

1 **MUIR BEACH COMMUNITY SERVICES DISTRICT**

2 Minutes of the Board of Directors' meeting held on
3 Wednesday, May 27, 2020
4 and reconvened on
5 Wednesday June 10, 2020
6

7 **OFFICIAL MINUTES ONLY UPON APPROVAL**

8
9 Prior to approval of these minutes by the Board of Directors in a public meeting, these
10 minutes are draft only and subject to change. Upon approval by the Board, these
11 minutes become the Official Minutes of the meeting.
12

13
14 **Item 1: Call to Order**

15
16 Leighton Hills called the meeting of the Muir Beach Community Services District Board
17 of Directors to order at approximately 7:16 pm.
18

19 Directors present: Gary Friedman, Victoria Hamilton-Rivers, Leighton Hills,
20 Peter Lambert, Steve Shaffer
21

22 Staff present: Mary Halley, District Manager
23 Chris Gove, Fire Chief
24 Ernst Karel, Meeting Secretary
25

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

28
29
30 MOTION: To approve the agenda
31 Moved: Shaffer, seconded by Hamilton-Rivers
32 Vote: AYES: Unanimous
33

34
35 **Item 3: Discussion of Election of Board Officers**

36
37 Board will discuss election of Board President and Vice President.
38

39 At present, Leighton Hills is Board President, and Steve Shaffer is Board Vice
40 President. Because of the fewer number of meetings due to the Shelter-in-Place orders,
41 both Leighton and Steve are willing to remain in their positions until the Sunset Way
42 project is completed (expected by July 2020) or until the July 2020 meeting. If that is
43 acceptable to the Board, no further action is needed, or alternatively, election of officers
44 can take place at this meeting.
45

46 It is decided that no further action is needed at this time.

1 **Item 4: Consent Calendar**

- 2
- 3 1. Approval of Draft Minutes from Regular Board Meeting of 2/19/20.
 - 4 2. Approval of Quarterly Financial Reports dated 3/31/20.
 - 5 3. Approval of Resolution No. 2020-1: To have CSD participate in general elections
 - 6 on 11-3-2020 (Friedman and Hamilton-Rivers terms)
 - 7 4. Approval of JPA Board and Operations Committee nominations:
 - 8 Board Member – Leighton Hills
 - 9 Board Member Alternate – Victoria Hamilton-Rivers
 - 10 Operations – Chris Gove / Operations Alternate – David Taylor

11

12 MOTION: To approve the consent calendar

13 Moved: Shaffer, seconded by Gary

14 Vote: AYES: Unanimous

15

16

17 **Item 5: Items Removed from Consent Calendar**

18

19 No items removed.

20

21

22 **Item 6: Marin County Grand Jury Report**

23

24 Approve response to Marin County Grand Jury Report on Web Transparency of Agency

25 Compensation Practices (*See the MBCSD Response to Marin County Grand Jury*

26 *Report on Web Transparency of Agency Compensation Practices, which is included in*

27 *the meeting packet.*)

28

29 We have made adjustments to the MBCSD website to allow showing the compensation

30 of board members (which for MB is zero). Quarterly financial reports, also easy to find

31 on the website, also show what each employee is being paid and what that

32 compensation is.

33

34 MOTION: To approve the response to the Grand Jury Report

35 Moved: Hamilton-Rivers, seconded by Lambert

36 Vote: AYES: Unanimous

37

38

39 **Item 7: Muir Beach Christmas Fair Report**

40

41 Christmas Fair organizer Laurie Piel reports that last year's fair didn't do as well

42 financially as in the past. In future informational materials she will clarify that the fair is

43 indoors, rather than outdoors, since that didn't seem to be clear to some participants.

44 Last year's contribution to the CSD was \$1200.

45

46

1 **Item 8: Fire Department Report**

2
3 From Chief Gove: During the shelter in place call volume has gone down; we have only
4 had a few calls in the past few months. As everyone is aware, we had to cancel this
5 year's BBQ. The idea has been bounced around to have it later this year, but it seems
6 unlikely. After suspending our training for several weeks, we have restarted our training
7 with a social-distancing protocol.

8
9 We received our Measure W funds recently and our share from June through December
10 was \$32,280.68. Because of the current restrictions on short term rentals we will
11 probably see a drastic reduction in available funds for this current period.

