

MUIR BEACH COMMUNITY SERVICES DISTRICT

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



**Thu, April 23, 2015
7:00 PM – Regular Meeting**

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

SPECIAL NEEDS

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

AGENDA

Item 1 CALL TO ORDER

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

Leighton Hills, District Manager
Sharry Mullin, Meeting Secretary

Item 2 APPROVAL OF MINUTES

As attached: Draft Minutes from February 23, 2015 meeting.

Item 3 NATIONAL PARK SERVICE REPORT

Representatives of the National Park Service may be present to update the community on NPS projects. In accordance with a prior understanding, NPS will provide us with a list of topics to be discussed.

Item 4 FIRE DEPARTMENT

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

Item 5 DISTRICT MANAGER REPORT

Approval of Budget – At the last meeting the Board reviewed the attached budget for the current fiscal year. Revenues for the prior year came in at \$384,194 vs. budget of \$365,877, favorable by \$18,317, and expenses came in at \$236,255 vs. budget of \$247,500, favorable by \$11,245. The topic was held over to this current meeting.

Financial Policies and Procedures – We are in the process of developing a template for reporting financial status as discussed at the last meeting.

Sunset Way Water Main Replacement and Repaving – After the last meeting we confirmed that a Coastal Permit from the County (not the Coastal Commission) is required for the project and we are in the process of making application. To the extent that the emergency vehicle turnarounds are designed to a lesser standard than the typical County standard, the review process for the Coastal Permit will enable that lesser standard to be binding into the future so that we would not later be required to bring them up to the County spec. We are scheduling a meeting with the County fire department and the Land Use Division of DPW to determine what standards can be applied. Given that this meeting has not yet taken place, the discussion on the road project will be deferred to the following CSD meeting.

Spindrift Point Access – Gerry Pearlman and resident Tom Passow have been in touch with The Nature Conservancy representatives to negotiate a suitable access agreement. Either or both of them will be available to provide an update.

Water Rate Restructuring – Paul Jeschke would like to discuss possible revisions to our water rate structure in order that excess water users face financial penalties to aid in conservation.

Water Conservation – Laura Chariton is a hydrologist and advocate of water conservation. She will be present to offer ideas for greater water conservation and to discuss grant opportunities.

Fall Protection Material at Playground – Subsequent to the last meeting and as requested Scott Bender prepared the attached summary regarding the use of fall protection cushioning under the turf at the Community Center playground. The piece has also been posted to the CSD website.

Item 7 RECREATION ITEMS

Playground, and Measure A Funds – Scott Bender will update us on further progress on this project.

Item 8 PUBLIC OPEN TIME

The Brown Act provides that no action or discussion shall be undertaken on any item not published on this agenda. This is intended to let people know a topic is up for discussion so they can decide whether to attend a meeting. That said, items may be proposed by members of the audience during public open time for inclusion in future agendas, and brief responses may be made to questions posed to Board members or staff. In addition:

1. *Topics should be within the four powers of the CSD ((1) water, (2) roads, (3) fire & (4) recreation).*
2. *The topic should not be elsewhere on the agenda.*
3. *Public comments are limited to 3 minutes per speaker, unless waived by the Board.*
4. *The period for public open time is limited to 15 minutes, unless waived by the Board.*

Item 9 ELECTION OF OFFICERS OF BOARD

In accordance with CSD Bylaws, the following procedure should be used to elect new officers or renew the terms of the existing officers of the CSD Board.

- (1) Nominations – Candidate(s) for Board President should be nominated by any one or more Directors.
- (2) Motion to Close Nominations – A motion should then be made to close the nominations, seconded and voted upon.

- (3) Vote – The Board President should then call a vote for or against each nominated candidate, and declare the outcome of the election.

The process should be repeated for the Board Vice President.

Item 10 SELECTION OF DATE FOR NEXT MEETING – Scheduled for Thu, May 28.

