

RICHARDSON'S BAY REGIONAL AGENCY

Board of Directors Meeting Agenda

Thursday, March 14, 2019

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

Tiburon Town Hall, 1505 Tiburon Boulevard, Tiburon, CA

The RBRA Board of Directors encourages a respectful dialogue that supports freedom of speech and values diversity of opinion. The Board, staff and the public are expected to be polite and courteous, and refrain from questioning the character or motives of others. Please help create a respectful atmosphere by not booing, whistling or clapping; by adhering to speaking time limits; and by silencing your phone.

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

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

1. Approval of minutes, February 14, 2019.
2. Information Item: Community Outreach Subcommittee report and presentation on Community Efforts
3. First reading of proposed ordinance updating definitions, providing for vessel conditions required for mooring and anchoring in Richardson's Bay, and amending the location of appeal hearings. Staff recommendation: Conduct first reading of a proposed ordinance to amend Richardson's Bay Regional Agency Code Section 1.04.020, Definitions; amending Title 3, Vessels, to add Section 3.04.050, Vessel Conditions and Requirements; and amending Title 6, Section 6.04.050, Nuisance Code; and schedule merit hearing for April 11, 2019.
4. Information Item: Harbor Administrator's Report.
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. Comments:
 - a) Staff: Executive Director update on February 21, 2019 Bay Conservation & Development Commission Enforcement Committee presentation, and on mooring feasibility & planning study
 - b) Board Member matters

AN AGENDA PACKET IS AVAILABLE AT THE SAUSALITO LIBRARY AND THE RBRA WEBSITE <http://rbra.ca.gov>, WHERE WRITTEN COMMENTS MAY BE SENT. TO RECEIVE AN ELECTRONIC MEETING NOTICE, PLEASE EMAIL REQUEST TO DON ALLEE AT dallee@marincounty.org

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RICHARDSON'S BAY REGIONAL AGENCY

STAFF REPORT

For the meeting of: March 14, 2019

To: RBRA Board of Directors
From: Beth Pollard, Executive Director
Subject: First reading of proposed ordinance updating definitions, providing for vessel conditions required for mooring and anchoring in Richardson's Bay, and amending the location of appeal hearings.

STAFF RECOMMENDATION:

Conduct first reading of a proposed ordinance to amend Richardson's Bay Regional Agency Code Section 1.04.020, Definitions; amending Title 3, Vessels, to add Section 3.04.050, Vessel Conditions and Requirements; and amending Title 6, Section 6.04.050, Nuisance Code; and schedule merit hearing for March 14, 2019.

BACKGROUND:

At its meeting of June 14, 2018, the Board conducted a work session to seek public comment on, among other things, conditions that should be required for vessels that are on Richardson's Bay. Based on the public comments, at its meeting of July 25, 2018, the Board of Directors directed staff to draft an ordinance that establishes requirements for vessels on Richardson's Bay. The particular priorities are that vessels be seaworthy and operable, that they contain adequate sanitation facilities, that decks be free of loose materials, and that the requirements for current and valid registration be locally stated.

At its meeting of October 11, 2018, the Board reviewed and provided direction on draft ordinance language. A draft ordinance incorporating these changes was transmitted to the United States Coast Guard, the California State Lands Commission, and the California Division of Boating & Waterways of the Department of Parks and Recreation. Neither the Coast Guard nor the State Lands Commission had comments for revision; at this time, staff does not anticipate any proposed revisions from Boating & Waterways, which has committed to completing its review prior to the Board's February meeting.

DISCUSSION:

Definitions

The ordinance contains definitions for seaworthy, operable, and adequate sanitation facilities that are based on public comments as well as review of other agencies'

provisions. Also included in the ordinance are revisions to some definitions that are now in the code, for clarification purposes, including:

- Reflecting the departure of the City of Sausalito from the Agency
- Adding a definition of “discharge” and “sewage”
- Amending the definition of “houseboat” to add the presence of a “pontoon, flat-bottomed hull or similar configuration”
- Updating the definition of “vessel”

Vessel Condition and Requirements

Title 3, Vessels, of RBRA’s code is amended to require that vessels be seaworthy, operable, contain an adequate marine sanitation device, and have current and valid state/federal registration. It authorizes the Harbor Master to make some exceptions for vessels using the anchorage as a temporary safe harbor with good faith efforts underway to bring the vessel into compliance. Vessels that fail to comply would be subject to RBRA’s Nuisance Abatement procedures or, where applicable, state Harbors & Navigation code abatement provisions.