12
13 Measure C planning has started in earnest and we'll receive about \$11,700 for fire
14 reduction strategies. Here locally our plan at present is to have the county inspect all
15 Muir Beach properties every 2 years, half this year and half next; also, we plan on
16 having two chipper days probably in July and September. Dates to be announced.
17 Additionally, we are looking at buying a brush mower attachment for the tractor for fuel
18 reduction in the community. This is the approximate amount available each year but
19 going forward we are hoping to receive grants to finance fuel reduction at the edges of
20 our community. This will involve coordination with southern Marin Fire Protection
21 District, GGNRA, Caltrans and the State Parks.

22
23 Last but not least, as you know we've seen large groups of people disregarding the stay
24 at home rules and flocking to the beach most days, this has been compounded by the
25 parking lots being locked and the relative lack of enforcement in our area. Leading to
26 people parking wherever they can and causing further issues for us as a community.
27 Starting 6/1/2020 the rules are to start relaxing for the coastal areas so hopefully things
28 will start to return to normal as far as community congestion is concerned.

29
30 Discussion ensues around Fire Safe Marin, <https://www.firesafemarin.org/firewise>, and
31 around Measure C funding. Discussion also ensued around the fact that Muir Beach is
32 categorized as Southern Marin, given our proximity to Sausalito and Mill Valley, rather
33 than West Marin. While we are "actually" West Marin, and are in the West Marin
34 Supervisor District, being part of Southern Marin for the Fire Prevention Authority is
35 actually better for MB financially.

36
37 **Item 9: District Manager Report**

38
39 Halley goes over the highlights from her 2/19/20 District Manager Report, a written
40 document which (as always) is included with the monthly meeting packet available
41 online at <http://www.muirbeachcsd.com/meetings>.

42
43 Discussion turns to the repaving of lower Starbuck extension instigated by Greg Kidd.
44 Immediate neighbor Paul Jeschke objects to the way this construction went forward
45 without CSD board approval and says this was against CSD bylaws. Hills responds that
46 the situation took us by surprise, and that the CSD president has the authority to

1 represent the CSD in between meetings. Reasons for allowing it included that there was
2 no cost to the CSD, and in consultation with JML, they also thought it was good quality
3 work. Jeschke questions whether Hills as CSD president indeed had the authority to
4 approve it. Shaffer and Hamilton-Rivers both questioned how it could have happened
5 that this work happened without being brought to the CSD. Halley had also been taken
6 by surprise; she had been in discussion with Kidd about repaving with relationship to the
7 encroachment on CSD property but had no idea they were considering going onto the
8 public road. She was only alerted by Jeschke once the work was actually underway.
9 Other residents expressed concern about the process. Discussion continues around
10 what kind of permitting was necessary for the work.

11
12 Hamilton-Rivers says that this is important context for considering the ongoing
13 encroachment issues with Kidd, and Halley goes into detail on those issues. But what
14 happened on Starbuck had never been part of the discussion.

15
16 So, since it's already starting to come up, Hills suggests moving to Item 12 on the
17 agenda:

18
19 **Item 12: Possible Lease of Portion of Lower Water Tank Property to Adjacent**
20 **Neighbor**

21
22 Hills presents for possible approval the idea of a lease of a portion of the lower water
23 tank water system property adjacent to 66 Starbuck, that includes two parking spaces
24 and an area used for landscaping, for at least \$1,500 per month. It could be either
25 annual renewing or a 5-year renewing lease with 3% annual rent adjustment. The lease
26 could reserve the right to cancel at any time if that area became needed for any water
27 system purpose. Note that this parcel is neither park land nor easement property, rather
28 a parcel owned by the District to house its lower water storage tank.

29
30 Hamilton-Rivers asks why Hills would have proposed a figure in conversation with Kidd
31 without CSD discussion; Hills says nothing was agreed to, but simply that he was
32 alerting Kidd that it would have to be a high number such as the one mentioned.

33 Friedman asks what, if any, is the role for the County in this conversation. Halley says
34 that the encroachment would not involve permits from the County, nor would the work
35 on the driveway.

