

BEL MARIN KEYS COMMUNITY SERVICES DISTRICT
Regular Board of Directors Meeting

MINUTES

Thursday, May 15, 2014

Directors:

Darrick Chase, President
Vince Lattanzio, Vice-President
Ernie Ganas
Ruth Simpson
Mark Montobbio

- I. **Call to Order (PLEASE TURN OFF CELL PHONES): 7:34pm**
- II. **Pledge to the Flag**
- III. **Roll Call: Chase, Lattanzio, Simpson, Ganas** **Absent: Montobbio**
- IV. **Approval of Minutes**
****MOTION to approve minutes from the Regular Board meeting of April 17, 2014**
M/S: Chase, Lattanzio
Ayes-Chase, Lattanzio, Ganas, Simpson **Absent: Montobbio**

- V. **District Managers Report**

-The California Tax Foundation has requested information regarding the Parcel Tax, BMK CSD/CFD #2001-1 & BMK CSD/CFD#2002. I contacted Bill Euphrat and he sent me a link to a Web Site that has all the disclosure information regarding our Bonds and Parcel Tax and it saved me a lot of time and trouble getting all the information together. The Website is on the Municipal Securities Rulemaking Board's EMMA.

-LAFCO will propose a study schedule for 2013-2017 Cycle for Marin County Cities and Special Districts to review and update spheres of influence. I spoke with Keene Simonds who is the Executive Officer and he would like to be at our June board meeting to introduce himself to our Board. I told him we would be sure to put him on the agenda.

- VI. **District Engineering, CLE**
 - A. **South Lock Settlement project update**
The Lock will be surveyed in October that is one year after the stabilization work that was undertaken.

 - B. **Novato Creek Watershed Stewardship Program update**
The technical meeting is scheduled for the spring.

 - C. **South Lagoon Levee update**
Mr. Parent noted that included in the board packet was a letter from principal engineer, John DeRuggeris, addressing the particular areas of concerns and priority for construction and repairs. The Board has previously approved putting together a five year contract and work to begin in September of 2014. Mr. Parent noted that there was a levee failure and breach end of Cavalla Cay and potential to overturn with a large number of people on top

of the levee. The Board also requested CLE to review the condition of that area. Mr. DeRuggeris noted in his letter that there is a need to protect and limit the access from the gated entrance to the vicinity of the borrow area, and cordoned off until the repairs are undertaken to avoid further disturbance and damage. Mr. Parent noted that a separate cover letter from the CSD will be sent to the State Coastal Conservancy.

Vice President Lattanzio asked for clarification as to how that section of the levee would be closed and the need to install signs. Mr. Parent noted that whatever is decided will be cost effective and anticipates closing the upper levee for six months.

D. FEMA FIRM Map Update

The FEMA determination notice for the County of Marin for the San Francisco Bay Area Coastal Study had been filed with the Federal Register on Tuesday, May 13th. A notice needs to be sent to all residents.

E. Culvert Gates

Ballard diving inspected gate number one and it is non-operational, and repairs will be tracked under Measure D, as for right now we have two operational gates and being able to handle what we need to do as far as flushing.

F. Pacheco Pond

The gates to the pond have been opened and seem to be tracking four tidal actions a day.

G. Novato Creek/North Lagoon Survey Update

Mr. Parent noted that an additional north lagoon survey will be performed and looking to expand areas with regard to the hole as material is being taken in with the opening of the gates. He noted that he is on track with permitting and Wendy Rocha, Senior Project Manager, is asking for more data.

Director Ganas asked for pricing. Mr. Parent noted that it is estimated anywhere from \$25 to \$50 dollars a yard. Further update will be provided at the next meeting.

H. Montego Park update

The Montego Park tree removal has been completed and they have cleaned up everything and residents want to know what the CSD will be planting in place. Vice President Lattanzio noted that native plants should be planted and look at native Oaks.

