



STAFF REPORT

Meeting Type: Board of Directors
Title: Ordinance No. 467 Amending and Adding Watershed Use Regulations & Proposed Additions and Increases of Certain Watershed Fines
From: Shaun Horne, Director of Watershed Resources
Through: Ben Horenstein, General Manager
Meeting Date: October 1, 2024

TYPE OF ACTION: X Action Information Review and Refer

RECOMMENDATION: Adopt Ordinance No. 467 amending and adding watershed use regulations to Title 9 of the Marin Municipal Water District Code; Approve resolution updating the Watershed Fines Schedule adding fines for violations of the new regulations set forth in Ordinance 467 and increasing fines for certain violations

SUMMARY: Staff reviewed the District’s current watershed regulations and fines at the July 16, 2024 Board of Directors Meeting and the Board adopted increases to certain watershed fines. At that meeting, staff received additional input on regulations and fine updates. No staff is proposing watershed fine additions and increases to address the input received from the Board. Updates to the fines would be submitted to the County as part of the annual bail schedule update process that occurs in December 2024 and would go into effect January 1, 2025.

DISCUSSION: Each year, the Marin County Superior Court requests local agencies review the Marin County Superior Court Bail Schedule for updates, corrections and changes to their base fines. The updated bail schedules are typically submitted in November of each year to become effective as of January 1st of the following year. The Board of Directors did a comprehensive review of the Watershed regulations in 2017 and has done minor updates since that time. The 2017 updates brought fines in-line with the County’s standard fines and fees. Most recently, on December 13, 2022, the District increased the fine schedule for District code violations related to fire hazards, including smoking, starting a fire or using fireworks on the watershed due to the elevated risk of wildfire in the region. The Finance Committee reviewed Watershed Fine updates at the June 27, 2024 meeting and the Board provide additional input on fine revisions at the July 16, 2024 Board of Directors Meeting, where increases to certain fines were adopted.

As the District continues to advance the Strategic Opportunities identified in the recently completed Watershed Recreation Management Planning Feasibility Study, staff is proposing adoption of

Ordinance No. 467 to establish new regulations and updates to the watershed fines to add penalties for violations of these new regulations as well as increase the fines for repeat violations and other specified violations. Ordinance No. 467 adds regulations to Title 9 of the District Code to prohibit: (1) the use of non-C 1 electric bicycles as part of the pilot program, (2) operating an electric bicycle that does not contain a label, as required by the California Vehicle Code, or that has a labeled that had been tampered with or altered, and (3) further clarifies that certain activities are not allowed on District spillways and that drones may not be operated on District-owned lands without a permit. Corresponding fine amounts for violations of each of these new regulations are set forth in the attached resolution. Ordinance No. 467 would become effective 30 days from the date of adoption.


For existing regulations contained in the District Code, the updates are being proposed to support the District’s ability to encourage visitor compliance with rules and regulations and are focused on those areas where a fine increase seems necessary due to a lack of compliance or multiple repeats of the same offense (such as dogs off leash). Staff reviewed the proposed updates with the Finance Committee at the June 27, 2024 meeting. Based on input received from the Finance Committee and at the July 16, 2024 Board of Directors Meeting, staff is proposing increasing all base fines to \$50 to fines for watershed visitor violations. Staff is also proposing increases to fines for violations of key natural resources protection regulations such as those posing a threat to water quality, archeological and sensitive watershed resources to a base fine of \$100. The District has also established a tiered fee structure for visitor related offenses. A schedule of all of the proposed changes is attached to the proposed resolution, and if adopted, would go into effect on January 1, 2025.

ENVIRONMENTAL REVIEW: Not applicable.

FISCAL IMPACT: None.

ATTACHMENT(S):

1. Ordinance No. 467
2. Proposed Resolution with Revised Fine Schedule

| DEPARTMENT OR DIVISION | DIVISION MANAGER | APPROVED |
|------------------------|--|---|
| Watershed |  |  |
| | <p style="text-align: center;">Shaun Horne Watershed Resources Director</p> | <p style="text-align: center;">Ben Horenstein General Manager</p> |