

1 Moved: Hamilton-Rivers, seconded by Lambert
2 Vote: AYES: Unanimous
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4

5 **Item 4: Items Removed from Consent Calendar**
6

7 No items removed.
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9

10 **Item 5: District Manager Report**
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12 Halley goes over the highlights from the 5/28/19 District Manager Report, a written
13 document which (as always) is included with the monthly meeting packet available
14 online at <http://www.muirbeachcsd.com/meetings>.
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18 **Item 6: Approve FY2017 Draft-Audit**
19

20 Halley says that this is a continuation of the process that has been discussed before.
21 Hills reminds everyone that the audits are on the website
22 (<http://www.muirbeachcsd.com/financials/>), and asks if there is any discussion; there is
23 none.
24

25 MOTION: To approve the audit
26 Moved: Hamilton-Rivers, seconded by Lambert
27 Vote: AYES: Unanimous
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30

31 **Item 7: Proposed Water Rate Increase and Revision**
32

33 Hills reminds all that this was discussed at the last meeting, and that Halley cooperated
34 with County Counsel on it; a few days ago Hills and Halley participated in a conference
35 call with County Counsel. The most useful advice we got is that we're able to have
36 conservation discounts based on our usage. It's very similar to the tiered structure we
37 have now, but that kind of structure needs to meet certain standards, and the discount
38 structure works better. The new rates will fairly track the existing tiered rates. We had
39 thought a 25% increase would be enough to get us into the black on water operations,
40 though recently those have gone into the red. We've also discussed updating the water
41 capital improvement fee which went into effect in the 1990s at \$300 and is still there.
42 We calculated what it would be with inflation, which is around \$500. What we've
43 decided to recommend at this point is that that fee goes away, and we would have a
44 new meter charge where each meter up to 1" (all of them) will have the same \$78
45 charge, and Pelican Inn with its 1.5" meter will get charged \$360. Halley's calculations
46 have worked out that the rates would be \$2.18 per hundred gallons, up from the top tier

1 rate of \$1.62 per hundred gallons. Then we'd have a 50% discount for low amounts,
2 43%, 30%, and 0% discounts for other ranges.

3
4 Halley notes that the expense we're needing to match is \$130,000-138,000; we have to
5 have rates that don't exceed the cost of service – County Counsel confirms we can't go
6 over this cost of service, but it's up to us if we want to charge somewhat less.
7 Additionally, we're able to have a meter-reading charge, which includes the costs of
8 having the meters read and bookkeeping for sending out the billing, which is all
9 becoming uniform under Prop 218. So, we're conforming with that.

10
11 Hills notes that although this is a sizable increase, since rates haven't gone up since
12 2010, it actually comes out to about a 3% annual increase.

13
14 Hills has further proposed a revision modestly less costly than the charges allowable
15 under Halley's cost of service study. The base rate would be \$2.00 per hundred
16 gallons, rather than \$2.18, and then the same percentage discounts for conservation
17 would be applied. His table shows a more uniform increase for those in the existing
18 three tiers of usage – around 28%, and then increases in the high 30s for the very
19 largest users.

20
21 Friedman asks why the percentage increase for Tier 3 is somewhat lower than the
22 percentage increase for Tier 2. Hills says that this process of doing it in reverse, with the
23 discount, makes it difficult to be precisely uniform in the percentage increase. Going
24 forward, we can ensure those increases are uniform.

25
26 We are now scheduling this for a public hearing, for the July meeting. There will be a
27 first reading at the June meeting, then more information will go out to the community.

28
29 Tayeko Kaufman asks for clarification of how the discount structure works, which Hills
30 and Shaffer explain. Halley further explains that under the California constitution, there
31 is encouragement to conserve water as a valuable resource, and that in trying to
32 transition from our old system to meet Prop 218, we've been trying to find ways to
33 smooth out the differences between the tiers. This was an idea that was allowed by law
34 and could act as a mechanism to help us encourage water conservation. It's very much
35 in the community's favor that we offer discounts, rather than if we didn't. Hills notes that
36 the alternative of a single flat rate across all users would mean that the lowest users
37 would have an increase of several hundred percent, and the highest users a decrease,
38 which is clearly unacceptable. This is a way to make the percentage increase fairly
39 uniform across the tiers. Halley goes over the many alternative structures they
40 considered, especially in terms of incentive to conserve water.

41
42 MOTION: Using the \$2.00 per hundred gallons proposal, to schedule the
43 reading for the next meeting, and public hearing at the following regular meeting.
44 Further, the board recommends following a CPI index for future increases.

