

RICHARDSON'S BAY REGIONAL AGENCY

Thursday, December 1, 2016

5:30 P.M. to 7:30 P.M.

Sausalito City Council Chambers 420 Litho Street Sausalito, CA

PUBLIC COMMENT IS INVITED CONCERNING EACH AGENDIZED ITEM PURSUANT TO THE BROWN ACT. PLEASE LIMIT YOUR COMMENTS TO THREE (3) MINUTES.

AGENDA

5:30 P.M. CALL TO ORDER - ROLL CALL

1. Closed session: Conference with legal counsel – litigation.
 - a. Litigation pursuant to CA Government Code § 54956.9 (d)(2)
Name of Case: Lorenzi v. Richardson Bay Regional Agency, Marin County Superior Court, Case No. CIV 1600502.
 - b. Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (Number of Potential Cases: One)
2. (Public meeting should reconvene at approximately 6:00 pm)
3. Approval of the minutes of September 15, 2016 RBRA Meeting
4. Review report of Harbor Administrator
 - a. Budget report YTD, approval of prior expenditures for July - October, 2016
5. Presentation regarding Community Efforts (10 Minutes)
6. Presentation from Sausalito PD, Marin County Sheriff's Office and Harbor Administrator regarding Enhanced Enforcement Initiatives (15 Minutes)
7. Staff report by Dan Eilerman, Asst. County Administrator (& Interim Executive Director)
 - a. Approval of current year strategy for enhanced enforcement, including \$20,000 increase in member contributions in the current year to support 1) removal of unoccupied marine debris, 2) removal of unattended moorings and floats, 3) additional enforcement of vessel registration requirements, and 4) increased budget allocation for legal research and defense.
 - b. Authorize Staff to work with Member City/Town Managers to identify a part-time RBRA Executive Director for future Board consideration as detailed in staff report.
8. Public comments invited concerning items NOT on this Agenda (3-minute limit)
9. Staff comments

10. Board member matters

NEXT MEETING: Tentatively planned for February 9, 2017. Board members please review your calendars and advise Staff as to your availability.

A COMPLETE AGENDA PACKET IS AVAILABLE FOR VIEWING ON THE RBRA WEBSITE <http://rbra.ca.gov>, AND AT THE SAUSALITO CITY LIBRARY. TO RECEIVE AN ELECTRONIC MEETING NOTICE, PLEASE EMAIL REQUEST TO DON ALLEE AT dallee@marincounty.org

Marin County Community Development Agency, 3501 Civic Center Dr. Room 308, San Rafael, CA 94903
Cell 415/971-3919 bprice@marincounty.org

RICHARDSON'S BAY REGIONAL AGENCY

DRAFT MINUTES OF SEPTEMBER 15, 2016

HELD AT SAUSALITO CITY HALL CHAMBERS

MEMBERS PRESENT: Erin Tollini (Tiburon); Marty Winter (Belvedere); Kathrin Sears (Marin County); Jim Wickham (Mill Valley); Jill Hoffman (alternate) (Sausalito)

ABSENT: None

STAFF: Rod Gould, (Interim Executive Director); Bill Price (Harbor Administrator);

ADDITIONAL: Dan Eilerman, (Assistant Marin Administrator); Jenna Brady (Marin County Counsel)

Meeting called to order at 5:35 PM.

Minutes of June 9, 2016 Meeting

Minutes were approved unanimously

Harbor Administrator's Report

The report was accepted unanimously.

Prior expenditures: July - August 2016

The expenditure report was accepted unanimously.

Resolution approving a Pass-Through Grant of SAVE funds from San Mateo Harbor District

Mr. Price explained that excess SAVE funding for vessel disposal had been secured in the amount of \$12,112, and the budget would need to be adjusted accordingly to reflect extra expenditures and offsetting revenues.

The Resolution was passed unanimously.

Report on the Marin Civil Grand Jury report on the RBRA website

Rod Gould outlined the deficiencies found in the report and explained that there was no budget to tackle the big issues. Member Sears moved to support the goals of the report which passed unanimously.

Staff Report by Rod Gould

Mr. Gould highlighted the key areas given in his detailed report on enhanced enforcement and stressed the need for collaborative governance and cooperation to have the proposed strategy succeed. He explained the need for more legal research and better coordination with law enforcement. He stressed that the RBRA required a part-time, permanent Executive Director, but he declined to accept any consideration of that position. He noted Sausalito's governance issues with the RBRA, based in the cost split between members, weighted voting and early withdrawal from the agency. Mr. Gould felt these issues should be addressed after the

enforcement strategy had been given a chance to work, but that Sausalito had expressed its unwillingness to consider holding its request for an amendment to the JPA for a revised withdrawal clause. Alternate Member Hoffman pointed out the Harbor Administrator's failure to enforce and keep boats out of the bay. She cited a study by the Sausalito Police department and noted that out of 406 vessels removed in six years only 63 were off of the anchorage, with the remainder coming out of marinas. Mr. Gould responded that he felt the position was unsuited to conducting law enforcement activities, and that the strategy would require martialing resources and enforcement staffing to succeed.

Chad Carvey, a member of the public, said the report was stunning and took us so far back. He stressed that no meetings had occurred with Mr. Gould and the constituency. Member Sears asked Mr. Carvey to read over the report again as it focused on non-live aboard vessels. Alden Bevington advised that outreach was imperative. Barbara Salzman commended the strategy for its approach to the public trust issues and felt a comprehensive approach was merited since it was not a one-person job. Member Sears said that the recommended strategy was not to address live-aboards at this time, but was rather to address the unoccupied boats and unattended moorings cluttering the anchorage. She requested Staff to return with cost estimates, and she felt legal review was necessary and that community outreach /engagement was also important. She also wanted a discussion on governance issues.

Alternate Member Hoffman stated that Sausalito had been discontented since May 2015 when it became clear the community didn't want a Mooring Plan and felt increased enforcement was the first component of fixing the problem. A letter was presented which outlined Sausalito's concerns and she asked the Board if they would agendaize a discussion of the requirements for withdrawal from the RBRA to consider the idea of a six month withdrawal requirement for any member agency. She said she would be obligated to file a withdrawal letter with RBRA in December 2016 in order to get out before 2018 in case the recommended enhanced enforcement strategy didn't succeed.

