

**TABLE OF CONTENTS
FOR THE
BOARD OF DIRECTOR'S INFORMATION PACKET
FOR THE
MUIR BEACH COMMUNITY SERVICES DISTRICT
REGULAR BOARD OF DIRECTORS' MEETING TO BE HELD
ON WEDNESDAY, OCTOBER 27, 2004
IN THE COMMUNITY CENTER AT 19 SEACAPE DRIVE
TO BEGIN AT 7:00 P.M.**

<u>DESCRIPTION</u>	<u>PAGES</u>
Agenda for the Regular Meeting	1 - 3
Bills to be Paid Report for 09//01/04 through 09/30/04	4 - 5
District Fiscal Consolidated Balance Sheet as of September 30, 2004	6 - 7
Statement of Revenues and Expenditures-Summary for September 2004	8
All Classes P&L Budget vs. Actual 7/01 through 10/22/04	9 - 10
Draft Minutes of the September 29, 2004 Board Meeting	11 - 15

**AGENDA FOR THE MUIR BEACH COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS' REGULAR BOARD MEETING
ON WEDNESDAY, OCTOBER 27, 2004 TO BEGIN AT APPROXIMATELY 7:00 PM IN THE
COMMUNITY CENTER LOCATED AT 19 SEACAPE DRIVE,
MUIR BEACH, CALIFORNIA.**

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

- I. **President Hills** will call the general meeting to order, and then turn the meeting over to incoming President Kamradt
- II. **Review and consideration of the October 27, 2004 Agenda.** Agenda items may be deleted, postponed, continued, or changed in scheduled sequence from the posted agenda so as to accommodate the needs of the Board and the public in attendance. However, no item can be added to the Agenda, for the purpose of having the Board make a decision, except as defined below under "Public Open Time"
- III. **National Park Service:** Representatives from the National Park Service (N. P. S.) will offer information on the ongoing Muir Woods and Beach activities relevant to the Muir Beach Community.
- IV. **Fire Department, Emergency Disaster Committee:** Chief Sward will update the Board on the Fire Department activities.
- V. **Bills to be paid.** The Board will consider payment approval of the bills received requesting payment during the September 1 through September 30, 2004 period.
- VI. **General Manager's Report:** The General Manager's written report follows, and the G. M. will be present to answer questions concerning the various elements in the report. This report is an integral part of the Agenda and the Board may take action on any or all items within the report.
 - A. **Administration:** Administrative activities have been normal, and no specific items currently require Board consideration.
 - B. **Recreation:** The following community events require Board consideration:
 1. **Day of the Dead celebration:** This is an event coordinated by Harvey and Nina Pearlman for the benefit of the community. While the event is essentially self funding, there may be some small expenses that are not covered. The original budget for the current fiscal year includes a subsidy of \$200 for this event, but requires Board acknowledgment.
 2. **New Year's Eve Party.** This is another event coordinated by Harvey. The recreation budget includes a subsidy of \$500 for this event and requires Board acknowledgment.
 3. **Storage Facility:** Julian Knox has agreed to prepare the plans and specifications for the addition of a storage shed to be constructed in the area to the SE corner of the community center. The size of the storage building overall is 144 square feet, and is estimated to cost somewhat less than \$8,000. As this is an expense that was not included in the original budget, it requires a motion by the Board for approval.
 - C. **Roads and Easements:** The following items are carried forward from the last Board meeting:
 - A. **Sunset Way encroachment:** Mr. Crawford was given 30 days to remove the encroaching retaining wall and engage the services of licensed septic engineer to specify methodology for either restoring the original slope or providing a retaining wall (on the Crawford property) that will mitigate possible sewage effluent problems. He has started the removal of the retaining wall, but as of this date it has not been completed.
 2. **The Garden Club** specified various tree species for replacing the trees on the easterly side of the community center property. A letter has been prepared and will mailed to Mr. Wood on Monday, October 25, naming the trees and giving 30 days for the required replacement of the trees in accord with the Garden Club's recommendations.

D. WATER OPERATIONS: In general water operations have been normal and no important repairs were necessary during the September 16 through October 16 billing period..

