

RICHARDSON'S BAY REGIONAL AGENCY

Board of Directors Meeting Notice

Thursday, June 11, 2020, 5:30 pm

Via Remote Zoom Meeting <https://us02web.zoom.us/j/83032781313>

Meeting ID: 830 3278 1313

Password: 114406

Coronavirus (COVID-19) Advisory Notice: In compliance with local and state shelter-in-place orders, and as allowed by Executive Order N-29-20 (March 17, 2020), 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 bethapollard@gmail.com 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 is inviting you to a scheduled Zoom meeting.

Topic: RBRA Board of Directors June 11, 2020

Time: Jun 11, 2020 05:30 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83032781313>

Meeting ID: 830 3278 1313

Password: 114406

One tap mobile

+16699006833,,83032781313# US (San Jose)

888 788 0099 US Toll-free

833 548 0276 US Toll-free

833 548 0282 US Toll-free

877 853 5247 US Toll-free

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 Clerk at bethapollard@gmail.com, or phone 510-812-6284, who will use her best efforts to provide assistance. If assistance is needed during the meeting, you may email ccook@cityofbelvedere.org, and best efforts will be made to provide such assistance.

RICHARDSON'S BAY REGIONAL AGENCY

Board of Directors Meeting Agenda

Thursday, June 11, 2020, 5:30 pm

<https://us02web.zoom.us/j/83032781313>

Zoom Meeting ID: 830 3278 1313

Password: 114406

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.

- 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 May 14, 2020.
 - b) Approve fiscal year 2019-20 budget adjustment resolutions: Resolution No. 03-20 accepting State Division of Boating & Waterways' Surrendered & Abandoned Vessel Exchange (SAVE) grant funds and authorizing a budget increase of \$81,000; and Resolution No. 04-20 accepting \$4,125 from the County of Marin for coordinated outreach services and authorizing a commensurate budget increase.
 - c) Approve a fee amendment to the Professional Services Agreement with the County of Marin for increased administrative responsibilities in the Harbormaster position
 - d) Approve Resolution No. 05-20 amending Resolution No. 10-19 to change the provisions for purchasing authority from Executive Director to Harbormaster
- 3) Information Item: Presentation on Community Efforts
- 4) Richardson's Bay Anchorage Transition Plan. Staff recommendation: Board approval of:
 - a) Resolution No. 06-20 adopting a Transition Plan for the Richardson's Bay Regional Agency Anchorage that encompasses a vision, goal, principles, and policy direction.
 - b) Resolution No. 07-20 amending enforcement priorities to include compliance with existing RBRA regulations and related requirements, and a timeline for compliance, as RBRA implements its Safe & Seaworthy Program of the Transition Plan.
 - c) A draft summary of a July 9, 2020 presentation to the Enforcement Committee of the Bay Conservation & Development Commission (BCDC).
- 5) 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.
- 6) Reports/comments: a) Staff updates; b) Board Member matters: Appreciation to Board Member Winter for his service as Member and Chair.
- 7) Adjourn.

AN AGENDA PACKET IS AVAILABLE AT THE RBRA WEBSITE <http://rbra.ca.gov> and at the Marin County Community Development Agency, 3501 Civic Center Dr. Room 308, San Rafael, CA 94903
510-812-6284 bethapollard@gmail.com

RICHARDSON'S BAY REGIONAL AGENCY

DRAFT MINUTES OF MAY 14, 2020

Board of Directors Meeting

HELD REMOTELY VIA ZOOM

5:00 PM: CALL TO ORDER IN REMOTE OPEN SESSION – ROLL CALL

MEMBERS PRESENT: Jim Wickham, Chair (Mill Valley); Marty Winter (Belvedere); Kathrin Sears (Marin County); David Kulik (Tiburon)

STAFF: Beth Pollard, (Executive Director); Curtis Havel (Harbormaster) ; Jenna Brady, legal counsel (for closed session)

PUBLIC COMMENT ON CLOSED SESSION AGENDA ITEMS

There was no public comment.

ADJOURN TO CLOSED SESSION:

- 1) CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION
Deciding to initiate litigation pursuant to California Government Code section 54956.9(d)(4); Number of Potential Cases: One
- 2) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to California Government Code § 54956.9(d)(2); Number of potential case(s): One.

5:30 PM: RECONVENE IN REMOTE OPEN SESSION

1) Announce action taken, if any, in closed session.

Chair Wickham announced that direction was given to staff.

2) Consent Agenda.

- a) Approve minutes of March 12, 2020, and May 1, 2020.
M/S, Sears/Winter, to approve the Consent Agenda. Motion passed unanimously.

3) Financial Statements and Independent Auditor's Report from Maher Accountancy, Years Ended June 30, 2019 and 2018.

Mike Maher, Maher Accountancy, presented the report. He noted that it was a clean audit, with no material deficiencies to report, and that the agency had a positive net position,.

Public comment:

Peter Romanowsky said he supported efforts to seek assistance for food and medicine for anchorouts from the Marin Community Foundation.

M/s, Sears/Winter, to accept the statements and report, Motion passed unanimously.

4) Information Item: Presentation on Community Efforts

Chair Wickham reported that the COVID-19 pandemic has prevented the outreach coffees from taking place.

5) Resolution No. 02-20 adopting the fiscal year 2020-21 budget.

Executive Director Pollard presented the proposed budget. The most significant change was to the staffing structure, to eliminate the position of Executive Director and move those duties to the Harbormaster position, and add a full-time Assistant Harbormaster to provide field and administrative support for the redesigned Harbormaster position. The budget also provided for continued coordinated outreach to anchorouts for connections with social services and housing alternatives, along with work to create and identify new housing opportunities. In addition, RBRA's patrol vessel needs a new engine, for which grant funds are being sought. Revenue includes a projected \$250,000 from the California Division of Boating & Waterways for vessel abatement, and \$4,500 in the funds remaining from the National Oceanic & Atmospheric Administration's 2019 Marine Debris Removal Grant program to support the Assistant Harbormaster position.

Board Member Kulik asked how the formula for member agency contributions was derived. ED Pollard said she would research the question.

Peter Romanowsky said there were so many anchorouts because they were kicked out of the Delta, including marinas in the Delta, and urged BCDC to increase the allowable percentage of liveaboard vessels in marinas to above 10% of the slips. He said that Richardson's Bay was a historical anchorage for the San Francisco Bay and should have special historical designation status.

Pricilla Njuguna, Enforcement Manager, commented on the redesigned staffing structure, that it was vital for RBRA to have a leader that is accountable, and that BCDC will need to be assured that the administrative structure is sufficient to lead the agency into compliance with state law.

Barbara Salzman, Marin Audubon Society, expressed appreciation for Pollard's work despite not always agreeing, and that she hoped that no anchor outs on the bay is being considered as part of the work plan.

M/s, Sears/Winter, to approve Resolution No. 02-20 adopting the fiscal year 2020-21 budget. Motion passed unanimously.

6) Open time for public expression.

Peter Romanowsky said there should be more money spent relocating people, that people on the water do not have jobs.

Robbie Powelson said people need to understand about being in the midst of a pandemic with terrible consequences.

Christina Webber expressed concern about recreational boats speeding through the anchorage at 50 mph, and urged help for someone to become seaworthy.

7) Reports/comments:

a) Staff updates. Staff reported on vessel counts, sensitivity to displacement during the COVID-19 pandemic, COVID-19 related food distribution through the mobile showers, the hiring of David Machinski as a part-time temporary Assistant Harbormaster, a letter supporting collaborative work on housing, eelgrass restoration, and enforcement initiated by State Senator Mike McGuire, and the BCDC Enforcement Committee meeting of April 9, 2020.

b) Board Member matters: None

The meeting was adjourned at approximately 6:20 pm.

RICHARDSON'S BAY REGIONAL AGENCY (RBRA)

STAFF REPORT

For the meeting of: June 11, 2020

To: RBRA Board of Directors

From: Beth Pollard, Executive Director

Subject: Fiscal year 2019-20 Budget Amendment Resolutions accepting additional funds and authorizing an associated increase in revenue and expense appropriations

STAFF RECOMMENDATION:

1. Approve Resolution No. 03-20 accepting from the State Department of Parks and Recreation, Division of Boating and Waterways a supplemental amount of \$31,000, SAVE 18 grant funds to be used for RBRA's surrendered and abandoned vessel exchange program (SAVE); and authorizing an associated increase in revenue and expense appropriations of the \$31,000 plus the \$50,000 additional funds received under the SAVE 19 program accepted by Resolution No 01-20.
2. Approve Resolution No. 04-20 accepting an additional \$4,125 from the County of Marin for the contract with Andrew Hening for coordinated outreach services

BACKGROUND:

Resolution No. 03-20

The State Department of Parks and Recreation, Division of Boating and Waterways (DBW), annually allocates funds to agencies to assist in the removal of vessels that have been surrendered by their owners or otherwise marine debris or abandoned, in what is called the Surrendered and Abandoned Vessel Exchange Program (SAVE).

In December 2019, staff was notified that RBRA would receive \$250,000 in SAVE 19 funds for the 2019-21 funding cycle, which was \$50,000 more than RBRA had programmed in the adopted fiscal year 2019-20 budget. The Board approved Resolution No. 01-20 in January 2020 accepting the funds. The Resolution now before the Board authorizes an increase of \$50,000 in revenue and expense appropriation in the fiscal year 2019-20 budget to reflect the full amount of the SAVE 19 grant.