Member Wickham said he understood the frustration, but he felt Mr. Gould's plan sounded reasonable and he moved to adopt Mr. Gould's recommendations. Member Winter said the anchorage committee he served on for over a year had a good plan with the Mooring Field until it fell apart. Member Tollini expressed her frustration, saying that she wanted collaboration with the full Board and asked that if Sausalito was not interested in remaining with the agency that perhaps it should be given the option to leave more immediately. Member Sears agreed, saying that it was not realistic to move forward with an uncertain budget that crippled programs. She asked counsel to see if Sausalito could withdraw by December 2016. Member Wickham moved to accept the recommended plan and to get input from legal counsel. Mr. Gould asked if the motion included the executive director search and contract, and Member Sears amended the motion to incorporate it.

The Board accepted Mr. Gould's recommendations for Staff to return with plans for an enhanced enforcement strategy, including (1) abatement of marine debris, (2) an intensified vessel registration program, and (3) removal of unattended mooring balls, floats and other equipment placed in the Bay.

The Board further requested that staff (1) research a legal framework and requirements needed to implement these enforcement enhancement options, (2) research and provide a potential JPA amendment for consideration in November to waive the 180-day notice requirement for Sausalito to exit the RBRA effective January 1, 2017, (3) identify and hire an Executive Director to guide the agency; and (4) provide an opportunity for a 10-minute presentation from interested community members to highlight their accomplishments.

Motion passed unanimously.

Public Comments

Alden Bevington asked for time to share a presentation from the Richardson Bay Special Anchorage Association at the next meeting, and he shared their website: anchoredout.org. Chad Carvey stated that the group had been working hard on solving the issues and they should be viewed as part of the solution. Craig Wilson said that people were willing to clean up pollution and work with harbor administrator to get rid of trash. Kevin Kiffer called the anchor outs a microcosm of societal abnormality and said he seeks harmony and truth as we move forward. Louis Tenwinkle thought that a Grand Jury investigation would help sort everything out, and he implored the Board to work with the group to solve issues.

Staff Comments

None.

Board Member Matters

Member Sears asked that the community group be given a spot on the agenda to report their activities at the next meeting.

The meeting was adjourned at 7:45 PM.

RICHARDSON'S BAY REGIONAL AGENCY

HARBOR ADMINISTRATOR'S REPORT

November 18, 2016

WORKING RELATIONSHIPS

- **Boating and Waterways** – Preparing first reimbursement request for approximately \$41K for 18 vessels disposed under the 2017 SAVE Grant. 2) Working on refining the Fund Assist process with DBW so that unspent SAVE funds can be reallocated to agencies in need prior to funding reverting to the general fund
- **County Counsel** – Refining noticing process to deal with marine debris and summary abatements
- **USCG** – Met with Abandoned Vessel Group with reps from Sausalito PD and MSO
- **MSO and SPD** – Updating operating procedures to follow through with new Cal Boating laws that came into effect on January 1, 2016 concerning marine debris. So far we have worked with MSO to remove 13 vessels within the parameters of this new process. SPD has removed over 16 moorings as well

DEBRIS REMOVAL

- 14 vessels were disposed since 9/14/16
- 2 boats are currently impounded
- 2 boats stored for disposal
- Dismantled and removed a large dock on beach in Strawberry in addition to regular beach clean-up efforts

RAPID RESPONSE

- 2 large and 3 small vessels recovered and disposed

WATER QUALITY

- Finished water testing for Fall 2016 dry season. Report is attached. Results were good, with very few spikes
- Recent changes to the Clean Vessel Act may allow RBRA to utilize operation funds for purchase of a new motor for the pump-out boat
- Weekly seasonal beach testing has ceased at Schoonmaker Beach, with the beach closing once during the period between April and October 2016. It will resume in April 2017

OTHER

- The Corps of Engineers property currently has a large 85' steel commercial vessel "Spirit of California", that is potentially to be demolished by private contractors on the ramp. If this occurs, RBRA operations will be severely curtailed for two months or more. As it stands now, RBRA is limited in its ability to dispose of any vessel larger than 35' that cannot be moved past the steel vessel
- Working with Richardson Bay Marina, all of the channel markers from #8 to the marina have been updated, and one marker piling has been replaced.

Richardson Bay Regional Agency

RBRA Vessel Disposal List September - November 2016






Date	Name	Type	Amount	Condition	Location
9/14/2016	CORDELL EXPLORER	45' wooden trawler	\$6,750.00	sunk - abnd. - SAVE	MC harbor
9/18/2016	SOLARA	32' wooden trimaran	\$4,056.00	abandoned - MDV	MC anchorage
9/21/2016	BARKER CHRIS	32' wooden power	\$4,800.00	abandoned - SAVE	SR harbor
10/13/2016	CARVER 28	28' f/g powerboat	\$4,700.00	abandoned - SAVE	SR harbor
10/14/2016	HO CHOY	36' f/g powerboat	\$5,835.00	abandoned - MDV	MC anchorage
10/14/2016	MERMAID	20' wooden sailboat	\$500.00	abandoned - MDV	Sausalito anchrge
10/14/2016	LACHES	23' f/g sailboat	\$1,446.95	abandoned - MDV	MC anchorage
10/14/2016	AQUARIUS	24' f/g sailboat	\$385.00	abandoned - MDV	Sausalito anchrge
10/14/2016	FELUCCA	20' wooden skiff	\$43.60	sunk/aban. - MDV	MC anchorage
10/15/2016	TIGER LILY	36' f/g sailboat	\$1,413.10	abandoned - MDV	MC anchorage
11/5/2016	S2 SAIL	28' f/g sailboat	\$2,639.47	abandoned - SAVE	Belvedere beach
11/5/2016	ANOTHER WHITE BOAT	24' f/g sailboat	\$100.00	abandoned - SAVE	Belvedere harbor
11/12/2016	EBBING MONKEY	25' f/g sailboat	\$530.00	abandoned - SAVE	Sausalito harbor
11/12/2016	WILSON SPEEDBOAT	18' f/g runabout	\$400.00	sunk - abnd. - SAVE	MC anchorage
11/19/2016	VAR	30' wooden sailboat	\$840.00	abandoned - SAVE	Sausalito harbor
11/24/2016	FLIRT	30' f/g sailboat	\$5,415.00	abandoned - MDV	Belvedere beach

16 vessels total \$34,439.12

All above expenses covered through State Boating and Waterways SAVE grant
3 Rapid Response calls
MDV = Marine Debris Vessel

DRY SEASON

	Single Sample					30 Day Geo Mean
Total Coliform Not To Exceed	10,000					1000
E. coli Not to Exceed	235					126
Fecal Coliform Not to Exceed	400					200
Enterococcus Not to Exceed	104					35

