

RICHARDSON'S BAY REGIONAL AGENCY

Thursday, August 15, 2013

5:30 P.M. to 7:00 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. Minutes of June 20, 2013 Meeting
2. Review report of Harbor Administrator
3. Approval of prior expenditures for end of FY 2013, and July-August 2013
4. Review of legal issues in Richardson's Bay
– presentation by Clem Shute
5. Public comments invited concerning items NOT on this Agenda (3-minute limit)
6. Staff comments
7. Board member matters

NEXT MEETING: Tentatively planned for October 17th, 2013. 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@co.marin.ca.us

RICHARDSON'S BAY REGIONAL AGENCY

MEMORANDUM

August 9, 2013

TO: RBRA Board

FROM: Ben Berto, RBRA Clerk

SUBJECT: August meeting

Board members:

This meeting features a fairly light agenda, for which this Clerk is relieved, owing to some other pressing items. The major item is a discussion of legal issues. Staff hopes to have met with an attorney with expertise in maritime law prior to the meeting, and if so will report the outcome at this hearing.

Derelict vessels and the problems they cause not surprisingly continue to be a nationwide issue, as the attached Oregon newspaper article link attests: http://www.oregonlive.com/portland/index.ssf/2013/06/derelict_sunken_crafts_in_oreg.html. This staffer is coming to the conclusion that a long-term solution may have to be modeled after motor vehicle purchase and registration fees, where sufficient funds pay for demolition of virtually every vehicle (and associated tires). Regardless of RBRA's (and the CA Association of Harbormasters and Port Captains) success in maintaining boating funding out of the State Department of Parks and Recreation (see Harbormaster's Report), there simply is not enough funding at this time to comprehensively address and eliminate the problem comparable to motor vehicles. There seems little short-term hope for change in the current economy. In the longer term, a bigger pay-to-play pie will help.

RBRA is moving ahead with its local implementation of the TMDL Plan imposed on the Agency by the State Regional Water Quality Board. The update provided by Staff to the State summarizes our activities since the last reporting period.

As further evidence of the ever-changing nature of the waterfront, Staff barely reported the latest status of shoreline access at the June Board meeting when news came out that Clipper Yacht Harbor has substantially curtailed public use of its launch site (see copy of attached IJ article). The article also references Sausalito's desire to enhance the Tunney Street boat launch, and the significant financial hurdle it faces in doing so.

The America's Cup prelims are on, with breathtakingly fast vessels drag racing along the San Francisco waterfront, and contenders already starting to separate from the pretenders. As has been noted in recent news articles, regardless of what vessels they are on (virtually all of them), the Kiwis are a dominant factor in this race. . A flipside of the economic downturn is the America's Cup, while a major event, has so far not proved to be overwhelming in terms of service demands on our Agency.

RICHARDSON'S BAY REGIONAL AGENCY

MINUTES OF JUNE 20, 2013

HELD AT SAUSALITO CITY HALL CHAMBERS

MEMBERS PRESENT: Ken Wachtel; (Mill Valley); Herb Weiner (Sausalito); Emmett O'Donnell (Tiburon), Kate Sears (Marin County) arrived after meeting start (pre-arranged)

ABSENT: Thomas Cromwell (Belvedere)

STAFF: Bill Price (Harbor Administrator); Ben Berto (RBRA Clerk); Jenna Brady (County Counsel)

Meeting called to order at 6:05 PM by acting Chair Wachtel

Minutes of May 28 special budget meeting

Minutes were continued to the next meeting.

Review report of Harbor Administrator

Mr. Price informed the Board that the Base Manager at the Army Corps of Engineers had recently retired and his position had been filled by Duke Roberts. The transition appeared to be seamless and he had good meetings with Mr. Roberts. RBRA's license to conduct operations at the Corps Baseyard is effective until October 2014, and the license renewal process will begin in Spring 2014.

Price related his experiences in getting reimbursed from CalRecycle. Member O'Donnell asked if there were additional vessels removed with the grant funds and Price stated that the grant had been available since January 2013, and 23 vessels had been removed to date at a cost of @\$67K. Member Weiner asked about the new vessels from Redwood City's Pete's Harbor closure, and Price reported that 4 had been identified, stating that marina closures were always a problem and resulted in additional vessels anchoring out in Richardson's Bay.

Prior expenditures

The expenditure report was accepted unanimously.

6:15 Kate Sears arrived from BCDC Meeting

Update on public access points in Richardson's Bay

Mr. Berto began his report by stating that access to the water's edge in Richardson's Bay was fantastic for the general public, with an almost continuous waterfront path stretching from Valley Street in Sausalito to San Rafael Avenue in Belvedere, resuming through downtown Tiburon's boardwalk and shoreline as well. He also mentioned that no public document adequately

describes this unique access and suggested that this information be made available to the public as a web tour or tourist board brochure.

He related a productive meeting with him, Jonathon Goldman, Sausalito Public Works Director, Mr. Price. Mr. Goldman described the City's work in developing access, which requires a ton of staff time and money, the creation of partner relationships, and resolving thorny challenges including no-change advocates and ADA access issues. He also mentioned that the City of Sausalito was the logical locus for anchor-out access proponents, as all feasible water-shore access is through the City's jurisdiction, and the Council can directly deal with their issues.

Member Weiner stated that the City was pursuing the dinghy dock and that Cass Gidley Marina looked promising. Scott Diamond spoke to the need for deep water dinghy docks since only Schoonmaker was accessible at an extreme low tide. Doug Storms asked if there was a plan for access at Waldo Point Harbor Gates Park, and Price responded that there were no plans in the area due to its depth and dangerous mud access. Mr. Diamond asked that Clipper Harbor face permit reviews for access point between Harbor #2 and #3.

Member Weiner pointed out that the fishing pier at the Trident property was approved and ready to begin construction.

Election of Officers

Ken Wachtel nominated Herb Weiner as Vice Chair to replace the late Dick Collins, and the vote for approval was unanimous.

