

Bolinas Community Public Utility District
A Regular Meeting Of The Board Of Directors
April 20, 2016 270 Elm Road, Bolinas

1. Call to Order.

7: 33 p.m.

2. Roll.

Directors Amoroso, Comstock, Godino, Siedman and Smith present; director Siedman presiding.

3. Manager's Report.

-- Update on the Wharf Road Lift Station Pump Replacement Project: Finance Committee Recommendation for Payment of Project Costs.

At a special meeting of the Board of Directors on April 13, 2016, the Board considered the four bids that were timely submitted for the Wharf Road Lift Station Pump Replacement Project and awarded a contract in the amount of \$62,422 to the lowest responsible bidder, Piazza Construction. Piazza is in the process of submitting the required contractual documentation and the district will issue a Notice to Proceed if and when all of that documentation is submitted. After that, Piazza will have 60 days to install the project per the terms of the project agreement. The total estimated cost of this project, including engineering, pump rental, design, pump purchase and installation is approximately \$300,000, which is an unbudgeted cost. As such, the Finance Committee recommends that the district pay the project costs with \$100,000 from the sewer reserves and \$200,000 loaned from the General Capital Improvement Project Fund; both funds will be replenished over time via the annual budget process until they are fully repaid.

V. Amoroso/L. Comstock all in favor to approve the Finance Committee's recommendation to pay for the Wharf Road Lift Station Pump Replacement Project with \$100,000 from sewer reserves and a \$200,000 "loan" from the General Capital Improvement Project Fund.

-- Update on the BCPUD Chlorine Disinfection Byproduct Reduction Project.

On April 15th, staff and the district's consultant, Jonathan Van Bourg, and engineer, Brent Beazor of Brejle & Race, attended a meeting at the State Water Resources Control Board ("SWRCB")'s Santa Rosa District Office to discuss the SWRCB's requirements for the BCPUD to apply for an amendment to the district's water treatment plant operating permit to include inline coagulation prior to filtration for the purpose of lowering chlorine disinfection byproducts. The meeting was very cordial and productive; the SWRCB regulator, Waldon Wong, had reviewed the district's report ahead of time and asked several clarifying questions. He then provided guidance as to how the district should initiate the permit amendment process, the district submitted the required forms on April 18th and the SWRCB approved moving forward the following day. Staff will now work with Jonathan Van Bourg and Brent Beazor to develop the set of documents required for the formal amendment request, which must be submitted prior to July 22, 2016.

-- Update on BCPUD/BFPD Survey of Obstructions and Encroachments in the Public Rights-of-Way on the Bolinas Mesa.

Nothing to report at this time.

With respect to water operations, staff reported that water consumption in the district was up a bit for the downtown areas for the Jan/Feb/March quarter. As for rainfall, the district has received 31.75 inches of rain since July 1, 2015. As a point of comparison, during the prior rain year (July 1, 2014 – June 30, 2015), the district received 35.05 inches of rain (with some of the rain occurring as late as June). For now, the district's reservoirs are full and the flows in the Arroyo Hondo Creek look good.

Operationally, staff has been focused on preparations for the lift station project, as well as on the document updating that must be done as part of the chlorine disinfection byproduct reduction project, including but not limited to updates to the district's Operations and Emergency Response Plans. The district's new shift operators are studying for the upcoming water treatment certification exam in May and receiving training on operation of the backhoe. The operations staff will be implementing projects in the field over the next few weeks to raise and/or install a number of valves in the distribution system on the Mesa. This will allow staff to be able to isolate water shut-offs (when necessary) to as small a number of customers as possible.

On the wastewater side of operations, staff continues to closely monitor the temporary sewage bypass pump to ensure prompt response to any malfunction. Over the most recent few months, it has become clear that the customer use of the sewer has changed to include a lot more flushing of prohibited materials like diapers and wipes, among other things. These materials have then caused the temporary

pump to jam and cease operating on several occasions since January, incurring a lot of inconvenience for downtown customers, as well as overtime and stress for district staff. Staff has launched an education and outreach effort to inform customers about the proper use of the sewer system beginning with a detailed article in the current BPUD Pipeline newsletter about what NOT to flush (note: these recommendations apply equally to septic systems, as well). Briefly stated, nothing other than toilet paper and human waste should be flushed, especially not wipes, regardless of whether the packaging claims the product is “flushable”. Director Godino suggested staff additionally post notices at the downtown grocery stores stating that pharmaceutical projects also should not be flushed.

Staff directed the Board’s attention to a notification from CalFIRE that the BCPUD was not awarded any grant funding for the work proposed in the district’s fire fuel reduction proposal, as well as a Marin LAFCO communication with that entity’s proposed work plan and budget for the upcoming fiscal year. Finally, staff noted that the district has been reimbursed by the contractor on the Dogwood construction project for the damage caused to the water distribution system when the contractor’s equipment slid off the roadway and cracked a section of the water main.