36
37 Discussion continues about the legal requirements and specificities necessary for such
38 a lease agreement. Jeschke gives perspective about the County/Coastal Commission
39 meeting that's happening tomorrow and the history of the extension of his driveway
40 down to Seacape. Several neighbors voice experiences of the ways in which Kidd has
41 seemingly done whatever he wants and question his honesty. Immediate neighbor Scott
42 Bender sees this as a test of the CSD's authority.

43
44 Hamilton-Rivers repeats the idea that this situation is yet another example of the need
45 for a clear policy on easements.

46

1 Greg Kidd enters the conversation, having been listening quietly with the display name
2 of “hard yaka”, and the conversation continues about the whole situation with Kidd
3 providing his point of view. The Board agrees to go into closed session at a future time
4 in order to come to discuss possible ways forward.
5
6

7 **Item 10: Approve FY2019 Draft-Audit**
8

9 FY2019 Draft-Audit is complete and has been available for review on the MBCSD
10 website for a week (<http://muirbeachcsd.com>, Administration → Financial, then scroll
11 down to Audits). Board approval is required to be finalized.
12

13 MOTION: To approve the audit
14 Moved: Hamilton-Rivers, seconded by Shaffer
15 Vote: AYES: Unanimous
16
17

18 **Item 11: FY12-21 Draft-Budget**
19

20 The first reading of the proposed FY20-21 Draft-Budget is presented by the District
21 Manager for any discussion. (See FY20-21 Draft-Budget attached).
22

23 The second reading and approval of the Preliminary budget will be held at the June 24,
24 2020 Board meeting with approval of the Final FY20-21 Budget to be held on July 22,
25 2020.
26

27 Halley goes over some of the points in what is overall a conservative budget, with
28 limited discussion.
29
30

31 **Item 13: Install gate at bottom of trail near 308 Pacific Way**
32

33 Muir Beach homeowner Michael Warren strongly supports a gate across the public
34 easement at Shirley Nygren’s and would like to contribute money towards the effort.
35

36 Board members express support for the idea. Shaffer recounts that in earlier years the
37 idea of moving the easement had come up, but that Nygren herself had said that she
38 preferred to keep it the way it is, and enjoyed people walking past. Ernst Karel is
39 opposed in general to the idea of gates, fences, or any measure to close off public
40 easements, and argues that allowing for gates across public easements sets a harmful
41 precedent. Hamilton-Rivers emphasizes again that we need a policy about easements.
42

43 MOTION: To install a gate, ask Michael Warren to pay for it, and if he can’t
44 cover the whole cost, Shaffer would personally cover the rest.
45 Moved: Friedman, seconded by Shaffer
46 Vote: AYES: 4, Hamilton-Rivers abstains

1 **Item 14: CC Rental Coordinator (Paid Position)**

2
3 Laurie Piel reiterates the discussion from the February meeting. Tayeko Kaufman points
4 out that it may be quite a while before there can be gatherings, so perhaps we wait on
5 this. Shaffer asks what became of conversations following the February meeting, e.g.
6 whether Halley could take it on. Halley doesn't feel that it could just be added to her
7 current workload. The conversation from the February meeting continues with the idea
8 that the CSD needs to consider whether rentals are limited to MB residents & friends,
9 rather than outside rentals, but those of course still need a coordinator. For this interim
10 period Laurie Piel agrees to handle it, since there won't be any rentals anyway and we'll
11 likely be limiting it to community when they start again.

12
13 This topic is revisited on 10 June when Amy Utstein is present. Utstein proposes that
14 the person who does the job gets paid a flat fee of something like \$200/month.
15 Discussion returns to trying to find a community member to do it. Utstein clarifies that
16 the job is only an hour or two per week and is not a matter of over-the-hill vs. resident
17 rentals, the former of which are few. Since it is not urgent, with the community still
18 closed due to covid-19, the idea is to put out the word and revisit later.

19
20 MOTION: To distribute a description amongst the community, with a fee of
21 \$200/month, to find someone to take on this coordination.
22 Moved: Shaffer, seconded by Hamilton-Rivers
23 Vote: AYES: Unanimous

24
25
26 **Item 15: Sunset Way Project Update**

27
28 Director Leighton Hills, Board appointed Project Manager, will give updates on the
29 status of the Sunset Way Improvement Project and topics related to the project.

