

RICHARDSON'S BAY REGIONAL AGENCY

Board of Directors Meeting Notice

JANUARY 13, 2022

Via Remote Zoom Meeting: Please click the link below to join the webinar:

<https://us06web.zoom.us/j/87563575900?pwd=TVNsNFJ2eGp2WldqMXZITmxzL21kdz09>

Webinar ID: 889 4061 7098

Passcode: 876095

Coronavirus (COVID-19) Advisory Notice: In compliance with local and state shelter-in-place orders and the Brown Act (Cal. Government Code Section 54950 et seq.) as amended by AB 361 (September 16, 2021), the Agency will not offer an in-person meeting location for the public to attend this meeting. Members of the public may offer public comment remotely from a safe location as described below. Members of the Board of Directors or staff may participate in this meeting electronically or via teleconference.

How to participate remotely: Comments may be emailed to jmalcolm@marincounty.org in advance of the meeting; please write "Public Comment" in the subject line. Comments submitted at least one hour prior to the start of the meeting will be forwarded to the Board of Directors prior to the meeting start. Those received after this time will be shared with the Board members after the meeting.

The meeting will be available to the public through Zoom video conference. Those who do not have access to Zoom may access the meeting by calling one of the toll-free phone numbers below.

The Richardson's Bay Regional Agency (RBRA) is inviting you to a scheduled Zoom meeting.

Topic: RBRA Board of Directors Meeting,
Date: Thursday, January 13, 2022
Time: Open session regular meeting 5:30 PM Pacific Time (US and Canada)

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/87563575900?pwd=TVNsNFJ2eGp2WldqMXZITmxzL21kdz09>

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One tap mobile: (720) 707-2699 or (253) 215-8782

Find your local number: <https://zoom.us/j/9123456789> or
<https://us06web.zoom.us/j/9123456789>

The RBRA encourages that comments be submitted in advance of the meeting. Those members of the public using the Zoom video conference function who wish to comment on an agenda item for public comment may write "I wish to comment" in the chat section of the remote meeting platform, or click on "raise hand" when that item is underway. Those members of the public attending by telephone who wish to comment should press *9 on their keypad. The Clerk will unmute the speakers one at a time at the appropriate time for public comment.

Any member of the public who needs special accommodations in advance of the public meeting to attend may email the Agency at jmalcolm@marincounty.org, or phone (415) 971-3919, and we will use our best efforts to provide assistance. If assistance is needed during the meeting, you may email jmalcolm@marincounty.org, and best efforts will be made to provide such assistance.

Board of Directors Meeting Agenda

JANUARY 13, 2022

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PUBLIC COMMENT IS INVITED CONCERNING EACH AGENDIZED ITEM
PURSUANT TO THE BROWN ACT.

PLEASE LIMIT YOUR COMMENTS TO THREE (3) MINUTES.

Please see above meeting notice information about options to comment remotely in advance, during the meeting via Zoom by writing "I wish to comment" in the chat feature, or via phone by typing *9 to raise your hand. You will be recognized to speak at the appropriate time during the agenda items.

5:30 PM: CALL TO ORDER IN REMOTE OPEN SESSION

- 1) **Call to order and roll call.**
- 2) **Public Comment.** 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 Brown Act, Board members may not deliberate or take action on items not on the agenda, and generally only may listen.
- 3) **Reports/comments:**
 - a. Staff reports
 - i. Interim Executive Director
 - ii. Acting Harbormaster
 - b. Board Member comments.
- 4) **Consent Agenda.** The Consent Agenda reflects those agenda items with prior policy approval from the Board and/or are administrative matters. Unless any item is specifically removed by a member of the Board, staff, or public in attendance, the Consent Agenda will be adopted by one motion.
 - a. Approve minutes of December 9, 2021
- 5) **Coastal Policy Solutions: Eelgrass and Habitat Protection Update**

- a. Presentation from Rebecca Schwartz-Lesberg, Coastal Policy Solutions
- 6) Goals and Priorities for 2022**
 - a. Receive report. After Board discussion and public input, approve staff recommendations as may be amended
- 7) Settlement Agreement Priorities for 2022**
 - a. Receive report. After Board discussion and public input, approve staff recommendations as may be amended.
- 8) Staffing**
 - a. Receive report. After Board discussion and public input, approve staff recommendations as may be amended.