1. Coliform tests taken during October were free of bacteria.
2. Water Billing : The water billing analysis is not available for this report.
3. Water production analysis is tabulated below:

Comparison of current water production to last year

Description	8/23 to 9/23/04	9/23 to 10/23/03	09 - 10 % Change
Total volume pumped through master meter =	1,000,830 gallons	819,270 gallons	-18.14% ¹
Average daily pumping rate	29,717 gallons	24,968 gallons	-15.98%
Highest pumping day volume pumped =	42,410 gallons	35,200 gallons	-17.0%
Lowest pumping day volume pumped =	27,020 gallons	0 gallons	-100%
Total volume billed through service meters =	921,238 gallons	749,043 gallons	-19.3%
Gross unaccounted for water loss =	79,592 gallons	70,227 gallons	-11.77%
Estimated un-metered maintenance use	1,000 gallons	1,000 gallons	
Estimated leak repair losses	1,000 gallons	1,000 gallons	
Net unaccounted for water loss	77,592 g. 7.75%	68,227 g. 8.33% ¹	-12.07%
Average daily consumption per meter =	199 gallons	168 gallons	-15.58%
Average service billing =	\$45.07	\$36.22	-19.64%

¹ Since August, there has been a gradual increase in the unaccounted for water loss. This indicates that a leak is developing in the distribution system. However, the rate of increase is less than 1% (less than 4 g.p.m.) , which is too small to offer obvious detection or to be easily determined by a systematic leak check, and may be the result of underestimating maintenance use.

- E. **Water Conservation:** Enforced water conservation remained in effect during the 9/16 through 10/16 billing period and as may be observed from the above table, the residents cooperated to reduce overall consumption by 19.3% from the previous billing period.
- F. **Water Capital Improvements:** The following items involve water capital improvements.
 1. **The new well pump** has been installed; however, due to a delay in delivery of the control switch that permits switching from one well to the other, the electrical facilities had not been completed as of the date of this report. This has also resulted in a delay in the pressure test of the piping installed to service the new well. Hopefully, this will be completed in time for the meeting and the new well will be placed in operation.
 2. **Requests for proposals** for the turn key design and construction of the well site and water treatment facilities have been prepared and will be mailed to at least five firms that have expressed interest and have both the technical and construction expertise to submit a proposal. The requests will be mailed prior to the meeting (I am waiting for two phone calls to be returned prior to mailing) and the proposals are to be submitted in time for the next Board meeting. The anticipated cost of the improvements is estimated in the range of \$190,000 to \$275,000 depending on the final design of the treatment facilities. The

Water Capital Improvement fund currently has \$265,946 which is anticipated to increase by \$68,000 during the current fiscal year. Other planned distribution system improvements (in the current fiscal year) are estimated to cost \$70,000. Depending on the final design of the treatment facilities, some of the distribution system improvements may be delayed until the next fiscal year.

3. **Capital Improvements special assessment tax.** The current tax expires at the end of this fiscal year and requires voter approval for continuation. The deadline for inclusion in the March 8, 2005 election is 12/10/04. The Registrar of Voters indicates the election cost will be between \$4 and \$6 per registered voter. I suggest a continuation of the current tax, without change, and that the Board approve the Resolution of Consolidation for the March 8, 2005 during tonight's meeting. This will allow the Board to schedule the necessary public hearings for resident input. As a general summary, the estimated income for a four (4) year extension is less than \$275,000. During the four year period, both the upper and lower storage tanks will have reached their life expectancy. This is particularly applicable to the upper tank. Replacement cost of the upper tank, with a modern glass lined steel tank, of equal size, is estimated at \$225,000. However, the general plan has been to increase the size of the upper tank to at least 300,000 gallons, which will increase the cost to an estimated \$275,000. Replacement of the lower tank is estimated to cost \$150,000 if its size is not increased.

This concludes the General Manager's report in the Agenda.

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

PUBLIC INPUT

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

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

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

- VIII. **Review of the draft minutes** for the general meeting held on September 29, 2004.

