

1 **MUIR BEACH COMMUNITY SERVICES DISTRICT**
2 Minutes of the Board of Directors' meeting held on
3 Wednesday, October~~ber~~^{March} 24~~8~~, 2018
4

5 **OFFICIAL MINUTES ONLY UPON APPROVAL**
6

7
8 Prior to approval of these minutes by the Board of Directors in a public meeting, these minutes are draft
9 only and subject to change. Upon approval by the Board, these minutes become the Official Minutes of
10 the meeting.
11

12 **Item 1 Call to Order:**
13

14 Hamilton-Rivers called the meeting of the Muir Beach Community Services District Board of Directors to
15 order at approximately 7:04~~8~~⁶PM.
16

17 ~~Hamilton-Rivers thanked those who contributed to the agenda and encouraged all to participate in setting~~
18 ~~future agendas.~~
19

20 Directors present: Gary Friedman, Victoria Hamilton-Rivers, ~~Peter Lambert,~~
21 Steve Shaffer, Leighton Hills
22

23 Staff present: Mary Halley, District Manager
24 Leslie Riehl, District Treasurer
25

26 **Item 2 Adoption of Agenda:**
27

28
29
30 ~~There was public and Board discussion on how agendas are created and who is involved in that process.~~
31 ~~It was clarified that any item on the agenda can be an actionable item. Previous features of time allotted~~
32 ~~for an item and whether an item is a discussion item or an action item are no longer included.~~
33

34 MOTION: To adopt the agenda as submitted.
35 Moved: Shaffer, seconded by Hills
36 Vote: AYES: Unanimous

37 **Item 3 Approval of Consent Calendar:**
38

39 Friedman expressed concern that the engineer's report would not get read and that the minutes did not
40 accurately represent the points made in the report. Halley will highlight the key points in the report in
41 order to make them more noticeable.
42

- 43 A. Draft Minutes of the Regular Meeting held 9~~2~~/~~26~~⁸/18, with the addition of a sentence urging the
44 public to read the report in its entirety.
45 B. Quarterly Financial Reports dated 9/30/18, as submitted.
46

47 MOTION: To adopt the consent calendar
48 Moved: Hills~~Shaffer~~, seconded by ~~Shaffer~~^{Lambert}
49 Vote: AYES: Unanimous
50

51 **Item 4 Items Removed from Consent Calendar:**
52

53 No items were removed from the Consent Calendar.
54

55 **Item 5 Treasurer's Report:**

1
2 [Treasurer Riehl](#) recommended that the Board approve the reports that Halley included in the packet.
3 Next month she will spend more time developing a timeline for anticipated income and projected capital
4 expenditures. Hills clarified a point made on the capital improvement fee. It was first implemented in
5 1995 at an annual rate of \$300. Adjusted for inflation, that would be \$503 today.

1 Treasurer Riehl recapped her written report. Amendments to the recent round of audits are being worked
2 on. She hopes to have a draft budget to present to the Board next month. After some research, she was
3 able to clarify that the annual \$300 parcel fee is for water capital improvements only. Reserves will be
4 established. She's working on a 40% allocation of operating expenses to Water and WCI. As of the end
5 of February, she believes there is \$256,000 available for non-water projects. She wants to open three
6 additional bank accounts soon in order to separate Water funds from Government funds and also in
7 consideration of FDIC limits.

1 **Item 6—Treasurer’s Position—Bonding Requirement and Proposed Job Description:**

2
3 A draft job description for the treasurer position was included in the Board packet. Public and Board
4 discussion clarified that the Treasurer must be bonded; a bond is not required for the District Manager.
5 Government Code specifies that the District Manager and the District Treasurer must each report directly
6 to the Board. One comment from the public related to having the job description make clear which
7 functions are to be taken by the Treasurer and which by the District Manager. John Lavine said he would
8 like to come up with specific language for the job description later in the evening. Hamilton Rivers
9 suggested that after the meeting would be fine and John said he would have the draft language for the
10 next meeting.

11 **Item 67— District Manager’s Report:**

12
13 Halley presentedgave highlights from her written report which can be found on the CSD website.

14
15 To prepare for the winter months, the regular maintenance staff has been cleaning drains and ditches. A
16 check was received from PG&E for the exact amount that had been paid to Linscott to repair the water
17 main that PG&E damaged. Halley has written to request additional reimbursement for water loss and
18 wages paid to employees.

19
20 The proper paperwork has been received from a property owner to allow him to trim two trees that are on
21 CSD property and then maintain them.

