

1 **MUIR BEACH COMMUNITY SERVICES DISTRICT**
2 Minutes of the Board of Directors' meeting held on
3 Wednesday, July 22, 2020
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 7:10 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 Ernst Karel, Meeting Secretary
23

24
25 **Item 2: Approval of Agenda**
26

27
28 Chris Gove will not be attending the meeting today, his report postponed to next month.
29

30 MOTION: To approve the agenda with that exception
31 Moved: Shaffer, seconded by Friedman
32 Vote: AYES: Unanimous
33

34
35 **Item 3: Election of Board Officers**
36

37 Board will elect a new Board President and Vice President.
38

39 MOTION: Shaffer becomes President and Lambert Vice President
40 Moved: Hamilton-Rivers, seconded by Friedman
41 Vote: AYES: Unanimous
42

43
44 **Item 4: Consent Calendar**
45

46 Item(s) not included in this agenda: None

1 Linda Lotriet requests changes in the minutes: p. 5, line 18, "Lotriet and Lambert have
2 said they would "honor" the 3' distance: remove "would"; line 21, "that was taken down"
3 add: add "partially"; line 46, clarify that fence was already taken down at that point.
4

5 MOTION: To approve the consent calendar with noted revisions
6 Moved: Hamilton-Rivers seconded Shaffer, seconded by
7 Vote: AYES: Unanimous
8
9

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

11
12 No items removed.
13
14

15 **Item 6: NPS Update – Mia Monroe**

16
17 NPS Park Ranger and Marin Community Liaison Mia Monroe gives an NPS update
18 report on things happening in Redwood Creek watershed over the last few months, and
19 also wants to bring anything back to NPS that we might share.
20

21 **Redwood Renewal**

22 We were able to do a lot of work while Muir Woods was closed. This is the
23 water/wastewater project which we substantially completed, and which is now in the
24 final phases. We feel glad that work was able to proceed, and also to get done with
25 minimal disruption to anyone. We worked closely with the county to do similarly on
26 Frank Valley where there was a failed culvert. Muir Woods and Muir Beach are all open,
27 wants to know how it is going for us. No shuttle busses currently running. At Muir
28 Beach, doing best to keep up with keeping facilities clean with limited staff and high
29 safety standards for staff.
30

31 **Back to Redwood Renewal:**

32 On bridge replacement and trails in Muir Woods, no progress report on that yet.
33 Big news: Park Service Compendium was released, detailed rules that govern GGNRA.
34 Significantly, Muir Beach will open at 6am rather an 9am. Rules and Regs on fires have
35 been updated. New language for gliders up on Shoreline, to benefit Peregrine Falcons
36 roosting at the overlook. Also rules about e-bikes wherever bikes are allowed. These
37 Rules and Regs are updated each year, with feedback from community, which is always
38 welcome.
39

40 Redwood Creek Trail is finally open, and they have completed work on Deer Park Fire
41 Road, which was good to able to do while parks were closed due to covid-19.
42

43 Monarch butterflies – some people have talked about a meetup on Pacific Way to
44 benefit the monarch butterflies.
45

1 Shaffer asks about attendants at the entrance to Muir Beach; Monroe says NPS also
2 wants to have them each weekend and are awaiting approval for that.

3
4 Ming asks about fire rings. Monroe agrees that as soon as they have enough personnel,
5 they hope to clean the beach and organize the fire pits. He further asks about no-fire
6 days and how those are advertised.

7
8 Beth Nelson asks about Little Beach, both in terms of crowding and fires. Monroe
9 acknowledges that Little Beach is not within NPS jurisdiction and agrees that health and
10 safety are big challenges. Shaffer adds that it's also not under the CSD. Hamilton-
11 Rivers suggests that people should still report fires to the fire department, and if people
12 are alarmed by other behaviors they should call the sheriff. People should not police
13 bad behavior themselves, and the CSD cannot police anything.

14 15 16 **Item 7: Fire Department Report**

17
18 Fire Chief Chris Gove is currently training on an EMT online course at the moment and
19 is thus unable to attend.

20 21 22 **Item 8: District Manager Report**

23
24 Halley goes over the highlights from her 6/24/20 District Manager Report, a written
25 document which (as always) is included with the monthly meeting packet available
26 online at <http://www.muirbeachcsd.com/meetings>.

27
28 July 13-August 7 to file for running for the board; if one or more incumbents does not
29 file for re-election, then the deadline extends to Aug 12.

30
31 Following up on the last meeting, we were approved for a Per Capita Recreation
32 Program (cf. http://www.parks.ca.gov/?page_id=30095), \$177,952, for capital
33 improvements, which means not repair and maintenance but rather acquisitions or new
34 major infrastructure projects. We're putting a list together for this to present to the
35 board.