- IX. **Next meeting date:** Normally, the November meeting is postponed to the first Wednesday in December, so as to avoid conflict with the Thanksgiving Holidays. However, the first Wednesday in December is December 1, which is the Wednesday after Thanksgiving. This does not permit adequate time to prepare for the meeting, and I suggest that the meeting be scheduled for Wednesday, December 8, 2004.

ADJOURNMENT OR CONTINUATION

Muir Beach Community Services District
 Bills to be Paid
 September 2004

	TOTAL	Admin	Water Cap Impr	Fire	Rec	Roads	Water
Rural Special Districts Insurance	8,550.00	1,019.00	403.00	3,841.00	1,029.00	514.00	1,744.00
ABC Consultants - C	3,908.25	958.25	725.00	225.00	500.00	500.00	1,000.00
Mullin, Sharon	2,200.00	1,635.00	0.00	0.00	0.00	0.00	565.00
Harvey Peariman	1,960.35	-553.65	140.00	0.00	377.00	31.00	1,966.00
Employer payroll taxes	1,029.69	1,029.69	0.00	0.00	0.00	0.00	0.00
PG&E	851.37	0.00	0.00	0.00	124.04	0.00	727.33
NEBS (purchase water inv, env)	815.74	115.21	0.00	0.00	0.00	0.00	700.53
Jose Alcala	411.85	-63.15	300.00	0.00	25.00	0.00	150.00
Juana Gonzalez	394.47	-37.53	0.00	0.00	432.00	0.00	0.00
Home Depot	354.96	0.00	0.00	0.00	299.58	0.00	55.38
Salvador Gonzalez	316.71	-33.29	75.00	0.00	187.50	50.00	37.50
CalPers	306.76	0.00	0.00	0.00	0.00	0.00	306.76
Lonna Richmond	249.33	-20.67	0.00	0.00	270.00	0.00	0.00
Western Water Products	233.16	0.00	0.00	0.00	0.00	0.00	233.16
SBC	208.28	112.88	0.00	63.39	0.00	0.00	32.01
Peariman, Harvey (mileage, OOP)	155.00	0.00	0.00	0.00	0.00	0.00	155.00
Psychex, Inc.	153.75	153.75	0.00	0.00	0.00	0.00	0.00
Costco	120.22	120.22	0.00	0.00	0.00	0.00	0.00
Wang, Emiko	102.00	0.00	0.00	0.00	102.00	0.00	0.00
Cingular Wireless	96.89	60.94	0.00	0.00	0.00	0.00	35.95
Pace Supply Corp.	94.92	0.00	0.00	0.00	0.00	0.00	94.92
USPS	88.22	0.00	0.00	0.00	0.00	0.00	88.22
Goodman Building Supply	82.39	0.00	0.00	0.00	61.94	0.00	20.45
Herb's Pool Service	55.64	0.00	0.00	0.00	0.00	0.00	55.64
SBC 9969	53.96	0.00	0.00	0.00	53.96	0.00	0.00
Bender, Suzanne (phone book)	50.77	0.00	0.00	0.00	50.77	0.00	0.00
Kinko's	43.94	26.38	0.00	0.00	0.00	0.00	17.56
Knox, Nancy	40.00	0.00	0.00	0.00	40.00	0.00	0.00
County of Marin, HHS Public Health Lab	30.00	0.00	0.00	0.00	0.00	0.00	30.00
Office Max	23.60	23.60	0.00	0.00	0.00	0.00	0.00
Misc Vendor (Bistro exp)	15.60	0.00	0.00	0.00	15.60	0.00	0.00
TOTAL	22,997.82	4,546.63	1,643.00	4,129.39	3,568.39	1,095.00	8,015.41

Muir Beach Community Services District
Bills to be Paid
September 2004

Total paid out of the Water Capital Improvements Fund	725.00
Total paid out of the General Fund	<u>22,272.82</u>
	<u>22,997.82</u>
Total paid out of the Rental Security Deposit Trust	1,000.00
Total paid out of the Water Security Deposit Trust	100.00
Total paid out of the Shaffer Medical Trust Fund	350.95
Total checks issues	<u><u>24,448.77</u></u>

The above bills were approved for payment by the Muir Beach Community Services District Board of Directors on the _____ day of _____, 2004.