45 Moved: Shaffer, seconded by Hamilton-Rivers

46 Vote: AYES: Unanimous

1 **Item 8: FY19-20 Draft-Budget**

2
3 Halley goes over the required sequence, which includes a first reading of the budget,
4 and then a second reading at which it can be approved. At this point it's a draft, subject
5 to input from the board, and is included in the Board Packet which is available at
6 <http://www.muirbeachcsd.com/meetings/>. Halley discusses a few details. Hamilton-
7 Rivers asks about the condition of the water line in Pacific Way. Hills and Shaffer think it
8 was replaced in the late 1990s, and Shaffer feels are still in good condition; Halley notes
9 that Charlotte's Way and probably others are a higher priority. Lambert asks about the
10 transmission line along Frank Valley Rd; Halley responds that we'll be doing that in
11 phases, and she has that included in the water rate proposal, packed into the meter
12 charge fee. Because Prop 218 doesn't allow us to start saving for a project in the far
13 future, we can do it in phases.

14
15 Hills notes that we don't need to schedule or approve anything at this point, and that this
16 is on the agenda for approval at the next meeting.

17
18
19 **Item 9: Fire Department Report**

20
21 Chris Gove gives the report:

- 22 - Another successful BBQ last Sunday, no numbers to report yet.
- 23 - We've had another meeting with the County about the new fire house and
24 another is scheduled; he'll have a report next month with that status.
- 25 - MOU for Measure W is complete and he's asking for a vote on it; he feels that we
26 do well with the agreement and urges approval. (This is also included in the
27 Meeting Packet.)
- 28 - All members completed the course for EMR last month, so all are trained to the
29 requirements of the County, including newest members.
- 30 - A grant application was submitted recently for over \$50,000 of new equipment.
- 31 - Gove will be submitting a draft budget next month along with updates on the
32 potential for a warning siren.
- 33 - We will be hosting Sidewalk CPR and 'Stop the bleed' in the parking lot at the
34 beach on Sat June 8th. The latter is to help people stop bleeding after an accident
35 or shooting in order to give first responders more time to get there.

36
37 MOTION: That we accept the MOU on Measure W as written.
38 Moved: Shaffer, seconded by Friedman
39 Vote: AYES: Unanimous, with Hamilton-Rivers abstaining.

40
41
42 **Item 10: Sunset Way Project Update**

43
44 Hills reports that we've finally come to a contract and gives some details about the
45 mechanism it includes to keep the project on schedule and from taking longer than the
46 agreed six months.

1 Hills has met with the contractor at length, and they've marked with orange paint all of
2 the water services up to the second valve near the former horse pasture on Sunset. In
3 addition, there will be a new valve placed at the top of Cove. The contractor will work to
4 the next valve, then go back and reconnect all residents to the new water main. The
5 contractor is confident that he can finish the water main after 30 calendar days of work,
6 which is good because the open trench is the most difficult thing for us in terms of
7 automobile access. When the water main is finished, construction will be in individual
8 (smaller) areas, though some parts (e.g. paving) will necessitate closing the entire road.
9

10 Hamilton-Rivers asks for clarification about how long water shut-offs would be; Hills
11 replies that they would be minimal, perhaps as little as 30 minutes or maybe a couple of
12 hours total. Lambert asks about new meters; Halley and Hills say that there are grants
13 for such a thing and that we might be doing that as a later project. Hamilton-Rivers asks
14 about when deliveries should be re-routed; people be alerted when they'll need to do
15 that. Halley says that it would be better for people just to use the Community Center
16 address. Further discussion about options for package deliveries.
17

18 Hamilton-Rivers asks if anyone has talked with NPS about using the beach parking lot
19 for additional parking. Halley or Hills will coordinate. Tayeko Kaufmann asks about
20 parking on Pacific Way. Shaffer thinks there's plenty of room on Pacific for people to
21 park. Hamilton-Rivers suggests people just put a note in their windscreen with
22 name/phone number.
23

24 Peter Lambert wrote an email earlier in the week saying he had some objections to the
25 turnaround at the end of Sunset, which will now be discussed as Lambert recuses
26 himself because of his ownership of the house immediately adjacent to this turnaround.
27 He asked Halley how recusal operates, and she has done some research. Halley
28 discovered that in this case the board member should actually leave the room rather
29 than just sit with the public. Lambert therefore leaves the room.
30

