

1 **MUIR BEACH COMMUNITY SERVICES DISTRICT**  
2 Minutes of the Board of Directors' meeting held on  
3 Wednesday, August 26, 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 Steve Shaffer called the meeting of the Muir Beach Community Services District Board  
15 of Directors to order at approximately 7:06 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 **Item 2: Approval of Agenda**  
25

26 MOTION: To approve the agenda  
27 Moved: Hamilton-Rivers, seconded by Friedman  
28 Vote: AYES: Unanimous  
29

30 Item(s) not included in this agenda: None  
31

32 **Item 3: Consent Calendar**  
33

34 A. Approval of Draft Minutes from Regular Board Meeting of 7/22/20.

35 Discussion reflects different memories of what the motion was in Item 13 (p. 7, line 36).  
36 Since this matter is on the agenda tonight (Item 5). Shaffer directs the committee  
37 instead to address it at this point. Hamilton-Rivers recaps the situation, that there seems  
38 to be legal advice that having the money go through the CSD is not legal, and that we  
39 can't therefore approve the minutes.  
40

41 Halley clarifies that there can be corrections to the minutes in terms of actual errors, but  
42 that a motion in the previous minutes cannot be rescinded in the consent calendar. The  
43 minutes could be removed from the consent calendar in order to discuss them, but to  
44 rescind the vote, we'd have to refer that to agenda item 5. Shaffer recommends doing  
45 this.

1  
2 Friedman says that unless there are actual errors in the minutes, we should approve  
3 them and then have the discussion at Item 5.

4  
5 Rather than do so, Shaffer suggests Halley to read the letter from County Counsel.  
6 Lambert notes that two issues are being confused: minutes that document what  
7 happened at the last meeting, and the accuracy of those minutes, as opposed to  
8 whether a procedural mistake was made by the board as will be discussed in Item 5.

9  
10 Shaffer says that the motion in Item 13 of the minutes does not reflect his memory of  
11 the discussion and are inaccurate, as he remembers insisting clearly that there could be  
12 no donation to any charity related to the Black Lives Matter movement. Victoria has a  
13 similar recollection.

14  
15 [Secretary's note: a review of the recording from that meeting includes the following:  
16 Following Hamilton-Rivers suggesting that any overage should go to "a charity for Black  
17 Lives Matter", Shaffer objects and relays understandings about some particular charity.

18 Karel: You had a specific charity in mind, so how we change the language so that  
19 the overage would be donated to *an appropriate charity related to Black*  
20 *Lives Matter.*

21  
22 Shaffer: Thank you, I'm fine with that.

23 Hamilton-Rivers: That's all I was saying.

24 Friedman: Yep.

25 Hills: I second that.

26 Shaffer: Okay, Ernst, call for the [vote].]

27  
28 Hills suggests that we move forward with Item 5, and if at the end of that we want to  
29 amend the motion, we could come up with a new motion which would reflect what  
30 people believe now. Shaffer agrees, and directs that we go to Item 5.

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32  
33 **Item 5: Review of Board Motion from 7/22/20 Board Meeting Item 13**

34  
35 Richard Kohn has asked the Board to revisit its involvement in the racial restriction  
36 repudiation project from the 7/22/20 Board Meeting, Item 13: "Historic Discriminatory  
37 Language on MB Homeowner Property Titles", where the Board approved the following  
38 motion:

39 "That the CSD support the repudiation of the restrictive racial covenants that are on all  
40 of our deeds who have them, wherever in Muir Beach, and to invite people who want to  
41 defray the cost of that to donate to the CSD. Director Friedman will manage the  
42 process. Any money the CSD would spend on this would be limited to donations, and  
43 any overages to be donated to an appropriate charity related to Black Lives Matter."  
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45 Shaffer asks Halley to read the letter of August 24 from County Counsel, for which she  
46 does, and which is copied here:

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Re: July 22, 2020 Board Meeting Item 13: “Historic Discriminatory Language on MB Homeowner Property Titles”

Dear Ms. Halley,

It has come to my attention that there appears to be some confusion and/or a misunderstanding over my legal opinion regarding the above referenced matter. This correspondence is to clarify this issue.

