

1 **MUIR BEACH COMMUNITY SERVICES DISTRICT**
2 Minutes of the Board of Directors' meeting held on
3 Wednesday, **February 23, 2022**

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5 **OFFICIAL MINUTES ONLY UPON APPROVAL**
6

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

10
11 **Item 1: Call to Order**

12
13 David Taylor called the meeting of the Muir Beach Community Services District Board of
14 Directors to order at approximately 6:15 pm.

15
16 Board: Steve Shaffer (Board President), David Taylor (Board Vice-President), Lisa Eigsti
17 (Director), Leighton Hills (Director), Paul Jeschke (Director)
18 Staff: Mary Halley (District Manager), Chris Gove (Fire Chief), Ernst Karel (Meeting
19 Secretary)
20

21 **Item 2: Public Comment (if any) for Closed Session**

22
23
24 **Item 3: Closed Session (Directors, District Manager, and Legal Counsel)**

25 *The California Government Code provides that certain matters such as litigation, personnel matters, and*
26 *real estate negotiations may be conducted in closed session. The matters shall be identified as set out*
27 *below. After any closed session, the legislative body shall reconvene in open session prior to*
28 *adjournment and make disclosure of action taken during the closed session – pursuant to CA*
29 *Government Code Section 54956.9(d)(2) and (e)(1). Conference with Legal Counsel to discuss facts and*
30 *circumstances unknown to a potential plaintiff(s) that creates a significant exposure to litigation. 1 matter.*
31

32
33 **Item 4: Reconvene in Open Session**

34 Taylor reports that there was no reportable action taken in the closed session, that negotiations
35 are happening, and there will hopefully be a report at the next meeting.
36

37
38 **Item 5: Approval of Agenda**

39 Hills suggests that Item 8 is postponed to the next meeting. Robin Collier objects.

40
41 MOTION: To approve the agenda as submitted, with the exception of postponing
42 Item 8 to the next meeting.
43 Moved: Hills, seconded by Shaffer
44 Vote: AYES: Unanimous
45
46

47 **Item 6: Consent Calendar**

- 48 A. Approval of Draft-Minutes from Regular Board Meeting of 12/7/21.
49 B. Approval of Quarterly Financial Reports dated 12/31/21. (See attached or view at
50 <http://muirbeachcsd.com/wp-content/uploads/2022/01/2021-12-Financial-Reports.pdf>)
51 1. Approval of Draft-Audits FY 2021 (See <http://muirbeachcsd.com/wp->

1 content/uploads/2022/01/MBCSD-Rev-Draft-Audit-Report-6.30.21.pdf)

2 2. Approve Resolution 2022-1 to make the findings that the proclaimed State of Emergency
3 continues to impact the ability to meet safely in person and declaring that the Board of Directors
4 will continue to meet remotely in order to ensure the health and safety of the public for the next
5 30-day period extending from January 27, 2022 to February 25, 2022 in order to hold our next
6 regularly scheduled Board Meeting on February 23, 2022. (Please see attached MBCSD
7 Resolution 2022-1: AB 361 30-Day Extension 1-27-22 To 2-25-2022)

8
9 MOTION: To approve the consent calendar.
10 Moved: Hills, seconded by Shaffer
11 Vote: AYES: Unanimous
12

13
14 **Item 7: Items Removed from Consent Calendar**

15 None.
16

17
18 **Item 8: Charlotte's Way – requested by Charlotte's Way Property Owners**

19 *Postponed to next meeting.*
20
21

22 **Item 9: Discussion of District Boundaries**

23 As part of the Local Agency Formation Commission's (LAFCo) Municipal Services Review, the district
24 was asked if the Board has ever considered reducing its boundaries. The current MBCSD boundaries
25 were drawn prior to the creation of the GGNRA in 1972. Currently the district is comprised of 1.3 square
26 miles or 834 acres for which over 2/3 or 525 acres reside within the GGNRA and encompasses a majority
27 of land the district will never service. The advantage of adjusting boundaries during a Municipal Services
28 Review is that the usual LAFCo fees are waived. LAFCo doesn't have a particular preference and is just
29 asking about boundary adjustments during the current open review period. (See map of Muir Beach
30 Community Services District, included in packet.)
31

