

# **RICHARDSON'S BAY REGIONAL AGENCY**

Thursday, May 15, 2014

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 March 20, 2014 Meeting
2. Review report of Harbor Administrator
3. Approval of prior expenditures for March - May 2014
4. Vessel Registration / Documentation Program
  - a. Approval of implementing resolution
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 July 17, 2014. 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](mailto:dallee@co.marin.ca.us)***

# **RICHARDSON'S BAY REGIONAL AGENCY**

## **MEMORANDUM**

May 9, 2014

**TO:** RBRA Board

**FROM:** Ben Berto, RBRA Clerk

**SUBJECT:** May meeting

Board members:

This meeting features one major agenda item, the Vessel Registration / Documentation Program. In the interim since the March meeting, Staff has continued working with the legal subcommittee members, public safety officers, and others, and believes that the substantive challenges have been addressed and the program is ready for implementation. Please see the attached staff report, accompanying materials, and adoption resolution.

As of this memo, we are still one Boardmember away from a quorum. A followup email to Bill and myself will confirm that we are either good to go on a meeting, or that we will need to reschedule.

See you next Thursday.

# **RICHARDSON'S BAY REGIONAL AGENCY**

**MINUTES OF MARCH 20, 2014**

HELD AT SAUSALITO CITY HALL CHAMBERS

**MEMBERS PRESENT:** Kate Sears (Marin County); Ken Wachtel; (Mill Valley); Herb Weiner (Sausalito); Thomas Cromwell (Belvedere)

**ABSENT:** Erin Tollini (Tiburon)

**STAFF:** Bill Price (Harbor Administrator); Ben Berto (RBRA Clerk)

**ADDITIONAL:** Chief Jennifer Tejada (Sausalito Police Department); Leslie Alden (Aide to Supervisor Sears)

Meeting called to order at 5:30 PM.

## **Minutes of January 16 Meeting**

Minutes were approved.

## **Review report of Harbor Administrator**

Mr. Price pointed out that the CalRecycle / EPA Army Corps ramp side disposal of 150' tugboat "Respect" had impacted the operational base at the Corps of Engineers, impairing the RBRA's ability to dispose of its vessels on site. Chair Sears asked why the tug was brought here and Price responded that it was done to cut expenses on an overbudget project. Member Cromwell asked what fiscal impacts would be noticed and Price replied that they could balance out since CalRecycle had offered to demo gratis two huge ferrocement vessels for the RBRA.

Price also focused on the gravel from the Turney Street storm drain, which is damaging the dock there and Chair Sears asked if it could be put to use at the Waldo Point Harbor project.

Price and Leslie Alden described in gruesome detail the extraction of two dead sea lions from the Tiburon shoreline. Price also told the Board that the State Water Board would not be conducting their rainy season tests for fecal coliform due to the fact that they had not signed a lab contract in time for our first test dates.

## **Prior expenditures**

The expenditure report was accepted unanimously.

## **Review and discuss 2014-15 annual budget**

The budget was adopted provisionally and will be presented to the member agencies over the next few months as their budget process evolves.

### **Vessel Registration Enforcement - legal issues**

Mr. Berto began the discussion by reporting on a recent, productive meeting with Staff, Sausalito Police Department and the Marin County Sheriff's office that had ironed out some kinks in the citation process. The group decided to keep the program within the framework of current laws and code, and not complicate it with new ordinances. It was anticipated that the program would consist of a clear set of procedures starting with warning notices followed by citations, and eventual impound if no actions were taken. He also mentioned that financial assistance was being sought for those unable to afford registration on their own. Chair Sears stated she would like to have the program rolling by summer and wanted to know the date for the next law enforcement meeting. Member Cromwell asked why one agency was able to cite and not the other and Mr. Berto explained that the citations written on vehicle code could not be processed unless they had actual vessel code numbers, and that both agencies were headed in the right direction now. Sausalito Police Chief Tejada pointed out that everything was ironed out and that her department was willing to help.

Bryan Pennington spoke from the public and said that he had been in Santa Barbara waters for years, and that the ordinances were in conflict and the agencies incompetent. He also claimed that his neighbor's boat was robbed and wrecked without their knowledge. He hoped the City would keep due process in mind. Chair Sears pointed out that we had two attorneys working hard on the subcommittee and she had confidence in their decisions. Member Wachtel said there were good ground rules in place and that it was the goal was not to confiscate vessels but to get vessels properly registered.