RBRA had also requested utilization of unused funds from SAVE 18 grant allocations to other agencies. RBRA has been informed that \$31,000 will be available from another agency for RBRA's use in the 2019-20 fiscal year. The resolution before the Board authorizes acceptance of the additional \$31,000 and a commensurate increase in revenue and expense allocation.

Resolution No, 04-20

In July 2019, the Board authorized a contract with Andrew Hening for up to \$19,125 for coordinated outreach services to persons on vessels, contingent upon outside funding. The County of Marin appropriated \$15,000 to fund the contract through March 15, 2020, which the Board accepted and adjusted its 2019-20 budget accordingly by adoption of Resolution No.07-19 in September 2019.

In March, 2020, the County of Marin appropriated the \$4,125 authorized under the Board approved contract to allow the coordinated outreach services through the remainder of the fiscal year as originally contemplated. Resolution No. 04-20 accepts the funds and authorizes an increase in revenue and expense allocations in the 2019-20 fiscal year.

FINANCIAL IMPACT:

Approval of the resolutions maintains the fiscal integrity of the budget and funds authorized services.

Attachments:

Draft Resolution No. 03-20

Draft Resolution No. 04-20

RICHARDSON'S BAY REGIONAL AGENCY

RESOLUTION NUMBER 03-20

OF THE RICHARDSON'S BAY REGIONAL AGENCY

ACCEPTING ADDITIONAL GRANT FUNDS FROM THE CALIFORNIA STATE DEPARTMENT OF PARKS AND RECREATION, DIVISION OF BOATING AND WATERWAYS, SURRENDERED AND ABANDONED VESSEL EXCHANGE PROGRAM (SAVE) FOR THE AMOUNT OF \$31,000, AUTHORIZING AN INCREASE IN ITS FISCAL YEAR 2019-20 BUDGET OF \$31,000 IN REVENUE AND EXPENSE APPROPRIATIONS; AND AUTHORIZING AN ADDITIONAL INCREASE IN ITS FISCAL YEAR 2019-20 BUDGET OF AN ADDITIONAL \$50,000 IN REVENUE AND EXPENSE APPROPRIATIONS TO REFLECT THE FULL AMOUNT OF THE SAVE 19 GRANT FUNDS ACCEPTED BY RESOLUTION NO. 01-20

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

WHEREAS, the State Division of Boating and Waterways has awarded the full requested grant amount of \$250,000, which is \$50,000 more that was originally budgeted for use in this program; and

WHEREAS, the State Division of Boating & Waterways has authorized the Richardson's Bay Regional Agency's utilization of unused SAVE 18 grant program funds from another agency for SAVE activities in Richardson's Bay,

NOW, THEREFORE, BE IT RESOLVED that the Richardson's Bay Regional Agency by adoption of this resolution hereby accepts grant funding of an additional \$31,000 from the State Division of Boating & Waterways, and authorizes in its fiscal year 2019-20 budget an increase of \$31,000 in revenue and expense appropriations; and

BE IT FURTHER RESOLVED that the Richardson's Bay Regional Agency by adoption of this resolution hereby authorizes in its fiscal year 2019-20 budget an increase of an additional \$50,000 in revenue and expense appropriations for that portion of the SAVE 19 grant funds accepted by the Board of Directors of the Agency by Resolution No 01-20 but not programmed in the 2019-20 budget.

PASSED AND ADOPTED by the Board of Directors of the Richardson's Bay Regional Agency on June 11, 2020.

CERTIFICATION:

Jim Wickham, Board Chair

Beth Pollard, Executive Director

RICHARDSON’S BAY REGIONAL AGENCY

RESOLUTION NUMBER 04-20

**ACCEPTING \$4,1250 FROM THE COUNTY OF MARIN, AND
AUTHORIZING AN INCREASE IN ITS FISCAL YEAR 2019-20
BUDGET OF \$4,125 IN REVENUE AND EXPENSE
APPROPRIATIONS, FOR PURPOSES OF A CONTRACT WITH
ANDREW HENING CONSULTING FOR COORDINATED
OUTREACH SERVICES**

WHEREAS, on July 11, 2019, the Board of Directors (“Board”) of the Richardson’s Bay Regional Agency (“Agency”) authorized execution of a professional services agreement up with Andrew Hening Consulting to implement a coordinated entry system for outreach to persons in vessels on Richardson’s Bay in an amount not to exceed \$19,125 for the fiscal year, contingent upon receipt of outside funding; and

WHEREAS, on September 12, 2019, the Board approved Resolution No. 07-19 accepting a contribution of \$15,000 from the County of Marin for the cost of the outreach coordination services through March 15, 2020; and

WHEREAS, the County of Marin authorized an additional appropriation of \$4,125 to extend the outreach coordination through the end of the fiscal year as authorized in the contract approved by the Board,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Agency accepts the receipt of \$4,125 from the County of Marin, and authorizes in its fiscal year 2019-20 budget an increase of \$4,125 in revenue and expense appropriations for purposes of implementing a coordinated entry system for outreach to persons in vessels on Richardson’s Bay.

PASSED AND ADOPTED by the Board of Directors of the Richardson’s Bay Regional Agency on June 11, 2020.

CERTIFICATION:

Jim Wickham, Chair

Beth Pollard – Executive Director

RICHARDSON'S BAY REGIONAL AGENCY (RBRA)

STAFF REPORT

For the meeting of: June 11, 2020

To: RBRA Board of Directors

From: Beth Pollard, Executive Director

Subject: Adjustment to County-RBRA agreement for Harbormaster Services

STAFF RECOMMENDATION:

Authorize an adjustment in the Professional Services Agreement between the County of Marin and the RBRA, to reflect the increased hourly rate for expanded duties and responsibilities in Harbormaster services, inclusive of employee benefits and County overhead, to \$ 93.95 effective June 28, 2020.

BACKGROUND/DISCUSSION:

The RBRA contracts with the County of Marin to provide an employee to serve as RBRA Harbormaster. The scope of duties and responsibilities entails various services for RBRA, including, but not limited to: ensure compliance with ordinances and regulations, process revenues and expenditures, serve as harbor master, and other tasks as needed by the agency. The employee currently assigned to that position is Curtis Havel.

On May 14, 2020, the RBRA Board of Directors adopted a budget with an expanded Harbormaster role and associated responsibilities, to include those that are currently held by the Executive Director. As the Harbormaster is employed by the County, on May 19, 2020, the Board of Supervisors approved a classification description and salary for the expansion of duties and responsibilities approved by the RBRA Board.

The purpose of this agenda item is for the RBRA Board to authorize the salary increase in the Harbormaster position in the contract with the County. The salary of the expanded position will increase by ten percent, to \$55.75, effective on the pay period beginning June 28, 2020. The new contract hourly rate of \$93.95 is inclusive of employee benefits, as well as a ten percent County overhead rate applied to the total compensation rate of the position to compensate the County for workers compensation, human resources, and other indirect costs to providing the position.

FINANCIAL IMPACT:

The cost of the adjustment is contained in the adopted 2020-21 budget.

NEXT STEPS:

The new contract rate will go into effect June 28, 2020, as the pay period closest to July 1, 2020.

RICHARDSON'S BAY REGIONAL AGENCY (RBRA)
STAFF REPORT

For the meeting of: June 11, 2020

To: RBRA Board

From: Beth Pollard, Executive Director

Subject: Resolution No. 05-20 establishing contract expenditure authority and limits for the position of Harbormaster

STAFF RECOMMENDATION:

Approve Resolution No. 05-20.

BACKGROUND/DISCUSSION:

In November 2019, the RBRA Board of Directors adopted Resolution No. 10-19 establishing a \$30,000 contract signature authority level for the Executive Director to conduct timely business for the Agency. The authority is granted only within the limitations of the approved budget adopted by the Board.

Effective July 1, 2020, the duties and responsibilities of Executive Director will transfer to the Harbormaster. It is therefore timely to affirm that the contracting authority of the Executive Director will transfer to the Harbormaster.

FINANCIAL IMPACT:

Adoption of Resolution No. 05-20 would have no impact on the Board's adopted budget. It enables operations to be implemented in accordance with the budget.

Attach:

Draft Resolution No. 05-20

RICHARDSON'S BAY REGIONAL AGENCY

RESOLUTION NO. 05-20

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RICHARDSON'S BAY REGIONAL AGENCY ESTABLISHING A \$30,000 SIGNATURE AUTHORITY LEVEL FOR THE HARBORMASTER TO CONDUCT TIMELY BUSINESS FOR THE JOINT POWERS AGENCY

WHEREAS, the Richardson' Bay Regional Agency ("Agency") was established to maintain and improve the navigational waterways, open waters, and shoreline of Richardson's Bay; and

WHEREAS, Section 18 of the Joint Powers Agreement authorizes the Agency to make and enter into contracts; and

WHEREAS, the Board of Directors in November 2019 adopted Resolution No. 10-19 establishing a \$30,000 or less signature authority to the Executive Director for Professional Services Contracts and Purchase Orders as prudent and allowing for timely conduct of Agency business where such contracts relate to purposes previously approved and budgeted by the Governing Board; and

WHEREAS, the duties and responsibilities of Executive Director of the Agency are being transferred to the position of Harbormaster effective July 1, 2020,

NOW, THEREFORE, BE IT RESOLVED that effective July 1, 2020 the Harbormaster of the Agency is authorized to enter into and execute on behalf of the Agency any contract for professional services up \$30,000, which relate to purposes previously approved and budgeted by the governing board.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Richardson's Bay Regional Agency held this 11th day of June, 2020.

