

# **RICHARDSON'S BAY REGIONAL AGENCY**

## **Board of Directors Meeting Notice**

**Thursday, November 4, 2021**

**Via Remote Zoom Meeting:** Please click the link below to join the webinar:

<https://us06web.zoom.us/j/85394756955?pwd=OXU1M0F2NzY4YU9UdDBkaUxYVGRRdz09>

Webinar ID: 853 9475 6955

Passcode: 876095

**Coronavirus (COVID-19) Advisory Notice:** In compliance with local and state shelter-in-place orders and the Brown Act (Cal. Government Code Section 54950 et seq.) as amended by AB 361 (September 16, 2021), the Agency will not offer an in-person meeting location for the public to attend this meeting. Members of the public may offer public comment remotely from a safe location as described below. Members of the Board of Directors or staff may participate in this meeting electronically or via teleconference.

**How to participate remotely:** Comments may be emailed to [jmalcolm@marincounty.org](mailto:jmalcolm@marincounty.org) in advance of the meeting; please write "Public Comment" in the subject line. Comments submitted at least one hour prior to the start of the meeting will be forwarded to the Board of Directors prior to the meeting start. Those received after this time will be shared with the Board members after the meeting.

The meeting will be available to the public through Zoom video conference. Those who do not have access to Zoom may access the meeting by calling one of the toll-free phone numbers below.

The Richardson's Bay Regional Agency (RBRA) is inviting you to a scheduled Zoom meeting.

Topic: RBRA Board of Directors Meeting, Thursday, November 4, 2021

Time: November 4, 2021 - Open session regular meeting 5:30 PM Pacific Time (US and Canada)

Please click the link below to join the webinar:

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One tap mobile: (720) 707-2699 or (253) 215-8782

Find your local number: <https://zoom.us/j/85394756955> or <https://us06web.zoom.us/j/85394756955>

The RBRA encourages that comments be submitted in advance of the meeting. Those members of the public using the Zoom video conference function who wish to comment on an agenda item for public comment may write "I wish to comment" in the chat section of the remote meeting platform, or click on "raise hand" when that item is underway. Those members of the public attending by telephone who wish to comment should press \*9 on their keypad. The Clerk will unmute the speakers one at a time at the appropriate time for public comment.

Any member of the public who needs special accommodations in advance of the public meeting to attend may email the Agency at [jmalcolm@marincounty.org](mailto:jmalcolm@marincounty.org), or phone (415) 971-3919, and we will use our best efforts to provide assistance. If assistance is needed during the meeting, you may email [jmalcolm@marincounty.org](mailto:jmalcolm@marincounty.org), and best efforts will be made to provide such assistance.

# **RICHARDSON'S BAY REGIONAL AGENCY**

## **Board of Directors Meeting Agenda**

**Thursday, November 4, 2021**

Join Zoom Webinar: Please click the link below to join the webinar:  
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PUBLIC COMMENT IS INVITED CONCERNING EACH AGENDIZED ITEM PURSUANT TO THE BROWN ACT.  
PLEASE LIMIT YOUR COMMENTS TO THREE (3) MINUTES.

Please see above meeting notice information about options to comment remotely in advance, during the meeting via Zoom by writing "I wish to comment" in the chat feature, or via phone by typing \*9 to raise your hand. You will be recognized to speak at the appropriate time during the agenda items.

### **5:30 PM: CALL TO ORDER IN REMOTE OPEN SESSION**

- 1) Call to order and roll call.
- 2) Consent Agenda. The Consent Agenda reflects those agenda items with prior policy approval from the Board and/or are administrative matters. Unless any item is specifically removed by a member of the Board, staff, or public in attendance, the Consent Agenda will be adopted by one motion.
  - a) Approve minutes of October 14, 2021.
  - b) Approve Resolution 04-21 accepting \$220,500 from the State of California Division of Boating and Waterways Surrendered and Abandoned Vessel Exchange (SAVE) Program.
  - c) Adopt Resolution 05-21 allowing continued use of tele/video-conferencing for Richardson's Bay Regional Board of Directors meetings subject to the Brown Act.
- 3) Open time for public expression. Members of the public are welcome to address the Board for up to three minutes per speaker on matters not on the agenda. Under the state Brown Act, Board members may not deliberate or take action on items not on the agenda, and generally only may listen.
- 4) Reports/comments: a) Staff report; b) Board Member matters.