Jeff Jacob Chase said that he had been issued a registration ticket by SPD and that action had prompted him to get registered, but he wanted to make sure that people living on the water had a chance to register without dire consequences. Doug Storms asked for more community input and he wanted an inter-agency meeting. He also stated that the problem wasn't the boats – it was the moorings, and he asked for a comprehensive demographic survey. Chair Sears said that RBRA would be conducting a vessel survey and hoped that the program would be ready for approval by May's meeting.

Scott Diamond volunteered to help remove the gravel at the Turney Street dinghy dock and said he could get it done with his friend's excavator. He wanted a meeting with Jonathon Goldman of the City's Public Works Department. He asked why the RBRA was suddenly pursuing the historical storage of vessels on the Bay and asked what prompted the change in philosophy? Chair Sears replied that this meeting could not be a dialogue, and the program had been under discussion for over a year.

### **Public Comments**

Jeff Jacob Chase said that people shouldn't be using the anchorage to make money off of other people and he asked where he could pick up his friends for a sail on the bay and wanted to make a plea for more access sites. He also asked about using the City of Sausalito public walkway pier at Turney Street for boat bottom repairs / careening since there was no place to scrape bottom paint off without paying a boat yard. Bryan Pennington pointed out that there was a lack of

access for disabled people and that 1 slip per 25 should be available for ADA access. He said that Admiralty law required a slip available for a vessel in distress.

**Staff Comments**

Mr. Berto brought up the recent hacking of the RBRA website and said that steps were taking place to address the issue. He felt it would pose a problem in the future and might take extra funds to develop a secure site.

**Board Member Matters**

None

The meeting was adjourned at 6:25 PM.

**NOTE:** The next meeting of the RBRA is tentatively scheduled for **May 15, 2014 at 5:30 PM** at the Sausalito City Hall Chambers.

# RICHARDSON'S BAY REGIONAL AGENCY

## HARBOR ADMINISTRATOR'S REPORT

May 7, 2014

### WORKING RELATIONSHIPS

- **Boating and Waterways** – Working with the Division's managers to focus legislative attention on the problem of abandoned vessels in California 2) Applied for VTIP Grant, requesting \$15K for turned in vessels in FY 14/15
- **Cal Recycle** – one 50' ferrocement vessel was disposed for free by the CalRecycle staff. 2) the tugboat "Respect" remains a problem and they are attempting to use divers with torches to cut out the last sections of the stern. This project began at the Army Corps dock on February 21, 2014 and has no determined finish date.
- **Corps of Engineers** – still working with staff to maintain yard and cover local public relations during demolition of 150' steel tugboat
- **OSPR** – participated in a Marin Co. seminar directed toward responding to a spill event in the county. 2) participated in a full day oil boom deployment seminar held at Mare Island, with hands-on training aboard field vessels.

### DEBRIS REMOVAL

- Disposed of 9 vessels. 6 vessels are currently awaiting demolition
- 2 boats are currently impounded

### RAPID RESPONSE

- 1 vessel recovered and secured
- Discovered a sinking abandoned boat in a marina and rigged pumps to hold it until salvage operators could tow it to a boatyard for haul-out

### WATER QUALITY

- 2014 Winter Wet Weather testing cycle complete. Two tests conducted on rainy days reflected storm drain issues, with very high results in all drain locations. State Water Board did not participate due to lack of lab contract.
- Working with contractors at the Corps of Engineers to maintain a continuous absorbent boom around the tugboat project to contain the residual oil that might escape
- Met with State OES officials to secure a mobile container loaded with absorbent and solid boom to be used in the event of a major oil spill similar to Cosco Busan. Funding looks promising but won't become available until next fiscal year.

### OTHER

- Met with Public Works Director from City of Sausalito to discuss strategies for making the Turney Street dock more accessible.
- Working with Cass Gidley Marina to remove and dispose old dock sections and rebuild dock already in place
- Completed 2014 vessel census with Ben Berto

# Richardson Bay Regional Agency

## RBRA Vessel Disposal List March - May 2014

Date	Name	Type	Amount	Condition	Location
3/23/2014	Silverline	20' f/g runabout	1200.00	sunk - abnd. - CalRecycle	Near Cone Rock
3/23/14	Madiba	23' f/g runabout	545.00	VTIP	Sausalito anchorage
3/27/14	Wishes II	30' f/g powerboat	7,349.15	sunk - abnd. - CalRecycle	Sausalito harbor
4/4/14	Mein Schatz	38' wooden powerboat	4,700.00	abandoned - CalRecycle	Pier 39 \$\$
4/4/14	The Duck	22' f/g sailboat	1700.00	VTIP	SF Marina \$\$
4/4/14	Marlin	24' f/g powerboat	2900.00	VTIP	SF Marina \$\$
4/5/14	Bliss	27' f/g sailboat	1546.57	abandoned - CalRecycle	Sausalito harbor
4/19/14	J Emmett *	30' wooden powerboat	675.00	abandoned - CalRecycle	Sausalito harbor
4/19/14	Marbara *	39' wooden sailboat	1,300.00	VTIP	Sausalito anchorage