-- *Drainage Project Manager’s Report.*

Nothing to report.

4. Community Expression.

Simon Bruce said that there is a discussion ongoing in the community about the progressive loss of DSL internet service and he inquired whether the BCPUD would take a position on the issue. Director Siedman said he is in favor of doing so. Discussion ensued about the apparent need to upgrade AT&T equipment, the cost of doing so and whether the community can fundraise, etc. Director Godino said there is a group of people in town actively working on this issue and suggested the BCPUD invite them to a future meeting to make a presentation. Staff will follow-up.

5. Request for Reconsideration of Maximum Quarterly Water Use Limit, Expanded Water Use Permit for 370 Overlook Road, Bolinas (S. Bruce).

Simon Bruce said that he is asking for a reconsideration of the Board’s decision at the January meeting concerning the amount of water use allowed under their expanded water use permit; he noted the Board based its decision on the average annual use at the property (plus 50%) and not on the community average (plus 50%). He said that the use at the property is 23% below the community average because only two people live there and that he travels quite a lot; if the property were more fully occupied, the usage would be higher. Simon noted that all of the appliances have been replaced in recent years and they do not irrigate the landscape, so they are very water efficient. He said he understands that the Board has some discretion to reconsider the baseline water use at the property vs. the community average and he would like the Board to adjust the amount of water allowed to be based on the community average use.

Director Siedman asked if a notice of violation has been issued to indicate a failure to comply with the water limit. Simon said no violation has been issued. Director Siedman asked why he is asking for reconsideration if no violation has been issued. Simon responded that the past use in recent years has been equivalent to a one bedroom home, but this is a three bedroom house and a fourth bedroom is being added to the property. Director Smith said that he’s always struggled with the implementation of the district’s expanded water use policy because it “punishes” water conservation and allows more water than is appropriate to people using water in amounts at or above the community average. Director Comstock said that he doesn’t think it makes sense to enact an exemption for a single property; the question is whether the district’s policy is appropriate or should be changed, which is a big undertaking. He observed that water use at the property has been very consistent over the last four years and it seems to be a reasonable basis from which to set the water use limit under the permit. Director Amoroso agreed that altering the district’s expanded water use permit procedure would be a major endeavor.

Simon Bruce said that he doesn’t understand the logic behind the district policy and suggested that there should be a connection between the capacity of the house (i.e., number of bedrooms) and water allowance. Director Siedman said that the issue just doesn’t seem to be ripe for consideration if they are not having trouble complying with the water use limit. Simon said that he does not want to run the risk of incurring violations once their project is complete. Director Siedman said that if there is a problem with violations in the future, he can come to the Board with a variance request. In response to questions, staff said the water allowance under the terms of the expanded water use permit awarded in January is 1,875 cubic feet per quarter, or 156 gallons per day and exceeding that limit for two consecutive quarters would trigger a notice of violation.

Director Smith explained that the district’s expanded water use permit policy is predicated on historic water use at a property and the assumption that if more living space is added to a home then more water use will occur, which then warrants the cap on use in light of the district’s limited water source. He said the applicable resolution provides that the Board may allow up to 50% more water use than the historic baseline; it is a logical, but imperfect policy, in his view. Director Comstock noted that the

Bruces are adding a second unit to the property (which is allowed per County land use regulation), but must stay within the water use limit; while the district is sympathetic to the need for affordable housing, the district has a very real water shortage that must be taken into account. Simon Bruce inquired whether he can come back to the Board if there is a compliance problem in the future and director Siedman said that he can.

6. Request for Financial Relief from Quarterly Water Bill pursuant to BCPUD Resolution 553 – 77 Olema-Bolinas Road (A. Murch).

Walter Murch explained that an old water line burst during the winter rains and they did not realize there was a problem until the water bill arrived; it was repaired immediately upon discovery. Director Smith said this seems to be a “classic blind leak” that was not noticeable in light of the conditions and the property owners spent a lot of money to find the leak and and fix it right away. In such cases, the Board typically excuses the amount of the bill attributable to the leak (based on the last three years of usage during the same quarter) and proposed that the district do so here.

L. Comstock/V. Amoroso all in favor to excuse the amount of the quarterly water bill attributable to the leak based on the historical average water use at this property during the same quarter during the last three years.

7. Proposal to Reinstate the Downtown Parking & Traffic Committee and Appoint New Members. (E. Wilhelm, L. Sternik, Z. Fuller, S. Kay, M. De Swart, B. Bowser).

