

1 **MUIR BEACH COMMUNITY SERVICES DISTRICT**  
2 Minutes of the Board of Directors' meeting held on  
3 Wednesday, August 21, 2019  
4

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.  
10

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

14 Leighton Hills called the meeting of the Muir Beach Community Services District Board  
15 of Directors to order at approximately 7:05 pm.  
16

17 Directors present: Gary Friedman, Victoria Hamilton-Rivers, Leighton Hills,  
18 Peter Lambert, Steve Shaffer  
19

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

24 **Item 2: Approval of Agenda**  
25

26 There were no changes to the agenda, and so no motion is needed to approve no  
27 changes.  
28  
29

30 **Item 3: Consent Calendar**  
31

32 Approval of Draft Minutes from Regular Board Meeting of 7/24/19.  
33

34 Friedman would like the 7/24 minutes, p. 6 line 10, to reflect that the proposal he had  
35 made which the board voted down was that Hills talk with Peter Sandman, and that if he  
36 decided he needed further consultation that he come back to the board to get approval  
37 for that. This will be reflected in the minutes as noted.  
38

39 MOTION: To approve the 7/24 minutes with above corrections  
40 Moved: Hamilton-Rivers, seconded by Friedman  
41 Vote: AYES: Unanimous  
42  
43

44 **Item 4: Items Removed from Consent Calendar**  
45

46 None.

1 **Item 5: Wildfire Prevention and Mitigation Presentation**

2  
3  
4 Marin County Fire Battalion Chief Christie Neill, with Chief Jason Weber and Chief  
5 Graham Groneman, gives a presentation on wildfire prevention and mitigation.  
6

7 Neill discusses the proposal for new joint powers authority (JPA): Marin Wildfire  
8 Prevention Authority (MWPA), which is “a coalition of local re agencies, emergency  
9 service providers, and cities, towns, and county government being formed to support  
10 the development and implementation of a comprehensive wild fire prevention and  
11 emergency preparedness initiative.”  
12

13 For further information, please see the see the document included in the meeting  
14 packet, ‘Local Wildfire Prevention and Mitigation Initiative’, and the website,  
15 <https://www.firesafemarin.org/mwpa>.  
16

17 To hear the entirety of their presentations, please listen to 4:00 - 46:00 on the meeting  
18 recording.  
19  
20

21 **Item 6: Fire Department Report**

22  
23 Gove reports that they have received a \$20,000 matching grant. Due to road work on  
24 Sunset, he has been moving the main truck so that potential fires can be addressed. He  
25 has also been continuing to meet with architects and supervisors on the firehouse.  
26  
27

28 **Item 7: MBVFA Annual BBQ Earnings Report**

29  
30 MBVFA Treasurer Frank Schoenfeld reports on 2019 Annual BBQ earnings. This past  
31 year was unusual because of the threat of rain; attendance was about 70% of the  
32 previous year. Net proceeds were \$24,427. Looking at the last 10 years of proceeds  
33 against expenses, there is a slight gain in proceeds of about 20%, whereas expenses  
34 have gone up about 40%. Corbit adds that we’re losing major donors, in terms of food,  
35 beer, wine, security, and so on, so that’s part of it. Discussion ensues about what to do  
36 in terms of increasing proceeds while not overly commercializing the event.  
37

38 Schoenfeld notes that the Association currently has over \$327,000 in the bank, although  
39 they expect that to go quickly once construction on the firehouse begins.  
40  
41

42 **Item 8: District Manager Report**

43  
44 Halley goes over the highlights from the 6/26/19 District Manager Report, a written  
45 document which (as always) is included with the monthly meeting packet available  
46 online at <http://www.muirbeachcsd.com/meetings>.