Since my original telephone conversation with you on or about July 23, 2020, my original opinion regarding whether the above-referenced action by the Muir Beach Community Services District (hereafter “District”) was appropriate has not changed. As a statutorily created entity, the District only has such powers that are expressly or by necessary implication granted by the legislative enactment creating the special district. While the underlying motive behind this action is commendable, the District does not have the authority to clear individual homeowners’ property titles or to accept funds to do so.

If you need further assistance, please do not hesitate to contact me directly. Sincerely,

Kerry Gerchow  
Deputy County Counsel

Hills gives more background to the story, making it clear that the CSD would not be actually doing anything itself, but rather helping residents in support of the endeavour. The gist according to county counsel, is that in terms of a risk analysis, she doesn’t see any downside for the CSD to be involved. Everyone knew from the get-go that this is not something that is within the powers of the CSD, and that’s why the CSD is not actually taking the actions but supporting the community to do so, in terms of mailing list etc. But the CSD was not going to do anything on behalf of homeowners but facilitate them doing so. He explained this to the same County Counsel who had written that letter, and she said that sounds different from what she had thought, and that while the idea of money going through the CSD gave her “a little heartburn,” that “in terms of risk analysis, there’s very little downside.” Meanwhile, Hills has also arranged for a charitable foundation to provide a grant for any expenses that were not covered by donations from the residents. So, there will be no surplus, which itself is the cause of a lot of concern. So, Hills would support that part coming out, but for the rest of it, they got about 60 people strongly in favor of this.

Hamilton-Rivers agrees that everyone is in favor of this; the only problem was the passing of money through the CSD. Shaffer insists that having money passing through the CSD is essentially money laundering. Hills says that it would not work with the charitable foundation if the money came directly to him or Friedman. Lambert says it reminds him of the violations by the Trump administration of the Hatch Act.

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2 When Hills mention to Dennis Rodoni that we were going forward with this, and asking  
3 to have the printing costs raised, he said that the fact that they're waiving all of the  
4 recording fees is all they could do, but also asked for the name of the title searcher so  
5 that the county could do this themselves. Done individually, it is a lot of work, but if the  
6 CSD or the county does it, it makes it easy, and only about \$40/person. So that is one  
7 of the benefits symbolically of the CSD doing this, especially since they are not  
8 contributing any money. Amy Utstein appreciates the work that Friedman and Hills have  
9 done and feels that there is no question that it's the right thing to do. What is the risk?  
10 Will someone actually sue the CSD about this? No, we should be focused on the fact  
11 that this is unquestionably the right thing to do. If the CSD can help at all, then it's worth  
12 whatever small risk there could be.  
13

14 Paul Jeschke understands the urgency to correct this historic wrong, but feels that there  
15 is no way the CSD can put money into this, which it would be doing if Mary and/or  
16 Sharry put any time into it at all. He suggests that perhaps the county should take on  
17 this responsibility, or perhaps a charitable organization. Friedman says that passing the  
18 buck to the county is just passing the buck, and also points out that the county is doing  
19 similar work. He speaks personally about the way that institutionally people of color are  
20 discriminated against, and that this is something that we as a community can do,  
21 collectively, and with the moral support of the CSD. He describes how simple the  
22 process is and that it will not cost the CSD any money.  
23

24 Lynda Grose comments that she was deeply moved by the action, and that it's as if the  
25 CSD is serving as a fiscal sponsor, so money cleanly coming in and out would be no  
26 problem. At a time like this, people step beyond the line.  
27