BOARD CHAIR

ATTTEST:

CLERK

RICHARDSON'S BAY REGIONAL AGENCY (RBRA)
STAFF REPORT

For the meeting of: June 11, 2020

To: RBRA Board of Directors
From: Beth Pollard, Executive Director
Subject: Richardson's Bay Regional Agency Anchorage Transition Plan

STAFF RECOMMENDATION:

That the RBRA Board of Directors approve:

- a) Resolution No. 06-20 adopting a Transition Plan for the Richardson's Bay Regional Agency Anchorage that encompasses a vision, goal, principles, and policy direction.
- b) Resolution No. 07-20 amending its enforcement priorities to include compliance with existing RBRA regulations and related requirements, and a timeline for compliance, as RBRA implements its Safe & Seaworthy Program of the Transition Plan.
- c) A draft summary of a July 9, 2020 presentation to the Enforcement Committee of the Bay Conservation & Development Commission (BCDC).

BACKGROUND:

At its meeting of March 12, 2020, the Board of Directors reviewed a draft Transition Plan, and provided direction to staff on preparing a proposed plan to return to the Board. Accompanying the draft Transition Plan was a draft presentation to BCDC's Enforcement Committee meeting scheduled for March 26, 2020 (rescheduled to April 9). On April 9, 2020, RBRA made the attached presentation to the Enforcement Committee. On May 8, 2020, BCDC sent RBRA the attached letter summarizing the Committee's response of both support and concerns.

DISCUSSION:

Transition Plan

As noted in presentation of the draft on March 12, 2020, the Transition Plan is a culmination of information gathering and analysis, stakeholder engagement, and consideration of the challenges for occupants of vessels, the bay habitat, the RBRA, and other affected parties. It is crafted to provide a path forward for improving conditions on the bay while recognizing resource limitations on housing alternatives, vessel removal and abatement, and habitat restoration.

A major thrust of the plan is vessel safety and seaworthiness, for the benefit of the bay, the shoreline, and individuals on boats on the bay. It furthermore relies on findings of RBRA's recent Mooring Feasibility & Planning Study for strategies to enhance eelgrass habitat.

Finally, the Transition Plan provides for RBRA to establish a date by which occupied vessels will be required to leave the bay. This direction would be consistent with the goals and policies of the Richardson's Bay Special Area Plan.

An outline of the Transition Plan is as follows:

Vision:

Richardson's Bay has essential value as a recreational and environmental resource where eelgrass and the ecological systems it supports is increasingly protected, preserved and restored; vessels on the anchorage become safe, seaworthy, operable and compliant with requirements; and the number of occupied vessels diminishes over time.

Goal:

Improved health, safety, and management of Richardson's Bay.

Principles:

- Affirm Richardson's Bay as a temporary anchorage and prevent additional vessels from extended stays
- Conditionally allow occupied legacy vessels that comply with RBRA requirements to remain for a limited period of time
- Support initiatives for relocating occupants of vessels to alternative housing
- Realize a decreasing number of occupied vessels over time
- Protect and promote eelgrass habitat and growth

Policy Direction:

- 1) Maintain enforcement priorities for unoccupied vessels and time limits on incoming vessels.
- 2) Implement a "Safe & Seaworthy" program available to vessels identified in the August 2019 anchorage census, to enable a discretionary legacy designation for vessels meeting existing RBRA regulations, and State and Federal regulations, allowing deferred enforcement of time limits.
- 3) Support efforts to connect persons living on vessels with outreach agencies and organizations for assistance with finding alternative housing, and encourage expansion of housing opportunities

- 4) Set a sunset date by which occupied vessels with extended stays will become an enforcement priority
- 5) Working with agencies, organizations, and other stakeholders, develop eelgrass protection measures and consider specific eelgrass restoration projects and funding

Safe & Seaworthy Program Enforcement Priorities

The program is key component of the Transition Plan. Its provisions are intended to bring occupied vessels on the bay into compliance with existing RBRA, state, and federal vessel regulations, and result in improved safety conditions for individuals, the shoreline, and the bay.

Objectives of the Safe & Seaworthy Program are:

1. Avoiding injury or death of persons occupying vessels
2. Protecting bay habitat and preventing waste and debris from polluting bay waters
3. Minimizing the risk of vessels running adrift or running aground into the shoreline, or sinking
4. Encouraging vessel occupants with aspirations for extended travel to realize these dreams with a safe, working vessel
5. Promoting vessel eligibility for liveaboard slips in marinas because of their improved conditions that are compatible with marina requirements
6. Limiting new vessels and persons from settling in to the anchorage
7. Improving management of the bay

Only occupied vessels in the census performed by the Marin County Sheriff's Marine Patrol Unit in August 2019 would be eligible to enroll in the program. All other vessels would be subject to removal as an enforcement priority.

Owners/occupants of eligible vessels who wish to conditionally remain on the bay under deferred enforcement would be required to enroll in the Safe & Seaworthy program. Under the program, the enrolled vessels would be required to meet RBRA requirements, or else be subject to removal as an enforcement priority.

Enrollment would consist of:

- Agreeing to inspection(s) of the vessel by RBRA staff. The Harbormaster and/or Assistant Harbormaster, upon inspection, would inform the vessel owner/occupants of deficiencies visible at that time that require correction to meet program requirements. RBRA would provide all eligible vessels with information on requirements, timelines, and options, including establishing connection with the County's Coordinated Entry Program for assistance in finding a housing alternative.
- Identifying persons occupying the vessel. Vessel occupancy is not transferable; once the vessel is not occupied by any of the originally identified and enrolled occupants, the vessel would become subject to removal as an enforcement

priority. This requirement is intended to recognize the temporary nature of the permission to occupy vessels on the bay.

Once a vessel is enrolled and RBRA has approved its compliance with program requirements, it is eligible for RBRA's discretionary designation as a "legacy vessel." Legacy vessels will not be priorities for enforcement as long as they comply with any and all RBRA requirements, until a sunset date as may be set by the RBRA Board of Directors. Such vessels would be subject to periodic RBRA inspection to certify continued compliance.

Safe & Seaworthy Timeline

The recommended timeline was developed in consideration of making progress on vessel conditions in advance of the winter seasons, limiting imposition of deadlines in mid-winter/holiday season, work with coordinated outreach for housing assistance, and pandemic social distancing rules and concerns that may add time to accomplish some of the steps. The recommended timeline is:

July 1, 2020: Launch program outreach, education, and enrollment

October 15, 2020: Deadline for eligible vessels to enroll in the Safe & Seaworthy program

February 15, 2021: Deadline for valid Department of Motor Vehicles (DMV) registration or United States Coast Guard (USCG) documentation

October 15, 2021: Deadline for compliance with all RBRA requirements

Sunset date for occupied vessels on Richardson's Bay: To be determined and set by the Board of Directors

Failure to meet the deadlines will subject vessels to removal as an enforcement priority. Vessels not meeting criteria for enrollment are subject to removal at any time. Vessels not maintaining RBRA requirements, even if enrolled and compliant by program deadlines, are subject to removal as an enforcement priority.

BCDC Enforcement Committee Presentation

On April 9, 2020, RBRA presented the key points of the draft transition plan to the Enforcement Committee of BCDC. As noted in the attached follow-up letter from BCDC staff, the Committee members expressed concerns that:

- Allowing replacement vessels would extend the length of time occupied vessels are on the bay
- All occupied vessels should be removed from the bay in five to ten years
- Vessel conditions required under the Safe & Seaworthy program be consistent with requirements for marina slips, to encourage occupied vessels to relocate to liveaboard slips
- RBRA should present plans for protecting and restoring eelgrass habitat

Staff considered BCDC's concerns in preparing the attached final draft of the Transition Plan, vessel requirements, and timeline. A draft overview of information for the July 9, 2020 Enforcement Committee briefing is attached, subject to revision following the June 11, 2020 RBFRA Board meeting. RBRA staff anticipates discussions with BCDC staff regarding the outcomes of the RBRA Board meeting and the BCDC Enforcement Committee meeting towards achieving mutual agreement or other conclusions.

FINANCIAL IMPACT:

The resource impacts and resource availability are noted within the Transition Plan.

In general, plan success will depend on continued RBRA support for field staffing, the availability of housing alternatives and funding thereof, and grant support for vessel removal, abatement, and eelgrass preservation and restoration.

NEXT STEPS:

Upon approval, staff will:

- Prepare informational materials and schedule outreach to eligible occupied vessels
- Continue to support outreach for connection with housing alternatives and efforts to expand housing availability
- Pursue grants to implement the Plan
- Present to the BCDC Enforcement Committee on July 9, 2020
- Discuss paths and elements for resolution with BCDC staff

Attachments:

- Draft Resolution No. 06-20
- Proposed Transition Plan
- Draft Resolution No. 07-20
- Draft Anchorage Flowchart for requirements and timeline
- Draft BCDC presentation outline
- May 8, 2020 BCDC letter to RBRA

RESOLUTION NUMBER 06-20

OF THE RICHARDSON'S BAY REGIONAL AGENCY ADOPTING A TRANSITION PLAN FOR THE RICHARDSON'S BAY REGIONAL AGENCY ANCHORAGE

WHEREAS, it is the intention and responsibility of the Board of Directors of the Richardson's Bay Regional Agency (Board) to make decisions affecting the future of Richardson's Bay; and

WHEREAS, during the past three years the Board has gathered and analyzed data and information including a 2019 Mooring Feasibility & Planning Study, 2019 bathymetric and eelgrass surveys, vessel censuses, vessel standards and a Safe Harbor Plan developed by the Richardson's Bay Special Anchorage Association, Audubon California eelgrass findings, results of outreach to connect vessel occupants with housing and social services, and other informational resources; and