36
37 On the flip side, the Measure A money we'll receive this year is only half of what we got
38 last year, namely \$17,495, so this is an effect of the pandemic.

39
40 Hamilton-Rivers asks that priority be given to the Sunset-Cove stairs, which are
41 frequently used, and have no handrail and is missing several stairs. Given COVID-19,
42 this and other staircases too, such as Ahab-Sunset and Sunset-Lagoon, this may also
43 be a good opportunity to add stopping points for stepping aside to allow people to pass
44 with 6' distance. Furthermore it could serve as a good opportunity to reclaim some of
45 our 20' easements which are there. Halley feels that given the new circumstances of the

1 pandemic, we could make the case that we're basically having to install new staircases
2 rather than repairing them.

3
4 Shaffer invites members of the community to contribute recommendations for this, in
5 terms of projects that qualify and would be a good use of that money. If you would like
6 to do so, please contact DM Halley.

7
8 Hamilton-Rivers asks Halley for an update on the situation with Greg Kidd at 66
9 Starbuck, and in particular about the drainage. That remains unresolved. Halley reviews
10 the situation, which is basically the same as it's been for years and years, and notes
11 that Hills has suggested that we have a hydrologist come in. Shaffer asks immediate
12 neighbor Paul Jeschke to comment. Jeschke agrees that the drain on the uphill side of
13 the road seems like it may not work, and that it would be good to bring in a hydrologist.
14 Hills feels that the contractor did not do a good job in that the drain is not at the low
15 point, but that we may not actually need a hydrologist to fix the drain box/culvert, unless
16 there's a proposal that the drainage be discharged elsewhere in the lot. If it stays
17 draining where it is, and has been draining, and since the amount of water is
18 unchanged, then there would be no need to get a hydrologist involved.

19
20 Hamilton-Rivers says to draw the moral that it really doesn't work when independent
21 homeowners take these things upon themselves.

22 23 24 **Item 9: FY20-21 Final Draft-Budget**

25
26 The proposed FY20-21 Final Draft-Budget will be presented by the District Manager for
27 any further discussion and final approval. (See FY20-21 Final Draft-Budget attached)

28
29 The only difference here is that property tax revenues were increased by \$4,000. The
30 county doesn't feel that property taxes will go down, and every year it goes up by 1%,
31 so that is reflected here as well. She increased legal expenses by \$2,500 because of
32 what was approved at the last meeting for Lands and Easement Management
33 Committee. The recreation was reduced by about \$11,000 to \$17,495, because we've
34 received the final figure of 50% reduction in Measure A funds. Also, we got a little more
35 fire money so she increased the ending fire balance by about \$6,000. Otherwise, the
36 numbers are pretty much the same.

37
38 MOTION: To grant a Final approval for the Draft-Budget
39 Moved: Hills, seconded by Friedman
40 Vote: AYES: Unanimous

41 42 43 **Item 10: MBCSD Lands and Easements Management Committee (update)**

44
45 Committee Chair Mary Halley (and fellow committee members) will give an update on
46 initial research and progress towards developing a set of land and easement policies.

1
2 The committee has met twice; both meetings were available to the public (Zoom and
3 audio). We've done a lot of research, with County Counsel, on County protection,
4 zoning and planning, county culverts and pedestrian easements. Research into lower
5 Sunset Bello Beach subdivision and upper Seacape subdivision, how they were written
6 and what the covenants are. We've defined encroachments, and when it's getting into
7 the policies, David Taylor and Christian Riehl were given the task of outlining some
8 principles and guidance for putting together those policies. We came to a decision that,
9 where everything in upper MB is more clear cut, lower MB has a lot more ambiguity
10 because it just sort of evolved over time. As a committee we have to diverge between
11 those two: when it comes to easement issues in lower MB that it needs to loop back to
12 the Board and we'll need more direction on that; for that Kasey Corbit was going to
13 speak to the meeting but had a last-minute conflict. In a short time, we're making a lot of
14 progress.

15
16 Taylor goes over some preliminary thoughts that they have had regarding potential
17 policies, namely that if we are going to review or consider encroachments on lands or
18 easements that the CSD either owns or holds, that we would want those processes to
19 be transparent, equitable; that we give priority to everyone's health and safety; that we
20 have a hierarchy of ways of thinking of those values, such as clean water, fire
21 protection, and emergency access; that encroachments should not be permanent, that
22 they should be removable and revocable, and so on. There is some complexity to it, and
23 we're looking forward to getting more legal guidance.

