

1                                   **MUIR BEACH COMMUNITY SERVICES DISTRICT**  
2                                   Minutes of the Board of Directors' meeting held on  
3                                   Thursday, July 25, 2018

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5                                   **OFFICIAL MINUTES ONLY UPON APPROVAL**  
6

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

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11  
12 **Item 1: Call to Order**  
13

14 Victoria Hamilton-Rivers called the meeting of the Muir Beach Community Services  
15 District Board of Directors to order at approximately 7:04 pm.

16  
17 Directors present:               Gary Friedman, Victoria Hamilton-Rivers, Leighton Hills,  
18   Peter Lambert, Steve Shaffer,  
19 Staff present:                    Mary Halley, District Manager  
20   Leslie Riehl, Treasurer  
21   Chris Gove, Fire Chief  
22

23 Announcement: need someone to take minutes for August through November.  
24  
25

26 **Item 2: Approval of Agenda**  
27

28               MOTION:    To approve the agenda  
29               Moved:     Lambert, seconded by Shaffer  
30               Vote:        AYES: Unanimous  
31

32  
33 **Item 3: Consent Calendar**  
34

35 Draft Minutes of the Regular Meeting held 6/27/18  
36

37 Shaffer discusses a BnB / meeting room on Pacific Way has been a problem, and is  
38 listed on the internet as a meeting room which can be rented by the hour; he will do  
39 some more research about what is going on here. Easement from Pacific to Sunset gets  
40 parked up and blocked, including a bus at one point; septic issues; etc. The important  
41 point for this meeting is that this potential issue is beyond the purview of the CSD to  
42 handle, but Shaffer and a smaller group of neighbors will form to do so. He also notes  
43 that in cases like this it's important to recognize what is beyond the purview of the CSD,  
44 and the CSD does not act as police. Ming, who had initially raised the subject, agrees,  
45 but wanted to have this on the record in case of potential liability issues, simply to  
46 document that this came up as an issue.

1  
2 Agenda item from Schoenfelds has been tabled for this meeting.

3  
4 Existing draft p.3:14 MBCC budget line going up to 10K: clarify to “budget will be going  
5 up 10K from what it’s currently budgeted, so therefore there will be no  
6 Gary p.3:42 Gary quote: understood that pipes were nearing the end of their life – not  
7 “we really need to do the water”.

- 8  
9  
10 A. Approval of Draft Minutes from Regular Board Meeting of 6/27/18.  
11 B. Approval of Quarterly Financial Reports dated 6/30/18.  
12 C. Approval of Resolution No.2018-7-25 Conflict of Interest (revision to add  
13 Treasurer)

14  
15 MOTION: To adopt the consent calendar  
16 Moved: Shaffer, seconded by Hills  
17 Vote: AYES: Unanimous

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19  
20 **Item 4: Items Removed from Consent Calendar**

21  
22 No items removed.

23  
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25 **Item 5: Treasurer’s Report**

26  
27 Reihl indicates that this is to be the annual report of how we did this year on the actuals;  
28 in actuality it’s a draft, and still waiting for fine-tuning. Reihl nonetheless goes over  
29 highlights of the Annual Financial Report for the Fiscal Year ending 6/30/2018, which is  
30 provided as a written document. In general we did really well; we started by coming  
31 down low and are now on target to remaining at a lower level.

32  
33 This report will help the board to decide their capital programs. We will wait until the  
34 board has their discussion today. The new bank accounts have not yet been opened up,  
35 which we are waiting on due to various factors, and we are also discussing a water rate  
36 increase which will be right around the corner.

37  
38 Hamilton-Rivers asks the audio technician for assistance in understanding what the red  
39 light associated with the switch on the new microphone means, and once that’s  
40 somewhat resolved, asks Riehl about her use of the word “debatable”. Riehl responds  
41 that her final reports will match what’s in the quick books report; they do not yet match  
42 and she is on a treasure hunt to figure out why that’s the case. There are certain minor  
43 discrepancies which she is working with Sharry to find; so the time is not yet come but  
44 she is confident that there will be a time when the two of them say “Hallelujah, we have  
45 balance.” Then there’s the issue of making sure structures are put in place so that this  
46 will not happen again in the future.