Public Comments

None

Staff Comments

Mr. Berto introduced Jenna Brady as the new County Counsel representative, replacing Jennifer Vuillermet who recently retired after many years of valuable service to the RBRA. Thanks were accorded to Jennifer by Staff and the Board.

Board Member Matters

Chair Sears asked Staff to devote some time researching a review of the legal framework of the RBRA. Mr. Berto responded that Staff would focus on that and present something at an upcoming Board meeting.

The meeting was adjourned to closed session at 6:45 PM.

NOTE: The next meeting of the RBRA is tentatively scheduled for **August 15, 2013 at 5:30 PM** at the Sausalito City Hall Chambers.

RICHARDSON'S BAY REGIONAL AGENCY

HARBOR ADMINISTRATOR'S REPORT

August 8, 2013

WORKING RELATIONSHIPS

- **Boating and Waterways** – Received a minimal amount (10%) of the original \$20K we applied for in VTIP funding due to an increasing number of applicants and the program's partial funding this year. 2) Travelled to Sacramento twice to meet with new State Parks leadership, who now manage the Division of Boating and Waterways, in order to assure that boater's issues are not forgotten in the transition. 3) Received reimbursement of \$10,500 for operations and maintenance of the pump-out boat "Waste Aweigh" through the EPA grant. 4) Preparing for grant application for a new patrol vessel in 2014, since the "Mud Puppy" hull will be over ten years old. Developing specifications and soliciting bids.
- **Cal Recycle** – Processed and received reimbursement for our second round of vessels disposed under the terms of this grant. Continued challenges with using their all electronic system.
- **Corps of Engineers** – working on the annual clean-up of the yard prior to the Sausalito Art festival.

DEBRIS REMOVAL

- Disposed of 7 vessels. 4 vessels are currently awaiting demolition
- In coordination with City of Sausalito public works, the Mono Street Marsh was cleared of fennel and other non-native foliage
- 3 boats are currently impounded
- Beach clean-up efforts ongoing using Marin Co. Community Service volunteers

RAPID RESPONSE

- Recovered 2 small vessels from Belvedere shoreline.

WATER QUALITY

- Progress report sent to Regional Water Quality describing TMDL progress (see attached).
- Waldo Point Harbor had a land-side sewage issue in early August that involved street excavation and hiring Roto-Rooter to pump their holding tanks on a regular basis. Fortunately, all of their dock head holding tanks will be replaced and upgraded by the end of the project in 2015, which will improve the system considerably.
- Inspected 4 marinas for the Clean Marina Program. Statewide, over 120 marinas have achieved Clean Marina certification, which takes some of the pressure off of them in regards to water quality issues

OTHER

- Assisting Audubon to replace their "no entry" buoys and anchors for the upcoming season
- Replacing "no anchor" buoys in Dunphy Park
- All boats have been hauled and painted. Motor maintenance up-to-date as well. Sausalito PD still contributing 1/2 on patrol boat expenses. DBW covering 75% of expenses on the pump-out boat.

A New "Neighborhood Watch" Program for Richardson Bay Waters

By Blaise Simpson

It's easy to enumerate why we love living on the water -- glorious views, tranquil sounds, fascinating wildlife, and salt-fresh air, among them. Now there's a new way for us to get involved in keeping our watery home beautiful and clean.

Ray Dunaway and I have been working with Bill Price, the Harbor Administrator for the Richardson's Bay Regional Agency (RBRA), to create a neighborhood watch program for the floating homes community. In addition to clearing away submerged boats and refuse from Richardson Bay, Bill tests local waters two times a year for fecal coliform in 16 different local sites. Inspired, in part, by a mandate from the California Regional Water Quality Control Board, the testing is part of an effort to achieve water quality improvements in our bay as well as in the rest of California.

Bill reports to the State on water quality twice a year, following one water test during the late summer and wet weather in the winter, when it is possible to have bigger blooms of bacteria caused by storm drains and broken sewer lateral pipes. Bill does not believe that the floating homes marinas are the cause of increased bacteria. In fact he told us that our marinas have the best sewer system in the world because we can see it, hear it and smell it, and can shut it down immediately if it is in need of repairs. We represent a battalion of inspectors since all of us routinely walk down the docks and can spot problems and report them quickly.

Bill and the RBRA want to improve the quality of bay waters through the bi-annual water testing program, as well as by trying to get 100 percent of "live aboards" and boaters to participate in sewage pump-outs, and by organizing a "neighborhood watch" program to encourage

marina owners, houseboat owners, anchor outs and boaters to report sewage spills. This is where we residents come in...

If you see a leak coming from someone else's sewer or water lines you should notify the neighbor if you can, and also immediately call your marina's harbormaster. If you can't reach them, or if you see any suspicious outflow being discharged into the bay from any other location, call Bill Price. (By the way, people have repeatedly reported a rotten egg smell near the beginning of East Pier in Kappas Marina. The smell comes from a natural sulfur spring that bubbles up from under the Bay. It's smelly, but natural and not harmful so it doesn't need to be reported.)

Contact information for Bill and each of the floating homes marina harbormasters follow below:

Richardson's Bay Harbor Admin Bill Price:
cell phone: (415) 971-3919,
email: BPrice@marincounty.org

Waldo Point Harbormaster: Ted Rose, cell phone 415 302 1895. Office/24hour answering service, 415 332 6220. Rose doesn't have email.

Kappas Marina Harbormaster:
Ken Watsey, phone: 415-332-5510 email: kwatsey@aol.com

Commodore Marina Harbormaster: Steve Price, phone, 415 850-5200, email: steve@priceandmulvihill.com or steve@seaplane.com

Yellow Ferry Harbormaster:
Chris Tellis, phone: 415-332-9556, email: ctellis@yahoo.com

Galilee Harbor Community: phone: 415-332-8554, email: ghca@prodigy.net

In addition, all of us are responsible to maintain our own onboard pumps and sewer lines. If you see a leak in your pump, or inside or outside plumbing lines, you should call a plumber to repair it quickly so it won't pollute the bay (or your home!) To help us know what to look for, Michael Petersen of Pump a Turd plumbing, has put together some tips in the accompanying box.