1 **Item 9: MBCC Rentals – Insurance Requirement**

2  
3 Hills reviews the situation: Currently all but Resident rentals without alcohol being  
4 served on the premises are required to have event insurance whether provided by their  
5 own insurance company or by one of the online event insurance providers. District staff  
6 is finding that some resident rentals that say there will be no alcohol served when  
7 submitting their rental applications (so no event insurance is required) are many times  
8 actually having alcohol at the event. District staff who manage and handle these MBCC  
9 rentals would prefer not to have to be the ‘party police’ and feel it is in the best interest  
10 of all rentals that any MBCC rental event carry rental insurance to prevent potential  
11 financial hardship in the event of an accident.

12  
13 Halley is recommending that in this increasingly highly litigious society that the Board  
14 approve making all Community Center rentals require event insurance because it is  
15 ultimately in the best interest of all renters and their guests to have these events  
16 insured.

17  
18 Certificates of insurance would be \$50-100, which would cover \$1-2 million. This would  
19 not apply to community/CSD-sponsored events since they are explicitly covered by the  
20 CSD’s policy. Richard Kohn suggests that this brings up the larger issue of renting the  
21 CC out to the general public anyway, especially if little to no money is being made that  
22 way anyway, but that can be discussed later.

23  
24  
25 MOTION: To adopt a mandatory insurance policy in connection to residential  
26 functions as well as private ones at the Community Center  
27 Moved: Hamilton-Rivers, seconded by Shaffer  
28 Vote: AYES: Unanimous  
29

30  
31 **Item 10: Sunset Way Project Update**

32  
33 Hills reports that the water main is completely in. It’s gone quickly because they  
34 extended it without yet making the connections, so in the next days they’ll be making  
35 those connections and then start working on individual water services. That’s the  
36 biggest part of the project. They will be required to excavate down 2-3 feet for the entire  
37 width of the road, and then build it back up. That will be very stable. In terms of financial  
38 issues, we’ve been billed \$298,000 so far, so it’s about 37% complete financially. Of  
39 what’s been billed, we’ve set aside 10% retention. But Hills feels that we’re farther along  
40 than the 37% would reflect. One concerning thing is that because it was discovered that  
41 soils weren’t strong enough, piers had to go down 15-25 feet rather than 10 feet, so that  
42 will result in higher charges (based on agreed-upon unit pricing), \$30-35,000 for extra  
43 drilling and another extra \$30-35,000 for rebar, concrete, and labor. That would take us  
44 10.4% above the total, whereas we’ve built in a contingency of 10%. Hills would like to  
45 ask the board for an additional contingency of 10% on the remaining amount.  
46

1 Friedman clarifies that the additional costs are due to unit pricing, not how much time  
2 it's taking. Hills confirms that the fact that they got a late start is not affecting the cost.  
3 Hamilton-Rivers points out that they are on track with the original schedule. Hills  
4 requests that the \$60,000-\$70,000 be added to the final amount of the contract and that  
5 the contingency be set to 10% of the remaining amount due.

6  
7 MOTION: That we adjust the final amount of the contract by the overages  
8 we've already have and reset the contingency amount for 10% of  
9 the approximately 60% that's left.

10 Moved: Shaffer, seconded by Hamilton-Rivers

11 Vote: AYES: Unanimous  
12

13 Friedman asks what other unknowns we may come across. Hills responds that in  
14 excavating the entire length of the road, they may find something – e.g. coming across  
15 rock, though the upside of that is that rock is already strong enough. Further discussion  
16 ensues about various aspects of the ongoing work. Everyone is generally pleased with  
17 how things are going.  
18  
19

#### 20 **Item 11: Rock wall at 21 Seacape Drive**

21  
22 Background: The residents at 21 Seacape Drive (Kevin and Kasey Corbit, tenants of  
23 Jim and Barbara Herwitz, owners) have been reportedly experiencing years' worth of  
24 excessive noise, overflow parking, and stray party participants in their yard at many of  
25 the Community Center rental events. Facing possible litigation over this matter previous  
26 Board members and staff had discussions with the Corbits and Herwitz concerning the  
27 issues and possible remedies. Please see the September 16, 2018 email by Kasey  
28 Corbit attached to this agenda citing alleged code violations by the CSD and describing  
29 possible remedies. Kevin and Jim report that an agreement was subsequently reached  
30 with the CSD on this matter, being that the CSD would contribute 50% of the costs of a  
31 new dividing wall and fence up to a project cost of \$10,000, \$5,000 for each of the  
32 parties.  
33