1  
2  
3 **Item 6: District Manager Report**  
4

5 Halley indicates that much of what she has to report is on the agenda, so she will note a  
6 few things not on the agenda. We do have the water operators with signed contracts.  
7 Water permit modification has been approved. NPS contact tanks on Banducci line are  
8 now complete. Fire house is just getting started; looking to start an updating of the  
9 survey to incorporate the concrete water tank that was not there. As we plan for  
10 installing a lining in the redwood Lower Tank, that tank's leak appears to have been  
11 resulting in puddling on Sunset. We're monitoring it to make sure it will not be a problem  
12 for the community, which is in any case extremely unlikely.

13 Update on strategic planning: Halley has contacted engineer Kevin McDonald, and he  
14 has started working on water system prelim evaluation on June 17; he thought that  
15 would be about two weeks for preliminary findings which would then be followed by  
16 meetings with the board.

17  
18 Hamilton-Rivers asks what does "scouring" means in her report; Halley replies that it is  
19 used to describe the effects of the flooding following the heavy rains on the river banks,  
20 e.g. removing material from one place and depositing it elsewhere.  
21  
22

23 **Item 7: Fire Department Report**  
24

25 Fire Chief Gove announces another community meeting about fire safety on 8/20, at  
26 7pm in CC. Notices will be sent. He has ordered a new survey for the planning for the  
27 new firehouse next to Overlook Tank. We had a vegetation fire last week near end of  
28 Sunset Way, approximately six feet square, and possibly started by a piece of wet bark  
29 across the line. PG&E said it could only happen when wet, rather than in dry weather.  
30 He explains that it was rainy and foggy, and the hypothesis is that a piece of euc bark  
31 when across high-tension leads, which are 12,000 volts, went to ground, caught a piece  
32 of plastic meant to keep birds off, which caught on fire and fell to the ground in a patch  
33 of significant debris. Their recommendation is that there should be 10' square bare  
34 ground around all poles. Fire was put out properly.  
35

36 Gove reiterated to the community that in case of fire, the proper order is to call 911 first,  
37 then call the MBVFA.  
38

39 Gove was asked to express views on beach fires and fireworks, which led to a long  
40 discussion. The short story is that fireworks are illegal and should never be used  
41 anywhere in Marin County. On big beach, which is national land, fires are permitted.  
42 Little Beach is a different story, since it's a combination of nearby private property  
43 interfaced with state property. Fires are permitted on state beaches. Fires are enjoyed  
44 by many and are usually not a big deal because of our climate – but let us not allow  
45 ourselves to be lulled us into a false sense of security; there is after all a lot of debris  
46 going up from the beach.

1 Gove is in favor of being able to have fires down there – but in case of red flag nights,  
2 and there’s a fire, call and the fire dept will deal with it – but please be mindful that they  
3 are not law enforcement and don’t want to be. If you see a fire about which you are  
4 concerned, Gove reiterates that the proper course of action is to call 911 first – the fire  
5 department is NOT law enforcement.

6  
7 A longer discussion ensues on this topic. Gove is open to guidance from the  
8 community.

9  
10 Barbara Schoenfeld notes that fireworks had been blown off on Sunday night. It’s  
11 difficult to tell where they’re coming from. Again, the proper course of action in such  
12 circumstances, if you are concerned, is to call the sheriff.

13  
14  
15 **Item 8: Guest Speaker – Tom Boss**

16  
17 Director Gary Friedman has invited Tom Boss from the Marin Bicycle Coalition to speak  
18 on the topic of bicycles on multi-use trails, particularly the route on Seacape where  
19 pedestrians are frightened.

20  
21 Tom notes that the Marin Bicycle Coalition has a very positive relationship with Ocean  
22 Riders, which cooperation helped get Diaz Ridge trail opened up as mixed-use trail. He  
23 is here to talk about things that we can do to work together to cultivate the peaceful and  
24 friendly coexistence of bicyclists and pedestrians in MB. He congratulates MB on doing  
25 a wonderful job pointing out that these are shared trails and that bikers have to yield. In  
26 many cases it’s about getting the word out, and so on. Tom proposes a 3-prong plan:

- 27 1. work together on language to share with cycling groups in southern Marin; make  
28 sure they’re aware of how to ride and to always yield
- 29 2. additional, maybe temporary signage, e.g. Burma-shave structure – 2-3  
30 messages that you need to be prepared to stop for other users
- 31 3. coastal view trail drops near Hwy 1 near overlook -- there is a plan for Diaz Ridge  
32 phase 3, which will connect the coastal view trail with the Banducci trail off Hwy  
33 1. That unfortunately could be a few years off, and so we could use your help to  
34 let the park service know that you support that.