						
WALDO POINT GATES COOP Station #41	1-Sep-16	8-Sep-16	15-Sep-16	22-Sep-16	30-Sep-16	30-Sep-16
Total Coliform 10,000 / 1000	1095	1086	262	911	869	756
E. coli 235 / 126	206	231	63	145	142	144
Fecal 400 / 200	350	130	33	240	8	78
Enterococcus 104 / 35	10	10	9	10	9	10

	1-Sep-16	8-Sep-16	15-Sep-16	22-Sep-16	30-Sep-16	30-Sep-16
KAPPAS HOUSEBOATS Station #43						
Total Coliform 10,000 / 1000	246	341	61	285	714	253
E. coli 235 / 126	85	10	10	52	75	32
Fecal 400 / 200	49	17	33	4	22	19
Enterococcus 104 / 35	9	41	10	9	10	13

	1-Sep-16	8-Sep-16	15-Sep-16	22-Sep-16	30-Sep-16	30-Sep-16
WALDO "A" DOCK Station #40						
Total Coliform 10,000 / 1000	75	145	183	158	583	179
E. coli 235 / 126	41	20	41	10	31	25
Fecal 400 / 200	79	8	17	33	23	24
Enterococcus 104 / 35	9	10	9	9	9	9






	1-Sep-16	8-Sep-16	15-Sep-16	22-Sep-16	30-Sep-16	30-Sep-16
WALDO POINT SOUTH 40 Station 15						
Total Coliform 10,000 / 1000	75	144	98	209	257	142
E. coli 235 / 126	20	31	10	31	31	23
Fecal 400 / 200	33	5	33	23	23	19
Enterococcus 104 / 35	9	31	9	9	9	12

	1-Sep-16	8-Sep-16	15-Sep-16	22-Sep-16	30-Sep-16	30-Sep-16
CLIPPER BASIN #4 Station 14						
Total Coliform 10,000 / 1000	86	86	118	41	336	104
E. coli 235 / 126	31	9	9	9	31	15
Fecal 400 / 200	49	2	11	5	5	7
Enterococcus 104 / 35	9	10	9	9	9	9

	1-Sep-16	8-Sep-16	15-Sep-16	22-Sep-16	30-Sep-16	30-Sep-16
ARQUEZ MARINA Station #37						
Total Coliform 10,000 / 1000	73	52	10	243	414	82
E. coli 235 / 126	20	10	9	31	10	14
Fecal 400 / 200	8	6	5	4	23	7
Enterococcus 104 / 35	9	9	9	9	9	9

DRY SEASON

	Single Sample					30 Day Geo Mean
Total Coliform Not To Exceed	10,000					1000
E. coli Not to Exceed	235					126
Fecal Coliform Not to Exceed	400					200
Enterococcus Not to Exceed	104					35

						
CLIPPER BASIN #1, Station CB1	1-Sep-16	8-Sep-16	15-Sep-16	22-Sep-16	30-Sep-16	30-Sep-16
Total Coliform 10,000 / 1000	1793	323	31	155	481	266
E. coli 235 / 126	31	20	10	41	20	22
Fecal 400 / 200	13	23	11	17	13	15
Enterococcus 104 / 35	9	10	9	9	9	9

	1-Sep-16	8-Sep-16	15-Sep-16	22-Sep-16	30-Sep-16	19-Oct-09
SCHOONMAKER BEACH Station #33 (EHS)						
Total Coliform 10,000 / 1000	10	295	9	241	132	61

E. coli 235 / 126	9	31	9	10	10	12
Fecal 400 / 200	2	11	2	5	5	4
Enterococcus 104 / 35	9	9	9	9	10	9

SCHOONMAKER Station #32	1-Sep-16	8-Sep-16	15-Sep-16	22-Sep-16	30-Sep-16	30-Sep-16
Total Coliform 10,000 / 1000	9	262	20	279	41	56
E. coli 235 / 126	9	9	9	20	10	11
Fecal 400 / 200	2	8	2	2	2	3
Enterococcus 104 / 35	9	9	9	9	9	9






GALILEE / NAPA Station #8	1-Sep-16	8-Sep-16	15-Sep-16	22-Sep-16	30-Sep-16	30-Sep-16
Total Coliform 10,000 / 1000	52	262	10	10	62	38
E. coli 235 / 126	20	10	9	9	9	11
Fecal 400 / 200	23	13	2	2	2	4
Enterococcus 104 / 35	9	9	9	9	9	9

MARINEWAYS Station MW	1-Sep-16	8-Sep-16	15-Sep-16	22-Sep-16	30-Sep-16	30-Sep-16
Total Coliform 10,000 / 1000	256	384	86	794	538	325
E. coli 235 / 126	41	31	20	63	9	27
Fecal 400 / 200	7	31	4	17	8	10
Enterococcus 104 / 35	10	31	9	9	10	12

PELICAN HARBOR Station #6	1-Sep-16	8-Sep-16	15-Sep-16	22-Sep-16	30-Sep-16	30-Sep-16
Total Coliform 10,000 / 1000	9	256	31	121	52	54
E. coli 235 / 126	9	9	9	20	9	11
Fecal 400 / 200	7	17	2	2	4	4
Enterococcus 104 / 35	9	75	9	9	9	14

DRY SEASON

	Single Sample					30 Day Geo Mean
Total Coliform Not To Exceed	10,000					1000
E. coli Not to Exceed	235					126
Fecal Coliform Not to Exceed	400					200
Enterococcus Not to Exceed	104					35

						
SAUSALITO YACHT HARBOR Station #5	1-Sep-16	8-Sep-16	15-Sep-16	22-Sep-16	30-Sep-16	30-Sep-16
Total Coliform 10,000 / 1000	10	98	20	75	85	42
E. coli 235 / 126	9	9	9	20	10	11
Fecal 400 / 200	8	7	2	2	2	3
Enterococcus 104 / 35	9	9	9	9	9	9

SAUSALITO YACHT HARBOR Station #3	1-Sep-16	8-Sep-16	15-Sep-16	22-Sep-16	30-Sep-16	30-Sep-16
Total Coliform 10,000 / 1000	31	771	10	158	457	112
E. coli 235 / 126	9	9	9	20	74	16
Fecal 400 / 200	2	4	2	2	2	2
Enterococcus 104 / 35	9	9	9	9	9	9

CONTROL STATION DAYMARK #6 Station C	1-Sep-16	8-Sep-16	15-Sep-16	22-Sep-16	30-Sep-16	30-Sep-16
Total Coliform 10,000 / 1000	20	109	10	63	31	34
E. coli 235 / 126	20	9	9	30	10	14
Fecal 400 / 200	2	5	2	7	2	3
Enterococcus 104 / 35	9	9	10	9	9	9

BRIDGEWAY MARINA	1-Sep-16	8-Sep-16	15-Sep-16	22-Sep-16	30-Sep-16	30-Sep-16
Total Coliform 10,000 / 1000	20	305	10	135	160	67
E. coli 235 / 126	10	10	9	9	20	11
Fecal 400 / 200	8	4	4	8	2	4
Enterococcus 104 / 35	9	31	9	9	9	12

RICHARDSON'S BAY REGIONAL AGENCY

I'd like to address some statistics reported at the last Board Meeting, which were based on a Sausalito Police report comparing numbers of boats removed from the anchorage versus the number of boats removed from marinas since 2006. It was stated that, of 406 vessels abated since 2006, only 63 were removed from the anchorage (or open waters of the RBRA) and that the rest (343) had come from marinas.

