

RICHARDSON'S BAY REGIONAL AGENCY

Board of Directors Meeting Agenda

Thursday, July 11, 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, June 13, 2019
2. Information Item: Community Outreach Subcommittee report and presentation on Community Efforts
3. Presentation of Resolution of Appreciation to Bill Price for his 24 years of service as Harbor Administrator, and best wishes in his retirement.
4. Merit hearing: Proposed Ordinance No. 19-1 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.
5. Contract for outreach project management. Staff recommendation: Authorize execution of up to a nine-month contract with Andrew Hening to manage coordinated outreach activities to persons on vessels on Richardson's Bay, in an amount not to exceed \$19,125, pending acquisition of funding.
6. Resolution No. 03-19 for the Board to incorporate into its enforcement priorities the enforcement of permitted time limits for vessels entering Richardson's Bay. Staff recommendation: Approve Resolution No. 03-19.
7. Contract for Harbor Administrator Services. Staff recommendation: Authorize the Executive Director to arrange with the County of Marin to provide a new Harbor Administrator, under the terms of the contract between the County and RBRA.
8. 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.
9. Comments/reports:
 - a) Staff: Harbor Administrator's Report
 - b) Board Member matters
10. Adjourn. Next regular meeting: September 12, 2019.

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

DRAFT MINUTES OF JUNE 13, 2019 HELD AT TIBURON TOWN HALL CHAMBERS

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

ABSENT: Jim Fraser (Tiburon)

STAFF: Beth Pollard, (Executive Director); Bill Price (Harbor Administrator)

Meeting called to order at 5:32 PM.

Minutes of May 2, 2019 Board of Directors meeting

Draft minutes were approved unanimously.

Community Outreach Subcommittee Report

Doug Storms spoke for the group and said the meetings with the Board's subcommittee were very successful; he applauded the community's involvement.

Election of Board of Directors Chair and Vice Chair

Member Sears nominated Jim Wickham for Chair, and he was elected unanimously. Member Sears was elected unanimously as Vice Chair.

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

Ms. Pollard said that this item had its first reading in March and the minor changes had been made, but she had received modifications from legal counsel earlier that day. She read the changes aloud to be incorporated into the first reading. The modifications centered around changes to the definition of a vessel, seaworthy and operable clauses, and the discretionary power of the harbor administrator to waive compliance.

Jim Pauley asked if there was language regarding appropriate moorings, and Ms. Pollard responded that the marine ecology study would address moorings more thoroughly. Anne Libben asked to expand the language regarding dog waste be expanded to include all domestic animals. Doug Storms added that the definition of a mooring refers to the intention of the boats owner to remain in place. Rebecca Schwartz-Lesberg of Audubon California suggested adding a definition for anchoring. Barbara Salzman of Marin Audubon asked if this would be the only condition for mooring in the bay, and she felt there would need to be more conditions for it to be considered. Jeff Jacob felt the ordinance was a path to enforcement enhancement. Kelly Darling introduced herself as the Richardson By Special Anchorage Association Treasurer and expressed a willingness to work with other agencies to achieve a solution.

Member Wickham brought up the waste issue for discussion and Ms. Pollard suggested changing the item to read “pet waste”. She read aloud the ordinance title and said the ordinance as amended with the suggested changes from legal counsel and the expansion to pet waste would be brought back for merit hearing and adoption on approval July 11, 2019. Member Sears said it was a good first step which had been looked over thoroughly. The Board unanimously approved first reading of the ordinance and scheduled the merit hearing for the meeting of July 11, 2019.

Public Comments

David McGregor introduced himself as a diver and boat saver. Kelly Darling updated the RBSAA burgee inspection schedule, and she asked the board to visit savetheeelgrass.org to see what efforts the RBSAA had taken to address the issue. Member Sears brought up the informal coffeeshop meetings that she and Chair Wickham had been conducting. Chair Wickham expressed that the last few meetings had been more collaborative and less contentious, and he felt there was consensus to move forward. He said the BCDC enforcement committee audit increased pressure to achieve a good outcome, and he felt after five decades it was time to move forward.

Barbara Salzman wanted a report on the boats in the bay, which were abated, and which were new. She wants more enforcement. Kelly Darling suggested creating no motorboating / no anchoring zones to protect the eelgrass beds. Sunny Dow said that rodent poison was killing birds of prey and that Audubon should put up posters. Member Sears stated that there was a county initiative to address the issue.

Ann Libbon said that it was taking too long to enact the ordinance, and she wanted to publicize what the Board was doing to enforce. Doug Storms felt that the GIS technology used by Sausalito Police Department should be shared. Sunny Dow wanted to stop recreational boats from mowing eelgrass. Chair Wickham said he was looking at putting out warning buoys.

Joan Cox from Sausalito City Council introduced the Safe Harbor Program, which would provide up to eight slips in Sausalito marinas for anchor out vessels looking to transition off the anchor. This was in partnership with Ritter House and the Sausalito Chamber of Commerce. She stated the program wouldn't work if there was backfill, and it wasn't going to disturb the “legacy” anchor-outs.

David McGregor said that more patrol is helpful and the shower program in Sausalito was taking hold. Alden Bevington stressed the burgee program need money to continue which was difficult to achieve since the anchor outs are economically marginalized. Rebecca Schwartz Lesburg appreciate all the concerns for the eelgrass and brought up the recent eelgrass workshop to look for ways to reduce the damage this vital resource. Louis Tenwinkle said that the burgeed boats did minimal damage to eelgrass due to their anchoring technique. Jeff Jacob said that we were ignoring what had happened at Schoonmaker, which had closed its landing for anchor-outs. He said the Safe Harbor Plan had been pushed back to September and anyone who accepts a berth can't return to Sausalito waters.

