

1                                   **MUIR BEACH COMMUNITY SERVICES DISTRICT**  
2                                   Minutes of the Board of Directors' meeting held on  
3                                   Wednesday, February 27, 2019

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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  
8 minutes are draft only and subject to change. Upon approval by the Board, these  
9 minutes become the Official Minutes of the meeting.

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11  
12 **Item 1: Call to Order**  
13

14 Leighton Hills called the meeting of the Muir Beach Community Services District Board  
15 of Directors to order at approximately 7:08 pm.

16  
17 Directors present:               Gary Friedman, Leighton Hills, Peter Lambert, Steve Shaffer

18  
19 Staff present:                    Mary Halley, District Manager  
20                                        Leslie Riehl, Treasurer  
21                                        Chris Gove, Fire Chief  
22

23  
24 **Item 2: Approval of Agenda**  
25

26 Hills announces that Hamilton-Rivers is ill and so unable to attend, so Hills will chair the  
27 meeting.

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29               MOTION:    To approve the agenda  
30               Moved:     Shaffer, seconded by Lambert  
31               Vote:        AYES: Unanimous  
32

33  
34 **Item 3: Election of Board Officers**  
35

36 This item was put off from the previous meeting. Hills is fine having Hamilton-Rivers  
37 stay on as board chair through the termination of the Sunset Way project. The board  
38 has discussed electing Hills as president effective the end of the project. Shaffer agrees  
39 with Hamilton-Rivers staying as president during the project, but that if we don't reach a  
40 unanimous decision, to put it off again until next time. Friedman and Lambert agree that  
41 we should make a decision now rather than putting it off. In discussion, Marilyn Latsch  
42 asks if there are any other options. The board is considering just these two options.  
43 Harvey Pearlman sees no problem. Paul Jeschke says that if it became overloading  
44 then a vice president could take over. Hills suggests that Hamilton-Rivers stays on as  
45 vice president for that reason.  
46

1 MOTION: To elect Hills as president for the next year and keep Hamilton-  
2 Rivers as vice president for the next year.

3 Moved: Shaffer, seconded by Friedman

4 Vote: AYES: Unanimous  
5  
6

7 **Item 4: Consent Calendar**  
8

- 9 1. Approval of Draft Minutes from Special Board Meeting of 1/10/19.  
10 2. Approval of Draft Minutes from Regular Board Meeting of 1/23/19.

11  
12 One correction for 1/10 meeting: Treasurer Riehl was not present.  
13

14 MOTION: To adopt the consent calendar

15 Moved: Shaffer, seconded by Friedman

16 Vote: AYES: Unanimous  
17  
18

19 **Item 5: Items Removed from Consent Calendar**  
20

21 No items removed.  
22  
23

24 **Item 6: Treasurer's Report**  
25

26 Reihl says that finances are cooking along just fine. Continuing to operate at a loss in  
27 the water dept. The 25% increase and \$500 one-time fee which was asked for and  
28 voted on has been deemed not valid by county counsel, and she's hoping to propose a  
29 new rate structure in March. It will be different from what we've done in the past, so she  
30 asks the board to give it careful consideration.  
31

32 Hills expands by saying that the difficulty is to justify why it costs more (e.g. in the short  
33 term) to deliver more water to people – tier 5 is a much higher rate than tier 1. Almost all  
34 other water districts do that. The trouble with throwing in the towel and just charging  
35 everyone the same rate means that the highest users will have a huge price decrease,  
36 and the lowest users, those who are conserving water, would face a price increase. We  
37 need to study other water districts to figure this out.  
38  
39

40 **Item 7: District Manager Report**  
41

42 Halley has worked up water cost-of-service study and where others are using tiers.  
43 County Counsel is being very conservative to protect the board from litigiousness. This  
44 research is ongoing.  
45

1 There has been some flooding lately. In fire protection, Cuco did a first round under the  
2 building, cleaning out debris. Community Center: getting quotes for new flooring. New  
3 piano was donated and is now in place. No news on the encroachment onto CSD  
4 property by the owner of 50 Starbuck; hoping for a neighborly conclusion. Redwood  
5 trees below the Community Center will soon block the view from the Community Center;  
6 the absentee property owner has been difficult to get in touch with. Halley proposes  
7 topping them soon, while it will still look pretty natural. Lambert use to live there and has  
8 talked to the owner about them; they also block the sound. But the trees are on CSD  
9 property. The owner would be happy if we planted something else to take their place  
10 before removing them. Shaffer is in favor of just planting something new, and not  
11 trimming, just removing them eventually. Harvey Pearlman hates to see us getting rid of  
12 a redwood. A joke is made about planting cell phone towers that look like trees.  
13 Seacape Drive – Marin County DPW has responded quickly to reports of speeding and  
14 lost tourists; new “No Beach Access” signs designed to address this. Line-of-credit: in  
15 the process of applying for potential emergency loan from Marin County. Worker’s  
16 comp: across-the-board 5% increase. Board members discuss longer-term finances and  
17 keeping a document of upcoming improvement projects. 2016 audit looks good.  
18 Considering that the previous ones had negative numbers, these are good – hard work  
19 was done in figuring out the details from previous audits. Halley recommends approval.  
20