MUIR BEACH COMMUNITY SERVICES DISTRICT

Leighton Hills, President

Donovan Macfarlane, General Manager

Muir Beach Community Services District

Balance Sheet

As of September 30, 2004

Accrual Basis

Sep 30, 04

ASSETS	
Current Assets	
Checking/Savings	
Smith Barney	
General Funds	55,899
Total Smith Barney	55,899
428 Gen'l Fd	4,357
429 Inv Fd	
Water Capital Improvement Fund	265,946
Fire Station Reserve Fund	14,637
General Investments	87,541
Total 429 Inv Fd	368,124
Petty Cash Fund	98
Total Checking/Savings	428,479
Accounts Receivable	
Receivables	15,892
Total Accounts Receivable	15,892
Other Current Assets	
Undeposited Funds	1,239
Deposits	35
Total Other Current Assets	1,274
Total Current Assets	445,645
Fixed Assets	
Building	15,634
Machinery & Equipment	537
Roads & Easements	
CC Steps	376
Easement Lighting	5,103
Total Roads & Easements	5,479
Water System Improvements	
Water Well	273
Total Water System Improvements	273
Total Fixed Assets	21,923
TOTAL ASSETS	467,568
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
Rental Security Deposits	3,660
Shaffer CalPers Trust	679
Water Security deposits	6,800
Total Other Current Liabilities	11,139
Total Current Liabilities	11,139
Total Liabilities	11,139
Equity	
Retained Earnings	474,237
Net Income	-17,808
Total Equity	456,429

Muir Beach Community Services District

Balance Sheet

As of September 30, 2004

Accrual Basis

Sep 30, 04

TOTAL LIABILITIES & EQUITY

467,568

Muir Beach Community Services District
Statement of Revenues and Expenditures
September 2004

Accrual Basis

	Sep 04
Ordinary Income/Expense	
Income	
Water Operations Income	7,033.70
Consumption Surcharge	1,786.17
Recreational Activities Income	1,178.90
Total Income	9,998.77
Expense	
Administration Fees	3,750.00
Bistro Expenses	55.60
Bookkeeping	2,200.00
Employee Benefits	306.76
Insurance	8,550.00
Mileage Allowance	288.25
Misc Operating Expenses	0.00
Office Expense	959.56
Outside Services	255.75
Payroll Expenses	4,362.40
Postage & Delivery	88.22
Printing & Photocopies	94.71
Repair & Maintenance	86.94
Supply	299.58
Telephone	305.17
Utilities	905.33
Water Testing & Expense	489.55
Total Expense	<u>22,997.82</u>
Net Ordinary Income	-12,999.05
Other Income/Expense	
Other Income	
Interest Income	60.93
Total Other Income	<u>60.93</u>
Net Other Income	60.93
Net Income	<u><u>-12,938.12</u></u>

MBCSD from 7/1/04
All Classes P&L Budget vs. Actual
July 1 through October 22, 2004