31 Linda Lotriet comments that they received the final plans regarding the turnaround on
32 May 3. She and Peter feel that the plans have some problems, about which they have
33 submitted a report to the board. The new plan differs from the previous plan which had
34 been developed by the board and the (at the time) co-district managers, on six points.
35 They're hoping that the CSD will respond to those, which they feel are significant
36 problems. They have additionally written a letter to the CSD regarding five items that
37 they felt they did not have an answer on as to whether they were feasible. Two of those
38 items have to do with Marin County planning issues; one is a practical issue because it
39 blocks access, and the other two are listed. The most important are the first two
40 because they affect their property as owners from a Marin County planning point of
41 view. One is that the previous plans kept a 25-ft setback from current house, and the
42 new plan does not. Upon enquiries, the senior planner at Marin County responded that
43 they cannot answer those questions easily without conducting a study. In this case it
44 would probably involve two things: one is that the project needs permission through
45 public works, and the other, is if a wall and retaining wall is built closer to their house,
46 then would they have problems in the future getting planning permission to do work on

1 the house. A formal study is required to get an answer to this question. The other issue
2 has to do with permits – the current plan has two walls which exceed four feet; her last
3 understanding was that the project was trying to keep walls under four feet; this
4 exceeds it, which means a permit is probably required. That’s a project consideration,
5 whether the project should proceed without permits, or whether they may have permits
6 (she doesn’t know). As the owner of a house that’s so close to a wall that potentially
7 exceeds the permitting levels, they are concerned that proper health and safety aspects
8 are followed, so that you have a permit for a wall that requires a permit, and she doesn’t
9 know what their responsibility is with regard to the easement, or whether it lies with
10 them as owners of the adjacent property.

11
12 The other two questions are regarding whether the uphill owners (not present) have
13 given formal permission for what might be use of their own property, and whether the
14 CSD will be recording a formal easement over that – those owners are not present, nor
15 has she discussed her concerns with them. These are the main questions she would
16 like to discuss, though she still hopes for answers for the other questions they sent.

17
18 Hills begins by saying he thinks he has good news. The retaining wall height standards
19 are measured for the exposed face of the retaining wall; our engineer is able to bury the
20 lower part of the wall, as it is shown in the ordinance for the county standards, and the
21 exposed face ends up being under four feet. Hills further refers to County documents
22 that show walls on the downhill side of a road can be up to six feet without having
23 design review. So a design review permit is not needed from the County.

24
25 On the second question, of whether moving the road closer to 25 feet from the house
26 makes the house unbuildable, Hills responds that the County ordinances say that the
27 front yard setback is measured from the edge of the easement, not from the edge of the
28 pavement. So it would have no impact, since they’re not changing the easement. The
29 easement happens to come very close to the house; in most of Muir Beach it provides
30 25 feet setback, and along Sunset there’s a special ordinance that reduces that to 20
31 feet. How Lotriet’s house was built with a 1.5 foot setback Hills doesn’t know, but it’s
32 probably somehow in the planning records. Lotriet responds that the house was built in
33 the 1930s, when the rules were different, and so is likely grandfathered. Hills’ general
34 response is that if she were to have problems with permits in the future, it would be due
35 to that 1.5 foot setback between the house and the easement, and would not be due to
36 the distance between the house and the pavement. Shaffer comments that he is
37 comfortable with Hills’ answer. Friedman acknowledges that this concern is now on
38 record, and that if the issue comes up in the future, we can refer back to this, and that
39 Lotriet has now taken the steps to make these points which the board appreciated.

40
41 Hills continues that for 330 Sunset, the Crawfords, had participated in the Roads
42 Committee which developed this turnaround design, and they are reportedly very happy
43 with the proposed turnaround and want it to go forward. Misti Norton comments that she
44 has spoken with them, and reports that she says they don’t want to quibble over it, that
45 they recognize that the turnaround is necessary and that it’s not as far back towards
46 them as it was in an earlier proposed design, and they don’t have an issue with it.

1 It was agreed that the portion of the road that will go over a triangle of land owned by
2 the Crawford's will be formalized in writing with the Crawfords. Hamilton-Rivers adds
3 that when we had an ad hoc committee meeting with Sunset residents the Crawfords
4 were present, and they knew they had that triangle and were willing to concede that on
5 the understanding that space for the turnaround would be taken equitably between their
6 property and Lotriet's. When that committee came up with the earlier drawing where
7 they were trying to limit the extent of the turnaround and the big walls involved was in
8 direct sympathy and respect to what they had said at that time. Hills has confidence in
9 what came out of the multiple voices of the committee. Misti adds that, what the
10 Crawfords are more concerned with, is that several trees were planted on CSD property
11 near Linda's house, and will block their view – that's what they're concerned with, not
12 the inches of easement and so on.

