

RICHARDSON BAY REGIONAL AGENCY

STAFF REPORT

For the meeting of August 11, 2022

To: Board of Directors
From: Steve McGrath, Interim Executive Director
Subject: Ordinance Code and Bail Schedule; Revision

STAFF RECOMMENDATION:

Introduce ordinances amending Chapters 1 - 6 of the Richardson Bay Regional Agency Code to improve and add definitions; clarify and amend the role, authority and responsibilities of the Harbormaster; update and amend the allowable uses on Richardson Bay; and clarify the means and methods for management of vessels on the water. Schedule further consideration for possible adoption on September 8, 2022.

Introduce ordinance amending and updating the Richardson Bay Regional Agency Bail Schedule, and to incorporate by reference the Marin Boating Bail and Penalty Schedule. Schedule further consideration for possible adoption on September 8, 2022.

Motion: Direct staff to open a public comment period until September 2, 2022; to return with the revised Richardson Bay Regional Agency Ordinance Code, revised Bail Schedule and comments received for further discussion prior to adoption on September 8, 2022.

BACKGROUND/DISCUSSION:

Ordinances:

The Richardson Bay Regional Agency (RBRA) adopted an Ordinance Code in 1987, and subsequently amended the Code three times, with the latest amendment occurring in 1991.

Due to changes in State law, the departure of Sausalito from the RBRA, an overarching need to clarify and add definitions, codify the role, duties, powers and responsibilities of the RBRA and particularly the Harbormaster, provide authority to implement RBRA's agreement with the Bay Conservation and Development Commission and to ensure up to date and enforceable ordinances, staff has been working with outside counsel to review and amend the existing Ordinance Code.

RBRA retains discretion as to whether and when to exercise these enumerated authorities in any particular case.

Areas of the Code that have been significantly amended are shown in Attachment 3, 'Summary of Proposed Changes'.

Staff will return to this Board on September 8, 2022 for final adoption of the Ordinance Code.

Bail:

The RBRA bail schedule has not been amended since 1995. Consequently, the bail schedule does not include many and significant state mandated fees that are imposed on fines and do not benefit the agency. Staff has included the existing bail schedule and a draft amended schedule that includes the Penalty Assessments, mirrored exactly on those adopted by the county of Marin. Some base bail amounts have been changed, and additional bail amounts added to correspond to new ordinances, such as the addition of eelgrass protection.

Staff has also included the Uniform Bail and Penalty Schedule, which, in preface Sections III and IV, delineates the assessments. Also included as an attachment is the Marin Boating and Penalty Schedule, all of which is based on either the Harbors and Navigation Code or the California Code of Regulations.

Staff will return to this Board on September 8, 2022 for adoption of an Ordinance amending and updating the Bail Schedule, and incorporating by reference the County of Marin Boating and Penalty Schedule. At that time, references to the RBRA Ordinance Code will be added, once the Code revisions have been approved by this Board.

FISCAL IMPACT:

Funds are available in the FY 23 budget for outside counsel costs.

Attachments:

- Attachment 1: Existing RBRA Code
- Attachment 2: DRAFT Amended RBRA Code
- Attachment 3: Summary of Proposed Changes
- Attachment 4: Ordinance to Adopt Revisions to the RBRA Code
- Attachment 5: Existing Bail Schedule
- Attachment 6: Proposed RBRA Bail Schedule
- Attachment 7: Ordinance to Adopt Revisions to the Bail Schedule
- Attachment 8: Marin Boating and Penalty Schedule
- Attachment 9: Uniform Bail and Penalty Schedule