35  
36 Volunteer engagement idea: potentially recruiting volunteers to put up signs, send out  
37 outreach; identify when there’s the most activity, and get people to talk to people who  
38 are using the trail and ask them to spread the word to their friends. In terms of social  
39 media/websites etc: we would craft a message, e.g. for Velo Marin based in Mill Valley;  
40 we have our own members here in Muir Beach and nearby areas; we work with state  
41 parks and national parks; if we coordinate, could reach a big audience.

42  
43 Friedman notes that the key thing is that there’s a spirit of cooperation between all of us,  
44 so that it’s okay for everyone. The Diaz Ridge Trail is a great example of this.

1 Suggestion: a sign could warn bicyclists of “seniors and children on the trail”. Further  
2 brainstorming ensues.

3  
4 Marilyn has concerns about bike behavior on Hwy 1 – bikes going downhill fast, uphill  
5 slow. It appears to her that bicyclists don’t seem to understand they’re at risk, and she is  
6 upset by their presence on the road. Tom responds that bikes on the road is beyond the  
7 purview of what he is here to talk about, which is our trail system, but notes that there  
8 are efforts to educate cyclists about when it’s appropriate to take the lane, or when to go  
9 single file. Bicyclists of course have every right to ride on Hwy 1. The Bicycle Coalition  
10 have had success in getting lists of various cycling clubs, and so on, after there were  
11 close calls on bike paths in Mill Valley.

12  
13 In sum, what Tom hopes for is someone to work with to hone language we’re going to  
14 put out. The board agrees.

15  
16  
17 **Item 9: Water Rate Increase Flowchart**

18  
19 Treasurer Riehl presents an outline of the decision steps required in preparation of the  
20 next water rate increase. DM Halley summarizes County Counsel’s response to water  
21 rate procedural inquiry.

22  
23 Riehl reports that the budget is in place; we’re done with the FY; now ready to  
24 determine whether we need water rate increase. Riehl has developed a flow chart  
25 indicating what they can or cannot do for water increases and summarizes the  
26 possibilities.

27  
28 Riehl: now it looks like 3 options.

- 29 1. Cost of service study – can be done by Riehl herself. This could lead to tiered  
30 rates based simply on the cost of providing the service.  
31 2. Tax, which could allow for tiered rates which would encourage conservation; for  
32 this we’d need to clarify what’s possible with legal counsel.  
33 3. Assign a annual fee which is independent of usage.

34  
35 Richard Kohn emphasizes that we need to be clear what the citation to authority is for  
36 these. Hills suggests we have a conversation with independent counsel to follow up on  
37 these issues that Richard raises. We can explore the cost of service study, but most  
38 important is that we as a community want to encourage conservation, and so the  
39 framing as a tax might be preferable. As long as we get voter approval to do that, then  
40 we could collect it as a tax.

41  
42 Friedman concurs in the importance of getting accurate legal information. Discussion  
43 ensues about whether this would be Peter Kiehl [sp?] or county counsel to start with.

44  
45 In sum, Riehl clarifies that it is now too late to add a measure for a new tax for this  
46 November’s ballot (though it could happen later), that she and Halley are developing a

1 flow chart for cost of service concept, and that the board will collect info on legal  
2 situation.

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4

5 **Item 10: Lower Water Tank Liner**

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DM Halley requests authorization for funding to install a new water tank liner in the lower redwood water tank due to natural aging and increased leakage.

10 Halley is looking into estimates; has only got one so far from a good company. In the  
11 meantime, the other two companies have gotten back to her and will have estimates for  
12 her tomorrow. First estimate was roughly \$37,000. Timeline is unclear, but would be 2-6  
13 weeks. Hills suggests that the board authorizes Halley to enter into a contract for  
14 \$40,000 or less. Discussion of technical details of the liner.