WHEREAS, the Board has engaged with the community and stakeholders and to hear and understand concerns and suggestions about impacts of vessels and their occupants on the bay, habitat, ecosystems, and the shoreline; historical and cultural ties to the anchorout tradition; and risks to the health and safety of vessel occupants, public safety and other personnel, and shoreline residents; among other comments; and

WHEREAS, the Board has adopted ordinance regulations that clarify and strengthen conditions for vessels to anchor on the bay, and expanded its enforcement priorities to include all unoccupied vessels and time limits on vessels entering the bay; and

WHEREAS, consistent with the Richardson's Bay Special Area Plan (the Special Area Plan), Residential Vessels and Floating Structures policy 1, the Board has adopted ordinances setting limits on the length of time vessels may remain anchored in the Bay; and

WHEREAS; the Board recognizes that many vessels have overstayed those limits; and

WHEREAS, the Bay Conservation & Development Commission (BCDC) has conveyed its expectations for removal of such overstaying vessels and preservation of habitat; and

WHEREAS, the Special Area Plan's Aquatic and Wildlife Resources policy 1 calls for the protection of eel grass beds; and

WHEREAS, the Board is cognizant of public and private resource constraints; and

WHEREAS, the Board seeks to advance the goals of the Special Area Plan by providing for a safe, healthy, and well-managed Richardson's Bay,

NOW, THEREFORE, BE IT RESOLVED that in consideration of the data and information, community and stakeholder suggestions and concerns, actions and outcomes to date, and resource constraints, the Board does hereby adopt a Transition Plan as presented to the Board this day with a vision, goal, principles, and policy direction for a safe, healthy, and well-managed bay.

PASSED AND ADOPTED by the Board of Directors of the Richardson's Bay Regional Agency on June 11, 2020.

CERTIFICATION:

Jim Wickham - Board Chair

Beth Pollard – Executive Director

Richardson's Bay Regional Agency Transition Plan

June 2020

Transition Vision:

Richardson's Bay has essential value as a recreational and environmental resource where eelgrass and the ecological systems it supports are increasingly protected, preserved and restored; vessels on the anchorage become safe, seaworthy, operable and compliant with other requirements; and the number of occupied vessels diminishes over time.

Transition Principles:

- § Affirm Richardson's Bay as a temporary anchorage and prevent additional vessels from extended stays
- § Conditionally and discretionarily allow occupied legacy vessels that comply with RBRA requirements to remain for a limited period of time
- § Support initiatives for relocating occupants of vessels to alternative housing
- § Realize a decreasing number of occupied vessels over time
- § Protect and promote eelgrass habitat and growth

Transition Goal:

A safe, healthy, and well-managed Richardson's Bay.

Transition Policy Direction:

- 1) **Maintain existing enforcement priorities for unoccupied vessels and time limits on incoming vessels, including required notifications and removal.**

The RBRA Board initiated this policy direction when:

- In November 2018 it added all unoccupied vessels to its enforcement priorities.
- In July 2019 it expanded its enforcement priorities to include the time limits stated in the RBRA Code for vessels arriving into the Richardson's Bay anchorage.

Unoccupied vessels are posted with appropriate notification and ultimately removed by the agency if they are not voluntarily removed. Incoming vessels are notified of the 72-hour time limit for anchoring in Richardson's Bay and provided information about 30-

day Anchoring Permits. Failure to comply with the codified time limit requirements subjects the vessel to removal.

Richardson's Bay is a 72-hour anchorage, not a storage yard or marina. Individuals with multiple vessels should contact local marinas or storage yards to properly store their vessels. Vessels that are located in Richardson's Bay for storage purposes will be considered unoccupied and subject to removal pursuant to Chapter 3.04 of the RBRA code. Occupants of vessels may not claim more than one vessel as their occupied vessel. Any additional vessels (other than dinghies, skiffs, or tenders) are considered unoccupied vessels and are subject to removal.

Resources:

RBRA has long employed a full-time Harbormaster. In the 2020-21 fiscal year, RBRA expanded its staffing to add a full-time Assistant Harbormaster. The RBRA member cities of Belvedere, Mill Valley, and Tiburon each provide a law enforcement officer to accompany RBRA staff for a shift on a bi-weekly basis. The Marin County Sheriff has a two-member Marine Patrol Unit responsible for patrolling all of Marin County waters, including law enforcement in County jurisdiction on Richardson's Bay.

RBRA received \$250,000 in the California Division of Boating & Waterways' 2019-20 funding cycle for its Surrendered and Abandoned Vessel Exchange (SAVE) grant program. RBRA has applied for \$400,000 in the SAVE 2020 funding cycle. However, due to State budget constraints related to COVID-19, and other harbor agencies' needs for funds, RBRA did not project an increase in SAVE funds in its 2020-21 budget. Going forward, RBRA will continue to apply for and rely on SAVE funding to remove vessels that are marine debris, abandoned, or voluntarily turned-in by their owner.

RBRA has utilized virtually all of the \$150,000 granted by the National Oceanic & Atmospheric Administration (NOAA) for removal of marine debris and vessels in marine debris condition. RBRA will apply for funding in the next grant cycle, which if successful, would give the agency funding beginning in September 2021 for removal of marine debris. This is a highly competitive grant program, of which RBRA was the only California recipient in 2019.

2) Implement a "Safe & Seaworthy" program available to vessels identified in the August 2019 anchorage census performed by the Marin County Sheriff's Office, to enable a discretionary legacy designation for vessels meeting existing RBRA regulations, and State and Federal regulations, allowing deferred enforcement of time limits.

Safe & Seaworthy Program Summary: Under this program, vessels that were identified in the Marin County Sheriff's August 2019 vessel census are eligible for enrollment in RBRA's Safe & Seaworthy program. The program is the route to a discretionary RBRA legacy vessel designation. Legacy is a vessel designation, not occupant designation.

Eligible vessels may obtain legacy designation by meeting existing RBRA codes, and State and Federal requirements for safety, operability, registration, waste management, and other requirements for vessels, and are subject to any other rules, regulations and criteria as established by the agency.

Occupants of vessels that are enrolled in RBRA's Safe & Seaworthy program will be required to provide personal identification information and vessel information and consent to inspections. Only vessels that upon such inspections meet RBRA regulations as adopted in its ordinances and any other requirements set by RBRA will be eligible for the discretionary RBRA designation of legacy vessel.

Vessels whose occupants decline to enroll in the Safe & Seaworthy program or otherwise refuse to provide required information will not be eligible for legacy status.

The Safe & Seaworthy program will allow RBRA to better manage the safety and health of the bay by ensuring that vessels from the August 2019 MCSO survey that are allowed to conditionally remain are seaworthy. Vessels that fail to comply with program requirements and other criteria will become an enforcement priority and subject to removal.

Safe & Seaworthy Program Objectives:

1. Avoiding injury or death of persons occupying vessels
2. Protecting bay habitat and preventing waste and debris from polluting bay waters
3. Minimizing the risk of vessels running adrift or running aground into the shoreline, or sinking
4. Encouraging vessel occupants with aspirations for extended travel to realize these dreams with a safe, working vessel
5. Promoting vessel eligibility for liveaboard slips in marinas because of their improved conditions
6. Limiting new persons and vessels from settling in to the anchorage
7. Improving the management of the bay

Safe & Seaworthy Enrollment Eligibility: In July 2019, the RBRA Board added time limits on incoming vessels to its enforcement priorities. To establish a clear determination of new incoming vessels, the Marin County Sheriff's Marine Patrol Unit conducted a comprehensive vessel survey in August 2019. The RBRA has been utilizing the data from this survey to identify and enforce time limits on new vessels entering the bay. The RBRA will now utilize this survey data to determine eligibility for enrollment in the Safe & Seaworthy program.

Safe & Seaworthy Enrollment: In its initial period, RBRA will notify eligible vessels about the enrollment process, and RBRA requirements to apply for legacy vessel designation

under the Safe & Seaworthy program. Interested parties may seek to enroll their vessels in the program. The enrollment process will include verification that the occupied vessel was in the August 2019 census, identification of the persons occupying the vessel, and an inspection of the vessel by RBRA staff. Through the inspection, the vessel owner/occupants will be advised of any deficiencies in the vessel, its registration, or other matters as the deficiencies exist at that time, requiring correction to successfully meet the qualifications of the Safe and Seaworthy program. Vessels not enrolled by a date set by the RBRA will become subject to removal as an enforcement priority.

Safe & Seaworthy Requirements: The Safe & Seaworthy program will require vessels to meet RBRA, State, and Federal regulations, and any other program requirements as set by the Board of Directors, which may be amended from time to time.

Safe & Seaworthy Timeline: The RBRA Board will adopt a timeline for implementation and compliance with the Safe & Seaworthy Program.

Agency Resources:

Two full-time staff (Harbormaster and Assistant Harbormaster), member agency law enforcement assistance, CA Boating & Waterways SAVE grant funds, and potentially NOAA funds.

Vessel owner resources to improve conditions:

Dependent upon private funding or grants that may be obtained by individual vessel owners or through the Richardson's Bay Special Anchorage Association (RBSAA). The non-profit supporter MarinLink has been serving as a fiscal sponsor for the RBSAA, and could potentially assist with directing community donations made for vessel improvements or relocation.

3) Connect persons living on vessels with outreach agencies and organizations for assistance with finding alternative housing, and encourage expansion of housing opportunities

In fiscal year 2020-21, RBRA contracted with Andrew Hening to coordinate outreach efforts among public and non-profit agencies to persons on the anchorage. Close to 100 persons on vessels were identified, of which two-thirds were assessed for their level of vulnerability and therefore eligibility for subsidized housing with case management through the County's Coordinated Entry System.