	Jul 1 - Oct 22, 04	Budget	% of Budget
Ordinary Income/Expense			
Income			
Water Operations Income			
Water Service Income	19,785.91	72,000.00	27.5%
Late Payment Penalty	228.78	1,000.00	22.9%
Overdue Bill Interest	5.64	50.00	11.3%
Total Water Operations Income	20,020.33	73,050.00	27.4%
Recreational Activities Income			
Bistro Income	600.14	2,000.00	30.0%
Children's Income	0.00	150.00	0.0%
Dinner Income	0.00	400.00	0.0%
Phone Book Income	1.50	0.00	100.0%
Rental Income	4,690.00	9,500.00	49.4%
Tai Chi Income	297.50	1,800.00	16.5%
Total Recreational Activities Income	5,589.14	13,850.00	40.4%
Donations	40.00	0.00	100.0%
Grant Income			
Firesafe Marin Grant	0.00	20,500.00	0.0%
MBVFA Donation	0.00	6,741.00	0.0%
West Marin Funds	0.00	8,400.00	0.0%
Other Grants	0.00	10,000.00	0.0%
Total Grant Income	0.00	45,641.00	0.0%
Tax Income			
General Tax Income	0.00	57,300.00	0.0%
Total Tax Income	0.00	57,300.00	0.0%
Total Income	25,649.47	189,841.00	13.5%
Expense			
Administration Fees	11,125.00	36,300.00	30.6%
Bank Service Charges	25.00	0.00	100.0%
Bistro Expenses	238.17	750.00	31.8%
Bookkeeping	8,090.00	19,000.00	42.6%
Dues & Subscriptions	371.00	0.00	100.0%
Employee Benefits			
Harvey Benefits	1,533.80	4,380.00	35.0%
Total Employee Benefits	1,533.80	4,380.00	35.0%
Insurance			
Vehicle Insurance	2,241.00	2,241.00	100.0%
P & L Insurance	5,906.00	6,521.00	90.6%
Workers Comp	3,196.00	16,156.00	19.8%
Total Insurance	11,343.00	24,918.00	45.5%
Interest Expense	5.53	0.00	100.0%
Licenses, Permits & Fees	0.00	5,900.00	0.0%
Meeting Expense	12.35	0.00	100.0%
Mileage Allowance	1,010.38	3,340.00	30.3%
Misc Operating Expenses	0.00	5,575.00	0.0%
Office Expense	1,066.61	1,575.00	67.7%
Outside Services	687.58	5,440.00	12.6%
Payroll Expenses			
Emp'r PR Taxes	-9.85	4,248.00	-0.2%
Wages	9,356.50	46,528.00	20.1%
Total Payroll Expenses	9,346.65	50,776.00	18.4%
Postage & Delivery	367.92	1,250.00	29.4%
Printing & Photocopies	181.37	1,000.00	18.1%
Professional Fees			
Audit Expense	0.00	10,000.00	0.0%
Legal Fees	0.00	1,500.00	0.0%
Total Professional Fees	0.00	11,500.00	0.0%

MBCSD from 7/1/04
All Classes P&L Budget vs. Actual
 July 1 through October 22, 2004

	Jul 1 - Oct 22, 04	Budget	% of Budget
Repair & Maintenance	8,245.81	11,400.00	72.3%
Supply	364.22	500.00	72.8%
Telephone	768.34	3,400.00	22.6%
Uncategorized Exp	12.91	0.00	100.0%
Utilities			
Gas & Electric	3,281.89	6,200.00	52.9%
Pay Phone Expense	161.80	600.00	27.0%
Propane	0.00	500.00	0.0%
Refuse Service	242.10	484.00	50.0%
Total Utilities	3,685.79	7,784.00	47.4%
Water Testing & Expense	772.76	8,500.00	9.1%
West Marin Expenses	0.00	11,445.00	0.0%
Total Expense	59,254.19	214,733.00	27.6%
Net Ordinary Income	-33,604.72	-24,892.00	135.0%
Other Income/Expense			
Other Income			
Interest Income	1,372.83	1,500.00	91.5%
Total Other Income	1,372.83	1,500.00	91.5%
Net Other Income	1,372.83	1,500.00	91.5%
Net Income	-32,231.89	-23,392.00	137.8%

1 **MUIR BEACH COMMUNITY SERVICES DISTRICT**
2 **MINUTES OF THE BOARD OF DIRECTORS' MEETING**
3 **HELD ON WEDNESDAY, SEPTEMBER 29, 2004**
4
5
6

7 **CALL TO ORDER**
8

9 President Hills called the regular meeting of the Muir Beach Community Services District
10 Board of Directors to order at 7:20 pm on Wednesday, September 29, 2004.
11

12 **ROLL CALL**
13

14 PRESENT: DIRECTORS: Hills, Kamradt, Ostroff, Shaffer

15 PRESENT: OFFICIALS: General Manager Macfarlane, Secretary/Treasurer Mullin
16

17 **REGULAR AGENDA**
18

- 19 I. **Review and consideration of the September 29, 2004 Agenda:** Director Kamradt
20 requested that the agenda be amended to include a presentation by her on the
21 Comprehensive Transportation Management Plan during the National Park Service
22 portion of meeting.
23