- 30
31 1. Finishing the wall at the end, and then wrap-up details – including speed bumps,
32 signage, markings, and possible gates. Hills would like to get a proposal from a
33 striping company to get some recommendations about the right way to do it.
34 Conversation continues about stripes, marking fire hydrants, and controlling
35 speeding on the road with the speedbumps. Building on the last meeting, Hills
36 proposes having an automatic, solar-powered gate at the entrance to Sunset
37 from Hwy 1, which is discussed.

38
39 MOTION: To approve installation of an automatic gate at the entrance to
40 Sunset.
41 Moved: Hamilton-Rivers, seconded by Friedman
42 Vote: AYES, Unanimous

- 43
44
45 2. Peter Lambert's contribution to the repaving of Sunset Way holding over from the
46 time of his home construction at 100 Sunset Way.

1 There was an agreement at the time of construction of 100 Sunset do a surface
2 repaving, which Lambert made at the time as a way to offset the impacts of
3 trucks traveling on the road. Lambert says he had made an offer, but that there
4 wasn't a concrete agreement. In December 2018 he did write a check to the CSD
5 as a contribution which he felt satisfied his original obligation. There was never a
6 response, and the check wasn't cashed. Hamilton-Rivers raised this for the
7 agenda with the knowledge that there was an uncashed \$40,000 check and
8 wanted to resolve it. Paul Jeschke suggests that the Brown Act prevents this
9 topic being discussed. Hills has discussed this with County Counsel, who
10 advised that we can have a previously-existing contract with a director satisfied,
11 but not enter into a new agreement or modify an existing agreement since
12 Lambert is a director. Jeschke feels that should include preventing adjusting the
13 terms or modifying that contract.

14
15 Discussion continues about what the original conversations were, of which
16 memories differ. Hills has emails he wrote at the time as District Manager to
17 County Counsel seeking legal advice which describe the situation in great detail
18 which could be used to reconstruct what happened. Friedman wants to get at
19 whether it was a contractual agreement or to be a voluntary contribution. Hills
20 says that it wasn't going to be a contribution, it was going to be doing the
21 repaving, the value of which he has calculated today would have born a cost of
22 approximately \$78,000-84,000 (distance 2463 feet, average width 11 feet,
23 resulting in 27000 sq ft; 2" overlay only \$2.75/sq. ft = \$84,000, a \$10,000
24 allowance for damage to the roadbed. If an average road width of 10 ft rather
25 than 11 feet is used, that would reduce the amount by \$6700).

26
27 Discussion continues touching on the ongoing lack of a road policy, the nature of
28 the original agreement, and the way to resolve the situation.

29
30
31 **At this point, 11:30pm, the rest of the agenda will be POSTPONED until March 10.**

32
33 **MOTION to adjourn**
34 **AYES unanimous**

35
36
37 **The meeting commences again on March 10 at 7:15 pm.**

38
39 Lambert resumes discussion of the agenda item by reading the following statement:

40
41 "As I said last week, I am very unhappy about how my offer, 10+ years ago, to help
42 offset some of the wear and tear on Sunset Way associated with the building of my house
43 at 100 Sunset has been misconstrued and turned into a contentious, public issue. Back
44 then, 10+ years ago and still today, Muir Beach had no rules or policy regarding
45 construction or any other traffic and the wear and tear on our roads.

1
2 “In December of 2018, I gave a check for \$40,000 to the Muir Beach CSD. That check
3 remains uncashed. I feel that the way this has been handled disrespects me and it offends
4 me personally. I do, however, maintain my personal commitment to following through
5 on this.

6
7 “I don’t want to argue about what other people think the amount of my donation should
8 be; it is my own wish to make the donation and, it is for me to decide on the amount I
9 wish to give.

10
11 “In the spirit of moving on, I would like to increase the amount of my donation to
12 \$60,000. I hope that the community and our District Manager and my colleagues on the
13 Board will accept my donation. Thank you.”

14
15
16 Following the first part of the meeting, Hamilton-Rivers asked Mary to consult with
17 County Counsel on the discussion of this item in open public session and says that their
18 answer is actually rather simple, and was as follows:

19
20 "An "open" public meeting is the ONLY place that this issue really can be discussed
21 because 1) It involves a public project where public funding is being used 2) It involves 3
22 Directors who cannot discuss a public issue outside of a public meeting, and 3) the issue
23 does not meet any of the specific criteria for a "closed session" meeting."