15

16 MOTION: To approve \$45,000 for Halley to choose a company to do the  
17 lining for the Lower Tank.

18

Moved: Hamilton-Rivers, seconded by Hills

19

Vote: AYES: Unanimous

20

21 Lambert suggests that if there's information that paying more than that would increase  
22 the lifespan or be otherwise beneficial, then Halley will come back to the board for  
23 further discussion.

24

25

26 **Item 11: FY 2019/20 Measure A Project**

27

28 DM Halley and Treasurer Riehl request that the Directors consider a list of Measure A  
29 qualifying projects to be completed in FY 2108/19 for reimbursement in FY 2019/20.

30

31 She goes over a document which has been distributed to the board. Projects include:  
32 improvements to the community Center – already doing this year:

33

1. deck enclosure curtains,

34

2. skylight repairs,

35

3. skylights generally,

36

4. trail improvements

37

Then we need to address other projects which are better to this year, and then have Measure A funds reimbursed..

38  
39

40 Riehl clarifies that we have \$12,000 to spend for 2018-19 which is yellow-highlighted in  
41 the document, and don't need to be considered. What's to consider is the \$37,000 for  
42 2019-2020 which is available for anything which falls within recreation, or anything  
43 within the community center. Brainstorming potential improvements to get conversation  
44 started:

45

1. trails and easements; major restoration or upgrade

46

2. playground upgrade

- 1 3. unfinished area above playground, e.g. picnic tables/games area
- 2 4. below playground is weed patch which could be space for something else.
- 3 5. new flooring throughout
- 4 6. new back kitchen
- 5 7. dish sink/storage area in moldy kids room
- 6 8. upgrade of heating system inside and on the deck

7  
8 Members of the community are invited to submit more ideas. Hamilton-Rivers clarifies  
9 that Measure A is for recreation generally, and recommends an email to the community  
10 to solicit ideas, and then review this and put it on the August agenda.

11  
12 Frank points out that facilities committee did submit a report which has a priority list; and  
13 Mike DeGroot had a list. Clearly what's needed is to maintain the integrity of the CC and  
14 the safety of the trails, before looking to what's optional.

15  
16  
17 **Item 12: Access to Legal Counsel Policy**

18  
19 In an effort to develop and clarify MBCSD policy on various topics, the Board continues  
20 to consider the issue of how, when, and who in the District can access and use legal  
21 counsel. Hamilton-Rivers says that Halley has done a lot of work on this, and we have a  
22 statement. Hamilton-Rivers recommends adding what the current rates are for the  
23 county counsel, and also a rough average rate of outside counsel.

24  
25 Discussion of the document ensues.

26 Hills suggests that DM Halley should be the person in charge of contacting any kind of  
27 counsel. But if there is an instance where a board member needs to contact counsel,  
28 give them authority to contact county counsel; if it's not approved afterwards by the  
29 board as appropriate following review, then they pay out of their own pocket. Board can  
30 also pre-approve any director to contact.

31  
32 Further discussion of and changes to the precise phrasing in the document.

33  
34 MOTION: To approve the document given the suggestions just discussed,  
35 which Halley will implement and which will be circulated next time  
36 and checked.

37 Moved: Shaffer, second Hills

38 Vote: AYES: Unanimous

39  
40  
41 **Item 13: Personnel Sick-leave Policy**

42  
43 Halley made a sample policy following a suggestion, using Marin County's policy as a  
44 guide. It consolidates the minimal requirements that apply to us in the district; she went  
45 for the most conservative. California code says it can be capped at 48 hrs or 6 days, but  
46 an employer can go to 24 hrs or 3 days, as long as it can roll over to subsequent years.