**12 vessels total \$21,915.72**

\* indicates estimated invoices

\$\$ indicates 10% invoice paid by outside party

# RBRA - Fiscal Year 2013/14

## March 10 - May 1, 2014 BALANCE SHEET

DATE	COST CENTER	DESCRIPTION	REVENUES
3/13/2014	Prof Svcs - Other	Diego Truck Repair - double billing	-500.00
3/17/2014	Cash on Hand at Dept	Mooring Fee	-150.00
3/17/2014	Cash on Hand at Dept	Mooring Fee	-300.00
3/17/2014	Cash on Hand at Dept	Mooring Fee	-150.00
4/17/2014	Cash on Hand at Dept	CalRecycle grant reimbursement	-59334.83
4/17/2014	Cash on Hand at Dept	Mooring Fee	-150.00
4/17/2014	Cash on Hand at Dept	Mooring Fee	-150.00
4/17/2014	Sales and Services	return at West Marine	-15.83
3/31/2014	Int On Pooled Invstmnt	Interest - 3rd QTR	-37.00
5/1/2014	Cash on Hand at Dept	10% matching fund reimbursement	-430.00
<b>TOTAL</b>			<b>-61217.66</b>

			EXPENDITURES
3/25/2014	Prof Svcs - Other	Monies Held in Trust	200.00
3/18/2014	Rent - Off Space	Sausalito Shipyard - slip rental	525.00
3/19/2014	Com Srvc - Cell Phon	AT & T - mobile phone	80.51
3/19/2014	Prof Svcs - Other	Dave's Diving - raise sunken boat and secure	1200.00
3/14/2014	HazMat Clean Up	PALS - Asbestos removal	600.00
3/18/2014	Prof Svcs - Other	Day labor	75.00
3/19/2014	Prof Svcs - Other	Denny Creative - Web services	260.00
3/25/2014	Prof Svcs - Other	San Rafael Yacht Harbor - tow service	375.00
3/25/2014	Prof Svcs - Other	San Rafael Yacht Harbor - tow service	375.00
4/10/2014	Com Srvc - Broadband	AT & T - phone line	40.00
4/10/2014	Oth Maintenance	West Marine - boat parts	31.40
4/10/2014	Com Srvc - Broadband	AT & T - internet	45.33
4/10/2014	Postage	Fed Ex	16.50
4/10/2014	Oth Maintenance	West Marine - boat parts	13.50
3/25/2014	Prof Svcs - Other	EMS - pump-out services	137.50
3/26/2014	Rent - Off Space	Schoonmaker Point Marina - slip rental	160.00
3/26/2014	Rent - Off Space	Schoonmaker Point Marina - slip rental	243.00
3/26/2014	Rent - Off Space	Libertyship Way - Dry storage	240.00
3/26/2014	Rent - Off Space	Sausalito Shipyard - slip rental	425.00
3/27/2014	HazMat Clean Up	HMA - asbestos inspection	635.00
4/10/2014	Rent - Off Space	Schoonmaker Point Marina - slip rental	411.00
3/27/2014	Prof Svcs - Other	Parker Dive Services - boat disposal	5517.15
3/28/2014	Prof Svcs - Other	MT Head - pump-out services	350.00
3/31/2014	ProfServ-CntySalRe	Other - Chrgs for Cur Svcs - Miscellaneous	11529.98
4/10/2014	Rent - Off Space	ICB - office rental	420.00
4/8/2014	HazMat Clean Up	HMA - asbestos inspection	600.00
4/10/2014	Prof Svcs - Other	San Rafael Yacht Harbor - boat disposal	2900.00
4/10/2014	Prof Svcs - Other	San Rafael Yacht Harbor - boat disposal	1700.00
4/10/2014	Prof Svcs - Other	San Rafael Yacht Harbor - boat disposal	4100.00
4/10/2014	HazMat Clean Up	Bay Cities Refuse Service	422.70
4/25/2014	Rent - Equip Rental	Hertz Equipment rental - backhoe rental	567.59
4/15/2014	Com Srvc - Cell Phon	AT & T - mobile phone	79.08
4/18/2014	Prof Svcs - Other	Wedlock - pre-disposal survey	235.00
4/18/2014	Prof Svcs - Other	Wedlock - pre-disposal survey	235.00
4/18/2014	Prof Svcs - Other	Parkerr Dive Service - patch and tow sinking boat	3515.95
4/18/2014	HazMat Clean Up	A & S Environmental - haul hazardous waste	957.00
4/18/2014	HazMat Clean Up	A & S Environmental - haul hazardous waste	240.00