24
25 "Also, even if an issue could be heard in closed session, there is no mandate that it must
26 be heard in closed session. Closed sessions are allowed for items that could involve
27 issues where the District would not want to give up the right to legal counsel client
28 privileged confidentiality - such as: employment issues, real estate transactions, litigation
29 matters, etc."

30
31 "If a member of the public continues to insist on saying the board is committing a felony,
32 or that the item shouldn’t be heard in a public meeting, please ask "What is the legal basis
33 upon which these statements are being made and we will look into them?" You may then
34 continue."

35
36 "The Brown Act always errs on the side of public transparency not exclusion, that’s why
37 there are so few exceptions to the open public meeting rule for which items can be
38 discussed by more than 2 Directors on any given subject or heard in closed session."

39
40 Friedman says that it’s either a gift or a contract, and that Lambert has made it
41 clear that it’s a gift, so for him there’s no question about a negotiation of a
42 contract.

43
44 Hills reads part of an email from 2010 from Peter Lambert to Leighton and
45 Peter’s contractor. “Yes, it’s true that I did say that I would have the road repaired

1 to a standard that the CSD thinks is appropriate.” The contractor answered and
2 said that they would resurface the street at the end of the project. So, his
3 understanding at that time was that Lambert was agreeing to perform a specific
4 task, and so that indicates that this was a contract, and not a gift. Hills is
5 concerned that there could be legal repercussions.
6

7 MOTION: That the CSD accept a gift from Peter Lambert of \$60,000.

8 Moved: Shaffer, seconded by Hamilton Rivers

9 Vote: AYES: 3

10 Lambert and Hills abstain
11
12

13 **Item 16: Encroachment & Easement Policy**

14
15 The Board is being asked to develop updated policies regarding use of its properties
16 and easements. Leighton will report on the status of this project, including information
17 from conversations with attorneys, one of whom represents several communities in
18 Marin that deal with similar easement issues, known as Steps, Lanes and Paths, or
19 SLPs. In addition, specific encroachments have been requested to be discussed as
20 follows:

- 21 1. Deer fencing potentially blocking drainage ditch above Sunset Way
- 22 2. New entry gate on district easement at the bottom of Cove Lane
- 23 3. Driveway improvements at 66 Starbuck extending into Lower Starbuck
24

25 Several months ago, we were challenged to come up with a set of policies for roads and
26 easements. Hills has picked this up recently and has had a conversation with attorney
27 Peter Sandman about some areas where he had questions. He (Sandmann) thought it
28 appropriate to focus on roads for automobiles rather than the lanes that have become
29 pedestrian ways. David Taylor told Hills about an attorney he knows, Rob Epstein,
30 whose firm is well-suited because they represent several communities that have these
31 SLPs, including Belvedere, Sausalito, and San Rafael. Belvedere is very similar: steep
32 lots, small lots, and large legal roadways, so they have frequent issues with people
33 putting improvements in public ways. Epstein’s colleague Emily Longfellow would be
34 well-suited for this. Belvedere has a concept of “revocable licenses” for their SLPs:
35 while the city owns these, they issue licenses for them. An applicant describes in detail
36 what they would like to do, and all the costs are paid by the applicant. It’s processed by
37 their city manager and presented to the board for approval. Then people can use it as
38 long as it works for both sides but can be cancelled at any time that the city needs the
39 specific land. Hills suggests that this could be good for us. Most of the worry with use of
40 easements is that we don’t want to lose that property. Even having a gate at the top of
41 your path is a potential encroachment, though Hills says that the CSD has typically
42 allowed gates, but not fences.
43

44 Any improvements that are made into the easements are discouraged and we ask
45 people to remove them. Where they are historic, they have been semi-grandfathered

1 (e.g., don't rebuild, but can be there until it needs to be rebuilt and should then be
2 relocated). This revocable license would formalize that path.

3
4 Shaffer wants to explore the possibilities more deeply. Hills would make a draft
5 document in the next couple of weeks that could pick up the specifics and could be
6 discussed.