24
25 Hills comments that in conversation with Corbit earlier today, they discussed that the
26 CSD may own the right-of-way on Sunset and Lagoon, but we may not. It's been
27 uncertain for decades. What Corbit and an attorney they consulted suggested, is the
28 possibility that the CSD go about getting title to the Bello Beach roadways and
29 pathways, and the possible ways to proceed with that. That would put us in the same
30 footing as the County has for upper MB. Then we could proceed with revocable licenses
31 using the same principles that David just mentioned. Right now, it's unclear that we'd
32 have the authority or right to do that, and this could provide some clarity. Hills notes that
33 it's unusual to have the setup that we have where there's just an easement; most
34 cities/etc. hold title to the roadways.

35
36 Riehl agrees that probably we have rights over the easements and the road, Sunset
37 Way, and that if you want absolute certainty, there is the option of obtaining absolute
38 title for it. And if we do anything like that, it would have to be discussed thoroughly and
39 publicly, if we were to try to take title over some of the property. For example, the
40 easement is 30 feet, and the road itself is only 11 feet. Accordingly, Lambert notes his
41 perception that the easement is just over the traveled/used portion of the road, not the
42 unused portion. Taylor notes that the committee was tasked with looking into this very
43 issue, and they have been doing so, and have so far learned that they need to go
44 further to get more information, and to do that they need to get the go-ahead from the
45 board.

46

1 Hamilton-Rivers reassures that whatever the committee finds out, it will be reproduced
2 in writing from whatever legal advice they receive. Friedman says this all sounds good,
3 and that the one thing he hopes they'll deal with sooner, what are the standards they
4 will use in the case of revocable licenses, which will have to be crafted with sensitivity.
5

6 The committee should continue with how they're proceeding.
7
8

9 **Item 11: Sunset Way Safety Mirror**

10 Director Leighton Hills presents a proposal for the need for an additional safety mirror at
11 the entrance to Sunset Way, for people coming down the hill or coming out from Sunset.
12 Hills asks for approval.
13

14 MOTION: To approve a cost of about \$700 to install a second mirror
15 Moved: Hamilton Rivers, seconded by Lambert
16 Vote: AYES: Unanimous
17
18

19 **Item 12: CC Rental Coordinator (Paid Position)**

20 Update from Halley: Board approved making it a paid position of \$200, sent out
21 solicitation, didn't get any takers. Halley put it on the agenda tonight to give three
22 options:

- 23 a) should the CSD continue to offer the paid position at \$200 p/month for
24 another month or two?
- 25 b) should the Board review the current offered salary for the paid position
26 and possible adjust? (Net rental income FY18/19 = \$13,400/ FY19/20 =
27 \$11,511/*FY20/21 = \$4,060*partly closed)
- 28 c) should the Board wait to revisit the issue until the Community Center can
29 reopen again knowing that rentals likely cannot resume until the position is
30 filled?
31

32 Shaffer suggests that given the ongoing lockdown, the board should just let this ride for
33 a few months. Lambert and Hamilton-Rivers agree.
34
35

36 **Item 13: Historic Discriminatory Language on MB Homeowner Property Titles**

37 Director Gary Friedman has asked the Board to consider a bit of unresolved Muir Beach
38 history. "While we have a great and proud history in Muir Beach, there remains an
39 historical legacy of shame that needs to be addressed. When the Muir Beach Company
40 adopted the Bello Beach subdivision, it was accompanied by a racist restrictive
41 covenant that prevented anyone not of the Caucasian race to buy at Muir Beach and
42 only permitted such people to live here as household servants. While this practice of
43 "redlining" was widespread and condoned by the government, it has been declared
44 invalid and unconstitutional since the Civil Rights Act of 1964, so it has no legal force
45 today. However, it leaves us with a moral stain on every deed within the subdivision
46 which includes everyone here except the Seacape subdivision. We have a prepared a

1 modification of our restrictive covenants which the county recorder has agreed to accept
2 without a recording fee to repudiate the covenant. It would be great if the CSD would
3 support this effort.”
4

5 The first action we can make is to repudiate this, to make a public statement that will be
6 recorded. It will take two simple steps: a modification of restrictive covenant which has
7 no legal effect but a moral effect. We need everyone to sign it. This is the case for the
8 whole Bello Beach subdivision; does not apply to Seacape subdivision. To take this
9 action, we check our title report, or if that can't be found, Friedman has found someone
10 who can access the documents from the County. We sign and have it notarized (with a
11 mobile notary). It would be terrific if we got 100% of everyone this applies to take this
12 action. It's a question of mobilizing this, and he's hoping the CSD will take the lead and
13 trumpet this is something we'd like everyone in Muir Beach to do, and make it known
14 that the Bello Beach subdivision came together and said that was horrible and wrong,
15 and more than that, that anyone who wants to come to MB is welcome. Our BLM
16 protest group has some teenagers in it, and maybe they can be mobilized for this.
17