At its meeting of February 14, 2019, the Board asked staff to look into adding a provision regulating the disposal of dog waste from vessels on the bay. A prohibition specific to disposal of pet or dog waste was not found to be a standard provision broadly applied among other ordinances, but there is some precedent and can be included. A specific prohibition against disposal of dog waste into the bay has been added to the draft ordinance.

Nuisance Abatement Hearing Location

RBRA’s Nuisance Code, Title 6, provides for nuisance abatement procedures for non-complying vessels. The code currently states the hearing location as the Sausalito Council Chambers. The ordinance amendment would allow the hearing to take place in another location in Marin County; one of the member cities or County of Marin that would be named on the abatement notice to the vessel owner.

ANALYSIS:

Vessel Condition

Unseaworthiness is already considered a cause for declaring a vessel to be marine debris under Section 550 – 551 of the California Harbors & Navigation Code. The purpose of including a seaworthy definition in RBRA’s code is to more clearly define expectations for vessel owners on Richardson’s Bay. Additionally, the wording of RBRA’s definition is drawn in part from the guidelines established by the Richardson’s Bay Special Anchorage Association (SAA) for its certification program. The seaworthy definition contains the requirement that decks be free of loose debris, which was one of the priorities that emerged from public comment.

In addition to unseaworthy, vessels that “are not reasonably fit or capable of being made fit to be used as a means of transportation by water” are considered marine debris under Section 550. RBRA’s proposed ordinance would also more clearly define what is required to be considered operable on Richardson’s Bay, and to fully clarify that vessels must be in operable condition.

The United States Coast Guard requires that vessels have adequate marine sanitation devices. In addition, vessels are required to be registered with the California Department of Motor Vehicles or the Coast Guard. The purpose of including these requirements in RBRA’s code is to reinforce these as critical local standards.

Temporary Safe Harbor

There are situations where vessel owners seek temporary safe harbor in Richardson’s Bay because their vessels are in distress and require repairs; in these situations the vessels may not be seaworthy or operable. The proposed ordinance allows temporary provisions for these circumstances when the Harbor Master determines that good faith efforts are being made to rectify the inadequate conditions.

Effective Date

An ordinance would normally become effective 30 days after its second reading, which with the Board’s current schedule, the second hearing – or merit hearing - would be one month after its first reading. The Board has the option to defer the effective date of portions or all of the ordinance if it wishes to time it with other Board actions or other considerations. Such considerations could include the extent of non-compliance, which is estimated to be a significant majority of the vessels, so as to give owners a fair amount of time to make decisions and undertake actions about their vessel conditions.

COMPLIANCE/FINANCIAL IMPACT:

With increased anchorage regulation comes increased enforcement expectations, and the cost of related services and potential legal costs to RBRA, as well as costs to owners to bring their vessels into compliance. There are currently about 170 vessels on Richardson’s Bay, with a rough estimate of no more than 25 percent meeting the ordinance requirements. Enforcing the ordinance will take Harbor Administrator staff time to identify and notify vessels, and Marin County Sheriff staff time to perform law enforcement duties on vessel abatement. RBRA has obtained State Boating & Waterways grant funds to abate vessels, for which it will continue to apply. There currently is no notification by the state that this funding stream will expire in the foreseeable future. In addition, the RBRA has a pending grant application with the National Oceanic and Atmospheric Administration (NOAA) for of marine debris removal that could be used for the abatement of some vessels.

The SAA has undertaken advising and training vessel owners and operators on bringing their vessels up to its seaworthy standards (attached, from anchoredout.org), and establishing a burgee system to identify those in compliance with their standards. However, many, if not most, vessel owners have financial challenges that compromise their capacity to make the repairs and improvements necessary to meet the ordinance requirements. As a 501(c)3 non-profit organization, the SAA is eligible to receive grants and other donations. Members of SAA are seeking financial contributions and other support that can further their efforts to assist in improving vessel conditions; this would be particularly applicable to those vessels that require only a modest amount of work but for which the owner lacks the resources to undertake.

NEXT STEPS

The ordinance would be scheduled for a merit hearing and adoption.

If at a later date the Board decides to establish requirements for mooring or anchoring on the bay, such as location or technique or other conditions, an additional ordinance can be introduced and adopted at that time.