28 Richard Kohn comments that he was a civil rights lawyer. One case had to do with  
29 whether segregated private academies in Mississippi could acquire tax-exempt status.  
30 None questions whether this is a good thing to do for their own deeds, but it's clear that  
31 it's beyond the power of the CSD to do this. The CSD would be funnelling money so  
32 that they would get a tax deduction which they would not get if it went to an individual,  
33 and it does somewhat resemble money laundering. He says that in this era when the  
34 Trump Administration is violating laws left and right, it is more important than ever to be  
35 mindful of the letter of the law. Finally, there is no reason why there should be a tax  
36 deduction as part of this anyway, and if that's removed, the process is simpler. The  
37 board should rescind the motion.  
38

39 Hamilton-Rivers repeats that this action is necessary and must happen, but that as a  
40 Director of the CSD she is being told that the law does not allow it. So, we need to do  
41 this in a way that abides by the law.  
42

43 John Lavine says many of us broke the law to fight such things, which were instituted by  
44 a cabal of big banks, which deprived many people of having the future that we've had.  
45 He lived in a small town in Chippewa Falls, Wisconsin that went through something  
46 similar with the Elks organization.

1  
2 Shaffer says that here we are not changing any law, that it is symbolic, and that we  
3 should do it without the CSD taking the money.  
4

5 Amy Utstein says that if the vote is for this not to go through the CSD, then she thinks  
6 that we cannot leave the meeting without a backup plan of funding committed by people  
7 present, since the issue is we only have \$400 so far. The risk is negligible and the  
8 overall good it would do is greater. It also differs from Afghanistan in that there is no  
9 difference of opinion in the community about this. Shaffer says that he can guarantee  
10 the money.  
11

12 Friedman is worried about the optics of the CSD not going through with this. John  
13 Lavine wants to focus on the issue. Not about publicity, but about keeping pressure on  
14 all of us, and the country, that maybe this time we have an opportunity to move further  
15 on this issue. Hills wonders where the line is; we're not saying we can't use the email  
16 list, the Community Center deck, and so on. It's one deposit and one check for Sharry.  
17 Mary doesn't need to be involved at all.  
18

19 Kohn repeats that the action is flatly illegal. It doesn't matter how strongly people feel  
20 about it. Financially, money is being funnelled through the CSD so that people can get a  
21 tax deduction. Why become embroiled in this? What will we do the next time? We are  
22 abrogating our duty to follow the law, and he feels that it's abhorrent.  
23

24 MOTION: To reaffirm the previous motion, and to amend it to omit the  
25 reference to overages being donated charity, resulting in a motion:  
26 That the CSD support the repudiation of the restrictive racial  
27 covenants that are on all of our deeds who have them, wherever in  
28 Muir Beach, and to invite people who want to defray the cost of that  
29 to donate to the CSD. Director Friedman will manage the process.  
30 Any money the CSD would spend on this would be limited to  
31 donations it receives. The CSD recognizes the unorthodox nature of  
32 this action but are motivated by agreement that this action is morally  
33 just and are acting on behalf of the community.  
34

35 Moved: Hills, seconded by Friedman  
36 Vote: AYES: Unanimous  
37  
38

39 **Item 4: Items Removed from Consent Calendar**  
40

41 Shaffer notes that we have not yet approved the consent calendar, which should  
42 happen now.  
43

44 MOTION: To approve the consent calendar with the removal of Item 13.  
45  
46

1 Moved: Hamilton-Rivers, seconded Hills  
2 Vote: AYES: Unanimous  
3  
4

5 **Item 6: Fire Department Report**  
6

7 Fire Chief Chris Gove  
8 Fire report 8/26/2020  
9

10 As many of us are aware there are several fires burning in the bay area at present.  
11 Resources are getting stretched. Also because of the pandemic we are learning to  
12 social distance in the pursuit of our duties. At present we are on alert to send 660 and  
13 several firefighters to the Woodward fire which is the name of the fire burning in Point  
14 Reyes at present. 7 of our firefighters have volunteered to be a part of this. Currently my  
15 plan is to send no more than 3 to maintain a reserve for our community.  
16