ADJOURN

AN AGENDA PACKET IS AVAILABLE AT THE RBRA WEBSITE rbra.ca.gov and at the Marin County Community Development Agency, 3501 Civic Center Dr. Room 308, San Rafael, CA 94903

(415) 971-3919 jmalcolm@marincounty.org

RICHARDSON'S BAY REGIONAL AGENCY

STAFF REPORT

For the meeting of January 13, 2022

To: Board of Directors
From: Steve McGrath, Interim Executive Director
Subject: Interim Executive Director's Report

STAFF RECOMMENDATION:

Receive and file

SUMMARY:

Fiscal: Commenced planning for 2022/23 budget and for projections through 2027 to estimate possible impacts of various phases of BCDC Agreement on future budgets. Continued discussion/coordination with consultant Beth Pollard on audit and State Controller's report.

Administration: Met separately with city managers for Sausalito, Mill Valley, Belvedere and Town Manager for Tiburon. Met with Coastal Policy Solutions re grants, goals and grants management. Developed draft staffing plan; see related Staff Report. Worked on Goals and Priorities for 2022; see related Staff Report. Developed Settlement Agreement priorities for 2022; see related Staff Report.

BCDC and Settlement Agreement: Initiated mooring field development.

Housing: Productive meeting with County HHS staff.

RICHARDSON'S BAY REGIONAL AGENCY

STAFF REPORT

For the meeting of January 13, 2022

To: Board of Directors
From: Jim Malcolm, Acting Harbormaster
Subject: Harbormasters Report

STAFF RECOMMENDATION:

Receive and file

Reporting Period December 9, 2021 Through January 4, 2021

Vessel metrics.

73	Number of vessels in anchorage excluding transient vessels
2	Number of transient vessels in anchorage
4	Number of floating homes
79	Total Number of vessels, transient vessels and floating homes as of January 4, 2022
65	Number of vessels inside the Eel Grass Protection zone

Significant events:

A Significant weather event on Dec. 15th saw several vessels break loose from the anchorage but no persons were harmed, and no damage occurred to the shoreline or structures on shore. A total of 4 vessels went adrift and all vessels were immediately recovered and replaced on the anchorage by persons from the anchorage prior to staff mobilizing for cleanup efforts. All vessels which went adrift were unoccupied when they broke loose from their anchor.

One of the vessels which went adrift subsequently sank on the anchorage and currently sits at the Army Corps of Engineers Debris Yard awaiting disposal.

The floating home previously owned by Diane Moyer sank on its mooring on Dec 20 and summary abatement proceedings were commenced. The home was raised by anchor out personnel and remains afloat and summary abatement proceedings were halted. Work continues with the USCG to effect charting changes for the anchorage specifically to reflect the NO ANCHOR ZONE associated with the Eel Grass Protection and Management Plan.

RICHARDSON'S BAY REGIONAL AGENCY

DRAFT MINUTES OF December 9, 2021

Board of Directors Meeting

HELD REMOTELY VIA ZOOM

5:30 PM: CONVENE IN REMOTE OPEN SESSION

1. Call to order and roll call.

MEMBERS PRESENT: Stephanie Moulton-Peters, Chair (Marin County); Steve Block (Belvedere); Alice Fredericks (Tiburon). Jim Wickham (Mill Valley) absent.

STAFF: Stephen McGrath (Interim Executive Director); Jim Malcolm (Acting Harbormaster)

2. Public Comment

No public comments were made.

3. Reports and Comments:

a. Staff Reports

- i. Interim Executive Directors Report
- ii. Acting Harbormasters Report

b. Board Member Comments –

Public comment by Barbara Salzman regarding new vessels on anchorage, answered by Harbormaster Malcolm

4. Consent Agenda

- a. Approve minutes of November 4, 2021.
Motion: Approve minutes of November 4, 2021
M/S Block Fredericks: motion passes 3-0
- b. Joint exercise of powers agreement: Amendment #2.
Staff Recommendation – receive presentation
Public comment received by Keven Kiffer – Answered by Director McGrath
Motion: Approve Second Amendment to the Joint Exercise of Powers Agreement, and recommend that each member agency adopt the Draft Resolution as shown.
M/S Block Fredericks; motion Passes 3-0

5. Adopt Resolution 05-21 allowing continued use of tele/video-conferencing for Richardson's Bay Regional Board of Directors meetings subject to the Brown Act.