I scrutinized all of the photo files and the invoices that I have submitted to the various state agencies over the past 6 years, agencies that have paid for all of the disposal costs through their generous grant programs. I derived the following numbers in the attached spreadsheet to arrive at a more precise picture. My methodology was simple: if the photo showed an invoiced boat on the anchorage, it was counted as AWAFF - or anchorage derived. The boats photographed in a marina were listed as Vessel Turn-in Program (VTIP). I have been the sole employee disposing of each and every one of these vessels, so I have a clear idea of where these boats have come from, but I wanted to verify each vessel through my records to ensure all of us were working with accurate information.

Of a total of 417 boats abated since January 2011, 325 were AWAFF (anchored, sunk or beached) and 92 were VTIP (or came from marinas); 22% of the boats were turned over voluntarily for disposal. 78% of the boats came off the anchorage, or open waters of the RBRA.

The report generated by the SPD was based on biannual surveys that did not reflect the steady flow of derelict vessels into and out of Richardson's Bay. They are snapshot reports taken once every two years and do not reflect the ebb and flow of vessels coming and leaving, day in and day out.

I would be happy to work with Sausalito PD to verify that every vessel has a photo that shows where that vessel came from. It is important to realize that all of the money from this program comes from the state, and that all of the reimbursement requests I file are scrutinized and audited by Boating and Waterways before every reimbursement check is sent back to the RBRA. While the VTIP program is not the first or highest priority of RBRA abatements, the program is a condition of the generous SAVE grants and is worthwhile to pursue where it makes sense to do so to mitigate what would become an RBRA abatement priority in the near future. Although it took many hours to pull this information together and to verify it, I felt it was important to accurately state the number of vessels abated in the last 6 years that came from open waters of the RBRA (78%) vs. marinas (22%). Again, I'd be happy to work with SPD if there are any questions.

Vessels Disposed of RBRA Since January 2011

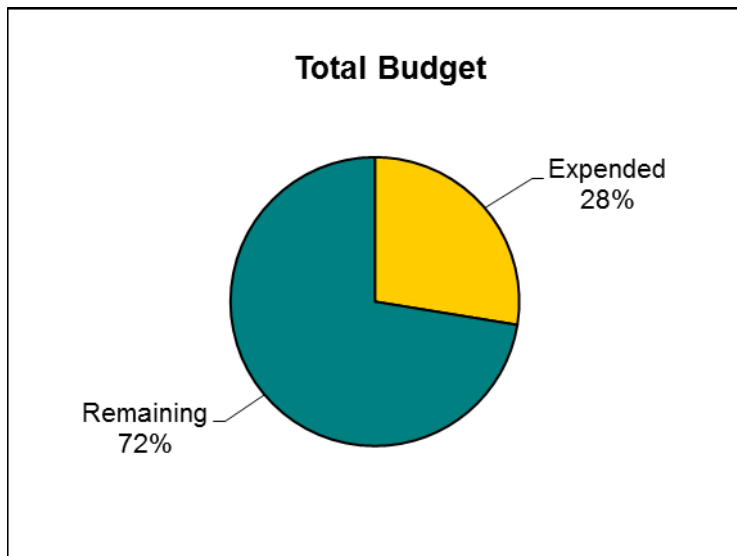
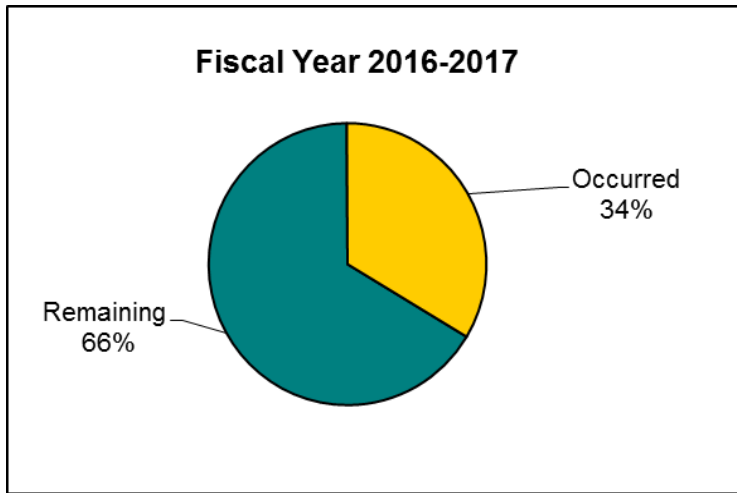
Grant Source	Date	RB Anchorage	Marinas (VTIP)	
AWAF	Jan 2011 - Feb 2013	79	7	
VTIP	Jan 2011 - Feb 2013	11	58	
CalRecycle	Jan 2013 - June 2015	146	0	
VTIP	April 2014 - May 2015	8	10	
SAVE 2014	Oct 2015 - Feb 2016	30	10	
SAVE 2015	Feb 2016 - April 2016	11	5	
Port San Luis	Oct 2015 - Nov 2015	3	0	
Vallejo	April 2016 - June 2016	15	4	
San Mateo	June 2016 Aug 2016	11	6	
SAVE 2016	Sept 2016 - Oct 2016	9	3	
		323	103	426 total
		0.758216 % AWAFF	0.241784 % VTIP	