Tips for Maintaining Floating Homes Plumbing

Michael Peterson, our community's most experienced plumber, offers the following advice:

- Check your sewer pump every year, by lifting the top off and looking inside. See if sewer grease (a combination of soap and cooking fat) is coating the sides of the tank and the float switch. If you do see grease, scrape it off with a trowel and throw it away in the trash. If the grease build-up becomes too heavy, your float switch will quit working.
- Many of the pumps, particularly the old Peabody Barnes models, are extremely long lived. With proper maintenance, many of these are still working well after 40 years.
- Consider using your disposal less frequently. Michael says he normally recommends against putting disposals in floating homes because they tempt owners to put things in them that can cause plumbing problems.
- Check your outside sewer lines annually. They are usually yellow or green and also last a long time, with many of them more than three decades old. However, a lot of sunlight or flexing can cause them to break.
- When sewer lines break, it is usually because of sun or stress at places where the lines take an abrupt angle, such as where they attach to the house or the dock. Surface cracks are not cause for alarm since the lines have multiple layers, but if you see anything oozing from a line, call a plumber to replace it before it fully breaks.

FHA Floating Homes Survey

By Ron Moreland

First thanks to everyone who took the time to complete the recent FHA survey. We had a great turnout with 155 households responding. Your response will help the FHA Board in determining what our priorities should be and providing demographic information about our community to the media and government entities. Here are some bullet point highlights:

- We use our floating homes as our primary residence. 86% said they live in their home more than 50% of the year.
- Average berth rents are just over \$900/month.
- We have lived in the community for quite some time. 55% said they had lived in their homes for more than 10 years, with 18% saying they had lived here for more than 21 years.
- 68% said their annual household income was greater than \$75,000, with 38% saying it was greater than \$125,000.
- Our community is certainly aging. 64% of the respondents said they were 60 or older. The largest single group (60 - 69 years old) made up 43% of the respondents.
- Our occupations are wide spread. But, fitting in with the age of the respondents, the largest single occupation (24%) was "retired".
- 61% said they had no mortgage.
- The four biggest reasons why people said they joined the FHA were:
 - o Support neighbors & the community,
 - o Representation with marina management
 - o Representation with government agencies, and
 - o Floating Times newsletter
- With regard to insurance, 55% purchase property insurance from the FAIR Plan and most of the remainder from Red Shield Insurance Company.
- Finally you said the top FHA priorities should be:
 - o Control berth rents
 - o Emergency preparedness
 - o BCDC marina permit renewals, and
 - o Better dock and marina maintenance.

In the near future we will try to put up more details of the survey on the FHA website.

Richardson Bay Regional Agency

Vessel Disposal List June- August 2013

Date	Name	Type	Amount	
6/22/2013	Vaitere	27' F/G sailboat	\$ 777.36	abandoned - CALRECYCLE
7/20/2013	Downwind II	44' wooden sailboat	2,653.95	abandoned - CALRECYCLE
8/3/2013	Arenacraft	20' F/G powerboat	280.00	abandoned - CALRECYCLE
8/3/2013	Lizzie MacNeil	28' wooden sailboat	2,950.00	abandoned - CALRECYCLE
8/17/2013	Mezzo Mezzo*	28' F/G powerboat	1,120.00	abandoned - CALRECYCLE
8/17/2013	Knarr*	30' wooden sailboat	550.00	abandoned - CALRECYCLE
8/17/2013	Imago*	40' F/G sailboat	2,150.00	abandoned - CALRECYCLE

7 vessels total \$10,481.31

* indicates estimated invoices

RBRA-FY 2012/13 - June 10 - 30 FINAL 2013 BALANCE SHEET

COST ELEMENT	DESCRIPTION	REVENUES	EXPENSES
Bldgs & Grounds Rent	MOORING RENTAL		-150.00
Bldgs & Grounds Rent	MOORING RENTAL		-150.00
State - Grant	CALRECYCLE GRANT REIMBURSAL	-44115.80	
Bldgs & Grounds Rent	MOORING RENTAL		-150.00
Sales and Services	REIMBURSAL FOR DISPOSAL		-1718.36
Sales and Services	SAUSALITO PD BOAT SHARE		-632.23
Sales and Services	REIMBURSAL FOR DISPOSAL		-1562.33
State - Grant	DBW - PUMP-OUT GRANT REIMBURSAL	-10593.51	
State - Grant	CALRECYCLE REIMBURSAL		-15296.03
Int on Pooled Invst	INTEREST 4TH QTR		-28.32
	TOTAL	\$ (74,396.58)	
Rent - Equip Rental	HERTZ - BACKHOE		574.65
Prof Svcs - Other	DIEGO TOWING - BOAT UP RAMP		472.50
Prof Svcs - Other	MT HEAD PUMP-OUT		375.00
Rent - Off Space	ICB - OFFICE RENT		420.00
Com Srvc - Cell Phon	AT&T - MOBILE PHONE		37.49
Prof Svcs - Other	DAY LABOR - MATTHEWS 40		650.00
HazMat Clean Up	BAY CITIES DEBRIS REMOVAL	1924.33	
Trav-Meals	PRICE, WILLIAM G		40.89
Trav - Mileage	MILEAGE AND BRIDGE TOLLS		35.03
Trav - Parking	MEETING PARKING		16.00
Rent - Equip Rental	HERTZ - BACKHOE		893.95
Prof Svcs - Legal	COUNTY COUNSEL - LEGAL SERVICE		512.50
HazMat Clean Up	HMA - ASBESTOS INSPECTION		650.00
Rent - Off Space	SCHOONMAKER - SLIP RENT		160.00
Prof Svcs - Other	ALEXANDER - WEB SERVICES		260.00
HazMat Clean Up	BAY CITIES DEBRIS REMOVAL		396.00
Rent - Equip Rental	HERTZ - BACKHOE		387.36
Bldgs & Grounds Rent	REIMBURSAL FOR DISPOSAL-RECLASS		1718.36
Bldgs & Grounds Rent	DBW - PUMP-OUT GRANT-RECLASS		632.23
Com Srvc - Broadband	INTERNET AT&T		29.34
Com Srvc - Broadband	AT&T FAX		5.69
Subscriptions	WINDFINDER SERVICE		99.95
Trav-Meals	SAYLORS		31.36
Trav-Meals	PICANTE		34.01
Printing Supplies	OFFICE DEPOT		21.79
Printing Supplies	CANON PRINTER INK DIRECT		61.03
Postage	FED EX		10.28
Postage	FED EX		13.41
Maint & Rep Su - Oth	KKMI - HAUL AND PAINT WASTE AWEIGH	1000.00	
Maint & Rep Su - Oth	KKMI - HAUL AND PAINT WASTE AWEIGH		856.12
Oil & Gas Outside	CHEVRON - FUEL		202.47
Rent - Equip Rental	HERTZ - BACKHOE		387.36
Professional Svcs	CDA - ANNUAL SERVICES	41472.00	
Prof Svcs - Legal	COUNTY COUNSEL - LEGAL SERVICE		512.50
ProfServ-CntySalRe	SALARY AND BENEFITS	13545.40	
Com Srvc - Cell Phon	AT&T - MOBILE PHONE		83.66
	TOTAL	\$ 68,522.66	