4/22/2014	Prof Svcs - Other	Wedlock - pre-disposal survey	235.00
4/22/2014	Prof Svcs - Other	Wedlock - pre-disposal survey	235.00
4/22/2014	Prof Svcs - Other	Day labor	175.00
5/1/2014	Rent - Off Space	Libertyship Way - Dry storage	240.00
5/1/2014	Rent - Off Space	Schoonmaker Point Marina - slip rental	411.00
5/1/2014	Rent - Off Space	Schoonmaker Point Marina - slip rental	243.00
5/1/2014	Rent - Off Space	Schoonmaker Point Marina - slip rental	160.00
5/1/2014	Prof Svcs - Other	MT Head - pump-out services	350.00
		TOTAL	<b>41507.19</b>

# **RICHARDSON'S BAY REGIONAL AGENCY**

## **REPORT**

May 9, 2014

**TO:** RBRA Board

**FROM:** Ben Berto, RBRA Clerk

**SUBJECT:** Vessel registration/documentation program

Boardmembers:

In the interim since the March meeting, Staff, the ad hoc committee, and law enforcement representatives have worked on developing a vessel registration / documentation program ready for the RBRA Board to implement at this May meeting.

Challenges and questions discussed at the March RBRA Board hearing that were addressed include:

- Registration / documentation statutes and regulations
- Law enforcement agency enforcement
- Overall jurisdiction and coordination
- Developing consistent yet flexible procedures
- Insurance company program support
- Program limitations

### **Regulation overview**

RBRA Staff, legal counsel, the Board subcommittee, and our law enforcement partners have carefully examined applicable State Statutes. State Statutes presently require current registration, and provide firm legal basis for citation, impoundment, towing, and disposal.

The following are excerpts from relevant State Statutes (and legal disclaimer) that Staff will include on the back side of the RBRA Courtesy Notice.

#### **California State Vehicle Code**

##### **Numbering of Undocumented Vessels**

9850. Every undocumented vessel using the waters or on the waters of this state shall be currently numbered. No person shall operate nor shall any county, city, or political subdivision give permission for the operation of any undocumented vessel on those waters unless the undocumented vessel is numbered in accordance with this chapter, or in accordance with applicable federal law, or in accordance with a federally approved

numbering system of another state, and unless (1) the certificate of number issued to such undocumented vessel is in full force and effect, and (2) the identifying number set forth in the certificate of number is displayed on each side of the bow of the undocumented vessel for which the identifying number was issued.

Amended Ch. 298, Stats. 1987. Effective January 1, 1988.

### **California Boating Law – Harbors and Navigation Code**

523. (a) Any peace officer, as described in Section 663, or any lifeguard or marine safety officer employed by a county, city, or district while engaged in the performance of official duties, may remove, and, if necessary, store a vessel removed from a public waterway under any of the following circumstances:

(1) When the vessel is left unattended and is moored, docked, beached, or made fast to land in a position that obstructs the normal movement of traffic or in a condition that creates a hazard to other vessels using the waterway, to public safety, or to the property of another.

(2) When the vessel is found upon a waterway and a report has previously been made that the vessel has been stolen or a complaint has been filed and a warrant thereon issued charging that the vessel has been embezzled.

(3) When the person or persons in charge of the vessel are by reason of physical injuries or illness incapacitated to an extent as to be unable to provide for its custody or removal.

(4) When an officer arrests any person operating or in control of the vessel for an alleged offense, and the officer is, by any provision of this code or other statute, required or permitted to take, and does take, the person arrested before a magistrate without unnecessary delay.

(5) When the vessel interferes with, or otherwise poses a danger to, navigation or to the public health, safety, or welfare.

(6) When the vessel poses a threat to adjacent wetlands, levies, sensitive habitat, any protected wildlife species, or water quality.

(7) When a vessel is found or operated upon a waterway with a registration expiration date in excess of one year before the date on which it is found or operated on the waterway.

(b) Costs incurred by a public entity pursuant to removal of vessels under subdivision (a) may be recovered through appropriate action in the courts of this state.

**This list is not inclusive of all applicable statutes. The agencies reserve their right to enforce any applicable Federal, State and/or local statutes, regulations and/or ordinances.**

As noted in this meeting's Staff memo on the vessel census, Sausalito Police have already been issuing citations for some time; they have on occasion gone to court in connection to the citations, and have had the citations upheld. This test of successful legal action provides assurance that if/when citations are written, they will stick .