426 vessels total

76% of boats are AWAFF - 24% of boats are VTIP

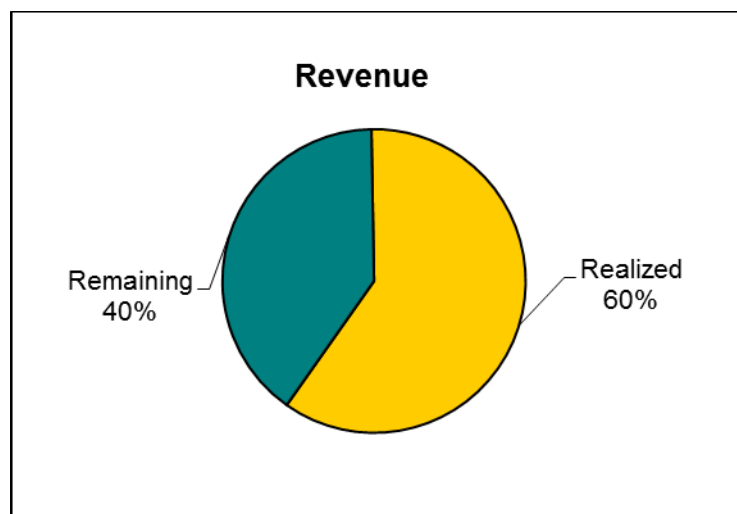
vast percentage of VTIP boats are turned in from local marinas in Sausalito or RB anchorage

Percent of Budget and Percent of FY2016-2017 as of November 1, 2016



Expenditures vs. Adopted Budget

Expenditures	\$133,802
Adopted Budget	\$485,200



Realized Revenue vs. Budgeted Revenue

Realized Revenue	\$291,401
Budgeted Revenue	\$485,200

RBRA - BALANCE SHEET
February 2 - March 31, 2016

DATE	DESCRIPTION	REVENUES
'10/24/2016	Gates Coop - reimbursement	-1266.01
'10/24/2016	Mooring rent	-150.00
'10/24/2016	Mooring rent	-100.00
'10/20/2016	Mooring rent	-160.00
'10/20/2016	Mooring rent	-150.00
'10/20/2016	Mooring rent	-150.00
'10/20/2016	Mooring rent	-100.00
'10/20/2016	Mooring rent	-100.00
'10/20/2016	Mooring rent	-150.00
'10/20/2016	Mooring rent	-150.00
'10/20/2016	Mooring rent	-300.00
'10/20/2016	Mill Valley dues 2017	-13455.00
'09/26/2016	City of Vallejo - AWAFF reimbursement	-300.00
'09/23/2016	Reimburse credit card	-39.25
'09/13/2016	Mooring rent	-150.00
'09/13/2016	Mooring rent	-160.00
'09/13/2016	Bieneman - disposal reimbursemnt	-877.85
'09/13/2016	Clipper - disposal reimbursemnt	-880.60
'09/13/2016	Sausalito PD - boat share - engine work	-2623.19
'09/13/2016	San Mateo Harbor District - AWAFF reimb.	-12111.16
'08/31/2016	Gates Coop - reimbursement	-454.00
'08/31/2016	AT & T rebate	-30.66
'08/24/2016	Mooring rent	-150.00
'08/17/2016	Mooring rent	-300.00
'08/17/2016	Mooring rent	-160.00
'08/17/2016	Mooring rent	-150.00
'08/17/2016	Mooring rent	-100.00
'08/17/2016	Mooring rent	-150.00
'08/17/2016	Mooring rent	-150.00
'08/17/2016	Mooring rent	-300.00
'08/17/2016	Couch - salvage reimbursement	-437.50
'08/17/2016	Sausalito dues 2017	-94185.00
'08/17/2016	Tiburon Dues 2017	-26910.00
'08/17/2016	Belvedere dues 2017	-20183.00
'07/26/2016	Marin County dues 2017	-114368.00
	Revenue total	(291,401.22)

DATE	DESCRIPTION	EXPENDITURES
'11/01/2016	AT&T - internet	53.20
'11/01/2016	'PRICE WILLIAM	31.95
'11/01/2016	Day labor	300.00
'11/03/2016	EMS - Oct. pump-out	175.00
'11/03/2016	MT Head - Oct pump-out	375.00
'11/03/2016	'COUNTY OF 'Solano labs - Fall tests '16	3128.00
'11/01/2016	'PRICE WILLIAM	500.00

'11/03/2016	ICB - Office rental	430.17
'11/01/2016	'PRICE WILLIAM	11.78
'11/01/2016	'PRICE WILLIAM	22.68
'11/03/2016	Marin County Counsel - 1st QTR 2017	5125.00
'10/26/2016	Parker Diving - salvage 2 boats RapResp	2760.00
'10/26/2016	Bay Cities Debris - marine debris	1178.10
'10/26/2016	Salary and benefits since July 2016	47798.23
'10/18/2016	San Rafael Yacht Harbor - fuel disposal	650.00
'10/18/2016	San Rafael Yacht Harbor - boat disposal	5600.00
'10/18/2016	Whiting Marine Survey	235.00
'10/18/2016	Whiting Marine Survey	235.00
'10/18/2016	Whiting Marine Survey	235.00
'10/18/2016	Whiting Marine Survey	235.00
'10/17/2016	'US BANK GC 'RBRA-William Price	91.61
'10/05/2016	San Rafael Yacht Harbor - boat disposal	4800.00
'10/05/2016	EMS - Sept. pump-out	175.00
'10/05/2016	ICB - Office rental	474.59
'10/05/2016	Schoonmaker Marina- Oct. slip rental	243.00
'10/05/2016	Schoonmaker Marina- Oct. slip rental	160.00
'10/05/2016	Libertyship - d 'Libertyship 31 oct 2016	480.00
'10/05/2016	Bay Cities Debris - marine debris	71.00
'10/05/2016	MT Head - Sept pump-out	375.00
'10/05/2016	Hertz rental - backhoe	758.61
'10/03/2016	Mobile phone - Sept	53.26
'10/03/2016	Mobile phone - Aug.	53.26
'10/03/2016	Mobile phone - July	53.26
'10/03/2016	Bay Cities Debris - marine debris	880.55
'09/27/2016	'PRICE WILLIAM	27.52
'09/27/2016	'PRICE WILLIAM	2067.50
'09/27/2016	'PRICE WILLIAM	917.11
'09/27/2016	'PRICE WILLIAM	34.56
'09/23/2016	San Rafael Yacht Harbor - fuel disposal	3600.00
'09/23/2016	San Rafael Yacht Harbor - boat disposal	4700.00
'09/20/2016	Day labor	225.00
'09/20/2016	Alliant Insurance - Slip policy 2017	14982.84
'09/15/2016	San Rafael Yacht Harbor - boat disposal	6180.00
'09/15/2016	AT&T - internet	86.27
'09/15/2016	AT&T - internet	0.23
'09/15/2016	Alexander - web services	260.00
'09/13/2016	Whiting Marine Survey	235.00
'09/15/2016	AT&T - internet	39.25
'09/13/2016	MT Head - Aug. pump-out	400.00
'09/01/2016	EMS - Aug. pump-out	175.00
'09/01/2016	Schoonmaker Marina- Sept. slip rental	243.00
'09/01/2016	Schoonmaker Marina- Sept. slip rental	160.00
'09/01/2016	Libertyship - dry storage	480.00
'09/01/2016	ICB - Office rental	431.95
'08/25/2016	'PRICE WILLIAM	77.09
'08/25/2016	H & M marine - service patrol boat motors	5301.37