VII. Waterways Manager Update

A. Lagoon Water Quality

No sites exceed County of Marin standards and have noticed a small isolated area of algae. The South Lagoon shows a higher level of dead man's fingers (Codium Fragile) and the salinity levels are higher and clarity is deeper than in previous years. The Nualgi application is complete and Sunset Lagoon received treatment as a test area. There is a budget line item to manage the shoreline improves clarity and manage the vegetation grown along the shoreline from organic perspective.

B. Update on Flushing

Flushed was performed this week and will continue with twice a month schedule and not take place over the weekends.

C. Update on North Lock Maintenance

Will be painting from waterline up. Lighting not resolved at the mercy of PG&E. stand alone light and out by the lock and motion sensor.

D. Update on South Lock Maintenance

Maintenance was performed and lighting issue has been resolved and will be painting next week.

VIII. New Business

A. Americans with Disabilities Act (ADA): Community Center Dock

Vice-President Lattanzio noted that dock restrictions due to ADA compliance was limited access only for staff for maintenance and will need to look for a consultant to get a price as to what it would take to make dock ADA or if we are exempt from meeting said requirement.

Director Simpson noted she asked to have this item on the agenda for there is a lot of misinformation circulating with regard to the use of the dock and how it came to be and what, if any, options are there moving forward.

Mr. Parent noted that the District may have lost its grandfathering due to the extent of remodeling and during the deck remodel the condition to sign off on the permit was to block/restrict use of the dock for it was not ADA compliant, therefore, the sign was posted as it sufficed the County.

****MOTION to hire a consultant specialist to review the dock and facility with ADA requirements and inform the District what the cost would be to comply if need be.**

M/S: Lattanzio, Ganas

Director Ganas noted that the District need to have the attorney take a look at the exception for he feels the District may be except given the list of exceptions provided under the ADA requirements.

President Chase questioned if results back are more money than expected would the District move forward and fix it or simply not use the dock? The Board agreed to get consultants opinion and then look at options.

VOTE: Ayes-Chase, Lattanzio, Ganas, Simpson

Absent: Montobbio

IX. Old Business

A. Bel Marin Keys Yacht Club Memorandum of Understanding for the kitchen improvement

President Chase noted that at the last Board meeting there were four members present and Director Montobbio was absent, the board at that time approved a memorandum of understanding (MOU) and he is looking to revise that MOU.

****MOTION to amend the previously approved memorandum of understand and strike paragraph 4, which states that the parties agree to share costs, as may be negotiated, for any**

other major modifications or renovations of the Community Center facility share cost and negotiate cost for renovation moving forward. In addition would like a provision added so the issue gets resolved and if it is approved the YC make payment within 14-21 days, if not, MOU will expire.

M/S: Chase

Motion died, no second

****MOTION to continue with approval and agree to get payment based on the original MOU that was revised and approved by the Yacht Club and the Board with the changes outlining dates.**

M/S: Lattanzio,

MOTION died, no second

Vice President Lattanzio noted the paragraph four was never discussed at the last meeting and noted nothing can be done to the building unless the Board signed off on it.

President Chase noted that having a CSD in contract with the YC going forward on a very vague un-specific contract provision which the CSD can be accused of not negotiating and demand the CSD pay up and the CSD may or may not want to participate, and that is very vague and puts the CSD in a bad position in his opinion.

****MOTION that the MOU approved at the last meeting paragraph four be struck and a time limit for the CSD and Yacht Club to sign and agree to MOU and deliver payment of \$50,000 to the CSD.**

M/S: Chase, Simpson

President Chase noted that that it is not enforceable for it is vague and nebulous and no value in having it in the MOU and he will not sign MOU as it stand now for he feels there is exposure and liability to the District.

Resident Wendy Gibson noted that there are different interpretations and have different opinion on what equal means and revised agreement would need to be taken back to the Yacht Club membership for approval. She also noted they are entitled to revisit their position.