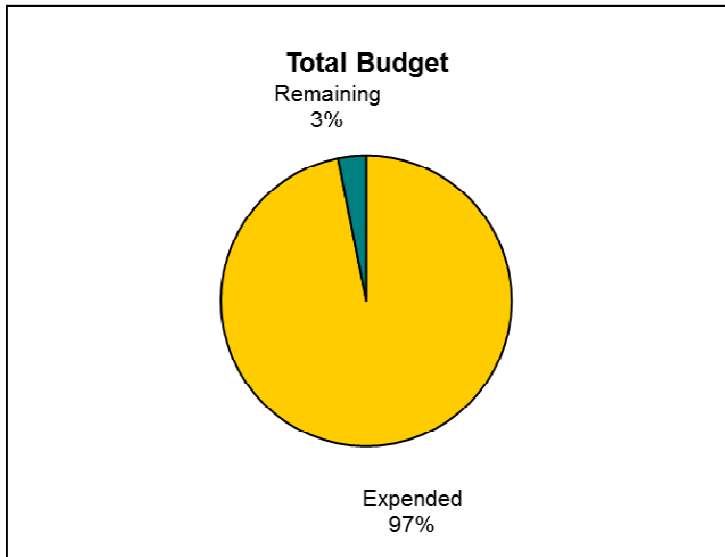
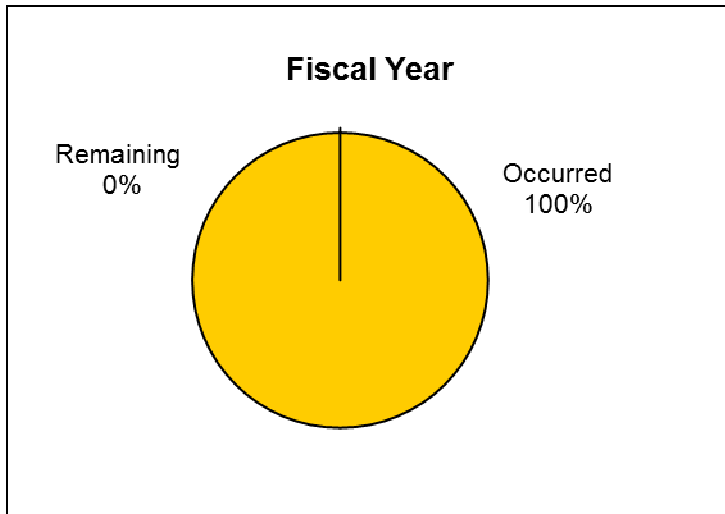
RBRA - FY 2013/14 - July 1 - Aug. 10 2013 BALANCE SHEET

COST ELEMENT	DESCRIPTION	REVENUES
RBRA DUES	MARIN COUNTY	-103986.00
RBRA DUES	SAUSALITO	-85636.00
RBRA DUES	BELVEDERE	-18350.00
RBRA DUES	TIBURON	-24467.00
RBRA DUES	MILL VALLEY	-12234.00
Bldgs & Grounds Rent	MOORING RENTAL	-300.00
Bldgs & Grounds Rent	MOORING RENTAL	-150.00
Bldgs & Grounds Rent	MOORING RENTAL	-150.00
Bldgs & Grounds Rent	MOORING RENTAL	-150.00
Bldgs & Grounds Rent	MOORING RENTAL	-300.00
		TOTAL \$ (245,723.00)