Staff Comments

Ms. Pollard updated the Board on the ongoing Ecological Study conducted by Merkel and Associates, and she hope to have the final report at the July meeting.

Board Member Matters

Chair Wickham stressed that we would all have to work together with Sausalito and the anchor-outs, that we couldn't go back and forth and achieve progress.

The meeting was adjourned at 6:50 PM.

RICHARDSON'S BAY REGIONAL AGENCY

STAFF REPORT

For the meeting of: July 11, 2019

To: RBRA Board of Directors
From: Beth Pollard, Executive Director
Subject: Hearing: Proposed Ordinance 19-1 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 proposed Ordinance 19-1 amending 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. The ordinance was introduced for first reading on March 14, 2019, and subsequently re-introduced on June 13, 2019 to incorporate changes advised by legal counsel, and to expand the prohibition on discharge of "dog" waste to include "pet" waste.

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.

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, as shown on its anchoredout.org website, 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:

Draft Ordinance 19-1 (new language in **bold**)

DRAFT ORDINANCE NO. 19-1

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 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.~~ Shall have the same meaning as set forth in California Harbors and Navigation Code Section 550(a) or successor statute as it currently exists or may hereinafter be amended. As of the date of the adoption of this ordinance, vessel includes every description of watercraft or other artificial contrivance used or capable of being used as a means of transportation on water. ~~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 *operable*. Exceptions may be granted by the Harbor Master to

Agency-only regulations 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 with Agency regulations. The Harbor Master has no authority to grant exceptions to any state or federal requirements.

- 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 pet 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:

RICHARDSON'S BAY REGIONAL AGENCY

STAFF REPORT

For the meeting of: July 11, 2019

To: Board of Directors
From: Beth Pollard, Executive Director
Subject: Contract for outreach project management

STAFF RECOMMENDATION:

Authorize execution of up to a nine-month contract with Andrew Hening to manage coordinated outreach activities to persons on vessels on Richardson's Bay, in an amount not to exceed \$19,125, pending acquisition of funding.

BACKGROUND:

At its meeting of January 10, 2019, the Board discussed its particular concern for the most vulnerable among the persons who live on vessels on the bay. Of notable focus were those persons whose health or physical condition may be compromised and/or who are especially at risk of inability to access the shore for food and supplies, as well as being susceptible to illness, injury or worse. From this discussion, Board Chair Winter sent a letter to the Countywide Coordinated Entry Program urging consideration of the particular risks of living on the water when assessing and prioritizing persons for housing assistance.

As a result of the communication from RBRA and the City of Sausalito, staff members from both agencies met with the Coordinated Entry Program committee. An outcome from that meeting has been a monthly convening a group of public agencies who have direct contact with persons living on the bay; these agencies include the Marin City Health & Wellness Clinic, Marin Housing Authority, Downtown Streets, Marin County Sheriff's Office, the City of Sausalito, and RBRA. The group effort is primarily aimed towards reaching the most vulnerable among the persons living on the water for purposes of identifying and connecting them with possible alternative housing arrangements.

Other efforts occurring on a parallel track:

- Marin County Health & Human Services roll-out of a state-funded outreach grant program called "Whole Person Care;" this grant funds up to 50% of the cost of outreach hours by qualified public agencies. This grant program has enabled the funding of outreach by to persons in vessels on the bay through the Marin City Health & Wellness Clinic.

- Downtown Streets Team and the City of Sausalito partnership on a twice-weekly Mobile Shower Program in Sausalito; this program is an avenue for connecting those who are most vulnerable with the potential for housing assistance.

DISCUSSION/ANALYSIS:

To best take advantage of the outreach grant funding provided through the County by the Whole Person Care Program and the Mobile Shower program in Sausalito, project management services are needed to coordinate the various outreach efforts. However, project management is not eligible for Whole Person Care grant funding.

Since the inception of the local coordinated outreach effort to persons on the bay, the City of San Rafael’s Homeless Planning & Outreach Director, Andrew Hening, has donated his time to get the work off the ground. He has organized and facilitated four meetings, coordinated the exchange and maintenance of information, provided insights into opportunities for connection and assistance, and handled issues arising between meetings. For the project management work to continue, it is necessary to structure and fund a contract arrangement – to which he and the City of San Rafael are amenable.

Andrew is notably qualified to undertake the project management role now underway. He was instrumental in establishing a similar coordinated effort among agencies in the county that to date has contributed to the housing of more than persons. He is actively involved in housing efforts in Marin County beyond San Rafael, and therefore knowledgeable about resources, pitfalls, and opportunities. Andrew volunteered his time to RBRA last year to be a housing subject matter expert in a Board work session breakout group. He has noted that what has been successful about the local coordinated outreach approach is that rather than talking about abstract policies and plans, it focuses on the needs and circumstances of individuals and specific alternatives – a more powerful form of connection.

The proposal before the Board is to engage Mr. Hening for nine months of project management of the local outreach efforts. Services would be comprised of meeting facilitation, updating and maintaining information, and driving actions between meetings. Towards the end of this timeframe, RBRA would evaluate continuation of the project and if so, in what format and any management services are needed.

FINANCIAL IMPACT:

The proposal is for up to 17 hours per month at the rate of \$125/hour for nine months, for a total not to exceed \$19,125. Execution of the project management contract would be dependent on obtaining funding. Staff is in communication with the County of Marin and the City of Sausalito about funding the services.