17 After not having drills for almost 2 months during the height of the lockdown we have  
18 resumed regular drills practicing social distancing as much as practicable with  
19 appropriate PPE.  
20

21 I am in the final week of becoming an EMT. It has been a fun two months studying for  
22 an exam that usually takes 6 months.  
23

24 September 8<sup>th</sup> is the scheduled date for the county's FireSafe funded chipper day. Over  
25 30 people in our community have signed up for the event. You must be registered in  
26 order to participate so you can go to the FireSafeMarin website for more info and to find  
27 out is slots are still available. You are limited to a 4x4x10 ft pile and they will haul off the  
28 chips if desired.  
29

30 In the next few weeks, I'll be announcing an online meeting for getting a  
31 firewise community started here. I'd really like to have that designation here. It would  
32 require us to make an incremental reduction to the fuel load on our property's.  
33 Hopefully, we will have good attendance and people willing to work towards a great  
34 goal.  
35

36 Measure C passed which as most of us are aware is funding fuel reduction and many  
37 other safety initiatives. As such Leighton and I have been working on committees to  
38 plan for projects to help keep us safer from fire. It will be a long-haul effort but it is good  
39 that everyone is working toward a goal.  
40

41 We had yet another accident in June down at the Pacific Way Bridge this one resulted  
42 in a car completely submerged in the creek. Thankfully it was a convertible and the  
43 driver was able to free himself (he ran off) after the accident. The waterline was  
44 severed, and we lost water pressure and service for a couple of days, but as a result,  
45 the new line is better protected and there is now signs and a barrier to better protect the  
46 waterline and drivers.

1  
2 Finally, we are pleased to have Maurice Conti back on the department as he and his  
3 family have returned from 3 years in Barcelona. His daughter Annabelle has also joined  
4 as a junior firefighter.

5  
6 Thank you for allowing us to be of service.  
7

8  
9 **Item 7: District Manager Report**

10  
11 Halley goes over the highlights from her 7/26/20 District Manager Report, a written  
12 document which (as always) is included with the monthly meeting packet available  
13 online at <http://www.muirbeachcsd.com/meetings>.

14  
15 Election November 3: Ming Hwang, Paul Jeschke, and David Taylor are running for the  
16 board.

17  
18 --

19  
20 The pumphouse electrical shutoff transfer is finished.

21  
22 Prop 68 Per Capita program; Halley sat in on a grant workshop, and she would like to  
23 put this item on the agenda for September's meeting: the board has to pass a resolution  
24 to accept this money, so she'll be filling them in on the terms and conditions so they can  
25 consider if those conditions work for them. For example, project applications have to be  
26 per location; each application is a lot of work, so it would be better if there were many  
27 projects on one parcel rather than little projects scattered around; 50% of the funding  
28 would be provided in advance; along with other conditions which she'll be providing to  
29 the board.

30  
31 For Measure A funding, we have received \$17,495, which is what they said we would  
32 be receiving.

33  
34 Hamilton-Rivers asks for details of the insurance claim against the driver who drove into  
35 the creek. Halley responds that the bill has been submitted but that the company has  
36 not been cooperative. It has been a complicated process, which Halley describes. It is  
37 still in process and then Shaffer asks to be updated again at the next meeting.

38 Hamilton-Rivers asks what the costs are: \$17,000 of invoiceable costs. Hills says she's  
39 handling this correctly, and it would be premature to get an attorney involved at the  
40 moment.

41  
42 **Item 8: MBCSD Lands and Easements Management Committee (update)**

43  
44 Halley reports that it's been two months, and the committee has been very productive. It  
45 has been meeting every two weeks and assigning tasks to be completed before each  
46 next meeting to keep on task. As each task unfolded, we were quickly realizing that

1 many crucial foundation issues needed to be resolved before draft-policies could be  
2 developed.