EXPENSES

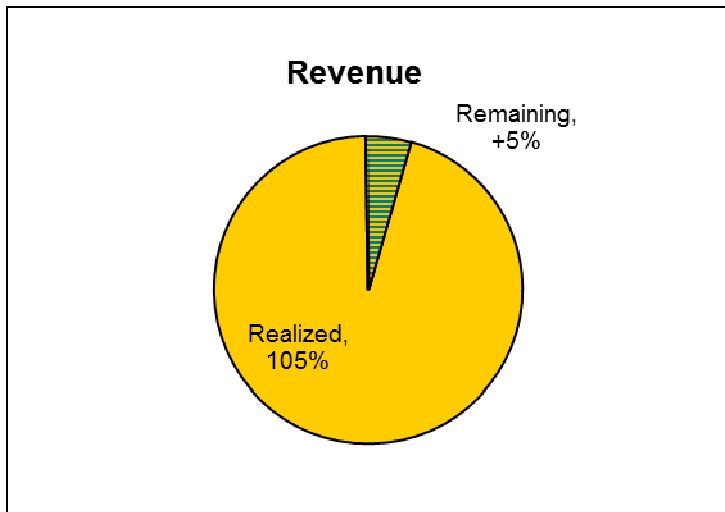
Rent - Off Space	SCHOONMAKER MARINA - SLIP RENT	180.00
Rent - Off Space	SCHOONMAKER MARINA - SLIP RENT	243.00
Rent - Off Space	LIBERTY SHIP DRY STORAGE	240.00
Prof Svcs - Other	BAY CITIES DEBRIS REMOVAL	390.00
Prof Svcs - Other	MT HEAD	425.00
Rent - Off Space	ICB OFFICE RENT	420.00
HazMat Clean Up	HMA - ASBESTOS TESTING	350.00
Prof Svcs - Other	DAVE'S DIVING - TOWING	250.00
Prof Svcs - Other	DAY LABOR - DOWNWIND II	125.00
Prof Svcs - Other	DIEGO - TOW BOAT UP RAMP	400.00
HazMat Clean Up	BAY CITIES DEBRIS REMOVAL	662.20
Rent - Off Space	SCHOONMAKER MARINA - SLIP RENT	480.00
Rent - Off Space	SCHOONMAKER MARINA - SLIP RENT	243.00
Rent - Off Space	LIBERTY SHIP DRY STORAGE	240.00
Rent - Equip Rental	HERTZ - BACKHOE RENTAL	568.23
Prof Svcs - Other	PARKER DIVING - RAISE SUNK BOAT	550.00
		TOTAL \$5,766.43

Percent of Budget and Percent of Year as of June 30, 2013



Expenditures vs. Budgeted Expenditures

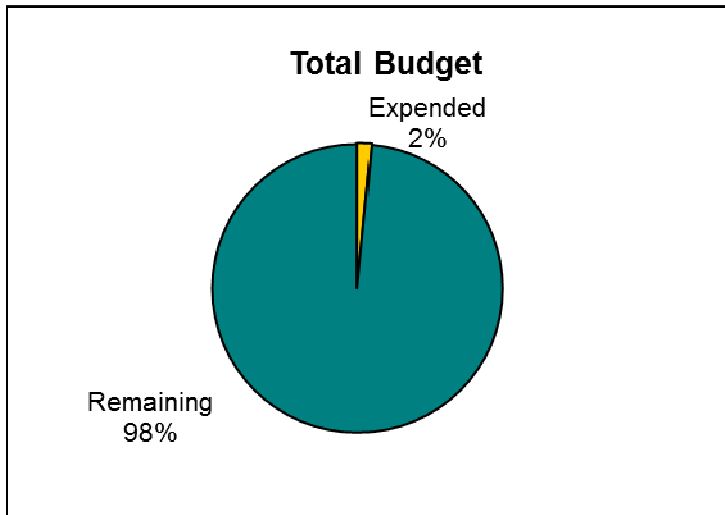
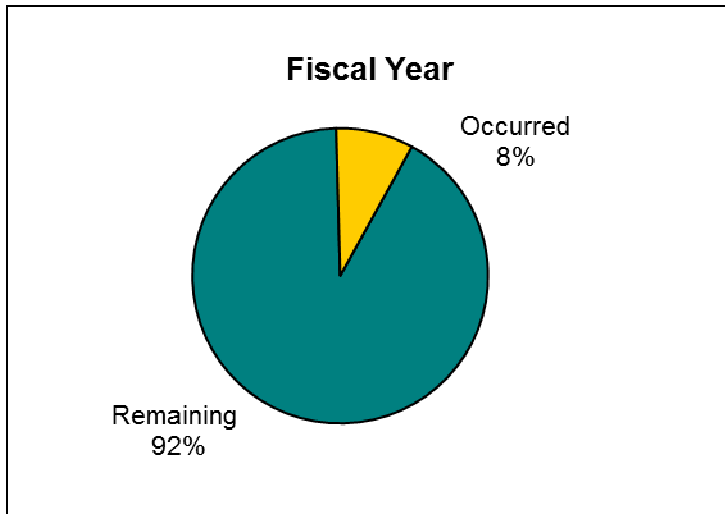
Expenditures	\$439,240
Adopted Budget	\$453,373



Realized Revenue vs. Budgeted Revenue

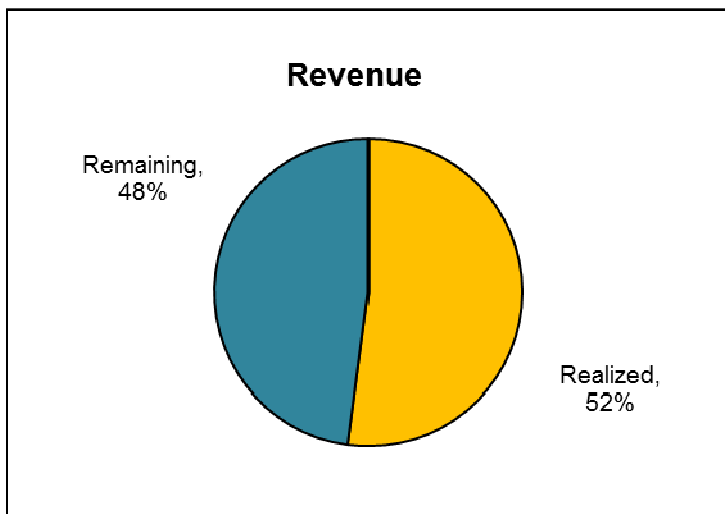
Realized Revenue	\$497,441
Budgeted Revenue	\$473,080

Percent of Budget and Percent of Year as of August 1, 2013



Expenditures vs. Budgeted Expenditures

Expenditures	\$ 7,272
Adopted Budget	\$471,672



Realized Revenue vs. Budgeted Revenue

Realized Revenue	\$245,723
Budgeted Revenue	\$471,672

RICHARDSON'S BAY REGIONAL AGENCY

MEMORANDUM

August 9, 2013

TO: RBRA Board

FROM: Ben Berto, RBRA Clerk

SUBJECT: Legal issues affecting RBRA jurisdiction

Board members:

Staff has been reviewing RBRA's legal context. An integral part of that involves the agency's policies and regulations.