NEXT STEPS:

If the contract proposal is approved by the Board, staff would continue to work with the County of Marin and the City of Sausalito to identify funding as soon as possible.

RICHARDSON'S BAY REGIONAL AGENCY

STAFF REPORT

For the meeting of: July 11, 2019

To: Board of Directors

From: Beth Pollard, Executive Director

Subject: Resolution No. 03-19 for the Board of Directors of Richardson's Bay to incorporate into its enforcement priorities the enforcement of permitted time limits for vessels entering Richardson's Bay

STAFF RECOMMENDATION:

Approve Resolution No. 03-19.

BACKGROUND:

A goal of the Richardson's Bay Regional Agency (RBRA) is to improve the safety, health, and management of the bay. The Board of Directors has focused its approach towards this goal by:

- Through contracting for a marine-ecology based Mooring Feasibility and Planning Study, learn of advisable locations, technology, vessel capacity, and shore access. The study is scheduled for presentation to the Board on September 12, 2019.
- Adopting updated ordinance requirements for vessel conditions, scheduled for July 11, 2019.
- Board policy direction on unoccupied marine debris, unattended/unused mooring balls and floats, unattended and unoccupied vessels, and unregistered vessels as enforcement priorities. for efforts to improve marine health and safety on Richa
- Supporting efforts to connect vulnerable persons seeking housing with the countywide coordinated entry program

DISCUSSION:

The number of vessels on Richardson's Bay in the past year, according to census counts, has fluctuated from a high of 194 in October 2018 to a low of 146 in March, 2019 following winter storms, as shown on the attached census report. In 2018-19, RBRA removed more than 100 vessels from the bay. The most recent count on June 16, 2019 showed 184 vessels, reflecting the arrival of new vessels; some of these vessels were previously in Sausalito waters and some are new to the bay as a whole.

Following completion of the mooring study, it is anticipated that the Board may establish direction on possible pursuit of a mooring program, and if so, the maximum number of vessels that will be allowed to moor, and in what locations using what kind of equipment/technique – among potentially other parameters. The greater the number of vessels on the bay to manage in whatever transition emerges from Board action, the more time and resource-intensive the transition will take to accomplish.

Furthermore, the Board has received comments from members of the community expressing concern about the number of vessels on Richardson’s Bay as it relates to the health and safety of the bay, and urging efforts to prevent growth in those numbers.

One strategy to manage the volume of vessels is to focus on stemming the influx of vessels into Richardson’s Bay. Under this approach, notification would be given to vessels new to the bay about the 72-hour time limit and permit requirements. Enforcement actions would be taken against vessels that fail to comply. Enforcement and abatement would still continue on vessels that are marine debris or abandoned, as time and funds allow.

Implementation of time limits is not without its challenges. It requires:

- Staff time to patrol/monitor, identify new vessels and record vessel information, conduct notification, communicate with vessel owners about compliance, manage unusual situations, enforce against vessels that fail to comply – along with the associated administrative, legal, and other field work.
- Enacting a permit program.
- Means and methods for maintaining and updating a vessel database.
- Resources to abate non-complying vessels, ranging from work to cite, impound, tow, and demolish, any associated administrative and legal costs.
- Addressing the dynamics associated with incoming liveboards.
- Coordination between RBRA, County Sheriff, and in some cases the City of Sausalito.

ANALYSIS:

RBRA ordinances allows persons to anchor or moor for up to 72 hours without a permit; any person anchoring for more than 72 hours shall obtain a permit.

Approximately an estimated ten vessels per month come to Richardson’s Bay and stay beyond 72 hours. Monitoring, tracking, notifying, communicating, enforcing, conducting abatement, and engaging in other activities related to limiting new vessels on top of addressing vessels that are marine debris, in trouble on the bay (e.g. breaking loose, sinking), and/or abandoned is very challenging at best for one Harbor Administrator - who is not a peace officer - to perform.

If the Board determines that stemming the influx of new vessels is now a policy priority, strategies that could help support its success include:

- A mobile device app to maintain a census of vessels that can utilized by the Harbor Administrator as well as the Sheriff's marine patrol. RBRA's current census method involves contracting for outside services that use specialized software only accessible to law enforcement personnel. This method makes it cumbersome to impossible for the Harbor Administrator to readily access the information needed to monitor the anchorage for new vessels. However, the Sheriff's office is developing a mobile device app that would enable the Harbor Administrator to input and have access to non-privileged vessel data (i.e. data not restricted to law enforcement only personnel) on an ongoing basis; this is a game-changer for monitoring the anchorage.
- Transitioning more of the demolition of abated vessels from the duties of the Harbor Administrator to contractors. In an effort to stretch the state SAVE (Surrendered and Abandoned Vessel Exchange) grant funds further, the Harbor Administrator has handled a substantial amount of the demolition of abated vessels directly. To free up time to be on the bay to monitor and enforce on new vessels, more demolition services could be contracted rather than performed directly by staff. The objective would be to ultimately reduce the number of vessels requiring demolition by keeping the number of vessels on the bay from growing.
- Emphasizing coordination between RBRA and the County Sheriff so that there is mutual assistance where needed to share information and support efforts on limiting the stays of new vessels. The Sheriff's Marine Patrol Unit works four days per week and covers all of Marin's shoreline, so prioritization of time is critical.
- Enacting a permit program, as provided for in the RBRA code. The purpose of the permit program would be to have greater structure around the process, conditions, and requirements for vessels permitted stay longer than 72 hours as provided for in the code, up to a set limit of time. There is an investment of staff time associated with enacting a permit program.
- Recognition by the Special Anchorage Association and/or other mariners that efforts to stem the tide of new vessels at this time is not a direct threat to persons now on the bay and benefits the health and safety of the bay.
- Pursuit of a managed outreach effort among various agencies that can connect vulnerable persons in vessels on the water with the county coordinated entry program for housing assistance. Efforts are underway to pool resources, strategies, and information to connect such persons with possible housing assistance.
- Placing signage to notify incoming vessels of the time limits. Where allowed by regulatory agencies, such signage could assist in communication efforts.