### **Law enforcement**

The two primary law enforcement agencies on the water, the Marin County Sheriff's Department and Sausalito Police Department, are ready to commence a coordinated and comprehensive citation effort once the RBRA Board gives its approval to the registration / documentation program.

It is envisioned that if individuals responsible for the vessels take the opportunity to get them properly registered within the first 21 days following citation issuance (and show proof of same to the issuing agency), the fine amount would be substantially reduced from the uncorrected citation amount. Even with the cost of registration (assuming the vessel is not seriously deficient in this regards), it will cost less to pay the registration and fix-it fine amount than the uncorrected citation amount.

RBRA Staff is very pleased to have the full and ongoing cooperation and assistance of both law enforcement agencies. Everyone participating in this effort has been extremely helpful in moving the process forward.

There is one law enforcement–related question remaining, relating to documented vessels. Documentation involves application to the Coast Guard and is governed by Federal laws. RBRA staff is waiting to hear back from the US Coast Guard regarding their participation in Richardson’s Bay documentation compliance efforts, including enforcement followup if necessary. The Coast Guard has been working with agencies around the Bay Area concerning abandoned vessel issues, so Staff is optimistic regarding their eventual participation. The other good news is that only a small number/ percentage of the vessels on the anchorage (22 total or 10 percent according to Staffs’ April 29 vessel census) even potentially qualify to be documented in lieu of being registered. This small subset will be dealt with once questions concerning vessels’ statuses and Coast Guard’s participation can be addressed. In any regard, California Vehicle Code requires any vessel to be registered or documented, so documentation violations are enforceable by Sausalito PD and the County Sheriff’s Office.

## **Procedures**

Staff, working with RBRA Counsel, Board subcommittee members, and law enforcement, has developed a summary procedural outline (see attached). These are steps generally intended to be followed with respect to vessels that are currently not in compliance with registration / documentation requirements. As can be seen, the first steps relate to information and outreach (including having agendized/discussed this topic in four straight RBRA Board meetings).

The Courtesy Notice (see attached) provides a clear notification of a vessel’s noncomplying status, the potential consequences of failure to bring the vessel into compliance, and a deadline for doing so, after which (generally speaking) enforcement actions can/will take place. Contact information for the RBRA Harbor Administrator is also provided on the notice, and excerpts of potentially applicable State Statutes is included on the back side of the notice.

Several things should be noted:

- 1) RBRA and law enforcement staff cannot follow the general procedures in every case. For example, if a vessel drags anchor and ends up under a Belvedere house or dock, or is imminent danger of sinking (or has sunk), a summary abatement process may be called for. Outstanding hazards must be dealt with immediately, as has been past and ongoing RBRA practice over the last 19 years.

- 2) Staff requests that the RBRA Board confirm that the Courtesy Notice from the RBRA will only be used once. In other words, the Courtesy Notice will universally affixed one time to every vessel on the anchorage with inadequate registration / documentation. New vessels are an ongoing problem and they should not be afforded special treatment as they continue to arrive unregistered or undocumented in Richardson's Bay. The Courtesy Notice is being provided at the beginning of this program as part of RBRA's outreach to announce the program to vessel owners, who have assumed that registration was not necessary.

Given the ongoing nature of vessels arriving at various parts of the anchorage day and night, it simply is not possible to use a courtesy notice with its 10-day grace period, for future vessels. Ongoing dumping of vessels on the anchorage is the heart of the problem. Tying RBRA staff down with future notice requirements will make it harder to take action against those problem vessels, and raises the issue that if RBRA includes a Courtesy Notice requirement in every instance and fails to do so, our Agency could leave itself open for legal challenge on the basis of not having followed our own procedures.

### **Insurance company support**

Staff has confirmed with RBRA's insurance company that the program activities (including the potential for vessel impoundment, removal, and disposal) are within the scope of the agency's coverage. The company did stress the importance of documentation throughout the due process that results in vessel abatement.

### **Outreach and consensus**

The Sausalito Police has had several meetings recently with anchorouts about anchorage-related -issues, including registration. RBRA Staff will attend a meeting in the next month to answer questions and further communicate the program's goal of the current registration and documentation of all vessels in Richardson's Bay, in order to continue to get the word out to those potentially affected. It is hoped that live-aboards will support the program much like they did at the first RBRA meeting when this program was discussed.

Staff will post notification flyers at Richardson's Bay waterfront access points. Staff is also in the process of developing a press release that will go out to local news agencies once the RBRA Board has taken action to implement the program.