The Joint Exercise of Powers Agreement sets forth RBRA's legal authority to enforce regulations and provisions of the Richardson's Bay Special Area Plan, including services such as pump-outs, vessel sewage no-discharge zones, and miscellaneous water-based police services (see attached copy of JPA). On a more global scale, the State McAteer-Petris Act provides San Francisco Bay-wide policies and regulations, and is used by the Bay Area Conservation and Development Commission (BCDC) to further its policy objectives. BCDC also has board regulatory authority, including granting and enforcing permits, under the Bay Plan. State Public Trust Doctrines also apply to portions of Richardson's Bay still considered State lands.

The Agency uses a combination of local and State regulations to for its regulatory powers on the anchorage. For example, nuisance declarations are per State statutes. The RBRA does have a number of local regulations, for example the anchoring maximum time of 72 hours after which an anchoring permit is (ostensibly) required. RBRA has received a legal opinion from the Coast Guard (in 1993) that clarified that the Feds did not consider RBRA superceded in its local regulatory efforts by Federal

RBRA's direct use of police powers involves an average of around 20 Summary Abatements, generally used to quickly remove derelict vessels that have run aground after a storm or other reasons. Generally these declaration are accompanied by a quasi-voluntary relinquishment of title - the owners (when found) of the derelict grounded vessels realize that they lack the financial/logistical resources to expeditiously remove the vessel from the beach themselves (or relocate it back on the anchorage in secured and seaworthy condition, or shoulder RBRA's expenses when the Agency has to effect the removal itself.

Additional police-style activity at this time would quickly exhaust RBRA's (current) \$6,000 annual legal budget.

With the \$495,000 grant that RBRA successfully secured last year, Staff has been proceeding to abate and remove derelict vessels at a higher rate than its vessel removal budget limitations previously allowed. What this effectively amounts to is the ability to remove larger vessels, and to subcontract out vessel demolition to a third party when Staff's capacity to do so has been reached.

It would be useful to develop a prioritization for how Staff addresses vessel abatements on the anchorage under current or reasonably near-term budget and other legal limitations. For example, such priorities might include:

1. Unregistered and undocumented vessels
2. Large vessels (e.g., greater than 55 feet in length)
3. Derelict and otherwise hazardous vessels

There are many challenges to comprehensively pursuing such an enhanced abatement and enforcement program. The most immediate is budgetary. No grant program that Staff has been able to discover has provided funding for enforcement and other legal action. Even were a more robust legal budget available, RBRA currently lacks the regulatory scope to pursue much more than what it does. For example, achieving an effective, legally-defendable program to achieve the above-mentioned priorities would require new ordinances.

Another challenge is the RBRA's cooperating law enforcement agencies, specifically Sausalito Police and the County Sheriff, have their own challenges in making their enforcement actions stick.

If the Board so directs, Staff would be happy to explore what policies and regulations, and additional budget might need to occur to more comprehensively pursue a higher rate of vessel abatement, or to effectively prioritize the abatement of certain vessels on the anchorage.

- Attachments: 1. RBRA Joint Exercise of Powers Agreement
2. Coast Guard Counsel Memorandum 01/07/93

RICHARDSON BAY JOINT EXERCISE OF POWERS AGREEMENT

THIS AGREEMENT, made and entered into this 5 day of October 2000, by and between the COUNTY OF MARIN, a political subdivision of the State of California, hereinafter referred to as "COUNTY", and the CITIES OF BELVEDERE, MILL VALLEY, SAUSALITO and TIBURON, municipal corporations of the State of California, hereinafter referred to as "CITIES".

WITNESSETH:

WHEREAS, COUNTY and CITIES have jointly prepared and adopted the Richardson Bay Special Area Plan (with minor modifications as it applies to Sausalito) which sets forth policies and recommendations for the waters of Richardson Bay, portions of which fall within the jurisdictions of each of the CITIES and the COUNTY; and

WHEREAS, COUNTY and CITIES believe that the mutual exercise of certain functions within the waters of Richardson Bay would be beneficial to all parties; and

WHEREAS, COUNTY and CITIES are public entities of the State of California authorized under California law to provide police, fire and other governmental services to the inhabitants and property owners located upon and along Richardson Bay, as more particularly depicted on Exhibit "A", attached hereto and by this reference incorporated herein; and

WHEREAS, Chapter 5 of Division 7 of Title 1 of the California Government Code (commencing with Section 6500) authorizes agreements for the provision of services to the residents and property owners upon and along the area depicted on Exhibit "A" so as to maximize cost savings and to coordinate the efforts on this valuable resource;

NOW, THEREFORE, in consideration of the mutual promises and covenants hereinafter contained, the parties hereto do hereby agree as follows:

1. There is hereby created a public agency to be known as the Richardson Bay Regional Agency as a separate legal entity formed pursuant to the provisions of Article 1, Chapter 5, Division 7, Title 1 of the California Government Code relating to the joint exercise of powers common to public agencies, and for the purposes of this Agreement Agency is a public entity separate from the parties hereto.
2. The governing body of the Agency shall be constituted of five (5) members, one to be selected by the Board of Supervisors with respect to the COUNTY representative, and one to be selected by each City Council with respect to the representative of each of the CITIES. Such member appointed shall be a member of the Board of Supervisors or City Council and shall serve at the pleasure of such governmental body. The governing body shall elect from its own members a Chairman and Vice Chairman whose terms of office shall be two years. The Chairman and Vice Chairman may not be reelected to a second consecutive term in the same office. An alternate may be appointed by each member jurisdiction and such alternate may act for the member jurisdiction in the absence of the regular member of the governing body.
3. The members shall each have one vote in all matters brought before the Agency provided, however, that on any matter affecting any member CITY or COUNTY a no vote from the member of the affected CITY or COUNTY shall prohibit the Agency from taking the proposed action within the affected jurisdiction's boundaries. The no vote provided for in the precedent sentence may be cast by a member within thirty (30) days of notice of the proposed action. In the event a no vote is not cast in such period it shall be deemed waived.