The advantages to managing the number of vessels by stemming the influx of new vessels are that it:

- Does not displace liveaboard vessels that have been on the bay.
- Sends a message to the boating community that discourages bringing vessels to Richardson's Bay.
- Leads to fewer vessels being on the bay during winter storms and the eelgrass growing season.
- Demonstrates a good faith effort to manage the number of vessels.
- Results in fewer vessels that require transition to new ordinance requirements and any additional actions that emerge out of the mooring feasibility and planning study.

Disadvantages are that it:

- Requires overcoming the considerable challenges of staff time, vessel tracking, resources, coordination, and communication noted above.
- Cost risks of storing vessels that are impounded but are not claimed.
- Could detract from enforcement resources and efforts against marine debris and abandoned vessels.
- Could set unrealistic expectations that are unable to be met.

FINANCIAL IMPACT:

Implementing time limits will be a substantial use of staff time. There will be increased demand for use of the SAVE grant funds awarded to RBRA by State Boating & Waterways, with the potential for those funds to be depleted. If RBRA is successful in obtaining a marine debris vessel removal grant from NOAA, some of that stress will be alleviated.

NEXT STEPS:

The draft resolution provides Board direction to incorporate into its enforcement priorities the enforcement of permitted time limits for vessels entering Richardson's Bay. Under this direction, staff would proceed to enact a program to notify arriving vessels of the time limit and permit requirements, and pursue enforcement on vessels that fail to comply. In the initial roll-out of permitted time limits, staff envisions allowing a 30-day grace period. Staff would also pursue the strategies identified in the report to help accomplish the direction, and report back to the Board on progress at the next regular meeting,

Attachments:

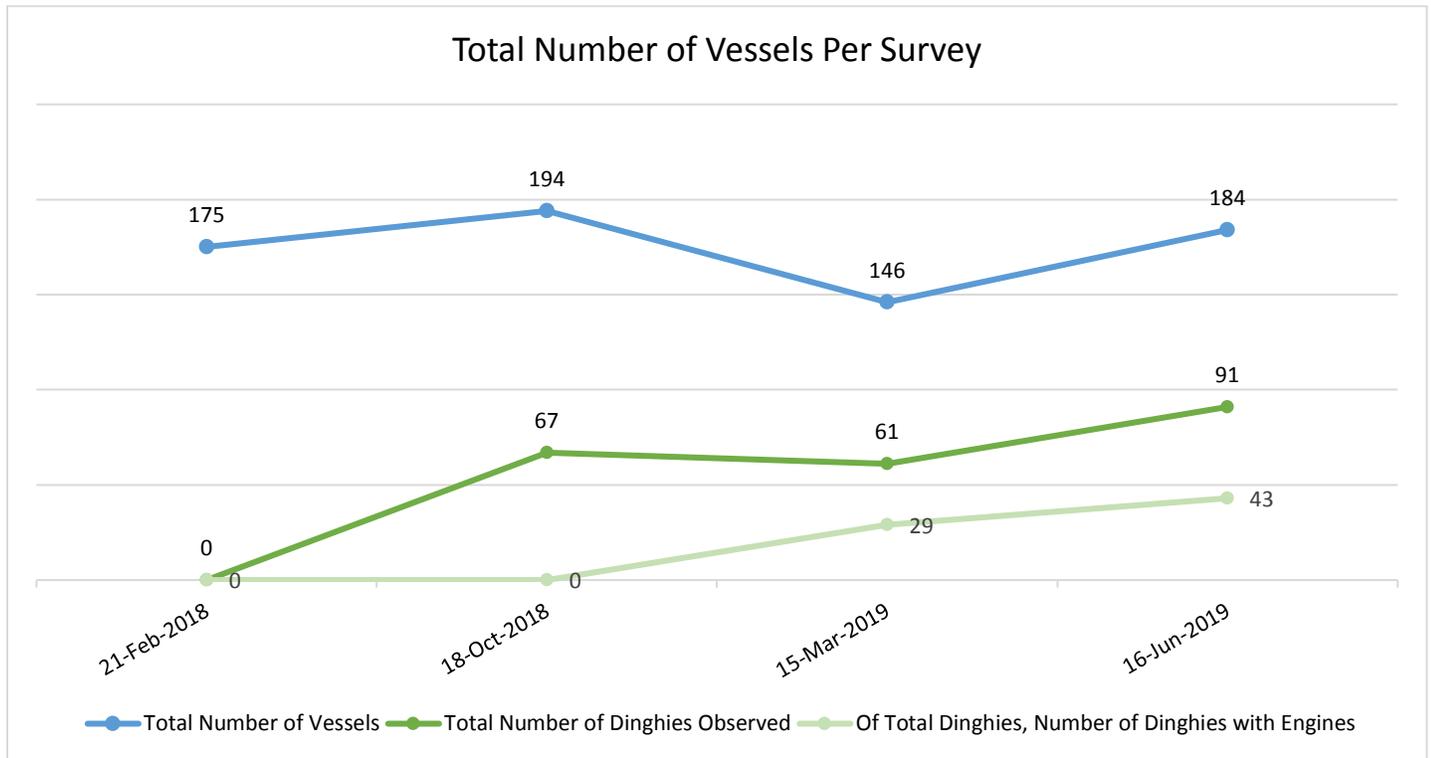
Draft Resolution No. 03-19
Census report, June 16, 2019