22
23
24 Halley provided highlights of her written report which included: an update on the water permit
25 modification; the ADA upgrades have been completed, noting that the cost of the ramp and bathroom
26 upgrades was \$6,000 and that a grant paid for \$5,000 of that cost; a new page has been added to the
27 CSD website showing parcels that the District owns; the handrail and stair repair project approved last
28 month is underway; the \$8,000 grant for strategic planning is being processed; the anticipated \$8,000
29 FEMA grant has been received.

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30
31 Halley requested that the Ad Hoc Facilities Committee become an advisory committee to assist her with
32 prioritization of repairs needed at the Community Center.

33
34 Hamilton Rivers noted that the Sunset Way project should be incorporated into the strategic plan.

35
36 **Item 8— Closed Session 4/25 at 6:30PM:**

37
38 MOTION: To schedule a closed session on 4/25 at 6:30 PM in order to perform an
39 employment evaluation of Mary Halley.

40 Moved: Shaffer, seconded by Hills

41 Vote: AYES: Unanimous

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43 **Item 79—F Fire Department Report:**

44
45 Chief Gove intends to provide an extensive Fire Department report in December. The Fire Department
46 received a grant from the West Marin Fund along with a video of the young man from Point Reyes Station
47 who recommended the MBFVD for the grant. The video will be posted on the Fire Department website
48 soon. Chief Gove reported. April 17, at 7:00 PM, a Firesafe Marin seminar with Marin County Fire in
49 attendance will be held at the Community Center. There have been discussions regarding possible
50 installation of a warning siren to be located at Green Gulch Farm. Gove will submit an MOU to the Board
51 laying out what is being proposed. Turnouts for the new crew members have been ordered. Gove will be
52 asking for money outside of the budget for the cost of training the new members. The BBQ planning is
53 going well. He and a resident of Green Gulch Farm are researching a grant to clear 250 trees inside the
54 borders of Muir Beach and also to clear and widen one mile of trails. He will work this month to make
55 progress on the new firehouse

1
2 Hamilton-Rivers read an email received from Paul Jeschke who wanted to thank the Fire Department and
3 first responders Gove, Allen and Taylor who responded to Paul's medical emergency at 3:00 in the
4 morning. Paul is doing well after undergoing gall bladder surgery.

5
6 **Item 810 Sunset Way Project Bylaws:**

7
8 There was an extensive discussion about the project. Hamilton-Rivers reported that Osbin Rodas, who
9 does a lot of work in Marin, came in with a bid of \$781,000 to replace the water line and repave the road,
10 whereas the bid from Ghilotti was \$3,800,000 and Pimentel said they could not replace the water line.

11
12 However, the plans as they appear now are different in key areas from the plans that had been previously
13 submitted to the Board for approval by the Ad Hoc Committee for the Sunset Way Project, specifically
14 regarding the turnaround at the west end of Sunset Way.

15
16 Former co-district manager Mike DeGroot has offered to come back as project manager. He had spoken
17 to affected property owners at the time that the plans were being developed.

18 MOTION: To approve the original plans red-lined by the Ad Hoc Committee for the
19 Sunset Way Project, subject to first speaking with Mike DeGroot.

20 Moved: Shaffer~~Shaffer~~, seconded by Hills~~Lambert~~

21 Vote: AYES: Shaffer, Hills, Hamilton-Rivers

22 Abstained: Friedman

23
24 ~~Resident Bob Jacobs read a lengthy statement. He had made a proposal which he requested be added~~
25 ~~to the agenda and it had been included in the comments to the bylaws rather than on the face of the~~
26 ~~agenda itself.~~

1 MOTION: _____ To approve the bylaws as submitted, along with a revision to have a
2 listing of agenda items not included on an agenda be reviewed as a consent calendar item. Any
3 item reinstated by the Board could be heard at that meeting, or if more preparation by staff is then
4 needed in order for the item to be heard, at a subsequent meeting. _____

5
6 Moved: _____ Shaffer, seconded by Lambert
7 Vote: _____ AYES: Unanimous

8 **Item 914 Encroachment at End of Sunset Way; Water Rates – Ellison, Schneider & Harris LLP**
9 **Transmittal – Legal Fees Incurred:**

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10
11 The Board received correspondence from resident Richard Kohn requesting to see all correspondence
12 between the attorneys at Ellison, Schneider & Harris as mentioned at the last public meeting. Hills
13 reviewed the correspondence with Richard. The issue at hand is transparency and since community
14 money was spent on these opinions, Richard feels the community has a right to know what the opinions
15 were.