### **Program limitations**

Once the registration / documentation program has been underway for some time, Staff anticipates the type of results that are already visible on the Sausalito side of the anchorage – the majority of vessels will have current registration. Staff would like to think that once the full range of program options (including the eventual impound / towing / and disposal of non-complying vessels) are seen to be taking place, there will be a higher level of current registration compliance than even Sausalito's current 69 percent.

This in turn will enhance accountability, with the display of current registration / documentation making it much easier to track down vessel owners than is presently the case.

Additionally, once vessel owners realize they have to keep registration / documentation proper and up-to-date, the present trend of some owners abandoning derelict vessels on the anchorage should become a less attractive option.

It is impossible to know whether this program will by itself reduce the overall number of vessels in Richardson's Bay. Registration costs are very low (less than \$15 a year) for those who keep registration current, so in of itself the cost of registration shouldn't prevent anyone from doing so.

There is also no minimum standard for seaworthiness in order to register a vessel. Although there appears to be some positive correlation between vessel condition and current registration / documentation, only time will tell whether individuals will simply register / document their hulks.

### **Recommendation**

Adopt Attached Resolution implementing the vessel registration / documentation program. Continue to accept reports from Staff on program status and results.

Attachments: 1. Resolution  
2. Procedures outline  
3. Courtesy Notice

# RICHARDSON'S BAY REGIONAL AGENCY

## RESOLUTION NUMBER xx-14

### OF THE RICHARDSON'S BAY REGIONAL AGENCY

#### ADOPTING THE VESSEL REGISTRATION / DOCUMENTATION PROGRAM.

WHEREAS, the number of vessels anchored in Richardson's Bay continues increase; and

WHEREAS, the number and percentage of vessels anchored in Richardson's Bay without current, proper registration or documentation also continues to increase; and

WHEREAS, the cost for administering, managing, and disposing of vessels in Richardson's Bay also continues to increase, as does the potential for hazards and environmental damage; and

WHEREAS, the RBRA believes that it is incumbent that all vessels in Richardson's Bay be currently and properly registered or documented consistent with applicable State or Federal laws:

NOW, THEREFORE, BE IT RESOLVED, that the Richardson's Bay Regional Agency does hereby direct Staff to implement the Vessel Registration / Documentation Program consistent with the general outline set forth in the Procedures Outline.

PASSED AND ADOPTED by the Board of the Richardson's Bay Regional Agency on May 15, 2014 by the following vote:

Ayes:

Noes:

Absent:

CERTIFICATION:

\_\_\_\_\_  
Kathrin Sears, Board Chair

\_\_\_\_\_  
Ben Berto, Clerk, RBRA

## **RBRA Registration/Documentation program steps 05/14**

1. Vessel Census
  - Identify all vessels, including vessels with noncomplying/no registration / documentation
  - i. Clarify State and Federal identification requirements
  
2. Publicity/Outreach
  - Meeting agendas, written materials
  - Meeting with anchorouts
  - Press release and articles once RBRA Board approves program
  - Vessel access points posted with program information
  - Courtesy Notice
  - i. Final Language from subgroup meeting attendees: legal subcommittee, police and sheriff depts.
  - ii. Vessels posted (documentation of same)
  - iii. Notify enforcement personnel
  
3. Citation
  - By MCSO, SPD or USCG, depending on location/jurisdiction
  
4. RBRA abatement notice (following State Harbors and Navigation Code)
  - For vessels with pre- 2013 registration
  - 30 days, potentially concurrent with citation period
  - i. RBRA Board appeal hearing – if written appeal made to RBRA Clerk within 30 day abatement notice period.
  - ii. No demolition of vessel prior to RBRA appeal hearing.
  
5. Post-citation
  - i. If owner corrects violation within 21-day timeframe, citation amount reduced.

ii. If owner contests violation within 21-day timeframe, no impound/ towing of vessel until outcome of court hearing (1-2 months).

6. Towing and Impound

- a. Confirm lack of current registration in system
- b. If non-responsive to citation within 21-day post-issuance timeframe and RBRA abatement notice 30-day timeframe, vessel qualifies for towing\*.
  - i. “nonresponsive” - failure to register/document vessel, properly affix evidence of same, and pay all fines/levees.
- c. Inter-agency notification so a concerned party should be able to obtain current vessel status regardless of agency contacted - MCSO, SPD, or RBRA.
- d. Once towed, if owner desires to claim vessel, must register/ document and pay full citation, towing, impound, and other agency costs.
- e. Marine survey to establish value of vessel per State-mandated disposal steps. If survey finds value of vessel to be over \$2000 a marine lien sale will occur, which requires @3 months to complete.