21 **Item 8: Approve Revised FY2016 Draft-Audit**

22  
23 MOTION: Accept to approve the 2016 revised audit  
24 Moved: Shaffer, second Lambert  
25 Vote: AYES unanimous  
26  
27

28 **Item 9: Sunset Way Project Update**

- 29  
30 1. Project Manager – List of Authorities, Duties, and Responsibilities. The Board to  
31 discuss and approve the authorities that will allow the Board appointed Project  
32 Manager to have the powers needed to oversee the project and define what are  
33 the delegated duties.  
34 2. District Manager – Board to discuss and approve Supplemental Contract for  
35 separate work on Sunset Way Project when or if needed.  
36 3. Update – Director Leighton Hills, Board appointed Project Manager, will give an  
37 update on the current status of the project.  
38

39 The contractor, Chris Lamb, is present. Contract was received by the board just hours  
40 ago; they will be looking at it. Contractor indicates that most of the changes have to do  
41 with CSD paying inspection costs, and so taking some of that language out. It is a  
42 standard contract, giving everyone the protection they’re supposed to have. Contractors  
43 are attempting to start April 1; it’s very possible it would take less than 6 months. There  
44 will likely be some breaks, though they would prefer not to have breaks. Once they get a  
45 provisional okay on the contract they’ll get started, first with piers, retaining walls, and

1 curbs, then moving on to water main and services, then get into the big work, which is  
2 all the dirt work, new aggregate, and asphalt.

3  
4 Hills says they will be using the pump house area for storing equipment. Contractor  
5 explains the process of taking out a road by layers, and reusing the materials to  
6 recompact the road. Some of this material can be reused on Charlotte's Way as well,  
7 which will be mutually beneficial. Further discussion about the process for how  
8 individual owners will be able to have their own driveways upgraded; Hills will  
9 coordinate a list, and then the contractor will work with each homeowner individually.  
10 This would happen when the paving was done. The more they know before they start  
11 the main paving, the more smoothly it would go.

12  
13 Lambert asks if we will be submitting plans to the county. Hills says the strategy is that  
14 we're replacing an existing road, and replacing an existing water main – both of which  
15 are expressly not maintained by the county – not doing anything down by the coast or in  
16 Cove Lane, and so we don't think we need a permit, and we would ask the county to  
17 confirm that. Linda Lotriet asks about the soil being moved; Hills replies that we are re-  
18 using it and so it doesn't require approval based on coastal rules. Linda agrees.

19  
20 As for the Project Manager's authorities, duties, and responsibilities, Hamilton-Rivers  
21 came up with a list, and Hills is more in favor of having an overall description which he  
22 has brought and read aloud.

23  
24 MOTION: To approve contract for Halley and the description for the Project  
25 Manager for the Sunset Way project.

26 Moved: Lambert, Shaffer second

27 Vote: AYES unanimous

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30 **Item 10: Fire Department Report**

31 Chris Gove goes over his report very quickly. We had a total of 51 calls last year, a  
32 significant decrease from past year – not sure why but possibly due to decreased traffic  
33 at Muir Woods. Lots of calls for fallen trees etc. due to storms. Discussion of the  
34 Audubon property along Pacific Way where large pine trees are falling – five big ones in  
35 the past four weeks. Linda Lotriet comments that The Nature Conservancy lost three  
36 large trees as well. A fire happened at the end of the road which was due to wet  
37 conditions and caused by malfunctioning PG&E plastic.

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40 **Item 11: Firehouse Update**

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42 Finally had a meeting last month, drew a footprint for the setbacks required. Process  
43 continues.

1 **Item 12: Emergency Generator for the MBCC**

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3 Paul Jeschke: "With flood, fire, earthquake and tsunamis an ever-present threat to our  
4 community, now is the time to act decisively on the purchase of a propane-fueled  
5 generator for the Community Center along with necessary electrical modifications to  
6 accommodate emergency power services in a disaster."

7 Particularly important now that PG&E has announced that they will cut power when fire  
8 conditions are high. So, this is important to allow community members to charge  
9 devices, etc. Some years ago, the board did approve the purchase of a generator, along  
10 with the necessary funds for modifying the electrical system of the building.