****MOTION to table to for full board. Special meeting 14 days only item agenda MOU.**

M/S: Lattanzio, Simpson

VOTE: Ayes-Chase, Lattanzio, Ganas, Simpson

Absent: Montobbio

X. Financials

A. Measure D Budget for fiscal Year 2014-2015 review and approval

Mr. Parent noted that Measure D meeting met last Tuesday, and noted the District is back on track and after paying for the South Lock project, and now back to utilizing half of the funds that come in for Measure D for maintenance, water front infrastructure and water quality, and there will be a surplus and putting back into the investment account. Included in the budget are the items that will be moved forward and items that will be deferred unless budget is on track and are provisional projects.

****MOTION to approve the Measure D Budget for fiscal year 2014-2015 as submitted.**

M/S: Lattanzio, Chase

Director Ganas asked for clarification as to how the south levee is funded. Mr. Parent noted that the levee is funded under Bond E and F.

Vote: Ayes- Chase, Lattanzio, Ganas, Simpson

Absent: Montobbio

B. Operating Budget for fiscal year 2014-2015 review and approval

****MOTION to approve the Operating Budget for fiscal year 2014-2015.**

M/S: Ganas, Lattanzio

Vote; Ayes- Chase, Lattanzio, Ganas, Simpson

Absent: Montobbio

C. Municipal Advisory Services presented by William Euphrat, Municipal Finance, Inc.

Mr. Parent asked clarification as to what happens to the surplus money as the reserve is taken away. He noted that the surplus which is currently coming to the District has enable us to put levee projects forward, and that would no longer be a funding source.

Vice-President Lattanzio noted that is critical informational and will need to be clarified as that is a major source of funding for our projects.

****MOTION to table until get clarification from Bill Euphrat about the reserves and table until the Special meeting of May 20th.**

M/S: Lattanzio, Simpson

VOTE: Ayes-Chase, Lattanzio, Ganas, Simpson

Absent: Montobbio

XI. Updates on Projects of Interest

A. State Coastal Conservancy (SCC), Hamilton and BMK V Wetlands Project

The District office has been notified of growing list of issues with the South Lagoon levee as there is no enforcement and maintenance by the State Coastal Conservancy.

****MOTION to approve cover letter to the State Coastal Conservancy Board Director and related agencies of representation with regard with issues with maintenance and lack of control enforcement on the levee.**

M/S: Lattanzio, Chase

Vice-president Lattanzio noted that BMK tax payer carry the burden of paying for maintenance and repairs.

VOTE: Ayes-Chase, Lattanzio, Ganas, Simpson

Absent: Montobbio

B. 8 Acre parcel: Marin County parks- no update

C. Bay Trail

The District Manager noted a sign has been posted by the Brahma Kumaris Meditation Center and concern for this is a liability and could endanger community members; for people use this unauthorized trail and the Boulevard is a very busy road and you cannot see as you are coming up over the rise. She noted she spoke with Tom Gandesbery and asked him if he had put up the sign that says Bay Trail across from Parcel 8 and he said no. He noted that the Meditation center did because people where crossing their property to get to the Bay Trail.

****MOTION to get a letter drafted with District Counsel to identify and clarified the extreme concern and dangers to community and outsider who use said trail.**

Director Ganas noted that the used as a trail as it has not been designated and there is no environmental review.

Resident Sue Lattanzio noted there is no CEQA report and it is promoted in the State Coastal Conservancy site and they are to be held liable and it is an attractive nuisance.

M/S: Lattanzio, Chase

Vote: Ayes-Chase, Lattanzio, Ganas, Simpson

Absent: Montobbio

XII. Open Forum-no comments

XIII. Adjournment

****MOTION: To adjourn the Board meeting of May 15, 2014**

M/S: Chase, Lattanzio,

VOTE: Ayes-Chase, Lattanzio, Ganas, Simpson

Absent: Montobbio

Meeting adjourned at 9:31pm