

1 **MUIR BEACH COMMUNITY SERVICES DISTRICT**  
2 Minutes of the Board of Directors' meeting held on  
3 Wednesday, **June 22, 2022**

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 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 David Taylor called the meeting of the Muir Beach Community Services District Board of  
13 Directors to order at approximately 7:05pm.

14  
15 Board: David Taylor (Board President), Paul Jeschke (Board Vice-President), Leighton  
16 Hills (Director), Steve Shaffer (Director), Christine Murray (Director)  
17 Staff: Mary Halley (District Manager), Chris Gove (Fire Chief), Ernst Karel (Meeting  
18 Secretary)  
19

20 **Item 2: Approval of Agenda**

21 Nothing added.

22  
23 MOTION: To approve the agenda as submitted.  
24 Moved: Hills, seconded by Shaffer  
25 Vote: AYES: Unanimous  
26  
27

28 **Item 3: Consent Calendar**

- 29 1. Approval of Draft-Minutes from Regular Board Meeting of 5/25/22. (Please see attached)  
30 2. Approve Resolution 2022-7 to make the findings that the proclaimed State of Emergency  
31 continues to impact the ability to meet safely in person and declaring that the Board of  
32 Directors will continue to meet remotely in order to ensure the health and safety of the  
33 public for the next 30-day period extending from June 28, 2022 to July 27, 2022 in order  
34 to hold (if necessary) our next regularly scheduled Board Meeting on July 27, 2022.  
35 (Please see attached MBCSD Resolution 2022-7: AB 361 30-Day Extension 6-28-22 to  
36 7-27-2022)  
37

38 MOTION: To approve the consent calendar.  
39 Moved: Shaffer, seconded by Jeschke  
40 Vote: AYES: Unanimous  
41  
42

43 **Item 4: Items Removed from Consent Calendar**

44 None.  
45

46 **Item 5: New Firehouse Grading and Earthwork – Fire Chief Chris Gove - Approval**

47 Fire Chief Chris Gove has been soliciting bids/estimates for the grading and earthwork at the old  
48 water tank site in preparation for building the new fire house. The Board will be asked to  
49 consider and approve one of the contractor bids with any recommendations from the Fire Chief.  
50 The most recent bid to come in was for \$118,250, which is much higher than the other two bids.

1 The next one was approximately \$78,000, and Gove would like to go with the Rodas bid which  
2 is for approximately \$54,000.

3  
4 Jeschke asks for clarification on why we're beginning with this now, rather than when  
5 construction is set to begin. Gove explains various reasons, including the MERA tower, a  
6 coastal permit which expires 1 July 2023 if we don't have a building permit and an inspection  
7 prior to that. Grading and earthwork now would prepare for that. Still in a holding pattern for  
8 monies available from county and state; we have enough money to get started.

9  
10 Jeschke is concerned with how thoroughly we're locked into the footprint and design of the fire  
11 station, if there's any possibility that could change, then why would we do it now. If elements are  
12 still to be decided, then he would question that. Gove says that the designs were presented to  
13 the board and no major changes are anticipated. Halley points out that during the building  
14 process, the county could ask for changes. While this rough grading would not preclude small  
15 changes, the design and footprint has already gone through several approval processes. What  
16 remains is the engineering approval.

17  
18 MOTION: That the CSD accept the bid from Rodas construction for grading and  
19 earthwork.  
20 Moved: Hills, seconded by Shaffer  
21 Vote: AYES: Unanimous

#### 22 23 24 **Item 6. Review CSD Equipment Use Policy – Director Hills**

25 The Board approved a CSD Equipment Use Policy at the December 7, 2021 Board Meeting with  
26 the request that it be reviewed in six-months. In particular this is about the use and maintenance  
27 of the ASV tractor.

28  
29 Gove reports that Ernst Karel and he have discussed this and while they haven't begun to do  
30 the work of regularly exercising the ASV, they have plans to do so.

31  
32 No changes to the policy are deemed necessary at this time.

