

MUIR BEACH COMMUNITY SERVICES DISTRICT

Minutes of the Board of Directors meeting held on
Thursday, March 13, 2017

OFFICIAL MINUTES ONLY UPON APPROVAL

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

Item 1 Call to Order:

Gary Friedman called the meeting of the Muir Beach Community Services District Board of Directors to order at approximately 6:05 PM.

Directors present: Gary Friedman, Peter Lambert, Paul Jeschke,
Victoria Hamilton-Rivers joined at 7pm

Staff present: Mary Halley and Vanessa Workman, Co-District Managers

Item 2 Adoption of Agenda:

MOTION: To delete items 7 & 8 and to start with item 4 while waiting for Victoria.
Moved: Jeschke seconded by Lambert
Vote: AYES: Unanimous

Item 4 Tree Removal Plan on CSD property:

Two trees have collapsed during the storms on CSD property next to the lower water tank. One is standing and a precarious danger to falling, either on the Bender property either on to the water tank. Greg Kid has offered to bring in an on-site milling company at his cost. Some redwood trees on the same property are small but could become a screen to the Benders. Gary Friedman suggested to postpone the redwood discussion and to give attention to the immediate threat on the water tank. Greg Kidd's generous offer was accepted.

MOTION: To authorize Greg Kid to remove the fallen and standing cypress trees at his expense.
Moved: Lambert, seconded by Jeschke
Vote: AYES: Unanimous

Item 5 Tree Compensation Policy:

The Board discussed a policy for compensation to neighbors in situations where CSD trees have damaged their property. An existing case was used to discuss legal and moral responsibilities. In this situation, a tree on CSD property crushed and damaged the Bender Family property. The tree had come down during a recent storm. The CSD insurance company had judged there had been no negligence from the CSD side, that this was "An Act of God," and therefore denied the claim. The CSD has consequently been left with the dilemma of offering a moral compensation in a situation where the CSD has no legal responsibility. Victoria recognized that damage had been done and that we have a moral obligation as a neighbor. There was a discussion to compensate the Benders at the height of the CSD insurance deductible of \$2500 followed by a questioning on whether the insurance policy was a good one. A resident in the audience wondered whether insurance companies could cover the CSD beyond legal responsibilities. Questions were raised on what was best for the Bender case and replications a

compensation would have. Gary Friedman questioned whether the CSD, as a public entity should treat claims with public money as if it were our own individual property. Paul Jeschke was not comfortable with the idea of using public funds to pay a private property owner when the CSD has no legal responsibility. After in-depth discussion, it was clear that the moral responsibility was very desirable but not feasible for a public entity, and that giving money makes the CSD look legally responsible in a situation where it is not. It was decided that the DM should operate within the confines of the insurance policy as it dictates whether the CSD has an obligation or not.

MOTION: To empower the District Manager to just use insurance companies without further direction from the Board.
Moved: Jeschke, seconded by Lambert
Vote: AYES: Unanimous

Item 3 ILS Road Repair Proposal:

Victoria read Lynda's recommendations who gave her procuracy to Victoria. It was judged that the sunset way project should move forward as fast and swiftly as possible.

MOTION: Motion to adopt the revision 2 of ILS Work Order and Agreement for \$18,900 to draft revisions and \$5,400 to finalize documents for permit submittal.
Moved: Gary, seconded by Lambert
Vote: AYES: Gary Friedman, Victoria Hamilton-Rivers, Lynda Grose (by procuracy) and Peter Lambert.
AGAINST: Paul Jeschke.

Item 6 Public Open Time:

There were no questions raised.

Item 6 Adjournment:

MOTION: To adjourn the meeting.
Moved: Victoria Hamilton-Rivers, seconded by Paul Jeschke
Vote: AYES: Unanimous

The meeting adjourned at approximately 7:45 PM.