### **ADJOURN TO CLOSED SESSION:**

- 1) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to California Government Code § 54956.9(d)(2).  
Number of potential cases: Two.
- 2) CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION  
Initiation of litigation pursuant to California Government Code § 54956.9(d)(4).  
Number of Potential Cases: One.

### **RE-CONVENE IN OPEN SESSION AND ADJOURN**

AN AGENDA PACKET IS AVAILABLE AT THE RBRA WEBSITE [rbra.ca.gov](http://rbra.ca.gov) and at the Marin County Community Development Agency,  
3501 Civic Center Dr. Room 308, San Rafael, CA 94903 (415) 971-3919 [jmalcolm@marincounty.org](mailto:jmalcolm@marincounty.org)

# **RICHARDSON'S BAY REGIONAL AGENCY**

**DRAFT MINUTES OF OCTOBER 14, 2020**

**Board of Directors Meeting**

HELD REMOTELY VIA ZOOM

## **5:30 PM: CONVENE IN REMOTE OPEN SESSION**

### **1. Call to order and roll call.**

**MEMBERS PRESENT:** Stephanie Moulton-Peters, Chair (Marin County); Steve Block (Belvedere); Alice Fredericks (Tiburon); Jim Wickham (Mill Valley)

**STAFF:** Curtis Havel (Harbormaster); Jim Malcolm (Assistant Harbormaster), Jenna Brady (Legal Counsel)

### **2. Consent Agenda**

- a. Approve minutes of August 12, 2021.

Comments from Robbie Powelson, Peter Romanowski, Timothy Logan, Erinlee "Summer" Fowler, Keven Kiffer, Eva Crysanthé.

Chair Moulton-Peters noted that Director Wickham was incorrectly identified as Board Chair in the minutes.

M/S Block/Wickham to approve the Consent Agenda with modified minutes reflecting Stephanie Moulton-Peters as Board Chair. Motion passed unanimously.

### **3. Action Item: Adopt resolution allowing continued use of tele/video-conferencing for Richardson's Bay Regional Board of Directors meetings subject to the Brown Act.**

Recommended action: Approve.

Comments from Keven Kiffer, Robbie Powelson, Jeff Jacobs Chase, Peter Romanowski, Erinlee "Summer" Fowler, Arthur Bruce.

M/S Fredericks/Block to approve the resolution. Motion passed unanimously.

### **4. Information Item: Harbor Master's Report**

Report received. Harbor Master reported his resignation effective at month's end.

### **5. Action Item: Resolution expressing appreciation for Curtis Havel as RBRA Harbor Master.**

Recommended action: Approve.

Comments from Robbie Powelson, Jeff Jacobs Chase, Sharlie's Galaxy S10, Eva Crysanthe, Keven Kiffer, Timothy Logan, Rebecca Schwartz-Lesberg, Barbara Salzman, Erinlee "Summer" Fowler, Gus Dergis, Casey Arndt, Peter Romanowski, Damian Morgan, Arthur Bruce, Jason Sarris, Chris Dardar, Sharlie Galaxie S10, Peter Romanowski, Melissa Pergeron.

M/S Block/Fredericks to approve the resolution. Motion passed unanimously.

**6. Informational Item: Presentation from the United States Coast Guard, Sector San Francisco, pertaining to jurisdictional relationships in Richardson's Bay.**

**7. Richardson's Bay Regional Agency Transition Plan 2.0 progress report. Staff recommendation: Accept report, and direct staff to reschedule the November 11, 2021 Board of Directors meeting due to the Veterans' Day Holiday.**

Comments from Robbie Powelson, Timothy Logan, Jeff Jacobs Chase, Erinlee "Summer" Fowler, Keven Kiffer, Lawrence White, Peter Romanowski, Arthur Bruce, Eva Crysanthe.

M/S Fredericks/Moulton-Peters to schedule next Board of Directors meeting for Thursday, November 4, 2021. Motion passed unanimously.

**8. Contract with Regional Government Services Authority (RGS) for Interim RBRA Executive Director services. Recommended action: Approve.**

Comments from Keven Kiffer, Erinlee "Summer" Fowler, Eva Crysanthe, Peter Romanowski, Timothy Logan, Arthur Bruce.