Richardson Bay Regional Agency Vessel Survey Summary *June 16, 2019*

Summary

One hundred and eighty (180) vessels were observed in the county jurisdiction of Richardson’s Bay during a 1-day survey on June 16, 2019. This count does not include the four (4) floating homes at the north end, which are always included in the RBRA vessel survey. Also, this total does not include dinghies. Any vessel less than 12 feet in length was counted as a dinghy. Ninety-one (91) dinghies were observed. Forty-three (43) of these dinghies were with engine. Information on dinghy registration was not captured. The number of dinghies per vessel ranged from zero (0) to three (3). Dinghies with engines ranged from zero (0) to five (5) per vessel. Kayaks and canoes were not included in this survey. The total number of vessels and dinghies was two-hundred and seventy-five (275).

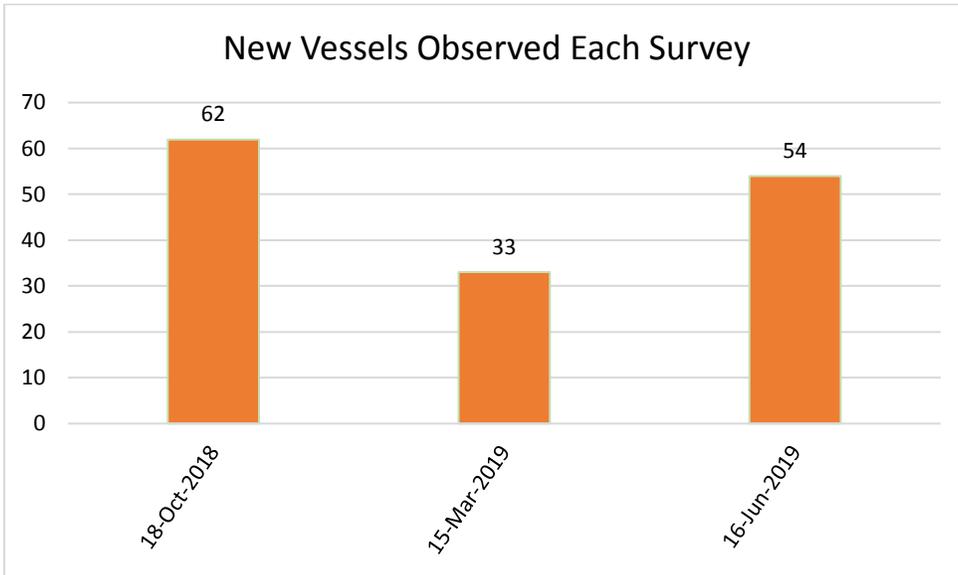
Since the March 15, 2019 survey there is an additional 38 vessels (dinghies not included) in County waters of Richardson Bay. This is a 26.03% increase in three months.



Four surveys have been conducted since February 2018. Survey dates are shown in the table below. As more vessels are entered into the Richardson’s Bay vessel database, on-the-water data collection has become more efficient. Earlier surveys required two days, and more recent surveys have been completed in one day.

Survey Dates
February 20 & 21, 2018
October 17 & 18, 2018
March 15, 2019
June 16, 2019

The level of accumulation and attrition of vessels varies from survey to survey. The June 2019 survey had fifty-four (54) new vessels that were not present during the March 2019 survey.



Vessel registration years ranged from 1999 to 2021, with sixty-five (65) vessels having no visible registration year. However, twenty-one (21) vessels with no visible registration year are presumed to be documented with the U.S. Coast Guard. Of these, five (5) vessels have current registration.

Ninety-seven (97) vessels have expired or no visible registration. Eighty-three (83) vessels have unverified current registration. The map on the following page shows how valid and expired registrations are dispersed throughout County waters.

Vessel Registration	Number of Vessels	Number of Vessels with Unverified Current Registration
Registered with State	127	78
Registered with U.S. Coast Guard	21	5
No Visible Registration	32	0
TOTAL	180	83 (46%)

Two additional maps have been included showing vessel use patterns within the county jurisdiction of Richardson’s Bay. Vessel use shows whether a vessel is occupied, unoccupied, or unknown. There are fifty-nine (59) vessels that are currently unoccupied. One-hundred and fifteen (115) vessels are occupied, and six (6) vessels are unknown whether they are occupied or unoccupied.

Finally, one-hundred and three (103) vessels have been determined unseaworthy, using the definition Richardson Bay Regional Agency is in the process of adopting. Without boarding the vessel, making this determination can be challenging in some instances; however, we evaluated whether a sail vessel had a boom, a sail, the amount of materials on deck that may limit sailing activity, etc. For powerboats, we looked for signs of delaminating, the amount of materials on deck, and levels of marine growth. Seventy-seven (77) vessels were deemed seaworthy.