18 Hills likes that the language is stricken and then the struck-through language is re-
19 recorded. Friedman agrees that it's great that it's not actually being erased; it is there for
20 posterity, but repudiated. Hamilton-Rivers clarifies: all property owners need to sign a
21 modification of the restrictive covenant on their own deed.
22

23 Hills suggests asking for tax-deductible donations to the CSD to cover those costs,
24 which will be small. \$55/hr fee for the title search, and the notary (\$20 or so each).
25

26 Paul Jeschke says this is a righteous effort and is something we should all get behind.
27 As a retired newsman, it's a great story, and it's good public relations. Having said that,
28 there's one part he wants to mention, and that is that it goes beyond the CSD's normal
29 powers. Shaffer points out that it's not the CSD doing something, just recommending.
30 Halley says that the CSD can't really be involved in the finances. Friedman asks for a
31 resolution of unanimous support from the CSD.
32

33 Shaffer says it's the same as the CSD supporting the war in Afghanistan. Friedman
34 replies that it's a statement of moral support.
35

36 MOTION: — That the CSD support the repudiation of the restrictive racial
37 covenants that are on all of our deeds who have them, wherever in
38 Muir Beach, and to invite people who want to defray the cost of that
39 to donate to the CSD. Director Friedman will manage the process.
40 Any money the CSD would spend on this would be limited to
41 donations, and any overages to be donated to an appropriate
42 charity related to Black Lives Matter.

43 — Moved: — Friedman, seconded by Hills

44 — Vote: — AYES: Unanimous
45
46

1 **Item 14: Public Open Time**

2
3 Marilyn Laatsch strongly supports Gary’s motion. She’s also concerned with what Beth
4 Nelson had said about Little Beach, and asks who exactly is responsible for the beach.
5 Hills responds that it’s County-administered; any problem should be reported to the
6 sheriff and they should respond. Laatsch asks if the County would put up signage and
7 so on. Hills: years ago this came up and a County supervisor said that they could make
8 a specific ordinance for Little Beach, e.g. no fires unless a member of the fire
9 department were present. That didn’t happen then, but it’s an option to talk to the
10 supervisors about that. Laatsch and Beth Nelson will look into that.

11
12 Hamilton-Rivers shares her experience getting tested for Covid-19 by Golden Gate
13 Medical, or Dignity Health, or Go Health Urgent Care, in Strawberry. If you go there you
14 can arrange to have a virtual conversation with a doctor, and if he approves you, you
15 drive up, are tested in your car, and get results 15 minutes later. The charge through
16 Kaiser is \$190, but Kaiser covers testing for their members.

17
18 Ernst Karel adds: This morning the Sierra Club released a significant statement from its
19 executive director, which has been reported on very widely today in major newspapers
20 across the country:

21
22 *The Sierra Club is a 128-year-old organization with a complex history, some of*
23 *which has caused significant and immeasurable harm. As defenders of Black life*
24 *pull down Confederate monuments across the country, we must also take this*
25 *moment to re-examine our past and our substantial role in perpetuating white*
26 *supremacy.*

27 *It’s time to take down some of our own monuments, starting with some truth-*
28 *telling about the Sierra Club’s early history. ...*

29 *Muir was not immune to the racism peddled by many in the early conservation*
30 *movement. He made derogatory comments about Black people and Indigenous*
31 *peoples that drew on deeply harmful racist stereotypes, though his views evolved*
32 *later in his life. As the most iconic figure in Sierra Club history, Muir’s words and*
33 *actions carry an especially heavy weight. They continue to hurt and alienate*
34 *Indigenous people and people of color who come into contact with the Sierra*
35 *Club.*

36
37 Karel continues, “since we live in a community which is named after John Muir, I wanted
38 to bring this into the conversation here. Especially in light of what Gary Friedman has
39 presented at this meeting about the explicitly racist and exclusionary restrictive
40 covenants that are written into many of the titles for property in this community, I
41 personally find the name Muir Beach to also be exclusionary and embarrassing.”

42
43
44 **Item 15: Recognitions & Board Member Items**

1
2 Shaffer thanks Maury Ostroff for gate-building.

3
4 Friedman recognizes Amy Utstein for leading the demonstrations along Highway 1
5 daily.

6
7
8 **Item 19: Adjournment**

9
10 The next meeting is August 26.
11 There being no further business to come before the board, the meeting is adjourned.

12
13 Meeting adjourned at 9:11 pm.