Policy considerations:

Vulnerable people, vulnerable vessels:

While living on a vessel can be hazardous to health and safety, it is not considered a factor in the coordinated entry ranking system. For those who have other vulnerabilities that place them in a higher priority category, continued outreach and encouragement is

needed but is not necessarily successful in moving persons to safer conditions. It can be very difficult for people to let go of the only housing they have known for a long period of time, similar to when persons on land face moving from long-time homes to more supportive housing.

There are some persons who have scored high on the Coordinated Entry System's vulnerability scale but who have shown reluctance to leave their boat and the bay when a potential opportunity arises. Of particular concern is the combination of a vulnerable person on a vessel that itself is in significant marine debris condition that contributes to the vulnerability of the person aboard the vessel and endangers others in the vicinity. For the protection of persons who are a high priority for subsidized housing because of their health and safety vulnerability and who are on vessels that are in marine debris and otherwise hazardous conditions, RBRA will prioritize work with agencies and organizations to relocate those persons into supportive housing.

Expanding housing alternatives

Before and after the Safe & Seaworthy compliance deadline, RBRA will work with occupants of vessels to encourage them to move into other housing on land, to move themselves and their vessels into liveaboard marina slips, or to berth their vessels in marina slips. Such efforts will continue after the compliance date, in advance of the legacy vessel sunset date.

Alternatives for housing that is affordable is in very short supply. Affordability is a problem not unique to this community. There is a push on local, regional, and state levels to expand supply for persons who have very-low-to-medium income who are homeless or at risk of becoming homeless, which includes many of those currently eligible for the Safe & Seaworthy program and legacy vessel status. State Senator Mike McGuire and representatives from RBRA, County of Marin, and City of Sausalito have expressed support for collaborating on a solution for housing availability for vessel occupants – including expanding the supply.

Expanding supply through construction will take years, and the budget constraints from the COVID-19 pandemic add additional uncertainty. Nevertheless, it is possible that the attention on homelessness and housing from the pandemic could create other opportunities. Rapid Rehousing, for example, is a category of housing subsidy that is well-suited to a number of anchorouts as it only requires short to medium-term case management support.

Another housing alternative that RBRA will pursue is liveaboard slips at existing marinas. The City of Sausalito has managed and allocated funds for up to about six anchorouts in Sausalito waters to move into marina slips in Sausalito. The City has proposed to the Bay Conservation & Development Commission (BCDC) to expand the percentage of marina slips allowed to be used for liveaboards from 10 percent to 15 percent. BCDC has expressed a willingness to entertain this proposal, for a specified period of time to be

determined, as an alternative to occupied anchored-out vessels. At the last BCDC Enforcement Committee, members encouraged Sausalito and RBRA to incorporate marina slips into their transition plans.

Qualifying for a liveaboard marina slip not only requires a space to be available, but also the vessel to be in condition akin to those required by RBRA in its ordinances as well as being insured. The marinas also have required a case manager from a social services agency to be assigned to occupants on the vessel to serve as a go-between, which adds approximately another 40% to the cost of renting the slip and paying liveaboard fees. Under these circumstances, the total cost of the marina slip alternative is similar to the rental cost of a Rapid Rehousing unit on land.

As vessels meet RBRA requirements, they also will meet marina standards for liveaboard slips. RBRA will encourage the transition to slips, and will seek sources of funds for subsidizing the slip fees and case management where needed for particular individual(s). However, especially with slips being a non-traditional subsidized housing option, RBRA should exercise caution around its participation and commitment involving slip arrangements without sufficient guarantee of a continuous funding source from outside agencies or the liveaboards themselves, or fixed arrangements for transition into other housing,

Resources:

RBRA will continue its contract with Andrew Hening in fiscal year 2020-21 to coordinate housing outreach and placement and to work towards expanding housing opportunities. Partner agencies include St. Vincent DePaul, Marin City Health & Wellness Clinic, Downtown Streets, County of Marin, Marin Housing Authority, Ritter House, Marin County Sheriff, City of Sausalito, and others. In addition, Audubon California has generously contributed the use of its vessel and its staff/volunteers to take outreach workers out on the bay to connect with anchorouts.

4) Set a sunset date by which occupied vessels with extended stays will not be allowed in Richardson's Bay

There are approximately 90 vessels on the bay that were present for the August 2019 count and are therefore eligible at this time to enroll in the Safe & Seaworthy program and potentially receive legacy vessel status and thus deferred enforcement of RBRA's current time limits on the anchorage. It is estimated that only about 20 vessels may currently meet RBRA requirements. If one-half of the remaining vessels are able to meet the requirements with additional work, that would mean about 55 vessels eligible for legacy status. It is roughly estimated that in any given year, about five to ten percent will depart the anchorage for a variety of reasons, including falling out of compliance with requirements. Therefore it is estimated that through natural attrition and upholding

vessel requirements and enforcement priorities, in 20 years about a dozen or fewer would likely remain on the anchorage, a substantial decrease from current conditions.

The Enforcement Committee of the Bay Conservation and Development Commission has given RBRA its expectation that occupied vessels be removed from the bay in five to ten years. The challenges of this timeline include shortages of resources in these areas:

§ Available, affordable and subsidized housing for low-to-very low-income vessel occupants. Without a realistic housing opportunity as an alternative to their vessel, vessel occupants face homelessness if removed from the Bay.

§ Affordable liveaboard marina slips. In situations where marinas will require case management/wrap-around services, affordability is more challenging.

§ Affordable marina slips in the San Francisco Bay to lease for vessel occupants to berth their vessels upon moving onto land. For people attracted and accustomed to a mariner lifestyle, giving up their boat can be a significant impediment to relocating off the bay. Having affordable marina slips to store their vessels for recreational use – even if not liveaboard slips – could assist the transition to land.

§ The cost of enforcement and abatement work. Removal and abatement is an inevitable aspect of enforcing time limits against vessels that may be derelict or abandoned when their operators leave the anchorage. The RBRA has increased its enforcement staffing budget and outside assistance, but can only meet the cost of vessel removal and abatement through grants from state and federal agencies. Removal and abatement costs increase when the economy turns sour and vessels from around the Bay Area are dumped in public waterways like Richardson’s Bay.

Legacy anchorout status provides deferred enforcement of existing time limits solely at RBRA’s discretion. The RBRA’s implementation of a Safe & Seaworthy program will materially reduce the number of vessels, significantly increase safety, improve bay health, and enhance the management of the bay. With success will come decreasing impacts on the bay and shoreline without contributing to homelessness populations in the area.

RBRA has considered the Richardson’s Bay Special Area Plan Residential Vessels and Floating Structures policy to limit stays on the bay, and the Board has adopted ordinances setting limits on the length of time vessels may remain anchored.

Accordingly, the RBRA will commit to setting a sunset date for deferred enforcement for legacy occupied vessels on the bay, considering the extent of available, affordable housing - on land or in marina slips, removal and abatement resources, benefits of

boater expertise, and other factors affecting the health, safety, and management of the bay in setting such a date.

Resources:

Timing for Implementation of this policy will depend on factors such as RBRA operational resources, resources for affordable housing alternatives, vessel removal and abatement resources, and review of any other resource advantages and disadvantages for deferring enforcement for vessels remaining on the bay at a certain point in time.

5) Working with agencies, organizations, and other stakeholders, develop eelgrass protection measures and consider specific eelgrass restoration funding and projects

Eelgrass is a critical habitat resource for the San Francisco Bay Ecosystem, where Richardson’s Bay is one of two high-priority eelgrass locations. Eelgrass supports a wide variety of life including fish spawning grounds, bird migrations and food resources for multiple species. Furthermore, eelgrass is a substantial tool for sequestering carbon and mitigating ocean acidification.

In 2019, RBRA conducted a Mooring Feasibility and Planning Study that was prepared by Merkel & Associates, Inc. As part of the study, Merkel performed sidescan bathymetry and eelgrass bed surveys in Richardson’s Bay. Combining this survey data with previous eelgrass surveys, Merkel prepared maps showing where eelgrass has tended to grow and at what density, where it is unlikely to grow due to depth of the bay, and where damage to eelgrass beds has occurred. The information in the Merkel study provides a foundation upon which to build protection, restoration, and environmental review efforts.

A report issued by Audubon California in October 2018 concluded that about 57 acres of eelgrass in Richardson’s Bay had been damaged by ground tackle. Eelgrass restoration to date has had mixed results and warrants some additional research and analysis to conclude best practices for particular conditions in the bay. A project to conduct this research was poised to begin in Spring 2020 but was put on hold due to the COVID-19 pandemic and shelter-in-place restrictions.

Somewhat reflective of the varying conditions and uncertainties for restoring eelgrass is the wide cost estimate for such efforts, which can range from \$100,000 to even \$150,000 per acre. Using 57 acres as the area of damage, the cost to restore that size could range up to \$8.5 million - if undertaken as a replanting project above and beyond allowing eelgrass to expand naturally and progressively away from ground tackle and other sources of impacts.

The approach for RBRA's development of a restoration plan relies on a combination of research, replanting, and natural restoration and expansion in the most eelgrass-friendly habitats of the bay. Accordingly, the protection and restoration measures RBRA will consider as part of its transition are:

1. The potential designation of up to four zones in Richardson's Bay for varying levels of vessel usage and eelgrass restoration and protection:

a) Eelgrass Restoration Zone: This is the area where vessels would not be authorized to anchor or moor, and which will be a priority area for eelgrass restoration. This area potentially extends from the boundary with the Audubon Sanctuary south to approximately in the general vicinity of the Bay Model, not including the deeper water in Belvedere. About a half dozen vessels are currently anchored in this location; the benefits and risks to eelgrass from requiring their relocation out of the zone would be evaluated. The four floating homes in the anchorage would be subject to removal.

b) Eelgrass Protection Zone: This is the area where existing occupied vessels would anchor or moor. The potential boundary of this zone is from the edge of the Restoration Zone in the north to approximately in line with Turney Street in the south.