3  
4 At this point the committee is considering Bello Beach and Seacape Subdivision as  
5 distinct areas:

- 6 • Bello Beach – pursued in-depth easement research as to ownership, prescriptive  
7 rights, and historic uses of easements. Looking into how title was passed  
8 whether by lot number or metes and bounds as part of the process to determine  
9 ownership of roads and easements.
- 10 • Seacape Subdivision – following up on issues of County dedication, rejection,  
11 and acceptance questions as to roads and easements.

12  
13 In terms of coming up with policy proposals:

- 14 • Guidance Policy – started drafting “Policy on Encroachments of Muir Beach CSD  
15 Lands and Easements” to be use as an overall guidance tool for which any  
16 developing policy must meet those specific goals and criteria.
- 17 • Land – started a “Draft-Policy on Uses and Encroachments on MBCSD  
18 Property” for Park and Water properties based on fee simple ownership by the  
19 CSD.
- 20 • Easements – are waiting to have complete set of fundamental questions  
21 developed before setting up a meeting with outside hired legal counsel, and then  
22 reviewing the opinions coming out of that meeting, before starting the draft-Use  
23 Policies for any prescriptive and dedicated easements.

24  
25 The Committee asked that the Board grant them an additional two-month period with  
26 the goal to present draft-policies at the October Board Meeting.

27  
28 Christian Riehl wants to emphasize that if you have any concerns or input, please  
29 contact one of us on the Committee and let it be known. You will have plenty of  
30 opportunity at the next board meeting as well, but he wants everyone to know that this  
31 committee is not actually making any decisions, just collecting info and making  
32 proposals, and wants input.

33  
34 MOTION: To grant the MBCSD Lands and Easements Management  
35 Committee a two-month extension of time, or until the October  
36 board meeting.

37 Moved: Lambert, seconded by Friedman

38 Vote: Unanimous  
39  
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#### 41 **Item 9: District Land Policy – select issues**

42  
43 The Lands and Easement Management Committee has asked the Board to discuss  
44 whether the CSD would ever sell, lease, or swap District-owned non-Park lands. (*Park*  
45 *lands were dedicated to the CSD for Park use only.*) These fundamental questions need



1 to be answered before consideration in any draft-policy. Halley asks the board to  
2 discuss.

3  
4 Discussion ensues on the various pieces of property the CSD owns and what a policy or  
5 by-law would entail. Shaffer points out that any such by-law could be overturned by a  
6 future board. Hills wouldn't want to be absolutist, to say for example that the CSD would  
7 never under any circumstances sell any piece of property; circumstances could change;  
8 for example, our parcel on Frank Valley Road could be more valuable to us if it were  
9 appended to the area at the pump house. Lambert agrees that he is generally opposed  
10 to selling etc., but never say never; wouldn't want to preclude the ability to change our  
11 minds.

12  
13 Halley is satisfied with the feedback to help guide the committee's thinking; the  
14 committee might ask again for this to be on the agenda. When we get draft policy  
15 written, we are hopefully giving something that is already a start in the right direction.  
16 Will be added to next month's agenda.

17  
18  
19 **Item 10: Drainage V-Ditch/Pedestrian Easement below Ahab**

20  
21 The Lands and Easement Management Committee recommended this particular  
22 utility/pedestrian easement issue be taken up by the Board for public discussion given  
23 the complexities involved.

24  
25 Halley has been delving into this issue and the reasons it is coming to the board. Hills:  
26 The CSD has struggled with this ditch for many years. With a FEMA grant, we probably  
27 took some liability but also greatly reduced our liability. One idea is that rather than the  
28 CSD having to spend money on it, that we work with the adjacent landowners to  
29 coordinate maintenance. The CSD would implement the work, but that it would be paid  
30 for by the landholders over whose land the ditch flows. So, we'd ask the landlords to  
31 enter into an agreement with each other that they would share the costs (and make the  
32 necessary arrangements to do so).