1  
2 Hills suggests going for minimum, but in practice to be generous. The purpose is simply  
3 to keep people from accruing sick days which would be collected upon leaving the  
4 position. The board agrees with the practice of generosity. Lambert finds 24 hrs to be  
5 too skimpy, and suggests we go for 48 hrs, which the rest of the board easily accept.  
6

7 MOTION: To approve this as written, with the 48hrs/6 days cap.  
8 Moved: Hills, seconded Hamilton-Rivers  
9 Vote: AYES: Unanimous  
10

11  
12  
13 **Item 14: West Marin Transient Occupancy Tax (TOT2)**  
14

15 Hamilton-Rivers recuses herself and sits with the audience.  
16

17 Proposal is that rate would go from 10 to 14%; the additional 4% would go to the  
18 community. 2% would go to volunteer fire dept, other 2% to affordable housing (which  
19 doesn't exist in MB).  
20

21 This is a proposal that Supervisor Ridoni is making, and would be passed as a tax. The  
22 board proposes that the board writes a letter to support. This is about just putting it on  
23 the ballot.  
24

25 Friedman indicates that this is really important, and we need to support this. Every other  
26 West Marin community has written letters of support; doesn't even understand what a  
27 counterargument would be. We're losing economic diversity; we're losing people  
28 because there haven't been sufficient long-term rentals. We need to encourage  
29 affordable housing through long-term rentals. At the same time, some of the economic  
30 diversity is that we have is people who need to do Airbnb to afford to live here, which is  
31 also to be supported. We need to make it a possibility for there to be affordable housing  
32 in MB. This is a chance for MB to join in the voices that are already out there behind  
33 this.  
34

35 A discussion ensues about what affordable housing could mean given the unique  
36 position of Muir Beach where there is no room to build. Some of the comments made  
37 would be better taken up with the Board of Supervisors and are beyond the proposal at  
38 hand simply to support Rodoni's proposal. Lambert comments that to say that  
39 affordable housing doesn't apply here is a mistake. It applies differently from how it  
40 does in Stinson, but there are other ways, like subsidies, Section 8, rental support, that  
41 could support affordable housing for members of the community who otherwise wouldn't  
42 be able to afford to live here. There are creative options. And of course the 2%  
43 supporting the FD would be very important.  
44

45 Linda notes that it would be interesting to look into how neighboring communities deal  
46 with affordable housing. Gove responds that they have committees who are non-



1 government who are ready to receive TOT funds. We don't (yet) have a mechanism to  
2 do that.

3  
4 MOTION: To accept this letter of support and send it.  
5 Moved: Lambert, seconded by Shaffer  
6 Vote: AYES: Unanimous  
7

8  
9 **Item 15: Highway 1 Mailbox Security**

10  
11 Hamilton-Rivers resumes her seat at the table.

12  
13 Discussion of Tayeko's suggestion to install a motion-triggered light which would fool a  
14 potential mailbox burglar into thinking there's a camera. Discussion ensues of the  
15 practicality and pros and cons of such a device, and of the multiple mailbox locations  
16 where such a thing would be called for. Shaffer points out that the mailboxes are not on  
17 our property, and are not under the purview of the CSD. Lambert concurs.  
18

19  
20 **Item 16: Public open time**

21  
22 Ming observes that many of us have been here over 20 years. Community is changing.  
23 We need some new blood. e.g. BBQ and Fire Department needs young volunteers. We  
24 need to promote and change ourselves. We need to do something.  
25

26 Ernst encourages drivers to look out for bicyclists, who have every right to be on the  
27 roads. Frank is pessimistic about being able to control bicyclists on the Seacape path.  
28

29 Discussion returns to other ways to mitigate the mailbox theft issue, such as people  
30 buying lockable mailboxes (though even these have been broken into), and the cost  
31 thereof.  
32

33  
34 **Item 17: Recognitions & Board Member Items**

35  
36 Thanks to Helen Mirra for interrupting the 5am mail theft.  
37 Thanks to Chris Gove & co for addressing the fire.  
38 Thanks to Mary for pushing on grants.  
39 Thanks to Ernst for help with microphones and sound system.  
40 Thanks to Leslie for outstanding work as pro bono treasurer, and countless hours she's  
41 put into the budget.  
42  
43

1 **Item 18: Adjournment**

2

3 Discussion of whether or not to hold meeting in August given vacation schedules.

4

5 MOTION: To cancel august meeting

6 Moved: Shaffer, second Hills

7 Vote: AYES: Unanimous

8

9 MOTION: To adjourn

10 Moved: Shaffer, seconded by Lambert

11 Vote: AYES: Unanimous

12

13 Meeting adjourned at 9:35 pm.

14