Item 11 ADJOURNMENT

Draft Budget July 1, 2014 - June 30, 2015

Muir Beach Community Services District, excluding Muir Beach Volunteer Fire Dept, approved separately

Line	Items	2013-2014 Budget	2013-2014 Actuals	2014-2015 Budget	Gov't Allocation	Water Allocation	Notes
1	Revenues						
2	Water Operations Income						
3	Water Service Income	\$ 86,000	\$ 90,639	\$ 90,000		90,000	
4	Connection Fees	-	-	-			
5	Total Water Operations Income	86,000	90,639	90,000			
6	Water Capital Improvement						
7	Capital Improvement Fee	49,000	49,168	49,000		49,000	
8	Earmarking of Revenues	21,500	22,777	22,500		22,500	25% of water revs go to capital improvements
9	Total Water Capital Improvement	70,500	71,945	71,500			
10	Total Water Revenues	156,500	162,584	161,500			
11	Property Tax Revenues						
12	Property Tax Revenues	82,000	85,939	86,000	86,000		Property taxes revenues given by County
13	Refunds of Educational Deductions	40,000	75,701	50,000	50,000		(known as ERAF - difficult to predict)
14	Total Property Tax Revenues	122,000	161,640	136,000	136,000	-	
15	Parcel Tax for Fire	32,000	31,697	32,000	32,000		\$200 per household per year
16	Measure A Recreational Taxes	27,377	17,836	33,005	33,005		10-year annual amount adjusted upward from \$27,377.
17	Combined Tax Revenues	181,377	193,337	168,000			
18	Recreational Activities Income						
19	Rental Income	9,000	8,158	8,000	8,000		
20	Community Functions Income	1,000	1,390	1,000	1,000		
21	Total Recreational Activities Income	10,000	9,548	9,000	9,000	-	
22	Donations						
23	Donations		126		-	-	Donations received by Fire Dept.
24	Total Donations	-	126	-	-	-	
25	Grant Revenues						
26	West Marin Grant	16,800	16,800	8,400	8,400		Double amount rec'd in 2013-14
27	Total Grant Revenues	16,800	16,800	8,400		-	
28	Interest Income	1,200	734	700	700		
29	Other Income	-	1,065	-	-		Misc.
30	Total Revenues	\$ 365,877	\$ 384,194	\$ 347,600			Revenues approx \$18,000 greater than budgeted.
31	Expenditures						
32	Audit	\$ 15,000	\$ -	\$ 15,000	7,500	7,500	
33	Bookkeeping	18,000	17,146	18,000	9,000	9,000	
34	Community Classes & Functions	3,800	5,899	5,000	5,000		Day Dead, Bistro, Tai Chi, Elderberries. Overages separately approved.
35	Dues & Memberships	600	398	600	300	300	Water and special district associations
36	Fire, P&L, Umbrella	11,000	12,630	14,000	7,000	7,000	In addition \$5,937 prior year expense was paid in 2013-14
37	Total Insurance	11,000	12,630	14,000			
38	Legal Fees	1,000	548	1,000	500	500	
39	Permits & Fees	3,500	2,715		1,750	1,750	Fire tax election, misc other
40	Misc Operating Expenses	3,500	3,521	4,000	1,750	1,750	
41	Office and Postage	2,000	1,997	2,500	1,250	1,250	
42	Payroll Expenses						
43	Employer PR Taxes	7,600	6,994	7,200	3,600	3,600	
44	Payroll Service	2,400	2,519	2,600	1,300	1,300	
45	Wages	97,000	91,429	97,000	48,500	48,500	district mgr, water mgr, com ctr, road maint
46	Workers Comp	6,000	1,614	2,000	1,000	1,000	Reduction reflects change to SDRMA
47	Total Payroll Expenses	113,000	102,556	108,800			
48	Health Insurance	11,000	10,669	13,000	6,500	6,500	for district mgr and water mgr
49	Repairs & Maintenance	20,000	19,783	25,000	12,500	12,500	Cctr, allowance for repairs
50	Supplies	5,200	4,153	5,200	5,200		Cctr and Water
51	Vehicle Expense	1,800	1,924	2,000	1,000	1,000	harvey \$150/mo vehicle allowance
52	Utilities						
53	Electric	9,000	8,340	9,000	1,000	8,000	pumping
54	Propane	300	265	350	350		
55	Refuse Service	1,000	772	1,000	1,000		
56	Telephone	3,000	2,975	3,500	1,750	1,750	
57	Total Utilities	13,300	12,352	13,850			
58	Water Enterprise						
59	Water Dept. Expense	15,000	16,995	25,000		25,000	mostly allowance for leak repairs
60	Water Testing	2,000	4,316	5,000		5,000	State schedule varies from year to year
61	Water Treatment	7,800	8,345	10,000		1,000	silica and chlorine
62	Total Water Enterprise	24,800	29,656	40,000			
63	Chipper program	-	10,308	-			Transferred from VFA. No longer active.
64	Total Expenditures	\$ 247,500	\$ 236,255	\$ 267,950			Expenditures approx \$10,000 less than budgeted.
65							
66	Revenues less Expenditures	\$ 118,377	\$ 147,939	\$ 79,650			
67							
68	Water Capital Improvements (see below)	150,000	64,565	40,000			