4. A majority of the members of the governing body constitute a quorum for the transaction of business. No act of the governing body shall be valid or binding unless a majority of all the members concur therein.
5. The Agency shall not have any powers over any uses, zoning or subdivisions on any area within the boundaries of its member jurisdictions.
6. The governing body shall maintain and implement those provisions of the Special Area Plan (which consists of a diagram or diagrams and text containing a description of the needs and goals of the region and statement of policies and goals for the Richardson Bay area) relative to:
 - a. Mooring, dredging and navigational channel implementation including but not limited to the establishment and enforcement of permitted anchorage zones, navigational channels and fairways plans and similar activities.
 - b. Public services and facilities which by the nature of their function, size, extent and other characteristics are necessary or appropriate for inclusion in the Special Area Plan. Such facilities and services may include, but are not limited to, water based police and fire protection, sewage pump-out facilities for vessels, enforcement of a vessel sewage no discharge area when given authority by the Environmental Protection Agency, and public docks or moorings.
7. On or before May 1 of each calendar year the Agency shall establish the amount of money necessary to support its activities for the next succeeding fiscal year commencing July 1 of that year provided, however, that the opportunity to exercise a "no" vote contained in Section 3 hereof shall be given each member prior to

May 1. The parties shall contribute to the Agency among the parties hereto as follows:

<u>Agency</u>	<u>Percentage Share</u>
County	42.5%
Sausalito	35%
Tiburon	10%
Mill Valley	5%
Belvedere	7.5%

Increases in agency revenue in keeping with the cost distribution formula may be changed by a resolution of the governing board of all member jurisdictions. (Per amendment adopted 1997 by all parties.)

8. Clean-up of pre-existing conditions in the Bay shall be the responsibility of the individual jurisdictions. This includes costs of legal action taken by the individual members. Coordination of this clean-up activity is essential to the success of this Agreement.
9. Following establishment and funding of the Agency, Agency shall have power to enforce such regulations to accomplish the provisions of paragraph 6 of this Agreement as it may adopt from time to time. Costs of such enforcement shall be borne by the Agency including necessary legal costs. The RBRA Harbor Administer is designated to enforce agency ordinances and regulations including the issuance of citations for infractions in violation of RBRA Ordinances which include but are not limited to the violations listed in "Exhibit C", attached hereto and by this reference incorporated herein. (Amendment adopted 1999 by all parties).

10. The Agency shall have the power to issue citations and perform other enforcement actions in the name of the Agency.
11. The Agency shall fix and collect reasonable fees for services rendered by it from persons other than its member jurisdictions.
12. The Agency shall be strictly accountable to any party for all funds paid by them to the Agency and shall be strictly accountable to all participating bodies for all receipts and disbursements.
13. The Agency is authorized to receive gifts, donations, subventions, grants or other financial aids or funds.
14. The Agency may not obligate itself beyond the monies due under this Agreement for its support from the several parties for the current fiscal year, plus any monies on hand or irrevocably pledged to its support from other sources. No obligation contracted by the Agency shall bind CITIES or COUNTY.
15. Agency shall have the power to deliver or contract with any member hereof, or any governmental entity located within the area depicted in Exhibit "A", for the provision of police protection services.
17. This Agreement shall become effective when representatives of all of the parties have executed it and shall continue in full force and effect until terminated by an agreement executed by all parties. This Agreement supercedes the Richardson Bay Joint Exercise of Powers Agreement dated July 16, 1985, under which the member agencies have been acting until the execution of this Agreement. The member agencies hereby ratify the prior acts of the Richardson Bay Regional Agency.

18. Agency is hereby authorized in its own name to do all acts necessary for the exercise of the powers described in Paragraphs 6, 15 and 16, including but not limited to any of the following: to make and enter into contracts; to apply for and accept grants, advances and contributions; to employ agents and employees; to sue and be sued in its own name; to incur debts, liabilities or obligations; to issue bonds, execute warrants and other evidence of indebtedness; to finance costs and expenses incidental to the projects of Agency; and, to exercise jointly the common powers of the parties set forth above. Agency shall have the power of eminent domain but not the power to levy ad valorem property taxes.
19. Agency shall appoint a Treasurer from among the senior management staff of any of the member parties provided that the member agency is amenable to the same. The Treasurer shall be either the Auditor/Controller or Treasurer of the COUNTY or the Treasurer or Finance Director of one of the CITIES. The Treasurer shall serve as the depository and have custody of such books, records, funds, and accounts as may be required by reasonable accounting practice, Government Code Section 6505, or by another governmental agency. (Amendment to original JPA, approved by all parties in 1992.)
20. Regular meetings of the governing board of the Agency shall be held at such times and places as shall be established by it by resolution. All such meetings, including regular, adjourned or special meetings, shall be called, noticed and held and conducted in accordance with the provisions of the Ralph M. Brown Act, Sections 54950 through 54960 of the Government Code of the State of California.
21. Agency shall have the power and authority to issue and sell revenue bonds in accordance with Article 2, Chapter 5, Division 7, Title 1, and Chapter 6,

Division 2, Title V of the Government Code, and such other relevant provisions of law as may now or hereafter be applicable.

22. For purposes of referendum and any necessary votes on taxes on Agency-wide basis, the boundaries of Agency shall be as depicted on Exhibit "A" and as described in Exhibit "B", attached hereto and by this reference incorporated herein. Under applicable law, Agency may form improvement districts. Bond elections shall be conducted pursuant to the Uniform District Election Law and applicable provisions of the California Elections Code.
23. Agency shall have and exercise all powers conferred on local agencies by the provisions of law with respect to revenue bonds.

Revenues required to provide monies for bond interest and redemption of other bond funds in connection with revenue bonds issued by Agency shall be derived from user fees and service charges, which charges shall be determined by the governing board of the Agency.