'08/25/2016	'PRICE WILLIAM	13.13
'08/25/2016	Contra Costa dump - 3 boats	941.00
'08/25/2016	'PRICE WILLIAM	103.21
'08/25/2016	Bay Cities Debris - marine debris	1642.60
'08/25/2016	Bay Cities Debris - marine debris	1681.65
'08/25/2016	Hertz rental - backhoe	579.59
'08/25/2016	Hertz rental - backhoe	835.45
'08/17/2016	'PRICE WILLIAM	75.18
'08/17/2016	'PRICE WILLIAM	15.75
'08/17/2016	'PRICE WILLIAM	500.00
'08/17/2016	Diego Towing - 3 boats to dump	530.00
'08/17/2016	'PRICE WILLIAM	647.01
'08/17/2016	'PRICE WILLIAM	24.95
'08/18/2016	Day labor	225.00
'08/10/2016	AT&T - internet	40.00
'08/10/2016	AT&T - internet	134.57
'08/12/2016	EMS - July pump-out	175.00
'08/12/2016	Parker Diving - salvage boat RapResp	437.50
'08/12/2016	Bay Cities Debris - marine debris	1498.65
'08/05/2016	Bay Cities Debris - marine debris	71.00
'08/05/2016	Hertz rental - backhoe	564.03
'08/05/2016	Hertz rental - backhoe	722.11
'08/05/2016	Schoonmaker Marina- Aug. slip rental	159.68
'08/05/2016	Schoonmaker Marina- Aug. slip rental	243.00
'08/05/2016	Libertyship - dry storage	480.00
'08/04/2016	MT Head - July pump-out	350.00
'08/04/2016	ICB - Office re'August rent	430.69
'07/25/2016	Day labor	175.00
'07/21/2016	Whiting Marine Survey	235.00
'07/21/2016	Whiting Marine Survey	235.00
'07/14/2016	CAHMPC - training conference	350.00
'07/07/2016	Schoonmaker Marina- July. slip rental	160.32
'07/07/2016	Schoonmaker Marina- July slip rental	243.00
'07/07/2016	Libertyship - dry storage	480.00
'07/07/2016	ICB - Office rental	431.83
	Expenditure total	133,802.84

RICHARDSON'S BAY REGIONAL AGENCY

MEMORANDUM

December 1, 2016

To: RBRA Board

From: Dan Eilerman, Asst. County Administrator (& Interim RBRA Executive Director)

Board Actions Requested: Approve current year strategy for enhanced enforcement, including \$20,000 increase in member contributions in the current year to support 1) removal of unoccupied marine debris, 2) removal of unattended moorings and floats, 3) additional enforcement of vessel registration requirements, and 4) increased budget allocation for legal research and defense.

Direct Staff to work with Member City/Town Managers to identify a part-time RBRA Executive Director for future Board consideration.

BACKGROUND: At your Board meeting of September 15, 2016, Mr. Rod Gould, a local retired city manager hired to assess the current situation and make recommendations, provided background and context regarding the development of the Richardson's Bay Regional Agency (RBRA); problems attendant with the marine use of Richardson's Bay due to an increased census of vessels, floats and debris on its waters in recent years; and several actions to begin mitigating these issues with a coordinated joint enforcement effort. Mr. Gould noted that the RBRA's regulations, State law (the McAteer-Petris Act) and the San Francisco Bay Plan have never been adequately enforced for lack of community interest, policy consensus, and resources.

Community Engagement

As Mr. Gould advised in September, the boating community clearly has interest in these matters. Some mariners have expressed interest in assisting RBRA with enforcement of its rules to improve conditions on the water, and your Board is expected to have received an update from representatives of the Community regarding their interests and accomplishments this evening.

While Staff at this time is recommending that initial enhanced enforcement efforts be focused exclusively on unoccupied vessels and unattended moorings and floats, to be discussed below, Staff will recommend that the RBRA Board engage a more permanent, part-time Executive Director before considering potential additional or longer-term enforcement efforts – and that such consideration include engagement with those marine users who wish to discuss these ideas and determine what the marine community can do to assist in improving the situation on Richardson's Bay.

September 15, 2016 Board Direction

Several of Mr. Gould's recommendations were supported by your Board, and your Board provided direction to Staff to return with estimated costs, goals and metrics associated with three of four initial enhanced enforcement efforts outlined by Mr. Gould, including:

1. **Abatement of marine debris**, as defined by the recently adopted marine debris legislation in the State Harbors and Navigation Code, to eliminate unoccupied vessels or parts of vessels from the Bay that are unseaworthy;
2. **An intensified vessel registration program** to ensure all vessels on Richardson's Bay have current registration with DMV, which will allow member agencies and law enforcement to know who owns these vessels and how to communicate with them for safety and accountability; and
3. **Removal of unattended mooring balls, floats and other equipment** placed in the Bay, which pose navigational and safety hazards, as well as environmental risks.

Your Board also directed Staff to:

1. Research a legal framework and requirements needed to implement these enforcement enhancement options;
2. Research and provide a potential JPA amendment for consideration in November to waive the 180-day notice requirement for Sausalito to exit the RBRA effective January 1;
3. Identify and hire an Executive Director to guide the agency; and
4. Provide an opportunity for a 10-minute presentation from interested community members to highlight their accomplishments.