M/S Block/Wickham to approve contract with RGS for Interim RBRA Executive Director. Motion passed unanimously.

**9. Open time for public expression.**

Comments from Robbie Powelson, Erinlee "Summer" Fowler, Arthur Bruce, Peter Romanowski, Eva Crysanthe, Keven Kiffer.

**10. Reports/comments: None.**

**8:33 PM: ADJOURN TO REMOTE CLOSED SESSION**

**MEMBERS PRESENT:** Stephanie Moulton-Peters, Chair (Marin County), Steve Block, Vice Chair (Belvedere); Alice Fredericks (Tiburon), Jim Wickham (Mill Valley),

**STAFF:** Curtis Havel (Harbormaster); Jim Malcolm (Assistant Harbormaster), Jenna Brady (Legal Counsel)

**ADJOURN TO REMOTE CLOSED SESSION:**

1) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to California Government Code § 54956.9(d)(2).

Number of potential cases: Two.

2) CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION

Initiation of litigation pursuant to California Government Code § 54956.9(d)(4).

Number of Potential Cases: One.

**8:50 PM: RECONVENE IN REMOTE OPEN SESSION**

Chair Moulton-Peters indicated that there was nothing to report out of Closed Session and adjourned the meeting.

**Adjournment.**

The meeting was adjourned at 8:51 pm

# **RICHARDSON'S BAY REGIONAL AGENCY (RBRA)**

## **STAFF REPORT**

For the meeting of November 4, 2021

**To:** RBRA Board of Directors  
**From:** James Malcolm, Acting Harbormaster  
**Subject:** Resolution 04-21 - Accepting Surrendered and Abandoned Vessel Exchange (SAVE) funds from the State of California Division of Boating and Waterways

### **STAFF RECOMMENDATION:**

Approve Resolution No. 04-21 approving acceptance of \$220,500 from the SAVE 2021 grant program.

### **BACKGROUND:**

The RBRA applied for and is eligible for \$220,500 in funding from the California Division of Boating and Waterways for use in the Surrendered and Abandoned Vessel Exchange (SAVE) 2021 Program through September 2023. Resolution 04-21 represents formal acceptance of these funds.

### **DISCUSSION:**

The SAVE funding process has been employed successfully over the years by RBRA and is expected to proceed as in years past. RBRA has been able to meet the 10% matching fund requirement through in-kind contributions and has always spent down its allotted funding within the timeframes set by the State.

### **FINANCIAL IMPACT:**

The \$220,500 in SAVE Grant funding will be programmed into the FY 2022-2023 budget.

### **NEXT STEPS:**

Upon Board approval, staff will finalize the steps to receive the funds and utilize them for their intended purposes.

### **Attach:**

Draft Resolution No. 04-21

# RICHARDSON'S BAY REGIONAL AGENCY

## RESOLUTION NUMBER 04-21

### OF THE RICHARDSON'S BAY REGIONAL AGENCY

APPROVING THE ACCEPTANCE OF GRANT CONTRACT #C21S0619 FROM THE CALIFORNIA STATE DEPARTMENT OF PARKS AND RECREATION, DIVISION OF BOATING AND WATERWAYS, FOR THE AMOUNT OF \$220,500 TO BE USED FOR THE SURRENDERED AND ABANDONED VESSEL EXCHANGE PROGRAM

WHEREAS, the Surrendered and Abandoned Vessel Exchange program (SAVE) has been an integral part of the efforts of the Richardson's Bay Regional Agency (RBRA) to reduce the number of abandoned boats on Richardson's Bay since its inception; and

WHEREAS, the State Division of Boating and Waterways has accepted RBRA's application for \$220,500, available for use in this program, requiring a 10% matching contribution from the RBRA; and

WHEREAS, these funds will be available with a term from the date fully executed through September 30, 2023.

NOW, THEREFORE, BE IT RESOLVED, that the Richardson's Bay Regional Agency by adoption of this resolution hereby accepts Grant Contract # C21S0619 in the amount of \$220,500 from the State Division of Boating and Waterways and authorizes the RBRA Harbormasters (Curtis Havel and James Malcolm) or their designees to execute the agreement.

PASSED AND ADOPTED by the Board of the Richardson's Bay Regional Agency on November 4, 2021.