7
8 Hamilton-Rivers distinguishes between different kinds of encroachments, those into
9 roads and paths, and those where private owners have carved off areas into their own
10 properties. Important issues to consider include what kind of teeth the CSD has to get
11 their land back? So, we need as quickly as possible to get the policy in place.
12 Hills responds that the situation with easements can be grey, and that we can hope to
13 clean this up by having a set of written policies, but the revocable licenses could be a
14 better situation.

15
16 Friedman is interested in the idea and wants to proceed expeditiously but cautiously.
17 Biggest concern he has is that it needs to not be something that looks like it's arbitrary,
18 for example based on personal relationships, but is based on objective standards which
19 would be laid out as clearly as possible.

20
21 Linda Lotriet asks about whether the easements are publicly dedicated, which is not
22 what we have in Muir Beach, according to Peter Sandman. Not "dedicated for public
23 offering", so not sure if the licensing would work for all of these easements. But the
24 easements we're talking about in much of MB probably have different rules attached.

25
26 Paul Jeschke is concerned that there's a built-in bias in the suggestion that we consider
27 revocable licenses, which is that it assumes that what we want to do is to allow people
28 to use these easements for their personal purposes. He quotes from the 1978 Muir
29 Beach Community Plan, which can be found at
30 [http://www.muirbeachcsd.com/mbcasd12-v2/wp-content/uploads/2017/03/1978-](http://www.muirbeachcsd.com/mbcasd12-v2/wp-content/uploads/2017/03/1978-MuirBeachCommunityPlan.pdf)
31 [MuirBeachCommunityPlan.pdf](http://www.muirbeachcsd.com/mbcasd12-v2/wp-content/uploads/2017/03/1978-MuirBeachCommunityPlan.pdf) , and which emphasized preserving open space:

32
The community, under the direction of the Muir Beach Community Services District, accepts the responsibility for preserving and enhancing the beauty of our natural surroundings. This includes maintaining our lanes, easements and parkways to insure the reservation of open space inside the community; gradually eliminating overhead power lines, and recommending underground connections to new builders; assisting residents in the old community to provide off-street parking; putting up attractive road signs; and landscaping scenic spots. We live at Muir Beach because we feel a vital involvement with the natural environment. These goals allow all of us to actively give expression to this concern and commitment.

33
34
35 Hills gets back to Lotriet's point, saying that the CSD doesn't actually own the
36 easements, it administers them, in part due to its power related to fire protection.
37 Sandman's opinion was that homeowners retain the right to fence their property.
38 Beth Nelson wonders about a possible conflict of interest at the end of Cove Lane with a
39 fence built and taken down, the cypress tree saved, steps improved, other things she's

1 very grateful for. The main thing that concerns her is that we get along, and that the
2 whole community is involved. Hamilton-Rivers agrees that the policies need to be so
3 well-mapped out that they don't leave room for conflict. She suggests that since DM
4 Halley has been dealing with these issues for the past couple of years, that Hills passes
5 along the revocable license idea details to her so that she can come up with something,
6 and then we pass it by legal review. She also suggests that this incorporate County
7 guidelines for fences and so on, so that any such document is very clear, and everyone
8 understands what's expected of them.

9
10 Hills reminds the board that they did ask him to come up with a draft, that we've gotten
11 legal advice already, and that he's well-suited to the task. Hamilton-Rivers disagrees,
12 given the ongoing conflict at the bottom of Cove Lane (adjacent to Hill's house). Until
13 that situation is resolved, she doesn't believe Hills is the person to manage this. Instead,
14 he can advise Halley who is very well-versed in these issues. She and Hills both note
15 that every member of the Board has a current encroachment issue.

16
17 Beth Nelson feels that the 1978 Muir Beach Plan quoted earlier should be read to each
18 new person who moves to Muir Beach; she's sorry to see more and more fences, and
19 that what's special about our community is that we trust each other. She wants these
20 things to go peacefully and that the whole community is united.