Upon adoption, staff would undertake a notification program to inform vessel owners of the ordinance requirements.

Bringing about compliance will be a combination of non-profit efforts to raise funds, private efforts to improve vessel conditions, and public agency enforcement actions, including abatement, on vessels that fail to meet the standards.

Attach:

SAA Seaworthiness 101

Draft Ordinance



| | | |
|----------------------|-------------------------|---------------------------|
| Home | Public and NGO Services | The Anchorage Association |
| About | Demographic Survey | 8 Principles |
| BoatSavers | GroundTackle 101 | Contact |
| Register Your Vessel | PumpOut Services | |
| Seaworthiness | History | |
| MarinerTraining | AnchorageWatch | |

Seaworthiness

Sausalito has a long tradition of being a home for boats in need of repair, long before there was a single house on its shores. It is important for the Anchorage and its sustainability that progress is steadily made on improving and maintaining the seaworthiness of a vessel under your responsibility.

Seaworthiness 101

Short Version:

The vessel is not going to sink, break loose, or pollute.

Longer Version:

- Operational thru hulls, hoses and sea caulks.
- Operational bilge pumps, solar panels, good batteries and good wiring.
- Oil free bilge.
- Capable of self propelled navigation, sail or motor.
- Must meet state and federal requirements.
- Everything on deck should be secured.
- State and federal requirements state that all fuel containers must be stored in exposed areas where fumes cannot accumulate. This difference required clarification.

If the vessel you are captain of does not meet these requirements today, you should be making consistent effort at getting the vessel in shape. If you need help or materials, reach out to your neighbors, if they're the helpful type. If no one else will help, you can always reach out to someone in the Anchorage Association, generally a helpful bunch, or come to one of the monthly meetings.

Safety inspection is available through the Coast Guard Auxiliary, a qualified marine surveyor, or as a courtesy through the Anchorage Association.

New ordinance language in **bold**

ORDINANCE NO. _____

AN ORDINANCE OF THE RICHARDSON'S BAY REGIONAL AGENCY
UPDATING DEFINITIONS, PROVIDING FOR VESSEL CONDITIONS REQUIRED FOR
MOORING AND ANCHORING IN RICHARDSON'S BAY, AND AMENDING THE
LOCATION OF APPEAL HEARINGS

WHEREAS, it is a goal of the Richardson's Bay Regional Agency ("Agency") to have a safe, healthy, and well-managed Richardson's Bay ("Bay"); and

WHEREAS, the Agency conducted a public process to help identify current conditions that inhibit the Agency in achieving its goal, and to assist the Agency in defining what vessel conditions are necessary for the Bay to be safe and healthy; and

WHEREAS, as a result of the public process, the Agency has determined that vessels that are unseaworthy or inoperable, or lack an adequate sanitation device pose health and safety risks and hazards to other vessels and persons on the Bay, to the ecology of the Bay, to docks and other property on the shore, and to public safety and other personnel; and

WHEREAS, the Agency has authority to establish rules and regulations for anchoring and mooring in the Bay; and

WHEREAS, the Agency wishes to amend its ordinances to update its definitions, to establish vessel conditions required for mooring and anchoring in the Bay for the health and safety of persons, property, and the environment, and to amend the location of its appeal hearings to reflect the departure of the City of Sausalito from the Agency,

NOW, THEREFORE, BE IT HEREBY ORDAINED that the Board of Directors of the Richardson's Bay Regional Agency does hereby ordain as follows:

SECTION I. Section 1.04.020, Definitions, is hereby amended to add or revise the following definitions:

Adequate vessel sanitation facility: An operable marine sanitation device or portable toilet approved by the United States Coast Guard as suitable to prevent direct discharge of human waste into Richardson's Bay.

Agency: Refers to the Richardson Bay Regional Agency established by Joint Powers Agreement in July 1985, **and amended July 2018 to reflect the withdrawal of the City of Sausalito from the Agency.**

Discharge: To spill, leak, pump, pour, emit, empty, dump, deposit, or throw.

Houseboat: A structure in the water, ~~floating or not floating~~, **that has a pontoon, flat-bottomed hull or similar configuration, and is generally not used for recreational or active navigational use.**

Mooring: A means of fixing a floating vessel to the bottom in one location, temporarily or permanently, by use of cable lines, chains, anchors, weights, or other equipment, remaining attached to the bottom and not carried aboard such vessel as regular equipment when underway, **and through its resistance to drag maintains a vessel within a given radius.**

Operable: A vessel's ability to maneuver safely under its own power, using only its usual and customary equipment, from any place within the jurisdiction of the Richardson's Bay Regional Agency to an inspection site authorized by the Harbor Master, and back to its point of origin.