As shown in the Merkel study, this area contains eelgrass beds - some of which have already been damaged by vessels and anchor chain. Issues that will be considered include whether to:

- o Require a two-point anchoring system to secure vessels, or pursue a pilot project to test conservation moorings, to help protect against eelgrass damage
- o Require permission to move or remove existing ground tackle, due to potential risk to eelgrass beds in removing or setting ground tackle
- o As vessels depart and/or eelgrass restoration work is completed, expand the Restoration Zone into this zone – notably the north/northeast areas

c) Anchoring Zone: Where cruisers/visiting vessels would anchor or moor for the time permitted under the RBRA code. This area is potentially south of where anchorout vessels would be located. For future RBRA consideration is whether to pursue a mooring project – either pilot or permanent - in this zone for cruisers/temporary visiting vessels.

The remainder of the anchorage would remain available for brief anchoring, such as daytime/weekends, and related recreational use, as under existing conditions. Vessels in the Belvedere portion of the RBRA anchorage are and would remain subject to a ten-hour anchoring limit.

The first phase of this step is to draft boundary maps using the eelgrass survey data from the Merkel study with an overlay of RBRA vessel survey data, review with stakeholders, and undergo any applicable environmental review. Establishing

boundaries of a proposed restoration zone would enhance efforts to pursue eelgrass restoration funding, so as to provide assurance that restored areas would be protected against anchoring-related damage in the future.

A second phase would be to identify, analyze and discuss advantages and disadvantages of pursuing two-point anchoring and/or conservation moorings, controlling the placement of ground tackle, specific ground tackle requirements if any, and pursuing relocation of any existing vessels from one zone to another. RBRA could consider whether and if so, under what circumstances to expand the Restoration Zone into the Protection Zone as part of this phase or at a later time, again following any necessary environmental review.

2. Work with organizations and agencies that support eelgrass preservation and protection to seek grant funding and other support to conduct proposed eelgrass research, protection, and restoration work in Richardson’s Bay.

With the cost to restore eelgrass throughout Richardson’s Bay ranging up to roughly \$10 million, potential restoration work can only be accomplished with grants and other outside funding. There are organizations and agencies for which eelgrass is considered critical that are potential partners in grant applications or sources of grant funding. There is sometimes mitigation funding available from projects in San Francisco Bay that could be potential funding sources.

In a collaborative communication from State Senator Mike McGuire and representatives from the County of Marin, RBRA, and the City of Sausalito to the Bay Conservation & Development Commission, it was stated that: *“We are in agreement that over time, a multi-agency effort must be initiated to restore Eelgrass habitat and improve water quality in Richardson Bay.”*

The information on eelgrass habitat in the 2019 Merkel study provides a basis upon which to craft restoration approaches and funding requests. RBRA will collaborate with other interested entities to seek funding resources from state and federal agencies and other organizations. RBRA also will work with State Senator McGuire and related partners on opportunities for collaboration and support.

As the number of long-term vessels declines and visiting vessels anchoring in the bay are steered clear of eelgrass habitat, eelgrass beds will have the opportunity to expand naturally and progressively into damaged areas that otherwise are well-suited habitat. Where the size and nature of the scarring and related damage in eelgrass beds is severe, findings from eelgrass research can help inform best practices for encouraging growth or focusing elsewhere.

Resources:

Due in part to COVID-19 related budget constraints, RBRA was unable to program funding specific to eelgrass restoration in the 2020-21 budget. A modest amount of funds could be allocated from Contingency for outside services that may be needed to augment staff resources for working with stakeholders and collaborating with partner agencies on eelgrass restoration grants and initiatives.

RBRA, with assistance from other agencies and organizations, will continue to be on the lookout for grant funding opportunities and partnerships, When the State and other governmental and non-profit budgets recover from negative COVID-19 impacts, RBRA will work with Senator McGuire as well as the City of Sausalito to collaborate on potential funding solutions.

RICHARDSON'S BAY REGIONAL AGENCY

RESOLUTION NUMBER 07-20

OF THE RICHARDSON'S BAY REGIONAL AGENCY AMENDING ITS ENFORCEMENT PRIORITIES TO INCLUDE COMPLIANCE WITH EXISTING REGULATIONS AND RELATED REQUIREMENTS, AND A TIMELINE FOR COMPLIANCE, AS IT IMPLEMENTS ITS SAFE & SEAWORTHY PROGRAM

WHEREAS, the Board of Directors (Board) of the Richardson's Bay Regional Agency (Agency) approved Resolution No. 05-20 adopting a Transition Plan for the Richardson's Bay Regional Agency Anchorage; and

WHEREAS, the Transition Plan contains provisions for a Safe & Seaworthy Program under which eligible vessels may enroll for legacy vessel status by meeting Agency requirements and timelines as adopted by the Board; and

WHEREAS, such legacy vessel status is for use in setting and applying enforcement priorities, according to the priorities adopted by the Board; and

WHEREAS, legacy vessel status is granted and continued at the Agency's discretion, pursuant to requirements, procedures, and timelines adopted by the Board; and

WHEREAS, such enforcement priorities, requirements, and timelines are at the discretion of the Board to amend,

WHEREAS, the Agency last amended its enforcement priorities with the adoption of Resolution No. 03-19 on July 11, 2019,

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Directors of the Richardson's Bay Regional Agency does hereby adopt the attached requirements, policy procedures, enforcement priorities, and timeline for compliance with existing rules and regulations under its Safe & Seaworthy Program, and authorizes the Harbormaster to make minor adjustments as warranted for achieving the Safe & Seaworthy program objectives.

PASSED AND ADOPTED by the Board of Directors of the Richardson's Bay Regional Agency on June 11, 2020.

CERTIFICATION:

Jim Wickham - Board Chair

Beth Pollard – Executive Director

Richardson's Bay Regional Agency (RBRA)

Safe & Seaworthy Requirements, Policy and Enforcement Priorities

1) Current and valid vessel registration with the California Department of Motor Vehicles (DMV) or documentation with the United States Coast Guard (USCG)

The vessel must be properly registered and the occupant must be able to produce valid registration or documentation for their vessel. If the registration is not up to date because of informal ownership transactions, the RBRA and partner organizations can provide information about how to apply for current and valid DMV registration or USCG documentation.

2) Maintain an operable, seaworthy vessel and other required vessel conditions

Chapter 1.04 of the RBRA code clearly defines the terms "Operable" and "Seaworthy". This includes, but is not limited to, the following requirements: the vessel must be able to maneuver safely under its own power using its usual and customary equipment; the vessel's hull, keel, decking, cabin and mast are structurally sound and vessel is free of excessive marine growth, excessive delamination or excessive dry rot that compromises the vessel's integrity to stay intact and afloat without extraordinary measures. Vessels must contain functioning self-contained waste management facilities that are properly emptied at regular periods (either by visiting a pumpout station or utilizing a mobile pumpout service); and, the vessel must maintain decks clear of debris so that the helm and ground tackle can be easily and quickly accessed. The RBRA will provide the standards and criteria contained in RBRA ordinances to each enrolling vessel.

3) Maintain properly functioning ground tackle.

The vessel must be able to deploy and retrieve properly functioning ground tackle without extraordinary effort. A seaworthy vessel can properly deploy and set an anchor, and retrieve an anchor.

4) Vessel safety and security:

Vessels that run adrift, aground or sink are in violation of local and state ordinances will be subject to removal as an enforcement priority.

4) Possession of a valid California Boater Card by the required State deadline for the boater's age, which is:

- January 1, 2020 Persons 35 years of age or younger
- January 1, 2021 Persons 40 years of age or younger
- January 1, 2022 Persons 45 years of age or younger
- January 1, 2023 Persons 50 years of age or younger
- January 1, 2024 Persons 60 years of age or younger
- January 1, 2025 All persons regardless of age

6) Criminal activity:

Vessels occupied by persons who are convicted of criminal activity occurring on Richardson's Bay, a public or private dock, or another bay/shore access point during or after the Safe & Seaworthy enrollment period may lose eligibility for enrollment or legacy designation and become subject to removal as an enforcement priority.

7) Vessel occupancy:

Vessel occupancy enrollment is not transferrable. The person who enrolled the vessel in the Safe & Seaworthy Program must maintain occupancy on that vessel, or the vessel will become subject to removal as an enforcement priority. No additional persons may occupy enrolled vessels without enrolling with the Harbormaster. Occupancy is defined as being present on the vessel the majority of the days of the week or days in a month, subject to any exceptions granted at the sole discretion of the Harbormaster. Vessels with unenrolled new occupants will become subject to removal as an enforcement priority.

8) Additional Vessels:

Additional vessels brought into the anchorage by occupants of vessels on the anchorage will be ineligible for legacy vessel status, will be subject to time limits and removal as an enforcement priority

9) Potential vessel replacement:

RBRA may establish under what conditions, if any, vessel owners/occupants enrolled in the Safe & Seaworthy program may request and be conditionally granted one-time permission to replace their vessel before the deadline by which vessels must meet RBRA requirements. Unless or until conditions are established, vessels may not be replaced, unless the Harbormaster determines that a replacement vessel is warranted to advance the objectives of the Safe & Seaworthy program.