33  
34 Tayeko Kaufman wants to know who initially authorized the engineering and building of  
35 that ditch. It's taking all the water from the Seacape Subdivision and draining it all  
36 behind her house. She refers to a ruling from San Anselmo which says that you can't  
37 take water and route it to another neighbor or subdivision. The hill is moving. Houses  
38 are splitting apart and the dirt is pushing houses potentially off their foundations. Halley  
39 has a public document request into Marin County which will help in answering this  
40 question; so far she's gotten the easier documents, but the bulk of the documents  
41 they've said they'll have to her by September 8. It is complicated because Les Smith, of  
42 the so-called Miwok Corporation who developed Seacape, offered all the roads and  
43 parks and everything to the county. The county carefully accepted the roads and stated  
44 that they rejected the easements and the parks. The CSD acquired the water system by  
45 buying 6 parcels – the 3 water parcels and the 3 park parcels. Now the committee is  
46 researching who owns the easements and goes over some of the possibilities. Currently

1 it looks like that ditch belongs to the owners there. The culvert is just a pedestrian  
2 access, and the ditch doesn't show up as an easement on their parcels, so the  
3 committee is still peeling the layers back, and hopefully the public records act will  
4 provide the answers they seek.

5  
6  
7 **Item 11: Sunset Way update (signs and gate)**

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9 Now that the majority of the Sunset Way Improvement Project is complete, resident  
10 Tayeko Kaufman would like an update on the timing and placement of signs and a gate  
11 on Sunset Way. Hills says there is no exact date. They are replacing one gate, and in  
12 the process of getting power from adjacent landowners for an automatic gate at the  
13 entry. They will be getting 10mph speed limit signs.

14  
15 Kaufman describes that the situation is getting worse and would like to see a gate that  
16 only allows residents. Hills points out that delivery drivers, guests, other workers also  
17 need to be able to come in; a code might be possible but even that can cause many  
18 complications. Hamilton-Rivers is in favor of a code. Chris Gove understands the  
19 concerns about people, parking, etc., but the fact is that if we put a gate, especially with  
20 a code, it will cause a huge traffic problem. After a power failure, it would take a while to  
21 access the gate and you would then have an emergency access issue. He feels that  
22 this is not a solution because it could actually cause a fatal traffic accident on Hwy 1.

23  
24 Beth Nelson reports that there have been terrible conflicts near her house. The other  
25 day there were four different fire teams being called because of fires on a red-flag day.  
26 The problems have been extremely upsetting. She is now in fear of the consequences  
27 of the people coming in, which is a new phenomenon about Muir Beach. She feels that  
28 we have to get up on what is on the internet about coming and parking here. There has  
29 to be a solution, and maybe there's one that involves a gate, that takes into account that  
30 the world has changed. People are agitated and it is a volatile time. She goes on to  
31 describe destruction and aggression that she's witnessed and feels that the gate should  
32 be considered.

33  
34 Tayeko adds that in the incident of the four fire trucks (one of our own, three others),  
35 and the sheriff, nobody was cited. They were drunk and should not have been allowed  
36 to drive away, as they could have caused a fatal accident. She demands for a response  
37 from Halley and Hills, as this is about public safety. Hills says that it's shocking that  
38 someone wouldn't be cited just for building a fire on a red flag day but knows nothing  
39 more than that. Gove says that he had made sure the sheriff preceded them, that the  
40 fire was extinguished before they arrived, and other details about the incident; citations  
41 are at the officer's discretion. Gove emphasizes that people should exercise caution in  
42 talking with unknown people – do not get into a conflict. If there is actually danger to you  
43 or to others, call the police. Do not confront people.