7. Vessel Disposal

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**\* To address the range of contingencies and exigent circumstances on the water, the RBRA and other authorities reserve the right to abbreviate and/or eliminate any/all of the above steps if, in their discretion, it/they believe it necessary to take more immediate action (for example, vessel impound, towing). If the RBRA deems it necessary, a vessel may be demolished after a Summary Abatement Process has been completed.**



# COURTESY NOTICE



## RICHARDSON'S BAY REGIONAL AGENCY

### VESSEL REQUIRED TO HAVE/PROPERLY DISPLAY CURRENT REGISTRATION OR DOCUMENTATION

This vessel does not show current, complete, or proper registration or documentation, and is in violation of Local, State, and/or Federal laws, including CA Vehicle Code §9850 et seq. (see back of notice for regulation information).

Proper registration or documentation must be fixed to the vessel within 10 calendar days of this notice, or by \_\_\_\_\_.

Failure to correct vessel registration or documentation by the above date will result in enforcement actions including but not limited to: citation, fines, towing, and disposal (see CA Harbors & Navigation Code §523 et.seq.). Note: this courtesy notice does not preclude issuance of a citation during the 10 day notice period.

Contact the Richardson's Bay Regional Agency Harbor Administrator Bill Price with any questions at:

Cell (415) 971-3919

[bprice@marincounty.org](mailto:bprice@marincounty.org)

Marin County Community Development Agency  
3501 Civic Center Dr. Room 308, San Rafael, CA 94903

Notice Date: \_\_\_\_\_



## **California State Vehicle Code**

### **Numbering of Undocumented Vessels**

9850. Every undocumented vessel using the waters or on the waters of this state shall be currently numbered. No person shall operate nor shall any county, city, or political subdivision give permission for the operation of any undocumented vessel on those waters unless the undocumented vessel is numbered in accordance with this chapter, or in accordance with applicable federal law, or in accordance with a federally approved numbering system of another state, and unless (1) the certificate of number issued to such undocumented vessel is in full force and effect, and (2) the identifying number set forth in the certificate of number is displayed on each side of the bow of the undocumented vessel for which the identifying number was issued.

Amended Ch. 298, Stats. 1987. Effective January 1, 1988.

## **California Boating Law – Harbors and Navigation Code**

523. (a) Any peace officer, as described in Section 663, or any lifeguard or marine safety officer employed by a county, city, or district while engaged in the performance of official duties, may remove, and, if necessary, store a vessel removed from a public waterway under any of the following circumstances:

- (1) When the vessel is left unattended and is moored, docked, beached, or made fast to land in a position that obstructs the normal movement of traffic or in a condition that creates a hazard to other vessels using the waterway, to public safety, or to the property of another.
  - (2) When the vessel is found upon a waterway and a report has previously been made that the vessel has been stolen or a complaint has been filed and a warrant thereon issued charging that the vessel has been embezzled.
  - (3) When the person or persons in charge of the vessel are by reason of physical injuries or illness incapacitated to an extent as to be unable to provide for its custody or removal.
  - (4) When an officer arrests any person operating or in control of the vessel for an alleged offense, and the officer is, by any provision of this code or other statute, required or permitted to take, and does take, the person arrested before a magistrate without unnecessary delay.
  - (5) When the vessel interferes with, or otherwise poses a danger to, navigation or to the public health, safety, or welfare.
  - (6) When the vessel poses a threat to adjacent wetlands, levies, sensitive habitat, any protected wildlife species, or water quality.
  - (7) When a vessel is found or operated upon a waterway with a registration expiration date in excess of one year before the date on which it is found or operated on the waterway.
- (b) Costs incurred by a public entity pursuant to removal of vessels under subdivision (a) may be recovered through appropriate action in the courts of this state.

**This list is not inclusive of all applicable statutes. The agencies reserve their right to enforce any applicable Federal, State and/or local statutes, regulations and/or ordinances.**

## **Lib at Large: Sausalito grapples with a floating 'dock of the bay' christened the Sally Stanford**

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SALLY STANFORD, the legendary former madam and Sausalito mayor, died in 1982, but she's back in the news. Or at least her name is.

A floating dock that has been christened the SS Sally Stanford is at the center of a Sausalito waterfront controversy involving city officials, the police department, a state agency and a loose-knit organization of anchor outs called the Sausalito Waterfront Action Group, aka SWAG.

Scott Diamond, a 64-year-old longtime waterfront denizen, built the 45-foot-long dock with a few other SWAG members to add enough length to the city-owned "dinghy dock" at the foot of Turney Street for anchor outs — the floating community of alternative lifestylers who live rent free in boats and other makeshift crafts on Richardson Bay — to park their skiffs and kayaks while they go to work, or the market, or walk their dogs, or whatever reason they may have to be on dry land.