34 Kevin is present to provide the specifics. He says that this is his third time he or Kasey  
35 have come before the CSD to discuss this issue. He reports emails between co-  
36 directors Mary Halley and Mike DeGroot from August 2017 already talking about the  
37 ongoing process of trying to get a fence built between their place and the CC. At the first  
38 meeting, the cost was estimated to be about \$10,000, and that the CSD could cover half  
39 of that. Kevin goes into further detail about the communications, and year-long silence,  
40 that ensued. Kevin offers to make all the emails available, or whatever the CSD would  
41 like.  
42

43 Friedman says that the process describes the bind the community found itself in without  
44 having a policy that would cover such a situation, and that it sounds like Mike DeGroot  
45 reflected that. Kevin reports that at the in-person meeting they had, that Mike had said  
46 that \$5,000 was acceptable, that he (Mike) would be the project manager and would get

1 it done. Friedman understood that a policy would have to be approved first by the  
2 Board, and was surprised to find that the funding was provided without his knowledge.

3  
4 Directors Hills and Shaffer met with Kevin and Jim in late 2018 to implement this  
5 reported agreement. The wall portion of the project has since been constructed, and Jim  
6 is now working with Cuco to have the fence portion of the project constructed. The CSD  
7 has paid its \$5,000 share of the project costs. At the last CSD meeting former Director  
8 Paul Jeschke reported that to his belief no agreement was reached between the CSD  
9 and the Corbits and Herwitz.

10  
11 Discussion ensues. It's clear that there was a known problem with noise and other  
12 disturbances that the board wanted to work on, though it seems that no clear  
13 resolutions ever appeared in the minutes.

14  
15 Halley comments that she tried to reach out to DeGroot but got no response. As far as  
16 she can tell, from the DM report of October 7, he was engaged in conversations with the  
17 Corbits and Hurwitz about noise, encroachments, and other problems, and that he had  
18 put on the next meeting a proposal that the CSD would pay 50% on a 6-foot fence, and  
19 on the minutes from that meeting, such a proposal was included in the agenda. She  
20 further quotes from Item 11, Public Open Time, from the minutes from that October  
21 2018 meeting, which reads as follows:

22  
23 Shaffer noted that at the last meeting, Hills and Shaffer were charged with meeting the  
24 Corbits to discuss the noise issues at the Community Center. He feels the event facilitator  
25 must begin using the decibel meter. They will determine what the decibel limit is. A second  
26 issue is foot traffic and event goers encroaching on the Corbit's property. They will look  
27 into splitting the cost of a fence. It was noted that they are not setting a precedent for the  
28 whole community and that this is a one-time arrangement. [page 3, lines 6-10]

29  
30 So, it seems to Halley that they were charged to do exactly that. Hills comments that  
31 this has ended with Kevin and Jim feeling that the CSD has done its part, and a lawsuit  
32 was avoided. Kevin agrees. Shaffer feels that what was done was the right thing to do.  
33 Friedman is concerned about precedent for others whose properties abut CSD property.

34  
35 Discussion ensues about the situation, and what a motion might look like to address this  
36 situation.

37  
38 MOTION: To retrospectively approve a \$5,000 CSD contribution to resolve  
39 the nuisance issue on the Herwitz property, and this does not set a  
40 precedent on any future discussions of this nature.

41 Moved: Hamilton-Rivers, seconded by Shaffer

42 Vote: AYES: Unanimous

43  
44  
45 **Item 12: Public Open Time**

1 A newcomer to the community, Diane, is sorry to hear that a community member would  
2 threaten a lawsuit. She is glad to hear that it was an exhausting 4.5-year process and  
3 not representative of the community.  
4

5

6

**Item 13: Recognitions & Board Member Items**

7

8 None.

9

10

**Item 14: Adjournment**

11

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

13

14 Meeting adjourned at 9:05 pm.  
15