#### 33 34 35 **Item 7: Change in CSD Maintenance Classification for Two Roads in Muir Beach –** 36 **Director Hills – Approval**

37 In 2013, the CSD adopted a written policy that had been in effect since 2000, and then  
38 reaffirmed it in 2018. It provides that non-County roads in Muir Beach will have different levels of  
39 responsibility by the CSD based on a combination of whether the roads are paved or unpaved,  
40 and whether there is a district water main in the road having community benefit (such as fire  
41 hydrants or system interconnection). Charlotte's Way has recently been repaired, paved, and  
42 had drainage improvements completed such that it qualifies for the top classification in which  
43 the CSD will "maintain, repair and upgrade." In addition, Greene Lane became a paved road  
44 with new drainage facilities during the Sunset Way project, and a water main was installed  
45 serving the residents and a fire hydrant. It also now qualifies as a road which the CSD will  
46 maintain, repair and upgrade. If the Board agrees, we should pass a motion confirming the  
47 changes in classification of Charlotte's Way and Greene Lane to the top level, similar to that of  
48 Sunset Way and Pacific Way.

49  
50 Christian Riehl asks what this will cost the CSD, for example in the next 10 years. Hills  
51 acknowledges that there will be costs, just as there are for the other roads, but just for normal

1 routine maintenance. But now these have been brought up to the same standard of the other  
2 roads. He anticipates no expenditure for repairs aside from normal maintenance, i.e. drain  
3 clearing etc.  
4

5 Jeschke asks which roads are not yet included. Hills replies that White Way is one – it's not  
6 paved and does not have a water main. The "shared driveway" at 73/75/77 Seacape is not in  
7 that category. There are other roads we consider as shared driveways, without water mains.  
8 Starbuck Extension [which the CSD does maintain] is paved and has a water main and would  
9 be in the top category.

10  
11 Murray asks Hills to speak to the cost of not bringing them [Charlotte's Way] into this category.  
12 Hills responds that it's an issue of fairness. The residents spent a lot of money, with the idea of  
13 bringing them up to our standards. But because we have this policy, and the roads meet the  
14 standards of that policy, this is appropriate.  
15

16 Linda Lotriet comments that she's in favor of all roads being treated equitably. In terms of  
17 Riehl's question of anticipated costs, the geology indicates that there are possibilities of  
18 slippages. To mitigate this, drainage is key, and this underscores the necessity for the CSD to  
19 treat all roads equally and take care of storm water management.  
20

21 Discussion continues. Board members acknowledge that ultimately costs are unknowable but  
22 agree that it is the right thing to do.  
23

24 MOTION: That the CSD confirm the changes in classification of Charlotte's Way and  
25 Greene Lane to the top level, similar to that of Sunset Way and Pacific  
26 Way. As a reference, please see the ILS memo prepared regarding  
27 Charlotte's Way (*attached*).  
28 Moved: Hills, seconded by Shaffer  
29 Vote: AYES: Unanimous  
30  
31

32 **Item 8: Resident Vegetation Maintenance Policy for CSD Maintained Roads – Director**  
33 **Hills – Approval**

34 The Board is being asked to consider for approval a vegetation maintenance policy for roads  
35 that are maintained by the CSD (as defined under the MBCSD Roads and Easement Use  
36 Policy). The policy would require that roads be kept clear of plants and vegetation that can  
37 degrade the quality of the road, as well as block drains, and inhibit emergency vehicle access. A  
38 vegetation clear zone should be maintained 12 inches back from the edge of the pavement (with  
39 the concrete drainage ways being treated the same as pavement) and 12 feet up from that  
40 point. As is customary in most communities, the adjacent residents are responsible for  
41 maintaining their vegetation. The District will propose that any necessary clearing be completed  
42 by some future date, and if not completed, the CSD will hire some workers to do that - and the  
43 cost of that work will be billed to the adjacent residents.  
44

45 There was a recent example of a call on Cove Lane where the vehicles couldn't make it down.  
46 Gove adds that Sunset Way is also getting very overgrown. Shaffer adds that we need to make  
47 sure that residents don't plant things that could buckle the road, like bamboo.  
48

49 Hills would suggest we'd send out an email advising them of this, and that they please have the  
50 work by August 15. We would contact Cuco or other maintenance workers for a proposal for

1 them for this work, and mention that to the homeowners, that the CSD would have it done and  
2 bill them for it (which might be more economical than what they would be able to do).

3  
4 Karel suggests that it's a water issue as well, and that meters have been increasingly overgrown  
5 as well throughout the community. Halley's bimonthly courtesy announcements haven't been  
6 effective, so it would be good to include the area around water meters in this as well. Hills  
7 agrees that this could be included in guidance to homeowners, and then when we have Cuco go  
8 around to clear, he could also include the area around water meters.