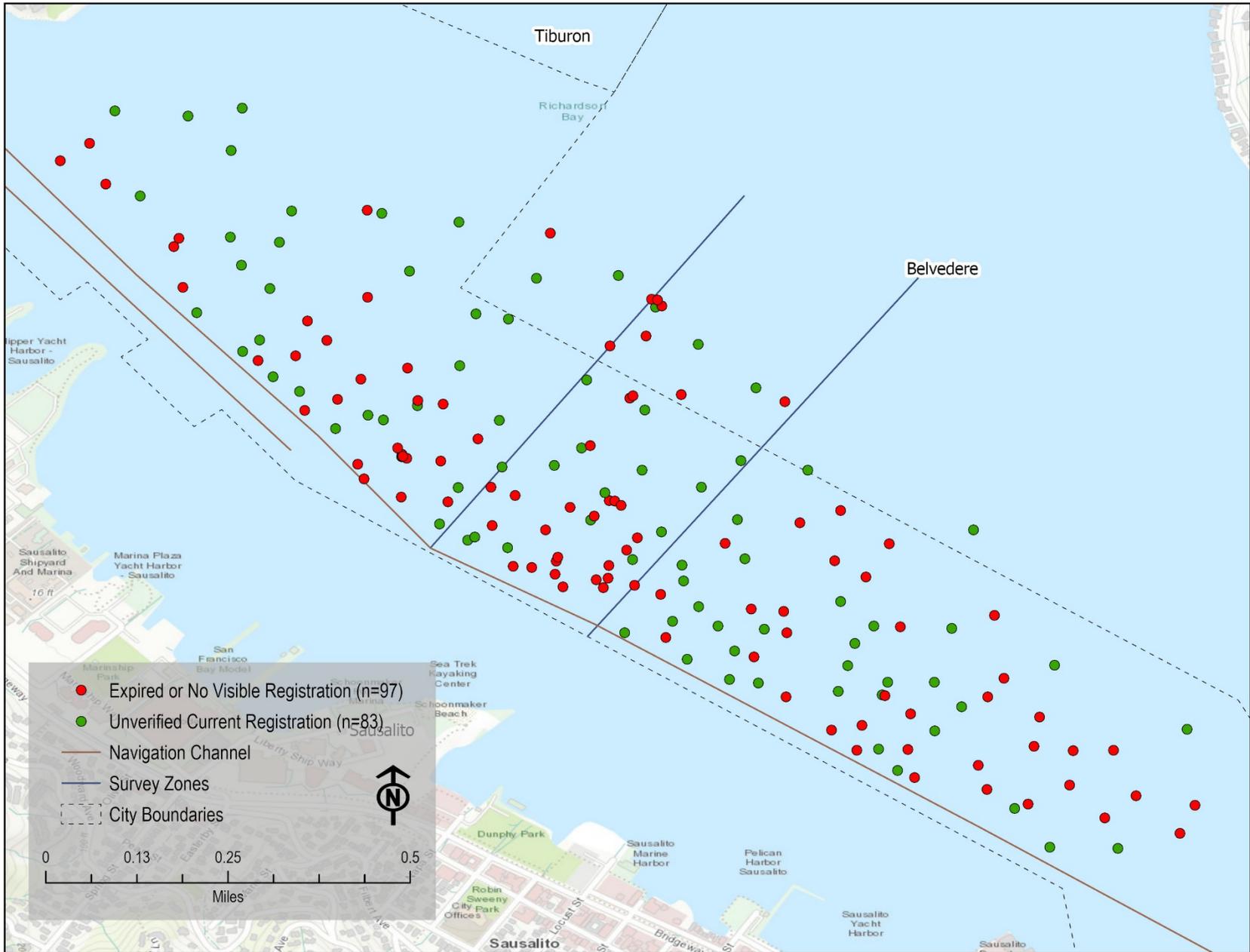
Neighboring Jurisdictions

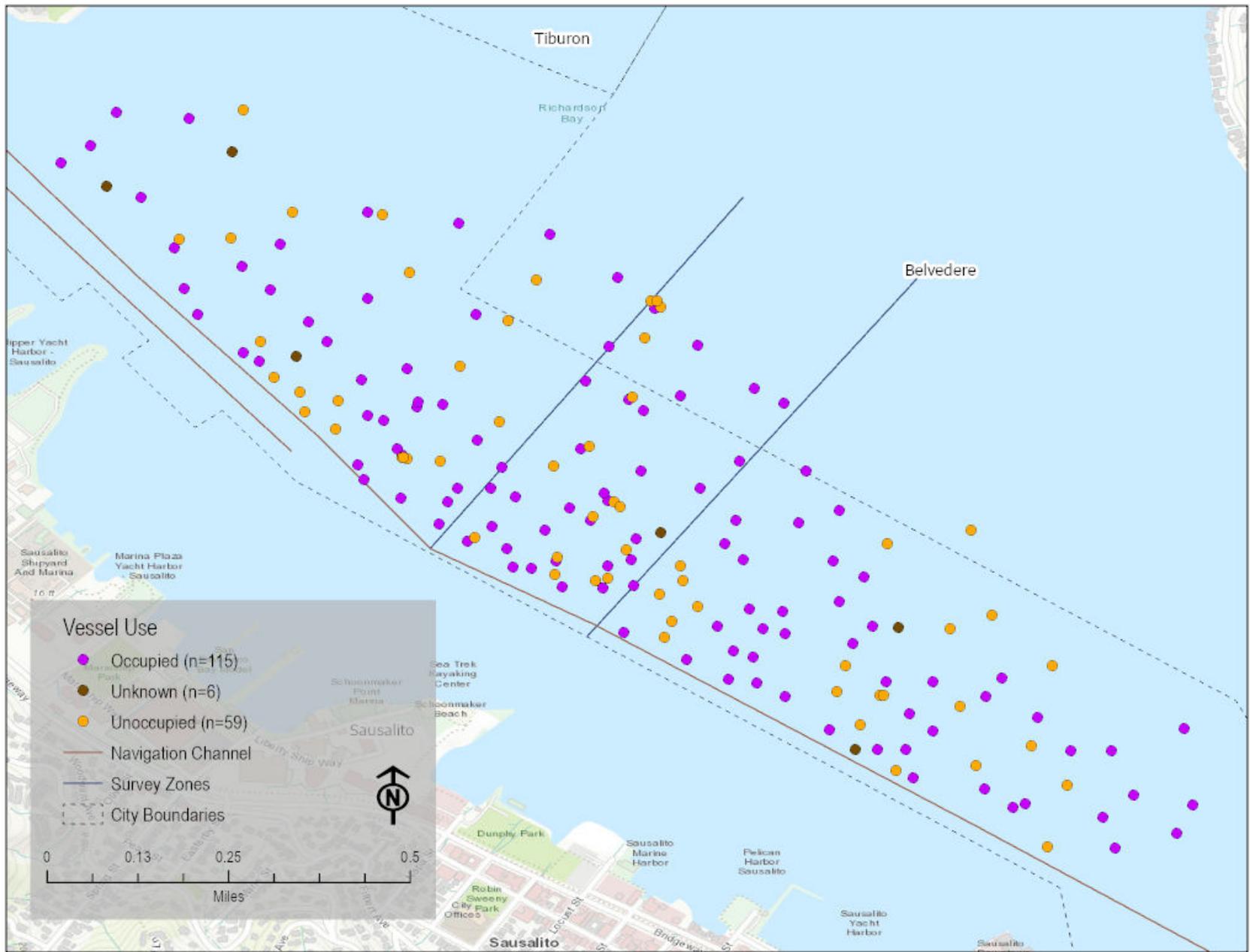
Forty-seven (47) vessels from the Richardson's Bay database have also been captured in the Sausalito vessel survey database. Of these forty-seven (47), twenty-nine (29) have been observed on more than one Sausalito vessel survey. Twenty (20) vessels observed in County waters during the June 2019 survey have been previously included in more than one of Sausalito's monthly surveys.