CERTIFICATION:

\_\_\_\_\_  
Stephanie Moulton-Peters  
Board Chair

\_\_\_\_\_  
Attest:  
James Malcolm, Acting Harbormaster

# RICHARDSON'S BAY REGIONAL AGENCY

## STAFF REPORT

For the meeting of November 4, 2021

**To:** RBRA Board of Directors  
**From:** Jim Malcolm, Acting Harbormaster  
**Subject:** Adoption of AB 361 (Robert Rivas. Open meetings: state and local agencies: teleconferences)

### STAFF RECOMMENDATION:

Adopt Resolution No. 05-21 allowing continued use of Tele/Videoconferencing for public meetings for the month of November, 2021.

### SUMMARY:

In September, Governor Newsom signed [AB-361](#). The legislation, which took effect immediately, provides that local government bodies subject to the Brown Act can continue to use video and/or teleconferencing through December 31, 2023 in the manner that Governor Newsom's executive orders authorized during the COVID-19 pandemic. A public entity can use AB 361's provisions under certain conditions, including when state or local officials have recommended social distancing during a proclaimed state of emergency.

The Director of Health & Human Services has recommended continued social distancing to enhance safety at public meetings. At the time of submission of this letter, Marin County's case rate stood at 5.9 per 100,000 residents, below the recommended 7.0 cases per 100,000 residents metric. Staff are therefore planning with the expectation that regular Board of Director meetings become onsite effective December 9, 2021.

The proposed resolution would provide the RBRA Board of Directors with the option to continue to use video- and/or teleconferencing when appropriate while the state proclamation of emergency remains in place. The proposed resolution does not require that Your Board continue holding teleconference meetings.

**FISCAL IMPACT:** There will be no impact from this action.

### Attachments:

Draft Resolution No. 05-21



# RICHARDSON'S BAY REGIONAL AGENCY

## RESOLUTION NUMBER 05-21

### A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RICHARDSON'S BAY REGIONAL AGENCY REGARDING TELE/VIDEO-CONFERENCE MEETINGS DURING THE COVID-19 STATE OF EMERGENCY

**WHEREAS**, the Richardson's Bay Regional Agency (the "RBRA") is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

**WHEREAS**, all meetings of the RBRA's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the RBRA's legislative body conduct their business; and

**WHEREAS**, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

**WHEREAS**, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19; and

**WHEREAS**, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings electronically without a physical meeting place; and

**WHEREAS**, as a result of Executive Order N-29-20, staff set up Zoom teleconference meetings for all RBRA Board of Directors meetings; and

**WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which specified that Executive Order N-29-20 would remain in effect through September 30, 2021, at which point it would expire; and

**WHEREAS**, since the issuance of Executive Order N-08-21, the Delta variant has emerged, causing a spike in COVID-19 cases throughout the state; and

**WHEREAS**, the Governor's proclaimed State of Emergency remains in effect, and State and local officials, including the Marin County Director of Health and Human Services, the

California Department of Public Health, and the Department of Industrial Relations, have imposed or recommended measures to promote social distancing; and

**WHEREAS**, on September 16, 2021, the Governor signed Assembly Bill 361 into law, as urgency legislation that went into effect on October 1, 2021, amending Government Code Section 54953 of the Brown Act to allow legislative bodies to continue to meet remotely during a proclaimed state of emergency, provided certain conditions are met and certain findings are made; and

**WHEREAS**, the continued local rates of transmission of the virus and variants causing COVID-19 are such that the Director of Health & Human Services has recommended that the County continue to emphasize social distancing in order to minimize the potential spread of COVID-19 during indoor, public meetings.

**WHEREAS**, the RBRA cannot maintain adequate safe social distance between members of the public, Board members and staff in their respective meeting locations; and

**WHEREAS**, because of the rise in cases due to the Delta variant, the RBRA is concerned about the health and safety of attendees, the RBRA's Board of Directors desires to take the actions necessary to comply with AB 361 and to continue to hold its Board and committee meetings remotely.

**NOW, THEREFORE, THE RICHARDSON’S BAY REGIONAL AGENCY BOARD OF DIRECTORS RESOLVES AS FOLLOWS:**

1. The Board has reconsidered the circumstances of the State of Emergency, and finds that:
  - a. The factors triggering the State of Emergency continue to directly impact the ability of the members of the Board of Directors and RBRA staff, and members of the public to meet safely in person; and
  - b. State and local officials continue to recommend measures to promote social distancing.
2. RBRA Board of Directors meetings will continue to be conducted remotely for the next 30 days in compliance with AB 361 and Government Code Section 54953(e)(2), in order to ensure the health and safety of the public while providing access to public meetings.
3. The Board of Directors will reconsider the circumstances of the State of Emergency and revisit the need to conduct meetings remotely within 30 days of the adoption of this Resolution.