OVERVIEW

In the intervening weeks since your last Board meeting, Staff has engaged with a working group of RBRA Member agency City/Town managers and the County Administrator, as well as a Law Enforcement working group consisting of the Sausalito Police Department (SPD), the Marin County Sheriff's Office (MCSO) and the Harbor Administrator. Based on this engagement, we recommend the following:

Current Year Policy Direction

Staff is recommending your Board's approval to budget for a \$20,000 (or 7.4%) increase in Member Contributions to support enhanced enforcement efforts that will allow the agency to begin working together in a coordinated fashion to focus on unoccupied vessels, unattended moorings, floats and other debris, and intensified efforts to ensure all vessels are registered as required by State law. Staff recommends that these joint efforts be the Agency's focus for the balance of the current fiscal year, including efforts to prioritize current year abatements and implement the enhanced enforcement initiatives. The enhanced enforcement efforts presented this evening reached such a level of consensus among City/Town Managers, Law Enforcement and Staff that the Law Enforcement Working Group has already proceeded with noticing efforts, a community meeting, and initial implementation of the initiatives - with the goal of reporting initial results as soon as possible.

Current year abatements would focus on unoccupied vessels and unattended moorings funded by RBRA's nearly \$200,000 State SAVE grant, consistent with grant conditions and requirements and also acknowledging that winter storm conditions may cause some priorities to change, as well as Sausalito's new \$129,000 State SAVE grant.

Longer-term Policy Direction

Consideration of any efforts to address occupied vessels or attended moorings should be delayed until an Executive Director can be identified to help guide the Agency going forward, including the critical component of engagement with the community. Such discussions should include, at the outset, community outreach to work through housing services and assistance for the individuals residing on the water. Consistent with Mr. Gould's recommendations, any permitted residential use, such as short-term, non-transferable permits or a mooring field will require substantial negotiations with BCDC. RBRA

is not in a place at this time to address these issues, but could be in the future. This year's focus would be to prioritize current year abatements and implement the enhanced enforcement efforts, with the objective of building momentum that may contribute toward a longer-term consensus.

Current Year Enforcement Enhancement Program (Action Item)

Consistent with your Board's direction in September and input from the City/Town Manager and Law Enforcement working groups, Staff is recommending an enhanced enforcement program for this fiscal year. The first objective is to abate marine debris as defined by the recently adopted marine debris legislation in the State Harbors and Navigation Code. It allows for the removal and destruction of a vessel or a part of a vessel that, among other requirements, is unseaworthy. The new State law provides an expedited process for this abatement. We are estimating that these actions would eliminate approximately 30 unoccupied vessels or parts of vessels from the Bay that are unseaworthy. This would be in addition to an estimated 50-75 boats abated with SAVE grant funding through June, and potentially additional vessels with any funds remaining from Sausalito's new SAVE grant, which will be utilized initially to focus on removing unattended mooring balls and floats.

Second, all vessels in California are required to be either federally documented or registered through the State Department of Motor Vehicles. Many vessels on Richardson's Bay are out of registration or documentation for more than a year. RBRA member agencies and law enforcement need to know who owns these vessels and how to communicate with them for safety and accountability. RBRA and local law enforcement began a registration program last year and will intensify an ongoing effort to make certain that vessels on Richardson's Bay have current registration.

The third objective is to remove unattended mooring balls, floats and other equipment. These devices have been illegally placed in the Bay and pose navigational and safety hazards, as well as environmental risks.

Finally, these efforts also include a recommended \$10,000 supplement to the current year budget for costs related to legal research and continued legal defense. Legal costs year-to-date are estimated at \$19,000 relative to a current year budget of \$25,000.

Goals, Metrics and Costs

Please refer to Attachment A for details associated with implementation of these efforts. Goals include the following:

- 1) Identify and remove an estimated additional 30 unoccupied vessels that are unseaworthy and deemed "marine debris," pursuant to H&N Code Section 550(b);
- 2) Identify and remove approximately 60 unattended mooring balls or floats, beginning with a notice/warning campaign; and
- 3) Coordinate to ensure current registration of vessels.

While much of the \$122,400 effort can be funded with 'in-kind' contributions from MCSO and SPD or existing grants to both RBRA and SPD from the State Department of Boating and Waterways¹, a \$20,000 gap remains - which would require increased current year RBRA Member contributions consistent with the JPA's membership cost share ratio.

¹ RBRA received final approval from the State of California for a \$199,800 SAVE (Surrendered and Abandoned Vessel) grant for boat abatement. The City of Sausalito has also been awarded its own approximately \$129,000 grant for the same grant period.

As previously mentioned, this effort has been the subject of our Law Enforcement working group consisting of SPD, MCSO, and the RBRA Harbor Master. It has also been reviewed and received the recommendation of the City/Town Manager Working Group. Community outreach and implementation efforts have already begun.

Legal Framework and Requirements for Enhanced Enforcement

RBRA Counsel has already researched these three initial enhanced enforcement efforts, and concluded that they are consistent with current regulations and statute - conditioned that their focus remain on unoccupied vessels and unattended moorings, floats or other devices. Consideration of any efforts to address occupied vessels or attended moorings should be delayed until an Executive Director can be identified to help guide the Agency, including up-front engagement with the community to work through housing services and assistance for the individuals residing on the water, and also including new procedures to guide the Agency.

Potential JPA Amendments

In September, your Board also directed Staff to research and provide a potential JPA amendment for consideration in November to waive the 180-day notice requirement for Sausalito to exit the RBRA effective, January 1. Your Board will also recall from September a proposal to consider a JPA amendment to allow any Member to withdraw after 180 days' notice at any point during a fiscal year, versus current JPA language which allows any Member the opportunity to provide notice in December for exit effective July 1 (the start of the subsequent fiscal year).

Given consensus from the City/Town Manager and Law Enforcement Working Groups to begin coordinated enhanced enforcement efforts, Staff is recommending that we continue operating within the existing JPA agreement and not seek a JPA amendment that would require unanimous consent of the RBRA, as well as subsequent ratification by each governing body of the RBRA membership.

It should be acknowledged that Sausalito has expressed its intent to preserve its options by submitting a notice of intent, prior to December 31, 2016, to withdraw from the RBRA, which would be effective July 1, 2017. Sausalito expressed that it may rescind its notice pending success of the enhanced enforcement strategy described in this staff report. While the City/Town Manager Working Group expressed its disappointment, and also discussed the importance of timing for any rescission of Sausalito's notice given the RBRA's need to consider a proposed FY 2017-18 budget by spring, the Working Group has agreed to move forward.

Part-time Executive Director (Action Item)

Your Board will also recall from September that Mr. Gould recommended your Board consider an amended management structure for the RBRA, substituting a part-time Executive Director for the part-time Agency Clerk to enhance operational focus, accountability, oversight and communication. It is recommended that your Board direct Staff to coordinate with Member City/Town Managers to identify a part-time Executive Director, including potential budget amendment, for consideration at a subsequent Board meeting.

