriC Pipes & Equip Reserve	18,584
Prop 68 20% Matching Reserve	7,561
TriC Water	(38,227)
Total TriC Checking	349,155
TriC MMF - General Fund	
TriC MMF - General Fund - Other	101,695
Reserve for County Loan Pmt	99,920
Total TriC MMF - General Fund	201,615
Clearing	58
Total Checking/Savings	550,827
Other Current Assets	
Due from Water Ops to Gen'l Fd	38,227
Undeposited Funds	395
Total Other Current Assets	38,622
Accounts Receivable	
Receivables	14,685
Total Accounts Receivable	14,685
Total Current Assets	604,134
Fixed Assets	
Other Fixed Assets	
Road Improvements	1,135,952
Land	755,573
Buildings	604,364
Playground Upgrades	174,189
Equipment	153,535
Land - Fire Station	147,918
Equipment - Fire Trucks	103,871
Buildings - Fire Station	57,623
Furniture & Fixtures - CC	10,467
Electric Gate	6,967
Shed Roof	3,688
Accumulated Depreciation	(874,832)
Total Other Fixed Assets	2,279,314
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

## Muir Beach Community Services District

**Balance Sheet**

Accrual Basis

As of October 31, 2021

	Oct 31, 21
5-Year Equipment Post 2008	4,084
Accumulated Depreciation	(688,429)
Total Water System Assets	1,115,850
Total Fixed Assets	3,395,164
<b>TOTAL ASSETS</b>	<b>3,999,298</b>
<b>LIABILITIES &amp; EQUITY</b>	
Liabilities	
Current Liabilities	
Other Current Liabilities	
Loan from Marin Co Treasurer	203,420
Due to Gen'l Fd from Water Ops	38,227
Loans Payable	16,750
Total Other Current Liabilities	258,397
Accounts Payable	
Accounts Payable	6,687
Total Accounts Payable	6,687
Credit Cards	
Credit Card	2,245
Total Credit Cards	2,245
Total Current Liabilities	267,329
Total Liabilities	267,329
Equity	
Retained Earnings	3,756,763
Net Income	(24,794)
Total Equity	3,731,968
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>3,999,298</b>

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**Statement Ending 10/31/2021**

MUIR BEACH COMMUNITY SVCS

Page 1 of 6

Account Number: 342025376

**ADDRESS SERVICE REQUESTED**

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

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**Overall Balance Summary**

Account Type	Account Number	Ending Balance
Public Checking Images	342025376	\$361,882.32

**Public Checking Images-342025376****Account Summary**

Date	Description	Amount
10/01/2021	Beginning Balance	\$383,623.17
	10 Credit(s) This Period	\$14,381.01
	29 Debit(s) This Period	\$36,121.86
10/31/2021	Ending Balance	\$361,882.32

**Deposits**

Date	Description	Amount
10/06/2021	DEPOSIT	\$1,365.86
10/12/2021	DEPOSIT	\$1,487.97
10/20/2021	DEPOSIT	\$887.98
10/28/2021	DEPOSIT	\$7,374.37

**Electronic Credits**

Date	Description	Amount
10/04/2021	INTUIT 22325125 DEPOSIT MUIR BEACH COMMUNITY S	\$999.51

EQUAL HOUSING  
LENDER  
NMLS #458732

Member FDIC

**Public Checking Images-342025376 (continued)**
**Electronic Credits (continued)**

Date	Description	Amount
10/05/2021	PAYCHEX INC. PAYROLL MUIR BEACH COMMUNITY S	\$0.01
10/15/2021	COUNTY OF MARIN COM PAY MUIR BEACH CSD	\$2,085.41
10/15/2021	COUNTY OF MARIN COM PAY MUIR BEACH CSD	\$6.66
10/20/2021	COUNTY OF MARIN COM PAY MUIR BEACH CSD	\$40.05
10/27/2021	INTUIT 49269495 DEPOSIT MUIR BEACH COMMUNITY S	\$133.19

**Electronic Debits**

Date	Description	Amount
10/04/2021	INTUIT 49712435 ACCT FEE MUIR BEACH COMMUNITY S	\$20.00
10/04/2021	INTUIT 66000085 TRAN FEE MUIR BEACH COMMUNITY S	\$32.18
10/04/2021	PAYCHEX INC. PAYROLL MUIR BEACH COMMUNITY S	\$8,051.27
10/05/2021	PAYCHEX TPS TAXES MUIR BEACH COMMUNITY S	\$0.01
10/05/2021	PAYCHEX EIB INVOICE MUIR BEACH COMMUNITY S	\$135.80
10/05/2021	PAYCHEX TPS TAXES MUIR BEACH COMMUNITY S	\$2,920.42
10/06/2021	PAYCHEX EIB INVOICE MUIR BEACH COMMUNITY S	\$14.00
10/15/2021	PGANDE WEB ONLINE MUIR BEACH CSD	\$26.15
10/15/2021	PGANDE WEB ONLINE MUIR BEACH CSD	\$78.29
10/15/2021	PGANDE WEB ONLINE MUIR BEACH CSD	\$263.91
10/15/2021	PGANDE WEB ONLINE MUIR BEACH CSD	\$615.35
10/20/2021	ATT Payment MUIR BEACH	\$220.13
10/25/2021	CHASE CREDIT CRD AUTOPAYBUS HILLS LEIGHTON J	\$5,538.93
10/27/2021	INTUIT 94203235 TRAN FEE MUIR BEACH COMMUNITY S	\$4.41