- a. Staff recommendation – receive presentation, and adopt resolution 6.21 allowing but not requiring continue use of video teleconferencing for Richardson Bay Regional Agency Board of Directors Meetings subject to the Brown Act.

Public Comment - None

Motion: Adopt resolution 6.21 allowing but not requiring continue use of video teleconferencing for Richardson Bay Regional Agency Board of Directors Meetings subject to the Brown Act.

M/S Fredericks/ Block; motion passes 3-0

6. Establishment of 15-20 temporary moorings inside Anchorage but outside Eel Grass Protection area.

- a. Staff Recommendation – Receive report request board approval to move forward with project in order to conform with BCDC settlement agreement timeline.

Public Comment received by Keven Kiffer and Barbara Salzman – reply to comment received by Director McGrath.

Motion: Direct staff to informally seek (a) proposal(s) for design, engineering, environmental analysis, and construction and bidding documents for the development of said mooring field and return to this Board at a future date for approval of a contract with the recommended firm.

M/S Block Fredericks; motion Passes 3-0

Adjournment.

The meeting was adjourned at 6:45 pm

RICHARDSON'S BAY REGIONAL AGENCY

STAFF REPORT

For the meeting of January 13, 2022

To: Board of Directors
From: Coastal Policy Solutions, Rebecca Schwartz-Lesberg
Via: Steve McGrath, Interim Executive Director
Subject: Presentation: Coastal Policy Solutions, Eelgrass and Habitat Protection

STAFF RECOMMENDATION:

Receive and File

SUMMARY:

Rebecca Schwartz-Lesberg will make a presentation on the continued work by Coastal Policy Solutions on eelgrass and habitat protection and adaptive management on Richardson's Bay.

FISCAL IMPACT:

All work is funded by grants from the National Oceanic and Atmospheric Administration and the Ocean Protection Council.

RICHARDSON'S BAY REGIONAL AGENCY

STAFF REPORT

For the meeting of

To: Board of Directors
From: Steve McGrath, Interim Executive Director
Subject: Goals and Priorities for 2022

STAFF RECOMMENDATION:

Review staff recommendations for Goals and Priorities for 2022. After Board discussion and public input:

Motion: Approve staff recommendations for Goals and Priorities for 2022, as may be amended

SUMMARY:

Goals and priorities for 2022:

BCDC and the Settlement Agreement:

As a wise individual once said, "If you find yourself in a hole, the first thing is to stop digging." The RBRA has made significant progress in reducing the number of vessels on the anchorage and must continue this effort to meet the terms of the Settlement Agreement (SA) with the Bay Conservation and Development Commission (BCDC), which clearly states that all vessels must be removed by October 15, 2026.

See related Staff Report.

Staffing:

This Board has previously authorized two full time positions (FTEs), Harbormaster and Assistant Harbormaster.

Currently the RBRA is staffed by a part time Interim Executive Director and a full time Acting Harbormaster, with administrative and financial support provide by the County of Marin.

Moving forward with the SA will require more staff than is currently on board.

See related Staff Report.

Ordinances:

The RBRA's Code of Ordinances is unclear in certain areas and lacks specificity and certain definitions. Updating the ordinances will assist RBRA in meeting the mandates of the SA. Staff will return to this Board at a future meeting with an update. The RBRA currently has an agreement with outside counsel (Shute, Mihaly and Weinberger) which encompasses this and other work and estimates approximately \$12,500 to complete this project.

Transition Plan 2.0:

Staff is developing a comprehensive draft Transition Plan 2.0 to incorporate and advance policy direction for accomplishing the Settlement Agreement and other RBRA goals, building on the initial RBRA Transition Plan.

Administration:

Audit:

Staff anticipates bringing the audit for fiscal years 2020 and 2021 to this Board at the March 10, 2022 meeting. As there is a new auditor this year, this may be delayed.