10) Legacy Vessels: Vessels that successfully complete the Safe & Seaworthy program by meeting existing RBRA vessel and occupancy requirements, and whose occupants further demonstrate their ability to continue to safely operate and maintain their vessel, will gain discretionary RBRA enforcement priority designation as a legacy vessel. Legacy vessels will continue to be in violation of the anchorage's time limitations, but RBRA, in its continuing discretion to set enforcement priorities, will defer enforcement of the deadlines until after a legacy vessel sunset date, as long as vessels and occupants continue to comply with all RBRA requirements and criteria, as they may be updated or amended.

11) Ongoing compliance:

Vessels and their occupants who fail to maintain compliance with RBRA's Safe & Seaworthy program requirements will not be eligible for discretionary legacy vessel status or will lose such status. Those vessels will be subject to removal as an enforcement priority.

12) Other Federal, State, and County rules and regulations

Vessels that fail to meet or maintain compliance with any applicable Federal, State, and County rules and regulations in addition to RBRA regulations will be subject to removal as an enforcement priority.

Richardson's Bay Regional Agency
Safe & Seaworthy Program Procedures and Enforcement Priorities Timeline

July 1, 2020 : Notification and Enrollment Period Begins

RBRA staff will give notification to vessels that appear on the August 2019 survey about the Safe & Seaworthy program, application and enrollment process, current requirements, and deadlines. The Harbormaster and/or Assistant Harbormaster will meet with owners/occupants of eligible vessels who are interested in enrolling in the program, collect information about the vessel and occupants, inspect the vessel for compliance with current RBRA requirements, and advise the owner/occupants of any deficiencies needing correction or improvement to meet RBRA requirements in place at that time.

October 15, 2020: Safe & Seaworthy Program Enrollment Deadline

This is the date by which eligible vessels and their occupants must have requested enrollment through the RBRA Harbormaster or Assistant Harbormaster in RBRA's Safe & Seaworthy Program, provided the required information, and received RBRA inspection, or will become an enforcement priority and subject to removal.

October 15, 2020 to October 15, 2021: Certification period

RBRA staff will be available to do follow up inspections and certify enrolled vessels and occupants that meet RBRA's requirements as being eligible for legacy vessel status. The discretionary legacy vessel status may be revoked by RBRA at any time; circumstances that would likely cause revocation is that the vessel and/or its occupants fall out of compliance with present or future RBRA requirements.

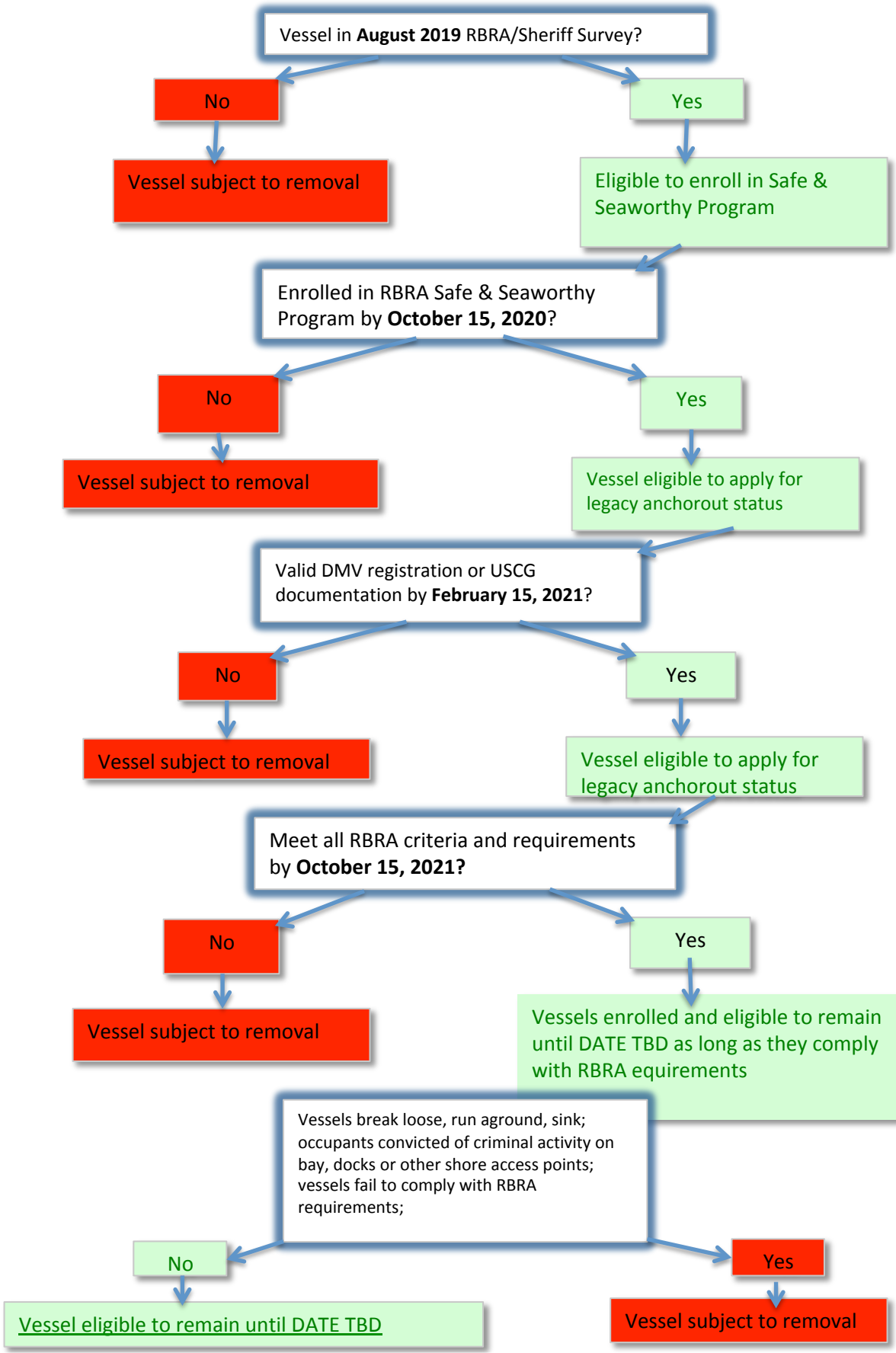
February 15, 2021: DMV Registration/USCG Documentation Deadline

This is the date by which vessels must have current and valid DMV registration or USCG documentation. Vessels without valid registration/documentation will be subject to removal as an enforcement priority.

October 15, 2021: Deadline for compliance with RBRA requirements

This is the date by which vessels and owners/occupants must meet all RBRA requirements. Vessels that meet all requirements by this date will receive RBRA discretionary legacy vessel status. Vessels will be subject to passing RBRA inspection on a periodic basis to maintain legacy status. Vessels that fail to comply or maintain compliance with RBRA requirements will become subject to removal as an enforcement priority.

Sunset date for occupied vessels: The RBRA Board of Directors will set a date by which occupied vessels, including legacy vessels, will be subject to removal as an enforcement priority.



Draft
Presentation Outline
Bay Conservation & Development Commission (BCDC)
Enforcement Committee Briefing
July 9, 2020

RBRA made a presentation to the Committee on April 9, 2020. In response to the presentation, BCDC staff sent RBRA the attached letter. Below is an outline for response to the letter's request for information.

BCDC: "During that briefing the RBRA should provide a concise policy proposal that will result in removing all illegal anchor-outs from the Bay within five years."

RBRA's policy approach is centered on reducing the number of occupied vessels on the bay while urging relocation to alternative housing and requiring safe and seaworthy conditions for occupied vessels remaining time on the bay.

A timeline of five years is infeasible for removal of all occupied vessels from Richardson's Bay – even under the best of circumstances but now made even more challenging by COVID-19's impact on resources for housing and abatement. Consideration needs to be given to what public and private resources are available for persons – now close to 100 - to move to alternative housing, and what public funds are available for vessel removal and abatement.

Instead, RBRA has developed a path forward for health and safety risks to persons, the shoreline, and the bay, water quality and ecosystem to be removed in a two-year timeframe. The Agency believes that focusing on a short-term effort to improve bay conditions through vessel limitations and enforcement priorities, paired with coordinated outreach for housing alternatives, will go a very long way to meeting the Committee's overall expectations and timeline.

Insert summary of Board adopted Safe & Seaworthy Program Requirements, Enforcement Priorities, and Timeline

Additionally, RBRA will further develop its timeline to establish a date by which occupied vessels will not be permitted to stay on the bay. This direction is a shift from the Agency's prior presentation of a reduction through natural attrition and related factors. This is not meant to signify agreement with BCDC's five to ten year timeframe, but a willingness to engage on timeline conversation. It will still be necessary to consider affordable housing availability and feasibility, grant funding for vessel removal, and related factors.

BCDC: “In addition, the RBRA should explain to the Committee how it will coordinate with marina operators to ensure that its Safe and Seaworthy Program standards align with berthing requirements to further the efforts to move vessels into berths.”

Marinas typically require a vessel owner to complete an application before they will rent them berth space for their vessel. Standard requirements include but are not limited to the following factors:

- Tenant Must Be Registered Owner of Boat
- Boat Registration Must Be Current
- Boat Must Be Navigable
- Evidence of Insurance (there is typically a Marine General Liability requirement of at least \$500,000.00)
- Inclusion of a current picture of the vessel along with the application

The Safe and Seaworthy program touches on each of these issues with the exception of requiring insurance. However, vessels will be in an improved condition that will help facilitate obtaining such coverage.

As private or funding is available, and to the extent permitted by BCDC, vessels on the bay will be encouraged to move into marina slips.