11  
12 Hills recalls that Gove had once mentioned the possibility of a free generator; Gove  
13 says that remains a possibility, but "free" is an overstatement because we'd also need  
14 to modify the electrical system, and that we should look for a grant for that. Shaffer  
15 points out that we already own two 2000W generators that are still in boxes, so those  
16 should be sufficient. He also says that following the vote to buy a generator was  
17 followed by discussions wherein the idea was shelved for various good reasons. Hills  
18 says they have small tanks, but you can get a 6-gallon extended run fuel tank that will  
19 run the generator for three days straight. Jeschke says that the beauty of a backup  
20 generator is that it comes on immediately, rather than having to scramble to find the  
21 generators and fuel etc. Hills suggests that we use the existing Honda generators and  
22 come up with a plan to have them ready to go in case of emergency. Marilyn Latsch  
23 says that the Community Center has been designated as an emergency center and that  
24 there should be a generator here. Further discussion ensues about what would  
25 constitute a good solution, centering on how the existing generators could be made very  
26 readily useful.

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29 **Item 13: Drainage Ditch above Sunset Way**

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31 Cuco has come in to take out large material since this item was suggested. Tayeko  
32 Kaufman lauds Halley's excellent response and asks about an ongoing maintenance  
33 plan. Hills comments that this kind of thing would never be allowed to be designed  
34 today, because there is so much danger of flooding. It's very important to maintain and  
35 is now on the CSD's radar. Kaufman adds that there is a fence right over the ditch, and  
36 that fence catches all the debris, so it backs up, and overflows elsewhere. Hills says  
37 that when it went in about five years ago, the owners agreed that it would be open when  
38 there was a storm, and that if there were ever a problem, they would address it. Halley  
39 had also pointed out that it's also a pedestrian easement, so they really should have a  
40 gate. So, we need to restart the conversation again and probably request that they  
41 remove the fence, which only goes about a yard past the easement anyway. Don  
42 Cohon was affected by the waterfall. Also, a lot of gravel came down, which affected the  
43 stones in the path. He's incurred \$150 in charges and an upcoming charge of \$25/hr.  
44 Because the ditch is supposed to be the responsibility of the CSD, he asks that the CSD  
45 pay half of these costs. The board agrees. Ongoing discussion about what do to with

1 what in a very difficult situation that should never have been built that way in the first  
2 place.

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5 **Item 14: Public Open Time**

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Halley passes on an update from Mia Monroe about NPS.

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10 Chris Gove expresses gratitude for the flowers the community sent last month, which  
11 were sitting on their front door right after his father passed away.

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13 **Item 15: Recognitions & Board Member Items**

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Shaffer expresses thanks to Lloyd Gross for arranging the donated piano.

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18 **Item 12: Adjournment**

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MOTION: To adjourn

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Moved: Friedman, seconded by Shaffer

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Vote: AYES: Unanimous

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Meeting adjourned at 8:44 pm.

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## Project Manager — Sunset Way Improvement Project

In lieu of hiring an outside project manager for the forthcoming Sunset Way Improvement Project ("Project"), the Board of Directors of the Muir Beach Community Services District proposes to delegate day-to-day project oversight responsibilities to two of its members, Director Leighton Hills, and Director Steve Shaffer. Leighton has agreed and will serve as primary project manager, and Steve has agreed and will serve as an alternate project manager. The position shall be known as Board Delegate Project Manager ("BDPM"). From time to time, Leighton or Steve may call upon District Manager Mary Halley for assistance as needed knowing however that she has a relatively full schedule. The District shall compensate Mary for any time spent on the Project in accordance with a separate agreement.

1. Owner's Representative. The BDPM will oversee the project in the role of an owner's representative and will process the project on behalf the District to its successful conclusion. The BDPM will report to the Board at its monthly meetings, or more frequently if requested, all aspects of progress on the Project. The BDPM shall be the primary contact of the District with all contractors.
2. Construction Documents. The BDPM shall adhere to the current approved plans prepared by ILS Associates. The BDPM shall have authority to execute on behalf of the District a construction contract and make amendments thereto from time to time on behalf of the District with the understanding that material changes must receive approval by the Board of Directors prior to being executed by the BDPM. The BDPM may call upon legal counsel as needed in the performance of duties.
3. Permitting. The BDPM shall be responsible for obtaining the necessary permits for the Project from governmental authorities.
4. Coordination with Residents. The BDPM shall communicate with affected residents in order to minimize the disruptions from the Project. BDPM shall coordinate with delivery services such as FedEx, UPS, propane vendors, garbage and recycling services in order to minimize disruption and inconvenience from the construction activities.