Budget:

Staff intends to bring a mid-year budget review to this Board in February, 2022. Additionally, staff will begin preparing the FY 2023 budget and talking with staff at the member agencies prior to bringing a preliminary budget to this Board for discussion in April and adoption in May. With the recognition that the further out one looks the more vague budget projections become, staff will also bring to this Board a long term budget projection. This will clearly illustrate that the implementation of the SA with BCDC will have significant budgetary impacts over the near term, but that these impacts will lessen as the SA is fully implemented.

RICHARDSON'S BAY REGIONAL AGENCY

STAFF REPORT

For the meeting of January 13, 2022

To: Board of Directors
From: Steve McGrath, Interim Executive Director
Subject: Settlement Agreement Priorities for 2022

STAFF RECOMMENDATION:

Motion: Approve staff recommendations for 2022 priorities for compliance with the Settlement Agreement, as may be amended.

DISCUSSION:

In August of 2021, the RBRA entered into a Settlement Agreement (SA) with the Bay Conservation and Development Commission (BCDC). This SA requires RBRA to complete certain actions by certain dates. The eventual goal of the BCDC Agreement is an anchorage that complies with all existing RBRA regulations, with vessels remaining for no longer than 72 hours outside of the Eelgrass Protection Zone.

There are different categories of vessels on the water, and different deadlines within the SA:

Description	Due Date
Remove all unoccupied marine debris	10/15/2021
Finalize EPMP	12/15/2021
No new vessels in EPZ	12/15/2021
Seek any necessary federal action (60 days after final EPMP)	2/13/2022
Install 15 – 20 moorings in anchor zone	12/15/2022
Initiate eelgrass restoration studies	12/31/2022
Remove all post 8/19 vessels	10/15/2023
Remove all floating homes off Waldo Point	10/15/2023
Complete admin actions, update ordinances	12/15/2023
Begin implementation of 10 year plan	12/15/2023
No vessels in EPZ	10/15/2024
Remove all occupied non 'Safe and Seaworthy'	10/15/2024
Apply for mooring permit from BCDC	10/15/2026
Only seaworthy vessels in anchor zone	10/15/2026
Removing all vessels and occupants	10/15/2026
Remove all pre 8/19 vessels	10/15/2026
Remove all occupied 'Safe and Seaworthy'	10/15/2026

To the greatest extent possible RBRA will prioritize our actions on minimizing the impact on individuals, but this will become progressively more difficult as we approach the end of 2026.

Consequently, staff recommends the following priorities for 2022:

- 1 No new vessels in the anchorage. This will be the first priority every year going forward;
- 2 Removal of marine debris and environmental or navigational hazards;
- 3 Installation of the mandated mooring field of “15-20” moorings;
- 4 Removal of non-primary vessels owned and controlled by a single individual. This does not include necessary skiffs and will not impact an individual’s residence. This will advance the goal mandated by BCDC of removing all vessels by October 15, 2026;
- 5 Commence the removal of those vessels not on the anchorage prior to August 2019 (19), and floating homes (4). These are all required to be removed by October 15, 2023. It is not reasonable to expect that all such removals will take place at the very last minute; that would be difficult and disruptive. RBRA will work with any individual to develop a creative and practical solution to accomplishing this goal.
- 6 Vessels existing on the anchorage prior to August 2019 and vessels enrolled in the ‘Safe and Seaworthy’ program are currently the lowest priority for enforcement action, unless they become environmental or navigational hazards.
- 7 Update local, state and federal regulations (RBRA Code of Ordinances, RBRA Code consistency with member agencies, Code of Federal Regulations) as may be necessary for implementation of the Eelgrass Protection & Management Plan, and other terms of the SA.

Staff recommends that this Board review and approve the priorities outlined above, as may be amended based on Board discussion and public input.

FISCAL IMPACT:

Unknown at this time. Item 3 above will have significant cost, and staff is in the process of determining what those costs may be. Other programs may become available to facilitate the priorities above, and staff is always seeking creative solutions to accomplishing the requirements of the Agreement with the least disruption to and most cooperation of the individuals on the water.

RICHARDSON'S BAY REGIONAL AGENCY

STAFF REPORT

For the meeting of January 13, 2022

To: Board of Directors
From: Steve McGrath, Interim Executive Director
Subject: Staffing the Agency

STAFF RECOMMENDATION:

Motion:

Approve the staff recommendations with the accompanying organizational structure, as may be amended based on Board discussion and public input;
Direct staff to develop and return to this Board with job descriptions and salary recommendations as necessary.

