

# **RICHARDSON'S BAY REGIONAL AGENCY**

## **Board of Directors Meeting Agenda**

**Thursday, June 13, 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, May 2, 2019
2. Information Item: Community Outreach Subcommittee report and presentation on Community Efforts
3. Hearing: 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 - 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 hearing and adopt ordinance.
4. Election of Board of Directors Chair and Vice Chair. Staff recommendation: Elect a Chair and Vice Chair of the Board for the two-year term of July 1, 2019 – June 30, 2021.
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
  - 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](mailto:dallee@marincounty.org)***

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**RICHARDSON'S BAY REGIONAL AGENCY**  
**DRAFT MINUTES OF MAY 2, 2019**  
**HELD AT BELVEDERE CITY HALL CHAMBERS**

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

**ABSENT:** None

**STAFF:** Beth Pollard (Executive Director)

Meeting called to order at 5:35 PM.

**Minutes of March 14, 2019 Board of Directors meeting**

Draft minutes were approved unanimously.

**Fiscal Year 2019-20 Budget.**

Executive Director Pollard presented the staff report outlining the key changes between the fiscal year 2018-19 budget and 2019-20 budget. The 2019-20 budget reflects increased costs and decreased revenues related to slip, equipment, and mooring rentals; increased audit costs; 3% cost of living increases for staffing and other items; and an allocation to contingency of \$25,000 for follow up actions following the completion of the mooring study. Member agency dues increased by 10%, with 6% of that increase attributable to the allocation to contingency for post-mooring study actions.

There was no public comment.

M/s, Sears/Wickham, to approve Resolution No. 02-19 adopting the fiscal year 2019-20 budget in the amount of \$663,916. Motion passed unanimously.

**Harbor Administrator's Report**

Executive Director Pollard presented the report for the Harbor Administrator.

Board Member Sears requested staff provide information about the negative test results near Clipper Marina, and about follow up on unregistered vessels.

Alden Bevington asked if the water in the midst of the anchorage itself, rather than along the shoreline, could be included in the water quality testing to address questions and allegations about water quality in the area of the anchored and moored vessels.

Robert Roark commented on his pending litigation regarding his vessel, what he felt was an overreach by law enforcement, and his civil rights.

Court Mast said he lived on a houseboat and that he would like to see not only the number of boats disposed of, but also the number that had departed and the number of incoming; and he would like to have new incoming boats abated.

Casey Peterson said he was glad to see progress. He expressed concern about shore access becoming more limited, that marinas were bearing a lot of the access. He urged cities to collaborate on shore access.

### **Community Outreach Subcommittee report and presentation on Community Efforts**

Alden Bevington reported that the Special Anchorage Association's (SAA) Steering Committee had a new Treasurer and Secretary and that SAA is renting office space in Sausalito. The SAA is looking for grant opportunities and someone to assist with grant writing. It is also looking for people to conduct vessel safety checks. The SAA is focusing on enabling people on the anchorage to get mail delivery; it found land where they are looking to have a multi-box installation. Lastly, the boat savers have obtained a boat to help its mission.

Alden Bevington added the objection that one of the three primary landing points, Schoonmaker Marina, was closed by Schoonmaker; this puts pressure on the Galilee and Turney Streets access points – as well as putting pressure on the people on the water.

### **Open time for public expression.**

There was no further public comment.

### **Staff Comments**

Ms. Pollard noted that the merit hearing on the proposed ordinance updating definitions, providing for vessel conditions required for mooring and anchoring in Richardson's Bay, and amending the location of appeal hearings, which passed first reading on March 14, 2019, is now scheduled for the regular meeting of June 13, 2019.

### **Board Member Matters**

Board Member Wickham noted the pilot program being developed in Sausalito to provide a marina slip for six months for up to eight anchored, live-aboard vessels .

The meeting was adjourned at 6:00 PM.

# **RICHARDSON'S BAY REGIONAL AGENCY**

## **STAFF REPORT**

For the meeting of: June 13, 2019

**To:** RBRA Board of Directors  
**From:** Beth Pollard, Executive Director  
**Subject:** Hearing: 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 the merit hearing on the 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 adopt the ordinance.

### **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 the 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 meetings of October 11, 2018 and February 14, 2019, the Board reviewed and provided direction on draft ordinance language.

### **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.

After the direction of the Board at its meeting of February 14, 2019, a 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. A requirement for vessels to be in ongoing operable condition, instead of being capable of being operable, is expected to be of concern for vessel owners.

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. Comments have been made by member(s) of the public to provide some guidance or limitations for this provision.

### Effective Date

An ordinance would normally become effective 30 days after its adoption. The Board has the option to defer the effective date of portions or all of the ordinance if it wishes to time it with Board actions as a result of the pending marine ecology mooring study, or other considerations. 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. Such deferral could take the form of Board policy direction in adoption of the ordinance, such as for noticing and/or warnings for a certain period of time for some or all of the ordinance provisions.

### **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 140 vessels on Richardson's Bay, with a rough estimate of a quarter meeting the ordinance requirements. Enforcing the ordinance will take Harbor Administrator and Marin County Sheriff staff time; staff anticipates more resources than are presently allocated will be required to accomplish such enforcement. 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**

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. Additional resources are anticipated to be needed to fully accomplish the scope of enforcement anticipated to achieve full compliance; the magnitude needed will depend on the scope of voluntary compliance with the ordinance,

### Attach:

SAA Seaworthiness 101

Draft Ordinance (new language in **bold**)



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

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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.

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## 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.



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