13
14 Lotriet's final point is that there is a 2.5 foot high wall on the new plan that could partially
15 restrict access to an enlargement being considered for their garage. Again, the
16 response is that it's too late to propose changes to the plan. Hills points out that we're
17 under contract on this agreed set of plans and that the plans cannot be changed at this
18 point without jeopardy to the project and to the community.

19
20 After the discussion concluded, Lambert rejoined the meeting.

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23 **Item 11: Pacific Way Bridge Working Group**

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25 After a previous meeting with Supervisor Rodoni, he asked Halley if a 7-member Pacific
26 Way Bridge working group could be set up to include at a minimum: 1-2 MBCSD Board
27 members, 1 member from the MBVFD Fire Dept, along with Christian Riehl and Peter
28 Rudnick who have already volunteered, plus 2 additional MB residents. Shaffer names
29 a number of individuals who he would recommend for the committee. Friedman
30 observes that there have historically been difficulties given the number of agencies
31 which are involved. There are no immediate members of the board to volunteer to
32 participate. Shaffer recounts his version of the history and says that this sounds a bit
33 different and he's more optimistic that something on a smaller scale could get done.
34 Friedman asks Halley about Rodoni's motivations in doing this now; she supposes it
35 has to do with his having received a number of calls and letters on the topic over the
36 previous season. Shaffer (a Pacific Way resident) finally agrees to join in.

37
38
39 **Item 12: CC Bocce Ball Court Proposal**

40 MB resident Tom Passow has noticed that the space below the Community Center deck
41 is a good proportion for a bocce ball court and proposes building one. He has a friend
42 who has built one and it's not very easy. He thinks it would be great to have a spot for
43 games for adults, and could also be attractive for people who rent the CC. The best spot
44 would be right below, before the children's area. There's also a spot on the other side of
45 the wall. His friend's court is 36'4" interior length, and is a bit narrow at 5'9"; generally,
46 they're a bit wider than that. Shaffer asks him to come up with a cost estimate, and

1 notes that John John and Kathy Sward have a bocce ball court in their backyard, so
2 they could be consulted. The members of the board all chime in that it sounds like a
3 good idea, and the big question is about the cost of building and maintenance and
4 encourage him to follow up. An audience member points out that there's a bocce league
5 in Marin and that we could have a team. Tayeko Kaufmann likes the idea too but would
6 like to see its supporters finance/fundraise it as well. The question comes up about the
7 volleyball court and how it's financed; the answer is that it's mostly self-supported by
8 those who play.
9

10
11 **Item 13: Public Open Time**
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13 Tayeko Kaufmann feels that there's a problem with the trees along the entry to Pacific
14 Way, that the area is dangerous and a fire hazard. Chris Gove has been in frequent
15 contact with Audubon Canyon Ranch, who own that land, and they've said they will be
16 taking care of the area. The long-term goal is that they will clear-cut the area, and they
17 are trying to come up with the funding.
18

19 Hamilton-Rivers asks if we've talked about poison in the district. She has rats seemingly
20 dying from poison and is really concerned because there are also baby foxes which
21 seem to be taking ill because of poison. She's heard that people have lost cats here,
22 and all sorts of things. Shaffer says that they can advise people not to but can't tell
23 people they can't. Hills and Friedman agree that people need to be educated and made
24 aware of how dangerous products like RoundUp are. Misti Norton has called Terminex,
25 and they have methods that use no poison; so yes, it's important to get the word out so
26 that people know that poison is not only horrible for the larger ecosystem, but also
27 completely unnecessary.
28

29 A chicken was observed on the bridge.
30

31 **Item 14: Recognitions & Board Member Items**
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33 No items.
34
35

36 **Item 15: Closed Session**
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38 Performance review of District Manager Mary Halley
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41 **Item 16: Reconvene in Open Session**
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43 The board reconvened in open session and reported that the board has found Halley's
44 performance to be excellent. It then discussed the possibility of a raise for Halley. Her
45 salary had been \$55,000 approximately 1 year ago, it was later increased to \$65,000
46 and the board discussed increasing it further to \$72,000.

1
2 MOTION: That DM Halley's salary be increased to \$72,000, effective
3 immediately.

4 Moved: Friedman, seconded by Lambert

5 Vote: AYES: Unanimous

6

7 It was further requested that Halley calendar her next review to take place one year
8 from now.

9

10 **Item 17: Adjournment**

11

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

13

14 Meeting adjourned at 9:20 pm.