DISCUSSION:

For approximately twenty years, the RBRA was staffed by a sole Harbor Administrator under contract with the County of Marin. In the middle of 2019, the then Harbor Administrator received authorization to hire a part time assistant. That position, Assistant Harbormaster, was eventually made full time and the position was filled at the end of 2020. The Harbormaster (previously titled Harbor Administrator) left in October 2021, and the Assistant was made Acting Harbormaster. Also in October 2021, the RBRA entered into an agreement with Regional Government Services (RGS), as a part of which agreement, RGS provided the services of an Interim, part-time Executive Director.

In August of 2021, the RBRA entered into a Settlement Agreement (SA) with the Bay Conservation and Development Commission (BCDC). This SA required certain administrative, regulatory and enforcement actions over the course of the next five years (through October 15, 2026). Current staff is insufficient to implement the mandates of the SA with BCDC.

The RBRA has been administratively supported by the County of Marin, Community Development Agency, under a contract between the two agencies. (A portion of the contracted administrative support in the past ranged from Board Clerk services to a quarter-time Executive Director.)

The RBRA currently budgets for 2.5 full time equivalents (FTEs): Part-time Executive Director, full-time Harbormaster, full-time Assistant Harbormaster, plus additional non-specific administrative support from the County.

RECOMMENDATIONS:

Staff has reviewed the current staffing levels and projected needs and makes the following recommendations:

Executive Director:

The current Interim Executive Director is contracted part-time through Regional Government Services (RGS) and the regular business of the RBRA is only being managed by additional executive level support from the County.

To properly administer the regular business of the RBRA, communicate effectively with the Board, the public and partner agencies and stakeholders, manage grants and contracts and ensure proper and timely implementation of the mandates of the SA, the RBRA needs more executive level resources.

Staff recommends that the Executive Director be a full-time position, under contract with RGS.

Harbormaster:

The Harbormaster (HM) position is currently contracted through the County, budgeted at full-time, and filled in an acting capacity.

Staff recommends filling this HM position as-is on a permanent basis, under contract with the County.

Assistant Harbormaster:

This position is contracted through the County, budgeted at full-time, and currently vacant. The Harbormaster spends approximately 50% of the time underway on the water, and these are the hours during which the support of an Assistant Harbormaster (AHM) is most useful. The administrative functions necessary for the duties of the Harbormaster's office, previously performed by the AHM (e.g grants tracking and management) can be more efficiently performed

by an administrative assistant. For public safety and the proper enforcement of local, state and federal regulations, the AHM should be a sworn peace officer. This position could be contracted through the Sheriff's office or through one of our member agencies.

Staff recommends that the AHM position be a half-time sworn peace officer, under contract with a member agency.

Administrative Assistant:

Administrative support for the RBRA is provided through a contract with the County Community Development Agency (CDA). This support provides for the preparation and distribution of Board packages, web and digital services and other non-fiscal support.