24 MOTION: To approve the Agenda as amended.

25 Moved: Shaffer, seconded by Hills

26 Vote: AYES: Unanimous
27

28 II. **National Park Service:**
29

30 No National Park Service personnel were in attendance.
31

32 Director Kamradt reported that concepts were presented at the September 17 Comprehensive
33 Transportation Management Plan meeting at Tam High School and gave an overview of
34 those concepts. When asked whether the CSD should respond to the concepts, it was noted
35 that the four concepts represent a reconfiguration of the various elements which the CSD has
36 already issued comments on. Only one new element appeared in the concepts – a tunnel with
37 an estimated cost of \$20M. The CTMP will give actual proposals in October. Director
38 Kamradt expressed concern that there is no citizen representation on the council and felt
39 Steve Kinsey should be notified.
40

41 Director Ostroff asked if there had been any response from the Marin Advisory Committee
42 regarding CSD withdrawal. None has been given thus far.

1
2 **III. Fire Department, Emergency Disaster Committee:**
3

4 Chief Sward reported that major repair work has been done on the truck control panels. The
5 truck is in good operating condition now. There have been no other changes to report.
6 Director Hills mentioned a call he received from Michael Kaufman, President of the Muir
7 Beach Volunteer Fire Association. The MBVFA is looking for ways to fund the Fire
8 Department in addition to the annual BBQ. Grants are becoming available less frequently
9 and are getting smaller.

10 General Manager Macfarlane said Mike Moore had requested permission to cut several
11 eucalyptus ~~shoots~~ ^{trees} but the item did not make it onto the agenda. Director Shaffer suggested it
12 be put on the agenda for the next meeting and the Board will look at the ~~shoots~~ ^{trees} in meantime.
13

14
15 The National Park Service has started its work on the creek beginning at Jim Whites house.
16 They are removing silt and strengthening the berm.
17

18 **IV. Bills to be paid:**
19

20 MOTION: To approve the August report as submitted including a total of \$38,758.45 in
21 General Fund expenditures, \$725.00 in Water Capital Improvement Fund
22 expenditures, and \$1,450.95 in checks issued from the trust funds, for a total of
23 \$40,934.40 in warrants issued.

24 Moved: Kamradt, seconded by Shaffer

25 Vote: AYES: Unanimous
26

27 **V. General Manager's Report:**
28

29 **A. Administration:**
30

31 The General Manager reported that administrative activities have been normal and no
32 specific items currently require Board consideration.
33

34 **B. Roads and easements:**
35

- 36 1. Resident Tom Crawford was present to discuss the retaining wall he built on
37 District property in violation of decisions that were made at the March 17 Board
38 of Directors' meeting which he attended. There was a lengthy, detailed
39 discussion that covered many of the same points that were raised at that meeting.
40 The overriding concern of the Board is that the District's water supply might be
41 subject to contamination from his leachfield as a result of the changes he has
42 made. It was noted that the Regional Water Control Board has notified Muir
43 Beach that it is in an observation area for all of 2005. NPS has been testing
44 Redwood Creek and unacceptable coliform levels have been detected. If these

1 levels are not reduced, all septic systems in Muir Beach will be inspected. Mr.
2 Crawford asked about moving the water line to another location and was told he
3 could move the line if it was located on his property but must consult with the
4 General Manager if he wants to move a line that is on District property.
5

6 MOTION: To allow Tom Crawford 30 days to remove the existing wall and engage the
7 services of a licensed septic engineer for the purpose of either: 1) restoring the
8 slope to its original state, or 2) building a wall which will be located entirely on
9 his property, with the stipulation that all liability surrounding the restoration of
10 the slope or building the wall AND containing effluent remain with the property
11 owner.