9  
10 Jeschke is concerned about the legality of this in terms of enforcing cutting on private property.  
11 Hills repeats that we're talking about only 12 inches to the side of the road, which is still on the  
12 easement. Furthermore, under the fire power of the CSD (the power to operate a fire  
13 department), we have the authority to direct clearing of private property, just as the county does  
14 to us.

15  
16 Riehl comments that he understands the 'why' of this, but that the 'how' is all wrong.  
17 Participation should be optional. The CSD owns the road but does not own 12 mm or 12 inches  
18 to either side. Riehl is opposed to any idea of enforcement of this. Lotriet comments that  
19 already, by law, property owners have to adhere to not allowing any damage to the road or  
20 water infrastructure. She agrees that the CSD probably does not have the authority to make or  
21 enforce such a policy.

22  
23 Hills comments that the only thing this policy is adding is to ask homeowners to cut back one  
24 foot beyond the roadway. Other municipalities require three feet, or 10 feet. It's very clear to  
25 have a policy that says not to have anything growing over the road. In terms of damage to the  
26 road, that's not part of this policy; in that case we would reach out to a specific owner.

27  
28 Gove is in total agreement with the policy. He has been asked if the Firewise Committee has  
29 any authority to do anything, and the answer is no in that case. But this is the CSD, and in  
30 several places the roads are overgrown already. If people don't maintain their property, they  
31 should pay for it.

32  
33 Hills suggests to add language along these lines: If people object, please let us know, and if it's  
34 a financial hardship, please let us know.

35  
36 Discussion continues. Jeschke is fine with clearing above the road but feels that going 12  
37 inches beyond the road is on shaky legal ground and is opposed to that. Richard Kohn notes  
38 that the CSD has limited powers, all of which are subject to what Longfellow discussed in her  
39 opinion. That's why the committee took a noncoercive approach. Wondering why the current  
40 policy [MBCSD Lands Uses and Easement Policy] isn't adequate to dealing with this situation.  
41 We tried to get around the CSD not having authority by appealing to the community to do things  
42 for the greater good and not through coercion. He quotes from the policy (available at  
43 [http://muirbeachcsd.com/wp-content/uploads/2021/05/MBCSD-Land-Use-and-Easement-Policy-](http://muirbeachcsd.com/wp-content/uploads/2021/05/MBCSD-Land-Use-and-Easement-Policy-with-Guidance.pdf)  
44 [with-Guidance.pdf](http://muirbeachcsd.com/wp-content/uploads/2021/05/MBCSD-Land-Use-and-Easement-Policy-with-Guidance.pdf)):

45 Purpose of Easement Policy

46 This policy seeks to achieve a balance between the MBCSD's ability to carry out its  
47 governmental functions and private property rights. The policy is designed to achieve the  
48 goal of keeping the roads and pedestrian easements open and in good repair for the  
49 mutual use and benefit of the community and public at large and requires the  
50 cooperation by all concerned for the greater good. Indeed, that is the essence of

1 "community." Costly litigation and/or coercive action to secure compliance should be the  
2 last resort.

3  
4 Kohn notes that if it is not really a problem that residents are refusing, then we shouldn't be  
5 resorting to coercive measures until that's been determined. Applying the policy would mean  
6 that the CSD would advise people as to what their responsibilities are and let them know that  
7 the CSD would help if needed.

8  
9 Hills and Taylor clarify that the motion should make clear that we're trying to do a service for  
10 homeowners rather than coerce them into anything, and that they should discuss with us if they  
11 have any objections or hardships. This should be done with congeniality and with the goal of  
12 reducing the burdens on homeowners and on the CSD.

13  
14 MOTION: To adopt a policy that will require that CSD roads be kept clear of  
15 vegetation that can degrade the quality of the road as well as block drains  
16 and inhibit emergency vehicle access. Vegetation clear zone should be  
17 maintained twelve inches back from the pavement, and to a height of  
18 twelve feet above that. The CSD would contact residents in a friendly  
19 fashion and ask them to do this themselves, and if they don't want to do it  
20 themselves, the CSD can offer services of a labourer and bill them at our  
21 cost, and tell them that if they have any objections of any kind, to please  
22 let us know. We will bring any such objections back to the board.