**Checks Cleared**

Check Nbr	Date	Amount	Check Nbr	Date	Amount	Check Nbr	Date	Amount
2163	10/04/2021	\$300.00	2171	10/06/2021	\$92.48	2176	10/12/2021	\$4,298.75
2166*	10/01/2021	\$900.00	2172	10/18/2021	\$500.00	2177	10/20/2021	\$815.67
2168*	10/06/2021	\$3,900.00	2173	10/04/2021	\$2,140.50	2178	10/22/2021	\$900.00
2169	10/26/2021	\$1,440.00	2174	10/15/2021	\$88.00	2179	10/21/2021	\$196.14
2170	10/04/2021	\$2,500.00	2175	10/08/2021	\$34.47	2182*	10/29/2021	\$95.00

\* Indicates skipped check number



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## Statement Ending 10/31/2021

MUIR BEACH COMMUNITY SVCS




Page 1 of 2

Account Number: 342024049

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MUIR BEACH CA 94965-9701

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Member FDIC

## Overall Balance Summary

Account Type	Account Number	Ending Balance
Business MMI Images	342024049	\$201,614.89

## Business MMI Images-342024049

### Account Summary

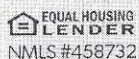
Date	Description	Amount
10/01/2021	Beginning Balance	\$201,611.47
	1 Credit(s) This Period	\$3.42
	0 Debit(s) This Period	\$0.00
10/31/2021	Ending Balance	\$201,614.89

### Interest Summary

Description	Amount
Interest Earned From 10/01/2021 Through 10/31/2021	
Annual Percentage Yield Earned	0.02%
Days in Statement Cycle	31
Interest and/or Reward Paid	\$3.42
Interest Paid this Statement Cycle	\$3.42
Interest Paid Year-to-Date	\$33.54

### Other Credits

Date	Description	Amount
10/29/2021	INT PMT SYS-GEN	\$3.42



NMLS #458732



Member FDIC

## 12/7/21 District Manager Report – Mary Halley

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

#### General:

Covid-19 – coronavirus cases had been trending down but a new ‘variant of concern’ – the “omicron variant” has now appeared in San Francisco (upon this writing), so we will see how case levels continue during the holiday season. Marin County is now reconsidering reinstating the indoor mask requirement. The CSD December and January Board meetings will continue to be held by ‘zoom’ out of an abundance of caution and to allow for the highest attendance as the Covid-19 virus continues to circulate. Now under Assembly Bill AB 361, the district will hold remote meetings by passage of any extensions every 30 days until the health emergency has subsided.

ACMV – submitted a letter in support for keeping the D-CA 2<sup>nd</sup> Congressional District, which includes Marin County, to continue to include Sonoma County and northern coastal counties to the Oregon border verses the alternatively proposed redistricting map that would have grouped Marin with Napa and Solano Counties.

Coastal Communities Working Group (CCWG) – work on the Marin County LCP-EH has been delayed until next year while waiting for the California Coastal Commission staff to submit comments.

#### Water:

Redwood Creek Stream Monitoring – stream flows holding steady around 10 cu.ft. per second of discharge with height hovering around .73 ft. through November. We have now gone off our official Notice of Conservation as long as the creek indicators remain in an acceptable range. Outlook for additional winter rains has not been promising.

Well monitoring – the ‘WellIntel’ automatic well monitoring device in the 2002 well continues to report normal recovery levels after pumping. Have completed the new Bacteriological Site Sampling Plan (BSSP) for the water system.

Marin County Water District Meetings – attended the ‘third’ meeting of all the water district general managers on 11/19 hosted by Dennis Rodoni to discuss the future of Marin water supplies, conservation, collaboration, etc.

#### Fire:

Firehouse – no updates at the moment.

Fire Tax – FY21-22 tax bills have been sent out by the County, we should receive first installment of fire tax revenues in December.

WMJPA – Marin County Fire Department has been sending out links to home inspection reports in Muir Beach.

#### Recreation:

MB Community Center – more vegetation has been cleared and hauled off in preparation for the future CC parking project. The retaining walls locations have now been staked.

Prop 68 Per Capita Recreation grant – Coastal Permit and CEQA Exemption Hearing was approved at the DZA on 12/2. There is still a 10-day appeal period before it gets finalized. The structural engineer is currently working on Building Permit structural design plans. Per Capita Grant agreement now approved and signed. We are looking towards construction June 2022.

Trails – am getting estimates to repair/improve Sunset to Cove Lane trail. Also coordinating repairs to the stairs at the top of Dusty’s Path. Grounds crews are continuing to slowly trim back some of the brush on the upper parks trail that has crept in causing a narrowing of the trail. Am looking at the upper trail with regards to additional chaconnes on the downhill runs where bikes are more likely to speed.

## **Roads:**

Sunset Way Project – (same as last few month) still waiting to finish any last payments and tracking costs as required. We have not yet received release request for retainer.

Storms – have been answering many community questions around October storm incidents in Muir Beach. Also, have overseen extensive flooding cleanup and future storm preparation at pumphouse and well property.

## **Communications:**

Website – still working on hand-linking leftover files from the website migration to the new web host platform to ensure they can never get separated from the website. Am still waiting for new Board member bios and photos to update Elected Officials page. Then, as always, continuing to update pages and post routine documents on the website.

Muir Beach Directory – is current thru 11/21/21 and continue to post every new updated version on the district website 'Contact and Links' page.

## **Finance:**

Audits – just finished the District auditor questionnaires which is the last step in the FY20-21 auditing process.

Budget – as of most recent financial reports, the District is keeping to its very tight budget. We were able to successfully make our second 12/5/21 loan installment payment of \$107,080 to the Marin County Treasurer.

Water Billing – most current 11/16 water billing still showed great progress in water conservation.

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 next year.

Insurance – nothing to report this month.

District Office Business – drop-in visitors allowed again at the MB office with facial coverings due to Marin County HHS recommendation that masks still be worn indoors. The district will continue to hold CSD meetings on zoom until further notice. 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