Draft Budget July 1, 2014 - June 30, 2015

Muir Beach Community Services District, excluding Muir Beach Volunteer Fire Dept, approved separately

Line	Items	2013-2014 Budget	2013-2014 Actuals	2014-2015 Budget	Gov't Allocation	Water Allocation	Notes
69							
70	Draw upon / (addition to) upon Capital Reserves	\$ 31,623	\$ (83,374)	\$ (39,650)			
71							
72	Water Capital Improvements: Upgrades to Sunset Way and Greene Lane water mains; miscellaneous projects as determined by District Manager. Other projects as approved by Board during year. Measure A Expenditures: Approved directly by Board						

Muir Beach Playground Turf Cushioning (prepared by Scott Bender, March 2015)

The Community Center playground utilizes ground rubber (crumb rubber) as a cushioning material in and under the green turf surrounding the playground play structures.

The vast majority of studies find no identifiable health risk from contact with this type of crumb rubber, even those studying actual ingestion of the rubber. The most credible studies appear to be those done by city and state departments of public health, including New York City, the state of New York; the state of Connecticut, San Francisco, the state of California, Torino, Italy, and Berlin, Germany.

Our installation actually uses one-eighth of the typical amount of material per square foot, and incorporates a grid that keeps the material trapped within the base of the turf. Both of these specs are different from those installations reviewed in the studies. A good compilation of all of the studies to date can be found here:

Independent Research and Reports on Crumb Rubber Infill

http://www.syntheticurfCouncil.org/?page=CRI_Research

Please note in particular the studies conducted by independent entities, such as by departments of public health. While Muir Beach's installation uses a design spec that is much safer than those being studied, it is a readily solvable issue should a problem be found to exist. The rubber is removed by cutting openings in the grid that presently encapsulates the ground rubber, uses powerful vacuums for extraction of the rubber crumbs and then replaces the removed rubber with imported sand. That revision results in a less durable turf surface, is less protective against falls and would be at an additional expenditure of approximately \$4,000.

Comparison	MB CC Playground Fall Protection	Athletic Fields
Turf density	70 oz yarn	35 oz yarn
Fill per sq ft	2.5 lbs/square foot 2 lbs of sand over 0.5 lbs crumb rubber	8 lbs per square foot 4 lbs sand over 4.0 lbs crumb rubber
Fill entrapment	Thatch bottom layer to entrap crumb rubber and bottom of sand layer	None

1 **MUIR BEACH COMMUNITY SERVICES DISTRICT**
2 Minutes of the Board of Directors meeting held on
3 Thursday, February 26, 2015
4
5

6 **OFFICIAL MINUTES ONLY UPON APPROVAL**
7

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

12 **Item 1 CALL TO ORDER**
13

14 Steve Shaffer called the meeting of the Muir Beach Community Services District Board of Directors to
15 order at approximately 7:11 PM and presided at the meeting.
16