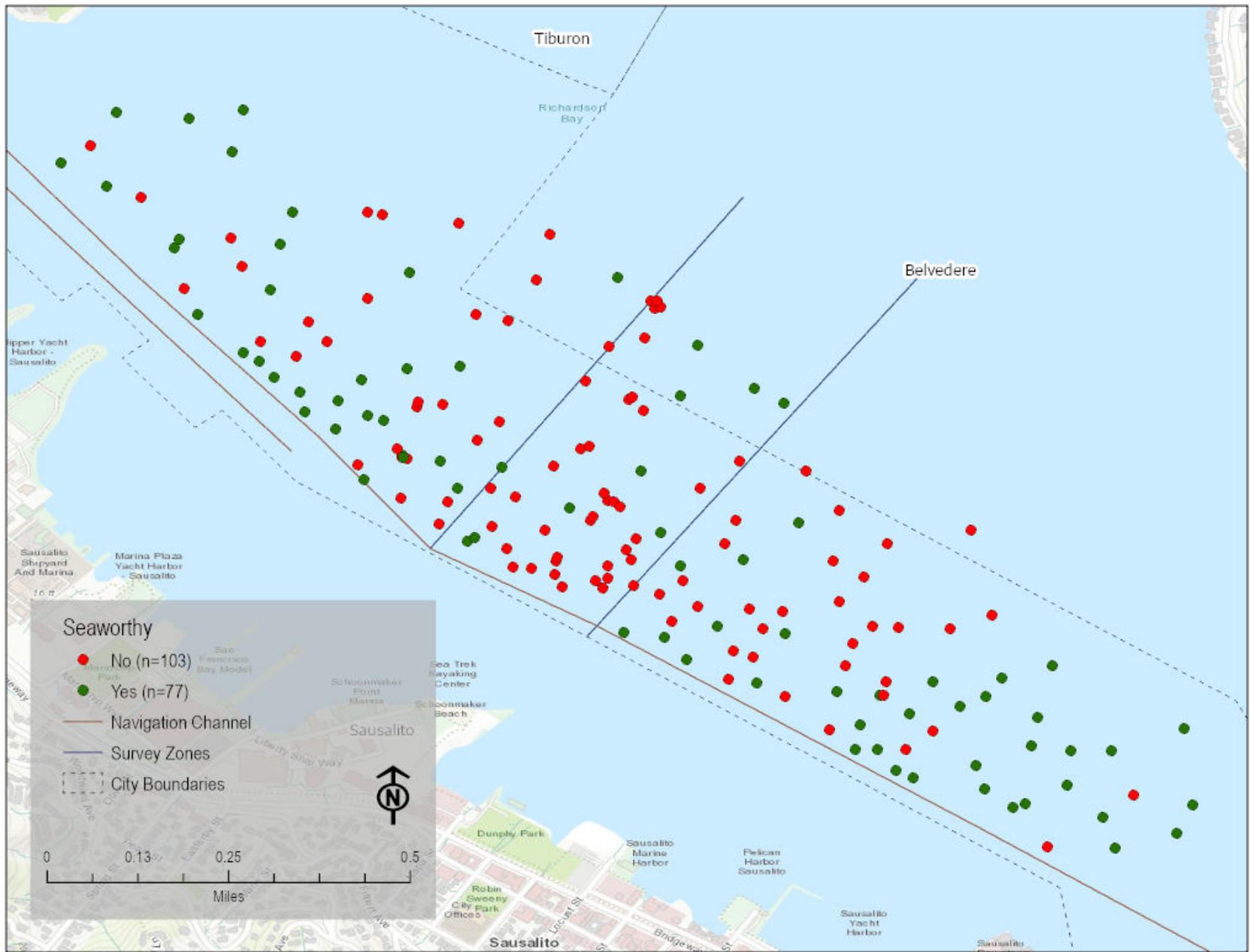
Fifteen (15) vessels currently reside within the City of Belvedere waters. These vessels range in size from approximately 23 feet in length to 60 feet.