“In addition, the coordination with marinas should include a plan to abate vessels abandoned on Richardson’s Bay.”

The RBRA regularly communicates with marina operators in Sausalito and the City of Sausalito to respond to vessels that are voluntarily turned in for disposal. Both the City of Sausalito and RBRA use limited funding from the State’s Department of Boating and Waterways to promote the voluntary turn in program (VTIP). The majority of the funding currently is devoted to abatement of abandoned and derelict vessels on the anchorage. However, it is hoped in the future that as the number of vessels in the Richardson’s Bay anchorage continues to drop, the funds can be devoted to VTIP vessels, thus preventing derelict vessels from entering the anchorage from marinas.

“Further, RBRA should respond to the Committee’s concerns that RBRA’s proposed one-time replacement policy likely would slow the process of compliance and, instead, should focus on actions to remove non-compliant vessels and provide alternative housing arrangements for occupants.”

RBRA is mindful of the limitations of private resources for vessel improvements, and public and private resources for alternative housing. It will be challenging for vessel

owners/occupants on the bay to meet and RBRA requirements or obtain alternative housing by RBRA's deadline of October 15, 2021. RBRA staff anticipates that few vessel owners, if any, will have access to an eligible replacement vessel. Nevertheless, allowing a vessel owner a limited replacement avenue could at least provides a potential option to a population of persons for whom options – and resources – are far more limited than those available to the general population.

Furthermore, RBRA is not a provider of housing; it cannot “*provide alternative housing arrangements for occupants.*” It can, and does, partner with other agencies for whom that is part of their mission and authority, to encourage, support, and coordinate efforts to relocate vessel occupants.

Bay safety and health are key goals of the RBRA. A replacement vessel that is safe and seaworthy, even if occupied, is still a significant health and safety improvement for the bay compared with present day conditions.

In consideration of BCDC's concerns, for the time being RBRA has revised the vessel replacement provisions to limit it to the discretion of the Harbormaster to determine whether it is warranted to further advance the objectives of the Safe & Seaworthy Program.

The presentation should also address eelgrass restoration in detail including: if, how, and where no-anchoring zones would be established; the type of ground tackle that could be used; the use of ecological moorings; and, how moorings, if used, would be installed and inspected. At a minimum, an eelgrass restoration plan should specify the size of the area to be restored, the number of test plots that will be planted, the mitigation ratio, the time it would take to restore the habitat, and a proposed resources budget and allocation that identifies possible funding sources. Finally, the presentation should provide information on the various restoration options for eelgrass restoration ranging from minimal intervention (allowing the damage to restore on its own) to maximum intervention (planting, monitoring and adaptive management).

RBRA has data and information about eelgrass in Richardson's Bay it secured in 2019 from a Mooring Feasibility & Planning Study that it hired the marine ecology firm Merkel & Associates to complete in 2019. For the study, Merkel performed eelgrass and bathymetry surveys to add to its prior eelgrass survey data. What the work reveals are trends in eelgrass locations and densities in the Richardson's Bay, which provides a significant and meaningful foundation upon which to plan and implement eelgrass restoration and protection measures.

RBRA's Transition Plan relies on the Merkel study findings to inform policy steps towards encouraging eelgrass habitat restoration and protecting against future damage related

to vessel anchoring. The approach is to thoughtfully and inclusively develop a proposal for eelgrass restoration and protection zones, and anchoring zone(s).

As consideration is given to eelgrass protection and anchoring zones in particular, working with stakeholders RBRA may develop recommendations on ground tackle and any proposed use of ecological or conservation moorings. For example, there could be a proposed pilot project for conservation moorings in the southern end of an eelgrass protection zone and in the anchoring zone. Mooring placement in the protection area could be useful to eelgrass preservation research and follow-up work in Richardson's Bay, San Francisco Bay, and beyond. It has potential to help the bay be more environmentally protected and controlled. Placement in the anchoring area could inform the viability and desirability of moorings to manage cruisers/visiting vessels and help ensure their avoidance of damage to eelgrass. Any proposal to install moorings would contain the requested information on installation and inspection.

RBRA will work with partner agencies and organizations to identify the appropriate size of any area proposed to be restored, and the number of test plots to match grant resources that become available. Restoration is contingent upon resources available and the recovery potential for identified areas. Natural and progressive restoration will additionally occur over time as conflicts for impact diminish with a reduction of vessels in eelgrass habitat.

It should be clarified that any eelgrass restoration work pursued by RBRA is to further its goal to improve the health of the bay rather than being a mitigation measure. Furthermore, as vessels depart

As for funding and timing, State Senator Mike McGure initiated a collaborative effort among the State, the City of Sausalito, RBRA, and – where appropriate – with BCDC, that, among other things *"We are in agreement that over time, a multi-agency effort must be initiated to restore Eelgrass habitat and improve water quality in Richardson Bay."*

Audubon California has reported its findings that about 57 acres of damaged eelgrass beds in Richardson's Bay. Because of its complexities, restoration work does not have a simple rule-of-thumb cost; a general range is between \$100,000 to \$150,000 per acre.

Unfortunately, the COVID-19 pandemic eliminated the availability of State funding in the 2020-21 fiscal year. The availability of future grant funding from federal, state, or regional agencies, from non-profit organizations, or philanthropic foundations cannot be accurately predicted – especially with the universal economic downturns from the shelter-in-place pandemic restrictions.

RBRA will, however, pursue up to a \$150,000 grant from the National Estuary Program Coastal Watershed Program in the Fall 2020 cycle for eelgrass research and restoration

in Richardson's Bay. RBRA welcomes BCDC to be a partner in this grant request.

As RBRA gets further into its research, restoration, and protection partnerships and development of proposals, it anticipates having more data and information upon which to more specifically address BCDC's question of how much of the eelgrass habitat may restore naturally and how much of the habitat warrants research, plantings, monitoring, and adaptive management.

San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600 fax 415 352 3606

State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

Via Email Only

May 8, 2020

Beth Pollard, Executive Director
Richardson's Bay Regional Agency
c/o Marin County Community Development Agency
Planning Division
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157
Email: bethapollard@gmail.com

SUBJECT: Next Steps in Transitional Plan Implementation (BCDC Enforcement Case No. 2010.038.00)

Dear Ms. Pollard:

Thank you for presenting the RBRA's transition plan to manage vessels, protect the habitat and bring Richardson's Bay into compliance with the Commission's laws and policies to the BCDC Enforcement Committee.

This letter summarizes the additional information that the Enforcement Committee requested from the RBRA. Overall, the Committee responded positively to the RBRA's transition plan acknowledging the progress that has been made since the enforcement case was initiated. The next briefing has been scheduled for July 9, 2020.

During that briefing the RBRA should provide a concise policy proposal that will result in removing all illegal anchor-outs from the Bay within five years. In addition, the RBRA should explain to the Committee how it will coordinate with marina operators to ensure that its Safe and Seaworthy Program standards align with berthing requirements to further the efforts to move vessels into berths. Further, RBRA should respond to the Committee's concerns that RBRA's proposed one-time vessel replacement policy likely would slow the process of compliance and, instead, should focus on actions to remove noncompliant vessels and provide alternative housing arrangements for occupants. In addition, the coordination with marinas should include a plan to abate vessels abandoned on Richardson's Bay.

The presentation should also address eelgrass restoration in detail including: if, how, and where no-anchoring zones would be established; the type of ground tackle that could be used; the use of ecological moorings; and, how moorings, if used, would be installed and inspected. At a minimum, an eelgrass restoration plan should specify the size of the area to be restored, the number of test plots that will be planted, the mitigation ratio, the time it would take to restore



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the habitat, and a proposed resources budget and allocation that identifies possible funding sources. Finally, the presentation should provide information on the various restoration options for eelgrass restoration ranging from minimal intervention (allowing the damage to restore on its own) to maximum intervention (planting, monitoring and adaptive management).

We look forward to discussing these next steps while supporting your progress in further developing the RBRA's transition plan and receiving your next briefing to the Enforcement Committee.

Sincerely,

DocuSigned by:

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Priscilla Njuguna
Enforcement Program Manager
San Francisco Bay Conservation and Development Commission
375 Beale Street, Suite 510
San Francisco, California 94105
Tel: 415-352-3600
Fax: 415-352-3606
Email: priscilla.njuguna@bcdc.ca.gov
Website: www.bcdc.ca.gov

cc: Adrienne Klein, Analyst, BCDC
Karen Donovan, Attorney, BCDC
Joan Cox, Council Member, City of Sausalito - jcox@sausalito.gov
RBRA Board Members
Marin County Board of Supervisors
Members of the Belvedere City Council
Members of the Tiburon Town Council
Members of the Mill Valley City Council
Members of the Sausalito City Council
Members of the BCDC Enforcement Committee

Marin County Board of Supervisors
c/o Matthew H. Hymel, County Administrator
3501 Civic Center Drive, Room 329
San Rafael, CA 94903
mhymel@marincounty.org



Beth Pollard, Executive Director, RBRA
Enforcement Case No. ER2010.038.00

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Belvedere City Council
450 San Rafael Avenue
Belvedere, CA 94920-2336
clerk@cityofbelvedere.org

Tiburon Town Council
1505 Tiburon Boulevard
Tiburon, CA 94920
town@townoftiburon.org

Mill Valley City Council
26 Corte Madera Avenue
Mill Valley, CA 94941
cityclerk@cityofmillvalley.org

Sausalito City Council
c/o Office of the City Clerk
City Hall
420 Litho Street
Sausalito, CA 94965
savila@sausalito.gov

PN / mm