12 Moved: Shaffer, seconded by Kamradt

13 Vote: AYES: Unanimous
14

- 15 2. Janice Kubota reported on behalf of the Muir Beach Garden Club that they had
16 selected three different shrubs, myaporum, mock orange and mock olive, as
17 replacement vegetation for the seven trees that were removed by Peter Wood.
18 After a brief discussion, it was decided that the Board would approve the planting
19 of mock orange and mock olive. The General Manager will notify Mr. Wood by
20 letter of this decision, will include a cost estimate and will stipulate that the work
21 must be completed within 30 days. The Garden Club will decide on the
22 placement and number of plants required to re-establish the screening benefits to
23 the adjacent property and will work with resident Brad Eigsti, a professional
24 landscaper, to place the order.
25

26 MOTION: To approve the use of mock orange and mock olive by the Muir Beach Garden
27 Club as replacement vegetation per above.

28 Moved: Shaffer, seconded by Ostroff

29 Vote: AYES: Unanimous
30

31 C. Water operations:

32
33 General Manager Macfarlane reported that water operations have been normal and no
34 important repairs have been necessary.
35

36 D. Water Conservation:

37
38 Although an "Official Water Conservation Notice" dated August 30, 2004 was mailed
39 to all Muir Beach residents, there are a number of high volume users that have not
40 conserved. Six users account for 23% of the usage. Director Hills stressed that as a
41 policy, the Board has decided to impose penalties on high volume water users, not low
42 volume users. He would like to send a warning letter to the high volume users which
43 states that a penalty has accrued to date and that the penalty will be waived if they bring
44 their usage into line by the next meter reading date. The letter will inform residents

1 what their meter reading must be below in order to be in compliance. This would be a
2 one-time notice that could develop into a policy change. Director Ostroff asked what
3 would happen if the CSD cannot prove that the community has conserved? In the event
4 of a fish "take", NPS would assert that the burden of proof is on Muir Beach to show
5 that it had not affected the creek. Director Kamradt: When we were fighting for our
6 water rights, we were able to prove that our usage did not affect the creek. Now we
7 have our water rights and although we have shown that we don't affect the creek, we
8 must make concessions as though we do. We have a monitoring plan in place. NPS
9 monitors the creek and notifies Muir Beach when it must go into "noticed
10 conservation". We cannot be fined if we follow the guidelines. If we do not, we can be
11 fined \$50K per day.

12
13 MOTION: To send a warning letter as described above to the high volume users.

14 Moved: Shaffer, seconded by Kamradt

15 Vote: AYES: Unanimous

*Incorrect - pump ordered
by Forster using
Dist Motors.*

16
17
18 **E. Water Capital Improvements:**

19
20 Director Hills reported that the new trench looks great. General Manager Macfarlane
21 reported that the District does not own a spare pump as he previously thought. He will
22 obtain bids for the purchase of a new one. There was some discussion about whether
23 the CSD is required to obtain a new permit or new state reporting number. It was
24 pointed out that our system has a number and our well has a number. Environmental
25 Health has performed the water test. Terry Snyder from the Department of Water
26 Rights has specifically stated that we are not required to obtain another permit, that this
27 is a replacement well located in the immediate vicinity of the old well.

28
29 **F. Recreation:**

30
31 The General Manager reported that the Community Center and deck roofs have been
32 completed and the workmanship is excellent.

33
34 The plans and cost estimate for the storage shed at the Community Center have not yet
35 been completed. They will be presented at the next meeting.

36
37
38 **VI. Public open time:**

39
40 Harvey has been receiving calls from bands for the New Years Eve party and has requested a
41 commitment from the Board for \$500 if it is needed. Last year the shortfall was between
42 \$100 and 200, which the CSD paid. This item will be put on the agenda for the next meeting.

1
2 **VII. Review of minutes:**
3

4 MOTION: To approve the draft minutes of the August 25, 2004 Board of Directors'
5 meeting as submitted.

6 Moved: Shaffer, seconded by Ostroff

7 Vote: AYES: Unanimous
8

9 **VIII. Next meeting date:** The next meeting date is scheduled for Wednesday, October 27,
10 2004.
11

12 The meeting was adjourned at 9:06 pm.
13

14 These minutes were approved by the Muir Beach Community Services District Board of
15 Directors, during their meeting on _____.
16
17
18
19

20 _____
Deborah Kamradt, Board President

Sharon Mullin, Secretary