16
17 After lengthy discussion, and in order to not compromise attorney/client confidentiality by making the
18 correspondence public, Hills offered to paraphrase the content of the emails and opinions and make them
19 available. Halley will pinpoint the date of the audio recording of the attorney's presentation to the
20 community.

21
22
23 Two directors felt this topic should not be discussed without Linda Lotriet and Peter Lambert present, so
24 the item has been continued to next meeting. Shaffer stressed that at no time in its history has the CSD
25 allowed someone to build a fence on community property.

26
27 **Item 102 Cove Lane Culvert Trail Committee Report:**

28
29 Pete DeFremery worked on repairing the culvert last year but the repair failed on the last rain of the
30 season. He has worked on it again and expects the repair to hold. Shaffer will move forward with
31 obtaining a bid.

32
33 There was some discussion on other Sunset Way repair issues.

34
35 MOTION: _____ That the work on Sunset Way plans continue under the stewardship of
36 Hamilton Rivers, Halley, Shaffer, Matt Silva and Chris Gove and finalized
37 plans, along with bids, be presented to the community as soon as
38 possible. _____

39 Moved: _____ Shaffer, seconded by Hills
40 Vote: _____ AYES: Unanimous

1 Chief Gove proposed installing a fire hydrant at the end of Greene Lane to serve the several houses
2 there.

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3
4 MOTION: To allocate \$10,000 to upgrade the water main and install a fire hydrant at the end of
5 Greene Lane.

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6 Moved: Shaffer, seconded by Hills.

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7 Vote: AYES: Unanimous

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8
9 There was a discussion on the applicability of escheat law as it pertains to the issue of whether Sunset
10 Way is a public or private road and whether the February 16, 1982 road maintenance policy was
11 superseded by the road policy contained in the November 13, 2013 meeting agenda. Minutes of that
12 meeting have not been located but it was determined to the satisfaction of the Board that the policy had
13 been adopted, thereby superseding the 1982 policy.

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14
15 MOTION: To re-affirm the adoption of the November 13, 2013 road policy, with the additions that
16 any expenditures potentially required under that policy are to be subject to the District having adequate
17 funding, and an absence of other higher priority projects needing District resources.

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18 Moved: Shaffer, seconded by Hills

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19 Vote: AYES: Shaffer, Hills, Friedman, Hamilton-Rivers

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20 Abstained: Lambert

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21
22 **Item 14 Easement between Sunset Way and Pacific Way:**

23
24 Continued to next meeting.

25
26 **Item 15 Dog Park:**

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28 Ann Jeschke spoke with Scott Bender, who was made aware of interest in a dog park at the Community
29 Center while the playground was being built. There was some public and Board discussion and some
30 questions raised. This item will be included in next month's agenda so that the Board can make a
31 decision on it.

32
33 **Item 16 Security Cameras at Community Center:**

34
35 Continued to next meeting.

36
37 **Item 117 Public Open Time:**

38
39 Shaffer suggested paying Cuco \$200 to clean up and stack the firewood at the Community Center.
40 Halley will contact Cuco.

41
42 Shaffer noted that at the last meeting, Hills and Shaffer were charged with meeting the Corbits to discuss
43 the noise issues at the Community Center. He feels the event facilitator must begin using the decibel
44 meter. They will determine what the decibel limit is. A second issue is foot traffic and event goers
45 encroaching on the Corbit's property. They will look into splitting the cost of a fence. It was noted that
46 they are not setting a precedent for the whole community and that this is a one time arrangement.

47
48 Gary would like to have the representative from the bicycle coalition back on the agenda. He would also
49 like to see the agenda contain more detail, including proposed motions, so the community has a better
50 idea of what will be discussed at the meetings.

51
52 Hamilton-Rivers announced that there will be no meeting in November. The next meeting will be held
53 December 12th and will be her final meeting as Board President.

54

1 Bob Jacobs made a case for the CSD purchasing Treasury bills instead of certificates of deposit. He
2 believes a higher rate of interest can be earned on them.

3
4
5 ~~Kathy Sward wondered when the Board will be discussing raising water rates again. Treasurer Riehl~~
6 ~~responded.~~

7
8 **Item 128 Recognitions and Board Member Items:**

9
10 Friedman reminded everyone to vote on measure W.

11
12 Shaffer recognized Halley for her efforts on getting reimbursement from PG&E for the damage they did to
13 the water main.

14
15 **Item 139 Adjournment:**

16
17 MOTION: To adjourn the meeting.
18 Moved: FriedmanHills, seconded by ShafferShaffer
19 Vote: AYES: Unanimous

20
21 The meeting adjourned at approximately 8:40:18 PM.