17 Directors present: Steve Shaffer, Scott Bender
18 Paul Jeschke, Peter Lambert
19 Gerry Pearlman
20

21 Directors absent: None
22

23 Staff present: Leighton Hills, District Manager
24 Sharry Mullin, Meeting Secretary
25

26 **Item 2 APPROVAL OF MINUTES**
27

28 Gerry had questions about the minutes. He did not attend the January 21 meeting.
29

30 MOTION: To approve the Draft Minutes from the January 21, 2015 meeting, as
31 attached.
32 Moved: Bender, seconded by Jeschke
33 Vote: AYES: Steve, Paul, Scott, Peter
34 Abstained: Gerry
35

36 **Item 3 NATIONAL PARK SERVICE REPORT**
37

38 Carolyn Shoulders was present. She answered questions and spoke to certain issues including:
39

- 40 ~ The mosquito fern that has covered the frog pond. The NPS is going to watch it for now.
41 ~ The threatened red-legged frog is returning. They're seeing many egg masses in the creek.
42 ~ The NPS agreed a year ago to plant six alders; they have planted six. They have also planted willows.
43 ~ The deer guards are slated for removal.
44 ~ The creek at the Pacific Way Bridge has scoured some of the bank and some of the creek bed. Poor
45 design is contributing to the problems there.
46 ~ Salmon are currently present in the creek.
47

48 **Item 4 FIRE DEPARTMENT**
49

50 Fire Chief Steve Wynn reported. He gave a break-down, by type, of the 72 calls that the Muir Beach
51 Volunteer Fire Department responded to last year. Of the 72, 11% were in the community, 89% were
52 outside the community. During the prior year, there were 68 calls.
53

54 A recertification class was held. Muir Beach now has 10 people who are recertified. In April, there will be
55 a community wide drill, which will include the fire fighters and community liaisons. Other drills will take
56 place at a later date with the Office of Emergency Services. There will be a meeting on April 15, possibly

1 at the Community Center, to go over what will be covered at that drill. The fire fighters will attend the
2 meeting.

3
4 Steve will be connecting with the NPS and GGNRA regarding emergency preparedness. In the event of
5 a community wide disaster, there could be many hundreds of people stranded at the park and at the
6 beach. Steve wants those agencies to be prepared for such an event.

7
8 There has been some progress on the Frank Valley Road issue. The permit process will be formidable.
9 Steve intends to closely monitor the progress.

10
11 In answer to a direct question, Steve answered that approximately five times per year, there is no Fire
12 Department crew available to respond to a call that comes in.

13
14 **Item 5 DISTRICT MANAGER REPORT**

15
16 **Approval of Budget –**

17
18 A draft budget was included with the agenda for this meeting. It included columns for the prior year's
19 budget and prior year's actual expenditures. Of note for the 13-14 fiscal year: Actual revenues were
20 higher than budgeted and actual expenditures were lower.

21
22 Discussion led to the following clarifications: That an approved budget serves as the approving document
23 for expenditures for the period; that larger items, such a special projects, are approved separately; and
24 that there is no express discretionary spending by the District Manager only spending within approved
25 budget categories.

26
27 Review of the budget will be held over to next meeting so the directors can have more time to review it.

28
29 **Financial Policies and Procedures –**

30
31 Paul Jeschke expressed his concern regarding cost overruns on the recent playground project. After
32 some discussion, he made the following two motions:

33
34 MOTION: That the District Manager's report for each scheduled meeting include a
35 financial report which summarizes spending on current projects, noting
36 specifically which projects are over/under budget and, if over-spending is
37 indicated or projected, the proposed source of funds to complete the
38 project.

39 Moved: Jeschke, seconded by Bender

40 Vote: AYES: Steve, Paul, Scott

41 NAYS: Gerry, Peter

42
43 MOTION: That any proposed expenditure requiring Board approval include an
44 estimated cost for the entire project, reference the source of the funds,
45 and indicate whether there are sufficient funds in the budget to complete
46 the project.