32 Halley notes that during a municipal review, if a district wants to do any boundary changes, that is the
33 time when they can do so for free, without charges. They're also doing a sort of amnesty program where
34 any parcels that the district is serving that are not within the boundaries, this is the time when they can be
35 annexed in without paying fees before the fee schedule goes up. So, this is a good time to look at the
36 issue.
37

38 Hills points out that while much of the property is owned by NPS, that there are residents which are
39 considered part of our community, for example at Green Gulch, who feel represented by the CSD and
40 vote in MBCSD elections. Same at Slide Ranch, where we provide fire protection services, they also vote.
41

42 Hills notes that the former head of LAFCo said that it was peculiar that our well sites were outside of
43 district boundaries, and that we should consider annexing that in, and also strange that we are providing
44 water service outside of our district, for example Banducci, and Ocean Riders, Winkelman, and the other
45 properties on the east side of Highway 1. So, Hills proposes asking if instead of decreasing it, if we can
46 increase it for no charge. We wouldn't need to consider the upper Frank Valley well site, because that's
47 just a parcel that we own, but we do use the pumphouse well site as an integral part of running our
48 district.
49

50 Jeschke asks what's at stake, in terms of assets or liabilities. Hills responds that the former head of
51 LAFCo had said that if you provide services outside of your district, you're supposed to get special
52 permissions to do so, and he noted that we had not done that, so he said we could either give special
53 permission or adjust the boundaries. The conversation ended at that point. There is no liability, but people
54 in the boundaries vote for district directors.

1 Halley notes that usually it's parcel owners who apply to join a district, and it is fees to those property
2 owners which would be saved. She will pass on the questions raised to LAFCo.
3
4

5 **Item 12: District Manager Report**

6 District Manager Mary Halley presents brief highlights from her DM report, a written document
7 which (as always) is included with the monthly meeting packet available online at
8 <http://www.muirbeachcsd.com/meetings>.
9

10 We will be opening up the Community Center soon, now that the mask mandate is going away.
11 The board needs to discuss how long they'd like to do meetings via Zoom. For now it's at the
12 board's discretion.
13

14 Community Center had a fire inspection that went very well – they actually commented that they
15 felt very safe there.
16

17 The stairs have been replaced/repared on Dusty's Path, and then we'll start on the park trails
18 after that. More vegetation work: 10 dead/dying/dangerous trees were removed, after being
19 examined by Dave McKenzie to make sure there were no nesting birds in them. Measure C
20 funds are contributing to tree removal.
21
22

23 **Item 13: Public Open Time**

24 Robin Collier [*beginning at 16:29 on the recording*] wants to protest the closed sessions. Those
25 should be for litigation, and there is no litigation underway regarding Charlotte's Way. He is
26 submitting a complaint to the Fair Political Practices Commission regarding the fact that most
27 board members live on Sunset Way, and no residents of Sunset Way paid anything for that
28 street to be repaved. Charlottes Way residents have paid over \$200,000 to pave that road.
29 There seems to be a conflict of interest. The discussions are about public policy and do not
30 require closed sessions. The board is in violation of the Brown Act. He asks that the board treat
31 all roads equally.
32

33 Hills says that the counsel was present in the closed sessions, and that they are doing things
34 according to the letter of the law.
35
36

37 **Item 14: Recognitions & Board Member Items**

38 Shaffer announces a mass for Shirley Nygren on Friday at 5pm, and to RSVP. A special thank
39 you to those who organized the remembrance for her a week and a half ago.
40
41

42 **Item 15: Adjournment**

43 Under current rules for remote meetings rather than in-person, the next meeting will be held
44 within 30 days from this one.
45

46 Next Agenda Meeting Date: Wednesday, March 16, 2022

47 Next Board Meeting Date: Wednesday, March 23, 2022.
48

49 There being no further business to come before the board, the meeting is adjourned.
50 Meeting adjourned at 19:25.