REGULARLY PASSED AND ADOPTED this 4th day of November, 2021.

Votes:

CERTIFICATION:

Stephanie Moulton-Peters - Board Chair

James Malcom – Acting Harbormaster

# RICHARDSON'S BAY REGIONAL AGENCY

## STAFF REPORT

For the meeting of November 4, 2021

**To:** Board of Directors  
**From:** Steve McGrath, Interim Executive Director  
**Subject:** Interim Executive Director's Report

### **STAFF RECOMMENDATION:**

Receive and file

### **SUMMARY:**

Thank you for the opportunity to be of service to the RBRA. The last two weeks have been quite the introduction to the Agency and its issues. I watched with admiration the actions of past Harbormaster Curtis Havel, and Acting Harbormaster Jim Malcolm as they dealt professionally and responsibly with the aftermath of the storm of October 24<sup>th</sup>.

It is clear to me that there are significant human needs on the water that can at times conflict with the requirement to adhere to the terms of the Settlement Agreement with BCDC. My goal over the next six months is to address these conflicts as humanely as possible, and in a spirit of communication and trust.

Enforcement of our regulations, our mandates under the Settlement Agreement, and mitigation of conditions on the water that are hazardous to people and the environment will continue.

This does not mean that someone's home will be taken or destroyed while they are ashore to get groceries or visit the doctor. AHM Malcolm and I agree on this.

I believe it also important to ensure that people on the water are not put at risk by unmaintained or abandoned vessels that may drag anchor or break loose. To that end, abatement of marine debris will continue.

The Settlement Agreement is clear in its goals and lays out a plan to achieve those goals. We now must implement that plan. There is an old maxim that says that when in a hole, the first thing one should do is stop digging. This applies here. We cannot go backward, so we must be vigilant about not allowing new vessels into the anchorage.

I will work with this Board, and with any others, to address the needs of the people on the water, both near term as winter approaches, and longer term as we implement the BCDC plan.

During the last half of October, I immersed myself in meeting people, both remotely and in person, and spent some very informative time on the water. I trust that my next report to this Board will be a little more substantive.

**FISCAL IMPACT:**

None

# RICHARDSON'S BAY REGIONAL AGENCY

## Harbormasters Report

Reporting Period October 7, 2021 Through October 27, 2021

### Vessel metrics.

74	Number of vessels in anchorage excluding transient vessels
1	Number of transient vessels in anchorage
4	Number of floating homes
79	Total Number of vessels, transient vessels and floating homes as of October 27, 2021

### Significant events:

Oct 24 storm had a significant impact on anchored vessels. A total of six vessels drifted off of the anchorage and two vessels sunk on the anchorage. Of the vessels that went adrift two vessels hove to in the Audubon Sanctuary, three vessels grounded on the Tiburon Shore, one vessel made contact with a home/ dock on the west shore of Belvedere. As of October 27<sup>th</sup> two vessels remain grounded on Tiburon and all other vessels that went adrift have returned to the anchorage or were retrieved from the Tiburon shore and are at the Army Corps of Engineers Debris dock. Both of the vessels that sunk did so without loss of life or injury (evidenced through investigation by RBRA staff).

Summary Abatement notices have been submitted and placed on both vessels which sunk on the anchorage, and one of the vessels that grounded on the anchorage. Of the five grounded and sunken vessels RBRA staff has only been in contact with or contacted by one of the vessel owner/ residents for them to claim responsibility for their vessel and inform RBRA staff of abatement or recovery efforts.

\$987 of RBRA funding was spent for removal of one vessel from the Tiburon shore which is not eligible for reimbursement through grant funding, all other abatement efforts will either be conducted by RBRA staff or will be eligible for reimbursement through SAVE grant funding.

Personnel Changes in RBRA staff have seen the arrival of Executive Director Stephen McGrath and Departure of Harbormaster Curtis Havel. Assistant Harbormaster Jim Malcolm will be assuming the duties of the Harbormaster.