23 Moved: Hills, seconded by Shaffer  
24 Vote: AYES: Hills, Shaffer, Taylor  
25 NAYS: Jeschke  
26 ABSTENTION: Murray  
27 The motion passes.  
28

### 29 **Item 9: District Manager Report**

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

33  
34 We are in a newly created Marin water district, Marin 25 (we were previously in Sonoma district  
35 18), so we have a new engineer and new contacts. This district encompasses all Marin water  
36 districts. This is to streamline water interfaces between Marin and Sonoma counties.

37  
38 The Fire department was contacted by NPS concerning renewal of the Fire Barn 2-year lease,  
39 which had been let go due to COVID-19, but that they are now requiring the CSD to insure the  
40 barn for \$500,000. We've filled out our insurance company's information, and they're looking at  
41 it but they don't usually do that, so we'll see where this goes.

42  
43 Community Center: have put the redwood lathing under the main deck of the building to prepare  
44 it for attaching fire-resistant wire mesh, as a fire-safety measure, and we'll oil everything  
45 afterwards, all with Measure A funds from this year. Also discussed the progress on the Prop 68  
46 bids for work to the parking area.

47  
48 Discussion ensues about the insurance for the fire barn.  
49  
50

### 51 **Item 10: Temporary Interfund Loan Agreement - Approval**

1 This is a procedural matter. The purpose of this agreement is to document the temporary  
2 interfund transfer of funds from the Water Fund – Lower Tank Reserve account that is restricted  
3 within the MBCSD by California Constitution Article XIII D, section 6, and Prop 68, and which,  
4 the District does not anticipate using the funds for the purpose of replacing the Lower Water  
5 Tank for another 6-10 years (at the earliest) on the current planned capital replacement  
6 schedule. This agreement allows for temporary authorization for these Water funds to be used  
7 by the General Fund for unassigned operational and general expenses to bridge a short-term  
8 cashflow gap between General Services expenses and FY 2022-23 Property Tax revenues.  
9 This temporary inter-fund loan agreement has been approved by the District’s auditor as being  
10 procedurally correct.

11  
12 This will be for only six months, because by then we will have received the property tax  
13 revenues. This method was suggested by our Auditor and reviewed and approved by County  
14 Counsel. This doesn’t affect our finances, but just keeps the balances in compliance.  
15

16 The reasons for this, and precedents for this kind of action, are discussed.  
17

18 MOTION: That we approve the arrangement Halley has proposed under Item 10, for  
19 which the agreement is attached to the agenda.  
20 Moved: Hills, seconded by Shaffer  
21 Vote: AYES: Unanimous  
22  
23

24 **Item 11: FY22/23 Draft Budget – Public Hearing – Preliminary Approval**  
25 First reading of proposed FY22-23 Draft-Budget is presented by the District Manager for review  
26 (See *FY22-23 Draft-Budget-May2022 attached*). Public hearing of the FY22-23 Draft-Budget will  
27 be held at the 6/22/22 Board meeting with approval of the Final FY22-23 Budget at the 7/27/22  
28 Board meeting.  
29

30 There have been a few small changes since May but remains fundamentally conservative and  
31 covers our needs for the year. Office postage increased because the Quickbooks subscription is  
32 now every year rather than every three years. We’ll probably be needing to replace the desktop  
33 computer in the office soon.  
34

35 Final approval would be at the July meeting when we have all of this year’s actuals in the  
36 budget.  
37

38 MOTION: That we grant preliminary approval as requested by Halley for the budget,  
39 to be finalized at the beginning of the fiscal year.  
40 Moved: Hills, seconded by Taylor  
41 Vote: AYES: Unanimous  
42  
43

44 **Item 12: Public Open Time**  
45 Shaffer asks that in the July meeting the MBVFA talk about the BBQ fundraiser. Gove  
46 comments that it went well, no final numbers yet, but better income (both net and gross) than in  
47 a decade. It was also very successful from a community-building standpoint.  
48  
49

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

2 Taylor recognizes the Disaster Coordinating Council which did a great job with the evacuation  
3 drill on June 11, with a good amount of community participation. A lot of work went into that, and  
4 he's proud of everyone. Gove had a wrap-up meeting about it and was pleased with how it  
5 went. County-wide participation averages 10%; we had about 25% participation.  
6

7

8 **Item 14: Adjournment**

9 The board has passed a resolution to have the July meeting via Zoom.

10

11 Next Agenda Meeting Date: Wednesday, July 20, 2022

12 Next Board Meeting Date: Wednesday, July 27, 2022.

13

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

15 Meeting adjourned at 8:40pm.