The Executive Director would report to the RBRA board, supervise the Harbor Administrator and coordinate with the various agencies involved with Richardson's Bay. The Executive Director would also engage the MCSO, SPD and possibly the Coast Guard in discussions of protocols for assisting the Harbor Administrator with the above enforcement activities. Finally, an Executive Director would likely convene an RBRA working group to meet every two weeks with staff, legal counsel, representatives of the member agencies, and MCSO and SPD to coordinate the work, problem-solve and monitor actions and

outcomes. Outreach to other agencies, including BCDC, responsible for or with interest in management of harbors, bays and anchorages elsewhere in California, would be undertaken to determine best practices and lessons learned.

RECOMMENDED ACTION: Staff recommends that RBRA approve the enhanced enforcement strategy as outlined in this report. The focus of these efforts would be on unoccupied, unseaworthy vessels, unregistered vessels, and unattended and illegal equipment before dealing with the larger issues surrounding residential uses of Richardson’s Bay. Staff would report progress relative to the identified goals of:

1. Identifying and removing an estimated additional 30 unoccupied vessels that are unseaworthy and deemed “marine debris,” pursuant to H&N Code Section 550(b);
2. Identifying and removing approximately 60 unattended mooring balls/floats, beginning with a notice/warning campaign; and
3. Coordinating to ensure current registration of vessels.

In the meantime, Staff recommends continued coordination with the working group of City/Town Managers to identify an Executive Director to serve for the balance of FY 2016-17 and 2017-18 and ensuring the Agency can coordinate and operate effectively, including prioritizing current year abatements and implementing the enhanced enforcement initiatives.

FINANCIAL IMPACT: \$20,000 increased Member Contributions to support the enhanced enforcement initiatives. Consistent with the JPA Agreement, an enhancement to the budget will require unanimous consent.

ALTERNATIVE POLICY OPTION: Reject the recommended enhanced enforcement strategy, and direct Staff to administer the Agency and enforce its provisions as best as possible within existing budget.

Attachment A

RICHARDSON'S BAY REGIONAL AGENCY (RBRA)

Current Year (FY 2016/17) Enforcement Enhancement Budget Change Proposal (BCP)

Overview

The Marin County Sheriff's Office Marine Patrol (MCSO) and the Sausalito Police Department Marine Patrol (SPD) will work jointly with the RBRA Harbor Administrator to remove unoccupied marine debris and unattended/unused mooring balls and floats in their initial enhanced enforcement efforts, as well as continue existing patrols to enforce vessel registration requirements.

The MCSO will be responsible for identifying and removing unoccupied marine debris from the waters under the jurisdiction of the RBRA. The SPD will be responsible for identifying and removing unattended mooring balls/floats from RBRA waters as well.

SPD will initiate the efforts in advance with a public notice and community meeting/outreach campaign.

Goals

The goals of this proposed enhanced enforcement initiative are as follows:

- (1) MCSO will identify and remove an additional 30 unoccupied vessels that are unseaworthy and deemed "marine debris," pursuant to H&N Code Section 550(b).
- (2) SPD will remove approximately 60 unattended mooring balls/floats over the next 5-6 months, beginning with a notice/warning campaign.
- (3) MCSO and SPD will coordinate to ensure current registration of vessels (within existing budget)

The MCSO will accomplish its contribution toward the Marine Debris initiative within their budgeted full-time marine patrols with an "in-kind" contribution of \$19,500. The physical abatement and destruction of the identified marine debris may cost up to \$60,000, which will be covered by the RBRA State DBW grant.

The SPD Marine Patrol operates on a part-time, overtime-only budget and will require an additional \$10,000 to cover its costs of removing the unattended mooring balls/floats. The physical abatement and destruction of those balls/floats will be covered by a \$129,000 grant the City of Sausalito holds from the Division of Boating and Waterways (DBW). The required 10% match obligation over the 24 month grant period will be met through in-kind services provided by the City of Sausalito.

Cost Detail

Cost estimates are summarized on the following page, including an additional \$10,000 associated with legal research and defense.

Attachment A

<u>Initiative</u>	<u>Uses</u>	<u>Sources</u>	<u>Net Cost</u>	<u>Comment/Note</u>
(1) Marine Debris Enforcement				
• MCSO staff time (2 Deputy Sheriffs) ¹	\$19,500	(\$19,500)	(\$0)	(In-kind contribution)
• Costs to crush additional 30 items of marine debris ²	\$60,000	(\$60,000)	(\$0)	RBRA State DBW grant
(2) Mooring Balls/Float Enforcement				
• RBRA contract with dive specialist ³	\$10,000	(\$10,000)	(\$0)	SPD State DBW grant
• SPD staff time (1 Officer) required ⁴	\$10,000	TBD	\$10,000	RBRA Member contribution
• SPD administrative time ⁵	\$12,900	(\$12,900)	(\$0)	(In-kind contribution)
(3) Legal Research and Defense⁶	\$10,000	TBD	\$10,000	RBRA Member contribution
Total Cost	\$122,400	(\$102,400)	\$20,000	(RBRA Member Contribution)

¹ \$19,500 "in-kind" contribution = \$47 hourly rate x 2.0 FTE x 8 hours per patrol x 26 weeks.

² \$60,000 destruction estimate = \$2,000 on average per vessel x 30 vessels.

³ \$10,000 contract with dive specialist = 60 balls or floats est. volume / 3 per hour x \$500-\$600 hourly rate (depending on complexity).

⁴ \$10,000 SPD staff time = \$50 hourly rate x 1.0 FTE x 8 hours per patrol x 26 weeks.

⁵ \$12,900 SPD "in-kind" contribution = \$129,000 grant x 10% match obligation.

⁶ Costs related to research of marine debris statute, RBRA regulations, and costs associated with litigation.

Attachment A

\$10,000 Increased Member Contribution Required

JURISDICTION CONTRIBUTION PERCENT (%)	Adopted FY 15-16	Adopted FY 16-17	Add'l Contrib. per BCP	Revised FY 16-17 Contribution	% Inc.
MILL VALLEY (5%)	\$13,455	\$13,455	\$1,000	\$14,455	7.4%
BELVEDERE (7.5%)	\$20,183	\$20,183	\$1,500	\$21,683	7.4%
TIBURON (10%)	\$26,910	\$26,910	\$2,000	\$28,910	7.4%
SAUSALITO (35%)	\$94,185	\$94,185	\$7,000	\$101,185	7.4%
MARIN COUNTY (42.5%)	\$114,368	\$114,368	\$8,500	\$122,868	7.4%
TOTAL	\$269,100	\$269,100	\$20,000	\$289,100	7.4%