24. COUNTY or a CITY may withdraw from Agency, which withdrawal shall have the effect of requiring either a renegotiation of this Agreement or dissolution of the Agency. Any member wishing to withdraw may do so only on July 1 of any such year, and shall provide the Agency with at least 180 days' notice in writing of its intent to withdraw. Upon dissolution of Agency funds and property shall be distributed as follows:
 - a. discharge of any liability shown on the books of the Agency;
 - b. any remaining assets to be divided according to the amount of contribution by COUNTY and CITIES.

The distribution of assets may be made in kind or assets may be sold and proceeds thereof distributed to COUNTY or CITIES, provided, however, that all facilities and rights assigned or transferred by COUNTY or CITIES to Agency shall be reconveyed to said COUNTY or CITY free and clear of all encumbrances and liens of any kind not in existence at the time of conveyance to Agency. Upon dissolution of Agency the responsibility of COUNTY or CITIES to contribute to the discharge of enforceable liabilities incurred by Agency shall be limited to the portion that the contribution made by the COUNTY or CITIES bears to the total contributions made to agency from the effective date of this Agreement to the date of dissolution.


25. In the event that liability is imposed upon the Agency by a court of competent jurisdiction by reason of the negligent or willful act or omission of it, its officers or employees, in the performance of this Agreement the money judgement shall be paid in the ratio set forth in Section 7 hereof.

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement the day and year first above written.

List of Exhibits:

- Exhibit A - "Key to Plan Maps"
- Exhibit B - Legal Description of Richardson Bay Boundaries
- Exhibit C - "RBRA Bail Schedule"

DATE: OCT - 3 2000

COUNTY OF MARIN

BY Steve Kinsey
President, Board of Supervisors
CITY OF SAUSALITO

DATE: 11-1-2000

BY 

CITY OF BELVEDERE

DATE: 10/5/02 BY Earl H. Anderson

TOWN OF TIBURON

DATE: Oct 17, 2000 BY Thomas B. [Signature]

CITY OF MILL VALLEY

DATE: Oct. 11, 2000 BY Bob Hunt

LC:mag:ss:f:RBRA:RICH.BAYJOINTEXERCISEOFPOWERSAGR.DOC



Memorandum

Subject: FEDERAL VS. STATE REGULATION

Date: 7 JAN 1993
16501

From: Chief Counsel

Reply to:
Attn. of: G-LMI: 71527
CDR Raabe

To: Chief, Office of Navigation Safety
and Waterways Services

Ref: (a) Your memo 16501 of 11 May 1992
(b) G-C letter 16612 of 19 March 1992

1. Issues. In reference (a) you requested a "full legal review" of various issues surrounding the increase in state regulation of navigable waters of the United States. This request stems from the Commandant's statement in reference (b) that the Coast Guard would consider providing uniform policy guidance in dealing with state regulation of anchoring and navigation. Following consultations with your staff, your request was narrowed to the following questions:

- (1) What are the limits on state regulation of anchoring in the navigable waters of the U.S?
- (2) Can state regulation of navigation unduly interfere with the right to navigate?
- (3) When can the Coast Guard act to ensure freedom of navigation in the navigable waters of the U.S?

2. Executive Summary. Based on the enclosed legal review, as Congress has not established a clearly preemptive federal regulatory scheme, either by explicit statement or implicit act, states may regulate anchoring on waters under their jurisdiction. Without an applicable uniform federal regulatory regime, it is not the duty of nor is the Coast Guard generally permitted to bring a preemption case against a state's regulation of navigation and anchoring, and in any event it is a question more properly directed at the courts by the individual boater.


P. E. VERSAW

Encl: (1) G-LMI memo 16501 of 30 Dec 92

Sausalito's Clipper Yacht Harbor to regulate public use of its launch

By Mark Prado
Marin Independent Journal
Posted: 06/29/2013 04:37:00 PM PDT

The Clipper Yacht Harbor in Sausalito will soon be reconfiguring the way it allows people to use its boat launch, one of the most popular in Marin.

As it stands now, a boater can come to the harbor, park, pay a \$20 fee and launch his or her craft. But beginning as soon as this week, that easy public access will end.

Instead, the harbor is working on a system to require users to sign up as a tenant, show insurance and pay a fee before launching.

"They don't have to be a dry storage tenant, but we do want people to register with us and have the paperwork done to make sure we have a license agreement with them," said Ken Pedersen, president of the harbor.

The reason for the change is twofold. The harbor is concerned about its liability for someone who is not insured launching from its dock. Additionally, those who rent space to house their vessels at the harbor have voiced concerns about parking and the launch being used by the general public.

"It's not fair to the year-round tenants," Pedersen said.

While the harbor has accepted the general public, it is a private operation. Pedersen emphasized the harbor is looking for ways to provide public access in a regulated manner.

"We are still working out how this will work," he said. "There will likely be a card key system for access."



Opened in 1947, Clipper has 800 slips and dry storage spaces. The city does have a boat launch at the foot of Turney Street off

Advertisement

REFLECTIONS.
CHOICE • EMPOWERMENT • TRANSFORMATION

- Dual Diagnosis
- Relapse Prevention
- Family Program
- Doctorate Level Therapists
- High Staff to Client Ratio
- Laptop and Cellphones Welcome

William J. Hanna, Psy.D.
Clinical Director

Louise McCallion
Executive Director

[Learn More](#)

1-800-611-7316 • www.livingatreflections.com

Bridgeway. There is also parking for up to three hours nearby to accommodate longer trips out on the bay. While not a pristine launch site, it's functional, although big boats cannot easily be launched from a trailer at low tides, the city reports.

The city recently evaluated the cost of dredging sediment at the foot of the Turney ramp and prepared estimates of the cost to rehabilitate the docks and other facilities that would be needed for an upgrade. The costs were in the millions of dollars, money the city does not have, said Jonathon Goldman, director of public works for Sausalito.

It was thought the America's Cup event would stimulate demand for that kind of investment, but that hasn't occurred, he noted.

Sausalito City Councilman Jonathan Leone is aware of the issue and hoped some access could be provided for the public at Clipper.

"The city want to encourage boat launches," he said. "It's an important recreation opportunity."

Contact Mark Prado via email at mprado@marinij.com