21
22 Linda Lotriet notes that the policy should be very inclusive of the community in terms of
23 coming up with a baseline document and being a very transparent process. The letter
24 from Peter Sandman is an example is a very transparent process put in place by the
25 CSD Board president at the time. She proposes that something similar is put together,
26 with emphasis on transparency of the process. Lambert agrees, and adds that the
27 Board should also educate the community so that we get buy-in from everyone; and
28 right now we don't know enough. Paul Jeschke agrees, and adds that we're far from
29 being able to discuss this knowledgably as a community; we need to figure out what the
30 goals are. Hills says that that's the point of the current discussion. Friedman feels that
31 we need more than the board in putting this together in terms of inclusiveness.

32
33 Halley feels that it will need a big discussion in the community; it's currently a mish-
34 mash and people are skating in the vagueness. Friedman recommends forming a
35 committee of people that represent different points of view and are willing to do the
36 work. Hamilton-Rivers suggests that the Muir Beach Plan needs to be updated, etc., but
37 that it also needs to happen relatively quickly – one or two months. Shaffer is concerned
38 about a committee being formed by people with something to gain.

39
40 The conclusion is reached to appoint Mary to Chair this committee and ask her to select
41 members she thinks would be good to work with, perhaps limited to two board
42 members, and the committee be capped at six people.

43
44 MOTION: That we have committed to forming an ad hoc com chaired by
45 District Manager Halley with a view to coming up with policy for the

1 CSD managing its power for roads and easements, to complete
2 within the next two months.

3 Moved: Hamilton-Rivers, seconded by Shaffer

4 Vote: AYES: unanimous

5
6 Linda Lotriet asks about transparency for this working committee. Could the board
7 adopt something to indicate there would be transparency on this. Hills says this will be
8 up to Halley, who leans towards transparency. Friedman says that meetings would be
9 announced, etc.

10
11 The discussion turns now to specific encroachments.

12
13 Deer fence at Levin's property that goes across a drainage ditch, which has been a
14 problem for a number of years. They've been told that if the ditch overflows, they would
15 be liable for them. More recently, we've seen that this is actually a pedestrian
16 easement. It's a County-held easement and so potentially has issues there. It's on the
17 map of Seacape and is not technically administered by the CSD. Tayeko Kaufman
18 indicates that the deer fences have already caused backups and waterfalls with the
19 waterway overflowing and causing problems for them. She wants to know who is
20 responsible, and if it's County, then there just can't be a fence across it. In doing
21 research, Halley found out that somehow, they were allowed to build that fence as long
22 as they included some hatches, but those are always closed. There's no documentation
23 stating that if they cause the overflow they would have to pay for the damage. She
24 doesn't know what's required for County easements, and it needs to be addressed. Hills
25 thinks that the solution is that it's also a pedestrian easement, so therefore it can't be
26 fenced off at all. If they want to have a deer fence, they'd have to put it on the other side
27 of the creek. Halley agrees that there should not be a fence there. In terms of resolving:
28 could Halley contact them and let them know about the pedestrian issue. They are not
29 easy people to get hold of, are not responsive. For Tayeko Kaufman, it's an issue of
30 safety. Hills says we can ask them to move the fence to above the creek instead of
31 across. Shaffer says that what's worked in the past is to send a letter, then follow up
32 with a second letter saying that in 30 days someone will come to remove the fence and
33 send them the bill for the removal.

34
35 Next: fence next to Leighton Hills' property. Shaffer will become Chair for this part of the
36 discussion. Hills summarizes: in the 1970s, the CSD granted his predecessors, the
37 Ellsbergs an easement, now held by him, to allow use of the pathway for part of their
38 leachfield, so that they could pull the house they were proposing to be 15-20 feet further
39 back from the bluff. Decades ago, soil had been mounded into a berm adjacent to that
40 pathway, which physically separated the steps from Hill's lot. The soil from this berm
41 was recently used as backfill to protect the cypress tree on his lot. With the barrier of
42 the berm gone, Hills strung ropes between fence posts in the same location as the berm
43 in order to replace the separation that had previously been there, within the limits of the
44 leachfield easement now held by him. The other part was worked out with Arlene and
45 Pete, where a chain had been strung across the entrance to the lot and make it so that
46 the kayaks and clutter were less offensive to Arlene. The fence was laid out exactly in

1 the place where the chain was, and after it was constructed Arlene didn't like that she
2 couldn't see her tree anymore, and others also objected. Arlene had asked that the final
3 5 feet she had originally approved be removed, Hills did so, and in addition decided just
4 to remove the whole thing. The part that remains is along where the pathway was
5 anyway.