Notes

If a vessel was tethered to another vessel, and was greater than 12 feet in length, a new record was created for that vessel. However, if a vessel tethered to another vessel was less than 12 feet in length, it was tallied in the number of dinghies.







RESOLUTION NUMBER 03-19

**OF THE BOARD OF DIRECTORS OF THE RICHARDSON'S BAY REGIONAL AGENCY
TO INCORPORATE INTO ITS ENFORCEMENT PRIORITIES THE
ENFORCEMENT OF PERMITTED TIME LIMITS FOR VESSELS ENTERING
RICHARDSON'S BAY**

WHEREAS, on December 1, 2016, the Board of Directors ("Board") of the Richardson's Bay Regional Agency ("Agency") set priorities for marine safety through an "enhanced enforcement" effort to remove unoccupied marine debris and unattended/unused mooring balls and floats, as well as enforcing registration requirements; and

WHEREAS, on November 8, 2018, the Board adopted Resolution No. 10-18 amending the enforcement priorities to add "unattended and unoccupied vessels;" and

WHEREAS, Richardson's Bay has seen an increase from 146 to 184 in the number of anchored or moored vessels between March and June, 2019; and

WHEREAS, improving the health, safety and management of Richardson's Bay is a goal of the Agency; and

WHEREAS, preventing an increase in the number of vessels anchored or moored in Richardson's Bay is beneficial to the health and safety of the bay at this time; and

WHEREAS, Agency Ordinance 91-1 states that any person anchoring a vessel in Richardson's Bay for more than 72 hours shall obtain an anchoring permit from the Harbor Master,

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of the Agency hereby incorporates into its enforcement priorities the enforcement of permitted time for vessels entering Richardson's Bay.

PASSED AND ADOPTED by the Board of the Richardson's Bay Regional Agency on July 11, 2019.

CERTIFICATION:

Jim Wickham - Board Chair

Beth Pollard - Executive Director

RICHARDSON'S BAY REGIONAL AGENCY

STAFF REPORT

For the meeting of: July 11, 2019

To: Board of Directors
From: Beth Pollard, Executive Director
Subject: Contract for Harbor Administrator Services

STAFF RECOMMENDATION:

Authorize the Executive Director to arrange with the County of Marin to provide a new Harbor Administrator, under the terms of the contract between the County and RBRA.

BACKGROUND/DISCUSSION:

RBRA's Harbor Administrator, Bill Price, has announced his retirement effective at the end of July. Mr. Price has been the Harbor Administrator for 24 years, and is being recognized for his service on a separate agenda item.

RBRA does not directly employ the Harbor Administrator but contracts with the County of Marin to obtain those services. The terms of the agreement provide that *"in the event of a vacancy in the position of Harbor Administrator, or notice from the incumbent Harbor Administrator of intention to vacate his/her position, the County and Agency shall meet to discuss transition and/or termination of the agreement."* The agreement also provides that the Harbor Administrator shall serve at the pleasure of the Agency (RBRA).

With the imminent retirement of Mr. Price, time is of the essence in obtaining replacement Harbor Administrator services. Accordingly, staff recommends that the Board authorize the Executive Director to meet with the County on behalf of RBRA and arrange for a transition to a new Harbor Administrator to serve RBRA.

FINANCIAL IMPACT:

There is no proposed change to the financial terms of the agreement.

NEXT STEPS:

The Executive Director would meet with the designee of the Marin County Administrator to arrange for a transition to a new Harbor Administrator under the terms of the existing agreement. The goal will be for a new Harbor Administrator to begin work prior to Mr. Price's departure, to assist in the transfer of knowledge about the position.

RICHARDSON'S BAY REGIONAL AGENCY

STAFF REPORT

To: RBRA Board of Directors
From: Bill Price – Harbor Administrator
Subject: 2018-19 4th Quarter report

Vessel abatement activities

Over the past fiscal year, we have disposed of 92 large vessels, and we have relocated 9 large vessels out of the anchorage through liens, mitigation and ownership transfers. The last vessel under lien was heard in court in June and the owner was ordered to cover our costs and move the boat into a marina out of the area.

We have spent about \$58,000 so far out of the \$180,000 SAVE grant for 2018/19.

There are some issues at State Boating and Waterways. The Department of Parks and Recreation is inserting itself deeper into the Division and it has slowed all processing of grants to a crawl. We are currently awaiting payment on three invoices dating back to January, and we are expecting over \$180,000 to be added late to our FY 2019 revenue total. Another new wrinkle is that the administrator for the SAVE program will no longer be allowed to rank grant applications. He has been a staunch ally of the RBRA, and the new review group has no connection with the SAVE program at all. This fact, coupled with the largest applicant filing in the program's history, may adversely affect our ability to achieve full funding.

Water quality

The regular beach testing has been implemented by County of Marin Environmental Health Department, and the results at Schoonmaker Beach have been very good in the relatively dry weather. There was one spike which shut the beach down during the scorching heatwave in June.

Patrol boat report

The patrol boat is going in for scheduled maintenance this month. There are two issues: 1) a phantom fuel issue in the port engine which randomly shuts it down. 2) Our engines are approaching the end of their useful life in a patrol environment, and money need to be allocated now to cover the cost of re-powering. The boat hull is still in working order, but we can barely get parts from Honda to repair the motors, and our mechanic has refused to work on anyone else's Hondas due to the parts issue. We are also working with the Sheriff's deputies to set up a survey format that can be accessed and edited on a more regular basis.