Without the Sally Stanford, when the bay water recedes at low tide, the 40-foot-long city dock sits on top of bay mud, making it hazardous for anchor outs to tie up and come ashore.

"When low tide comes, boats start banging into other boats, your property gets damaged, you have to drag your skiff and get cut from glass that's in the mud," complained Christal Gift, a tanned, tattooed, 39-year old anchor out who lives in a 68-foot ferro cement ketch with her husband, a commercial fisherman. "It's frustrating."

With the extended dock in place, all went well until last Oct. 8, when the Sally Stanford came loose from her anchor and floated away, nearly colliding with a woman's houseboat in a nearby marina.

"She was really nervous it was going to happen again," said Sausalito police Chief Jennifer Tejada.

Sine the Sally Stanford is movable, and can be powered by an outboard motor, Diamond registered it with the Department of Motor Vehicles as a vessel, making him legally responsible for it.

"We figured out who the dock's owner is and sent him a letter, saying, 'Please remove this vessel. It's a hazard and causing a lot of concern among people from the area,'" Chief Tejada said. "I gave him until Oct. 17 to move it."

On the deadline day, Diamond showed up at the police department, asking for permission to keep the Sally Stanford in place permanently. Diamond, who lives on a World War II vintage Navy vessel in the Sausalito Yacht Harbor, was not unfamiliar to the police chief. She

thought back to the 2011 July Fourth holiday, when he was cited for floating a 14-foot-long foam replica of a Betsy Wetsy doll in the bay near Sausalito's famed seal sculpture.

"I saw it as symbolic of the birth of the country," he recalled, chuckling.

The police chief, however, wasn't amused. And in the case of the Sally Stanford, she had a punchline of her own. She cited a regulation of the Bay Conservation and Development Commission (BCDC), the state agency with authority over bay waters, that requires vessels moored in city waters for more than 10 hours to have prior written permission from the chief of police. To Diamond, a veteran of the fabled Sausalito Houseboat Wars of the 1970s, the notion that boats need permission from anyone to drop anchor on the waterfront is laughable.

"There are 3,000 boats in Sausalito right now, and I don't know anybody who has prior written permission from the police chief," he said.

Tejada said she informed Diamond of the complaints and concerns of nearby residents, and gave him another deadline to take it away. This time, he complied.

"I said, 'Great, now we can move on,'" Tejada recalled. "Then in December, it reappeared. I told him to move it again. When he didn't, I said, 'We'll continue to fight you until you do.'"

By then, Diamond had accumulated \$4,600 in citations and fines from the police department. He took the matter to court, and was told he could avoid paying the money by doing community service. He saw that as a case of no good deed going unpunished, and declined the offer on principle.

"I wasn't going to do community service for doing the community a service," he said.

At one point, Sausalito Public Works Director Jonathon Goldman stepped in, slapping Diamond and his dock with a cease and desist order for encroaching on the public right-of-way. It seems it was floating above the intersection of two underwater city streets.

In an attempt to settle the dispute, Diamond and some other SWAG members took their case to the city council, explaining the paucity of places to moor their skiffs and their need for the Sally Stanford, asking for it to remain until a better solution is found.

"The City Council was sympathetic to that and directed us to stop taking the enforcement actions we had been taking," Goldman said.

"We were commended publicly by the City Council," Diamond said. "I wasn't looking for the new waterfront wars."

The council asked the public works director to investigate other ways of resolving the issue, including getting permission from the BCDC for the Sally Stanford to stay in place temporarily, or dredging the area to keep the city dock from sitting in the mud at low tide.

Instead, he will recommend that the council approve the replacement of the dock that's there now with a new, longer gangway, a project he estimates will cost the city about \$50,000. He said he'll ask for the money during budget hearings in May and June.

"It's a more sustainable solution," he said.

In the meantime, Diamond has offered to give the Sally Stanford to the city in return for the police department dropping the fines against him, but so far that hasn't happened.

"We're at this impasse," he said. "There's seems to be some kind of test of wills going on."

SWAG members have offered to hold a fundraiser to pay off Diamond's fines, and are angry that he has removed the Sally Stanford and will no longer let them use it.,

"What he's doing to the people is build up our hopes, saying we can have the dock, then he takes the dock away over something he's arguing with police department about," anchor out Christal Gift said. "That dock is a symbol of peace between water and land. It isn't a political chess piece. He doesn't realize he's affecting everybody."

Diamond blames the police chief for turning the anchor outs against him. They accuse him of political grandstanding at their expense.

"We don't want to fight City Hall or make a big political stink," Gift said. "We just want a nice place to park our skiffs."

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