6
7 Beth Nelson adds that the fence obstructed Arlene's view more than that. At first Beth
8 liked the fence, the idea that it would keep the "riff raff" out. But she didn't know the
9 implications for Arlene's view, or the legality of it. Hills asks Pete de Fremery to chime in
10 on the idea that at the beginning, we were all on the same page on this. De Fremery
11 realized only later that the fence was on an easement rather than along a property.
12 Chris Gove did some research and found that the grant of septic easement was granted
13 to the owners before the previous owners. Gove found the fence to be rather intrusive.
14 What concerns him the most is that none of it is actually on Hills' property, but only on
15 Arlene's and CSD property.

16
17 Hills concludes that the gate was removed, and the fence has largely been removed.
18 Halley adds to Nelson's comments that there could be ways to buffer people coming
19 from the outside, and that the upcoming policy document again will be important here in
20 reaching a resolution.

21
22 Finally, Greg Kidd's project at 66 Starbuck. This was largely discussed at the first part of
23 this meeting. Friedman recalls the idea of the board meeting with Kidd in closed session
24 to generate possibilities that would then be discussed in open session, and Kidd is
25 happy with that.

26
27
28 **Item 17: Public Open Time**

29
30 Shaffer raises the question of resuming Bistro given physical distancing guidelines and
31 given the imminent reopening of retail and so on. Halley says that when these things
32 have come up in other communities, then liability issues and liability waivers come up,
33 so restarting Bistro may be more complicated than it seems.

34
35 Laurie Piel: the porch of the Community Center by the shed has no roof of any kind.
36 Quilters and others have looked into how to provide a shelter, but no solutions were
37 found. She is proposing a kind of arbor or trellis which could go there as a roof, and
38 connect to the roofline over the porch. She wonders if there is any interest. Brad Eigsti
39 is willing to do a drawing in case there is interest. It would probably be \$8-10,000, some
40 of which could come from the holiday fair. Lambert feels that at the moment there isn't
41 the money to take on additional projects; the budget is slim at the moment. Shaffer
42 agrees that such things would have to wait at least until the County loan is paid off.
43 Further discussion is postponed.

1 Kathy Sward asks about the proposed easement committee – what would be the way to
2 inquire about specific questions about easement issues? Community members can
3 attend committee meetings, and then questions can be addressed to Halley.

4
5 Paul Jeschke asks about what progress is being made on the road at 66 Starbuck. Kidd
6 says they would like to get paving as soon as possible, but he’s been waiting for
7 guidance on it, and thinking that it would be a single job that would include the parking
8 area on the easement. On urging from the board, Kidd agrees to repave Sunset sooner
9 rather than later, and wait on the encroached easement area.

10
11 Tayeko Kaufman asks if there’s a priority list preparing for wildfires around the
12 Community Center, since that would hopefully be a shelter. Halley responds that she’s
13 had all the inflammable wood and building materials cleared from underneath, cleared a
14 lot of vegetation and debris below the playground and alongside, creating defensible
15 space. Second, Kaufman wants to have the garden club plant something that would
16 block view of the new wall along the Horwitz property next door.

17
18 Speedbump tests have not yet taken place on Sunset. Marilyn Laatsch would like to
19 thank Peter Lambert for the very generous contribution on the road project.

20
21
22 **Item 18: Recognitions & Board Member Items**

23
24 The board thanks Mary Halley. Commendations in particular for the daily updates on the
25 Covid-19 situation. Hamilton-Rivers thanks Chris Gove for getting the beach carparks
26 open, which was majorly arduous, and ended up compromising with NPS by
27 volunteering VFA funds to pay for restroom cleaning etc. Beaches had been opened
28 county-wide but they hadn’t coordinated with NPS. Hamilton-Rivers also thanks Peter
29 Lambert. Paul Jeschke would like to acknowledge Green Gulch Farm and their weekly
30 farm stand, and thanks to Mary for coordinating that.

31
32 Next meeting is scheduled for June 24.

33
34
35 **Item 19: Adjournment**

36
37 There being no further business to come before the board, the meeting is adjourned.

38
39 Meeting adjourned at 10:05 pm.