Person: Any person, firm, association, organization, partnership, business trust, corporation or company, **singular and plural.**

Seaworthy: Operational thru hulls, hoses and sea cocks; bilge pumps are operational and bilges are free of oil; no loose debris or materials on deck; 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; capable of operation to avoid striking vessels, persons, and or property should it break free from its anchor.

Sewage: Human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste.

Vessel: ~~A structure designated to be navigable upon water.~~ **Includes every description of watercraft or other artificial contrivance that is designed and principally intended for use as a means of transportation by water.**

SECTION II. Title 3, Vessels, is hereby amended to add the following:

3.04.050 Vessel Condition and Requirements

- a. Vessels anchored or moored in Richardson's Bay shall be seaworthy and operational. Exceptions may be granted by the Harbor Master at his/her discretion following his/her determination that the owner of the vessel is using the bay as a temporary safe harbor and making a good faith effort to bring the vessel into compliance.**

- b. Vessels anchored or moored in Richardson’s Bay shall have current and valid registration with the California Department of Motor Vehicles or current and valid documentation with the United States Coast Guard.**
- c. Richardson’s Bay is a Federal No Discharge Zone, and overboard discharge of human waste is strictly prohibited. Each vessel must have a functional adequate marine sanitation device. Discharge of dog waste overboard within Richardson’s Bay is also prohibited.**

SECTION III. Title 6, Nuisance Code, is hereby amended as follows:

Section 6.04.050 Hearing Notice/Notice to Abate, subsection b, is amended to change the location to appear before the Richardson Bay Regional Agency Board to delete reference to Sausalito, and instead read as follows:

YOU ARE HEREBY NOTIFIED to abate said condition to the satisfaction of the Harbor Master within ____ days of the date of this Notice or to appear before the Richardson Bay Regional Agency Board in the ~~Sausalito Council Chambers, 420 Litho Street, Sausalito,~~ _____, **Marin County**, California.

SECTION IV. Effective Date

This ordinance shall be and is hereby declared to be in full force and effect as of thirty (30) days from and after the date of its passage and shall be published once before the expiration of fifteen (15) days after its passage, with the names of the board members voting for and against the same in the Marin Independent Journal, a newspaper of general circulation published in the County of Marin.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Richardson’s Bay Regional Agency held on the ___ day of _____, 201_ by the following vote:

AYES: BOARD MEMBERS
 NOES:
 ABSENT:

 CHAIR, BOARD OF DIRECTORS

ATTEST:

 CLERK

RICHARDSON'S BAY REGIONAL AGENCY

STAFF REPORT

For the meeting of March 14, 2019

To: RBRA Board of Directors
From: Bill Price – Harbor Administrator
Subject: 2018-19 2nd Quarter report

Vessel abatement activities

- It has been a very dynamic storm season this winter with 40 boats disposed since January 2019. Two of these were VTIP turn-in vessels. Over \$97,000 has been expended in disposal efforts in 2019. There is just under \$8,000 in 2017/18 SAVE fund remaining, with an additional \$180,000 available for 2018/19. We will be applying for a large amount of SAVE funds this April for 2020.
- Preparing the request to extend our license to utilize the Corps of Engineers property through 2024.
- Two 100'+ tugboats are being dismantled at the Corps ramp currently. This may affect our ability to complete disposal operations in Sausalito, which would send more vessels up to San Rafael for disposal. Working with the tugboat contractor to maintain enough space in the yard for small boat disposal.

Water quality

We are three days into the Winter sample cycle. Results will be available at the next RBRA meeting of April 11, 2019. With the record rainfall, it is expected that the results will show elevated levels of pathogens, especially in the sites located at storm drains. There have been some mechanical issues with the pump-out boat that have been addressed, and service needs have been met through the other contractor who does pump-out on Richardson Bay.

Boat census

The results of a March vessel census will be available at the April 11 meeting. Also working with the software coordinator to make the program more user friendly by modifying search functionality. This would allow better accessibility for the Sheriff's deputies as well, making it more of a working tool as opposed to a metric snapshot.

Mooring Feasibility Study

Working with Merkel and Associates to provide background info for their ongoing study.