44  
45 Linda Lotriet has tried a number of things over the years. The trouble is that there have  
46 been a number of really large groups, and the seawall area is dangerous with all the

1 trees. Little beach is different than Big beach. The public doesn't know that this is a  
2 private beach, not just part of Muir Beach. Even the sheriff and the county may not  
3 really understand the difference. Pete de Dremery also years ago had to explain to the  
4 sheriff that it's a totally separate beach, which they hadn't known but did understand  
5 after it was explained to them. So, he recommends to explain it to them again.  
6

7 Gove clarifies that the beach is State land bordered by private land, and the county and  
8 federal park police also have jurisdiction over it. They can arrest or cite people. As for  
9 budget cuts mentioned by Nelson and people not responding between 11pm-11am, that  
10 may be true in terms of an immediate response for Stinson and Bolinas; however, the  
11 office that responds to MB is in Sausalito, and they still respond the way they always  
12 did.  
13

14 The conclusion reached is that the old gate will go back up, and if people are not happy  
15 with it, it can be revisited in a future meeting.  
16  
17

### 18 **Item 12: Senior Citizen Water Discount**

19  
20 Gerry Pearlman supports having the Muir Beach Water System provide for a senior  
21 citizen discount. Gerry has knowledge that both Marin Municipal Water District and  
22 North Marin Water District offer discounts based on low-income eligibility and/or  
23 disability status. *(Note that smaller water systems such as Stinson Beach Water District,*  
24 *Bolinas Community Public Utility District, and Inverness Water District do not offer such*  
25 *discounts.)*  
26

27 Pearlman is not present. Shaffer says that we're already have the least expensive  
28 possible water, and wants to reject this idea. There is unanimous agreement, and the  
29 request is not taken up.  
30  
31

### 32 **Item 13: Item 13: Little Beach – parking issues**

33  
34 Beth Nelson would like to speak about the problem of Little Beach parking issues. *(Little*  
35 *Beach has many possible concerns, but parking is the only issue that falls within the*  
36 *CSD charter under Roads, and thus discussion must stay within that topic.)*  
37

38 [Topic already addressed above.]  
39  
40

### 41 **Item 14: Public Open Time**

42  
43 Hills states that MERA has its approval for emergency radio on the Overlook tank, a 60-  
44 ft tower. He was speaking with a party who went through the same negotiation that  
45 we're going through, on behalf of an entity near Bodega Bay. He has a lot of good ideas  
46 and knows the ins and outs – for example, that we could have the right to any cell tower

1 usage revenues – and is available to help the CSD negotiate, for a fee. This is an  
2 adjunct of Hills having before been approved to negotiate, and this seems to him to be  
3 the best way to negotiate a proposal concerning leasing the tower space that would  
4 come to the CSD for approval. MERA has a lot of tax revenues, and if we proceed  
5 wisely there could be a lot of money involved. If you don't do anything, all rights go to  
6 MERA; but rights are there to be claimed; but for example, you can claim rights to  
7 anything outside of the public safety zone. This will be discussed at a future meeting.

8  
9 Discussion goes back to the background of the MERA tower; Hills and Ernst Karel  
10 (whose house is across the street from the Overlook tank site) had both attended the  
11 open meeting on the subject months ago at the County. Gove comments that the MERA  
12 tower has been approved by the Coastal Commission, but not by us as a community to  
13 approve the site etc. Basically, it is now a concept that has been approved by the  
14 Coastal Commission. The MERA system itself is very much needed by our community.  
15 Gove continues that there are many places in the community where his MERA radio  
16 doesn't work, and the tower here will fill the huge holes; and the Overlook tank in Muir  
17 Beach is the only likely place for it. There is still the Environmental Impact Report to  
18 come in so it is not a done deal. He feels that money shouldn't hinder the tower being  
19 built, which should happen as soon as possible. There is tentative approval of the  
20 direction Hills is going, and it will be added to the agenda to the next meeting for formal  
21 approval.

22  
23 Paul Jeschke asks what's going on with the pile of rubble at the lower tank which has  
24 been there for weeks. Halley will follow up with Greg Kidd.

25  
26  
27 **Item 15: Recognitions & Board Member Items**

28  
29 Lambert commends Chris Gove for pursuing an EMT certificate.

30  
31  
32 **Item 19: Adjournment**

33  
34 The next meeting is September 16.

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

36  
37 Meeting adjourned at 10:03 pm.