47 Moved: Paul, seconded by Lambert

48 Vote: AYES: Unanimous

49
50 **Sunset Way Water Main Replacement and Repaving –**

51
52 A meeting is scheduled, between the neighbors on Sunset Way and Cove Lane, with the design engineer
53 at ILS Associates for Monday, March 9 at 7 PM at the Community Center. The topic will also be included
54 on the agenda of a subsequent CSD meeting or meetings.

1 Residents presented concerns and ideas for the project, many pertaining to the proposed emergency
2 vehicle turn-arounds at the end of Sunset Way and Cove Lane. One resident has spoken with the County
3 and believes that, although there are County codes pertaining to emergency turn-arounds, they may not
4 apply to roads administered by the Muir Beach CSD. The discussion covered the ideas of safety and
5 functionality of the Fire Department while responding to a call. The upcoming meeting will offer a format
6 for further input.

7
8 Because of a claim of a possible conflict of interest in Leighton's role as district manager and property he
9 owns on Cove Lane, he has withdrawn from participating in the design and approval aspects of the
10 project involving Cove Lane, particularly the portion involving extending paving at the base of Cove Lane.
11 Paul Jeschke has agreed to exclusively assume that role as representative of the CSD for this aspect of
12 the project. To that end, the following motion was made:

13
14 MOTION: For Paul Jeschke to act as project manager for all design and approval
15 aspects and of the Cove Lane project from today until rescinded or
16 otherwise changed.
17 Moved: Bender, seconded by Jeschke
18 Vote: AYES: Paul, Scott, Peter
19 Abstained: Gerry
20

21 **Spindrift Point Access –**

22
23 Gerry has received a draft of The Nature Conservancy's plan for allowing visitors to access Spindrift Point
24 and related some of the highlights. The proposed rules are very restrictive to the community and
25 presumably not acceptable to the residents of Muir Beach who once had broad access to the point. A
26 compromise is needed.

27
28 Various solutions were broached, one being that residents receive a physical key to the gate once they've
29 signed a required liability waiver. Another was that negotiations take place with someone more senior in
30 the organization than the person Gerry has been speaking with. Gerry will continue to work on the issue.

31 **Item 6 RECREATIONAL ITEMS**

32 **Playground and Measure A Funds –**

33
34 Scott Bender presented a document that 1) identified six elements that he believes were process failures
35 in cost tracking of the project, 2) showed the cost of the Muir Beach project relative to other similar
36 playground projects in Marin, and 3) laid out a plan for completion of the playground and terrace levels,
37 which will be funded by donations from him (\$5,000 now and an additional \$5,000 as needed) and Mike
38 Moore (\$20,000 now) and utilize volunteer labor from the community. An estimated cost spreadsheet for
39 finishing the project was included. Scott is working with David Schwartz to resolve some of the cost
40 overruns that are attributed to the work his company performed.

41
42 Scott is looking to locate a grant opportunity that would pay for a lift to address needed ADA compliance.
43 He noted that Measure A funds being sales-tax based are expected to grow over time with the economy.
44 The Measure A administrators have seen the project and are very pleased with it.

45
46
47
48 MOTION: To authorize the next phase of work on the playground, which should be
49 identified as Back Terrace Phase II, per the budget submitted to the
50 Board by Scott Bender, and contingent upon receipt of the specified
51 donated funds from Mike Moore and Scott Bender.
52 Moved: Bender, seconded by Lambert
53 Vote: AYES: Unanimous
54

1 A discussion ensued regarding an EPA claim of detrimental health effects they attribute to the turf that
2 was used for the playground. Scott will be researching the claim and will post the results to the CSD
3 website.

4

5 **Item 7 PUBLIC OPEN TIME**

6

7 Gerry extended Happy Birthday wishes to Paul Jeschke.

8

9 **Item 8 SELECTION OF DATE FOR NEXT MEETING**

10

11 The date for the next meeting is set for Thursday, March 26, 2015.

12

13 **Item 9 ADJOURNMENT**

14

15 The meeting was adjourned at approximately 9:55 PM.