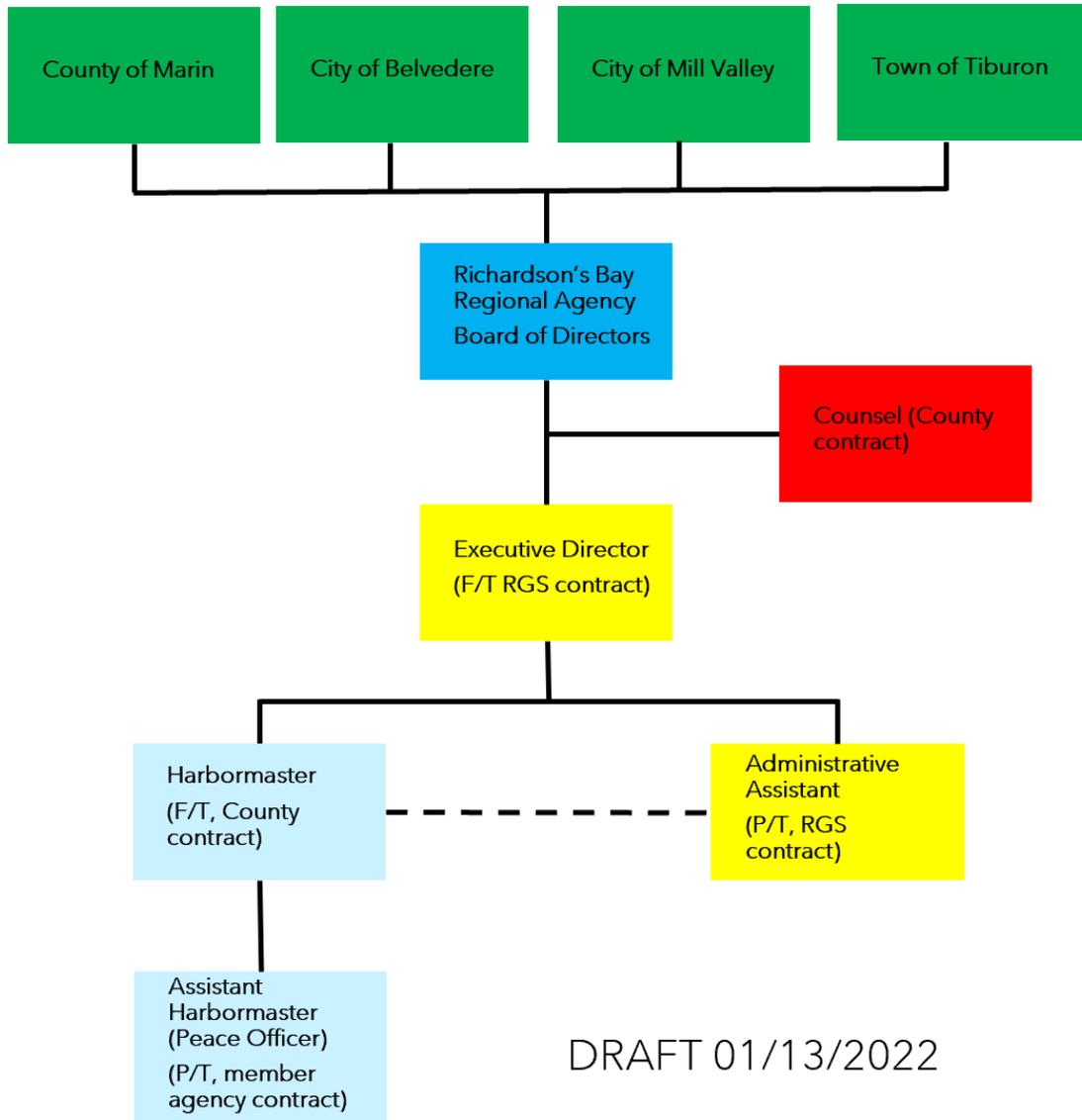
Fiscal support is similarly provided through a contract with the CDA. This support provides tracking of revenues and expenses, accounts receivable and payable, the necessary financial statements, support to the auditor and preparation of the budget. This support is necessary and appropriate as the County is the fiduciary agent for the RBRA and receives and disburses all funds on behalf of the RBRA.

Staff believes the RBRA is well served by the County's management of the Agency's finances and recommends no changes. Staff also believes though that the Agency would be well served by the services of a contracted, part-time administrative assistant providing support to both the ED and the HM. This should result in a decrease in the annual cost of the County support contract.

Staff recommends that RBRA engage a half-time administrative assistant, reporting to the ED, under contract with RGS.

It should be noted that in 2027, given the implementation of all the mandates in the SA, staffing could be reduced significantly. The functions of a well-organized RBRA could perhaps be performed by a full-time Executive Director/Harbormaster and a part-time administrative assistant (1.5 FTEs), with continuing fiduciary support from the County.

In summary, the structure of the Agency would thus be as follows, with three FTEs, an increase of 0.5 FTE over the current budgeted structure:



FISCAL IMPACT:

Currently, the Agency has budgeted for 2.5 FTEs. The above organizational structure, if approved, comprises 3 FTEs. The increased budget impact would come mostly from the expansion of the Executive Director’s role to full-time. The exact nature of the fiscal impact is primarily dependent on the final salary range for the Executive Director and the contract negotiation with RGS.