Zach Fuller spoke on behalf of the group and said they would like to build on the work completed by the former Downtown Parking & Traffic Committee in 2006. First, they would like to conduct a survey which the group believes will demonstrate that the current downtown parking and traffic gridlock is inhibiting public and local access. The survey also will document the number of cars parked in violation of current parking laws to demonstrate that enforcement will be cost-effective. The group will reach out to the community through the BoCAN network and elsewhere to solicit input and buy-in. The group then will craft a simplified parking proposal designed to be acceptable and enforceable as soon as possible.

Director Amoroso agreed the Board should establish a new parking committee as the parking situation downtown is getting worse and worse. Staff reported that Chris Weare submitted an email requesting to be included on the committee. Director Siedman asked director Amoroso to serve as the BCPUD liason and he agreed.

V. Amoroso/G. Godino all in favor to appoint a new Downtown Parking & Traffic Committee with members Wilhelm, Sternik, Fuller, Kay, De Swart, Bowser and Weare, with BCPUD director Amoroso as the Board representative.

8. Request to Remove Hazardous Tree from 400 Block of the Evergreen Right-of-Way near Poplar Road (J. Mickelson and D. Smith).

Director Smith recused himself from any discussion or involvement in this agenda item and left the meeting room. Jane Mickelson explained that three pine trees at the corner of Poplar and Evergreen planted many years ago are now close to 100 feet tall. A few months ago, a huge limb fell off one of the trees and blocked the road, creating significant hazards to the public. She submitted a letter and report from an arborist and said a survey reveals the center of the tree in question (that dropped the limb) is exactly on the property line. She also submitted bids for the removal of the tree, the lowest of which is \$4,500. She proposes that the BCPUD share half of the expense.

G. Godino/V. Amoroso four in favor, D. Smith absent to remove the hazardous tree as recommended by the arborist with the cost shared on a 50-50 basis between the BCPUD and Jane Mickelson and Don Smith.

9. Proposed Amendment to the County of Marin’s Update of the Local Coastal Plan.

Staff reported that after the Board’s receipt of input from the public on the topic of the County’s update of the Local Coastal Plan and the Coastal Commission staff’s recent “suggested modifications” of the County’s work, the BCPUD submitted a letter detailing local concerns about overreaching by Coastal Commission staff in its suggested prioritization of “vistor-serving” businesses in the commercial cores of coastal villages; about the flood of coastal visitors overwhelming local resources (garbage, utilities, parking); and about a definition of “redevelopment” proposed by the Coastal Commission staff that would dramatically increase the types of projects subject to Coastal Commission review. The BCPUD letter was well received by the community and sympathetically received by the County’s Board of Supervisors at a hearing on April 19th. Many representatives from West Marin’s coastal villages were present at that hearing to testify against the Coastal Commission staff’s suggested modifications and to urge the County to reject them. Director Comstock complimented the letter as submitted and director Smith urged the public to submit their own comments directly to the planners, as well. Jennie Pfeiffer said that she attended the hearing and was slightly disappointed with Supervisor Kinsey for being too

conciliatory about the proposed modifications. Director Godino noted that a “candidates’ night” is coming up on May 4th in Point Reyes Station to hear from the candidates running for Supervisor Kinsey’s seat and she urged the public to attend and make their views on the Local Coastal Plan update process known. Director Amoroso said that Dennis Rodoni, one of the candidates for the supervisor position, was present at the April 19th Board of Supervisors’ hearing and spoke in favor of the West Marin villages and against the Coastal Commission staff suggested modifications.

10. Master Improvement Plan for the BCPUD Wastewater Treatment Plant Irrigation Pump Station. (B. Green and R. Dawyot).

This item was deferred.

11. Water Supply Update: *Follow-Up Letter from Consulting Hydro-geologist Rob Gailey.*

Director Comstock said this letter documents the limited nature of the aquifer supplying irrigation well located at the Resource Recovery Project site. Director Siedman said the district will continue to monitor the use of the well and conduct monthly monitoring for any indicators of saltwater intrusion. Director Smith said he has had discussions with the users of the well to raise awareness about the limited nature of the resource and urge them to be as careful as possible about their usage; he also said the district will enhance its monitoring downtown in other locations in an effort to collect sufficient data for the hydrogeologist to be able to calculate the sustainable annual yield of the irrigation well.

12. Fiscal Year 2016-2017 Memorandum of Understanding re Compensation and Benefits between the BCPUD Board of Directors and BCPUD Employees.

Staff reported that the modifications to the MOU for the 2016-17 fiscal year include a 3% increase in hourly wages for BCPUD employees, includes the new shift operators as signatories, and makes certain revisions to the CalPERS provisions in light of recent pension reform-driven changes.

G. Godino/D. Smith all in favor to approve the Fiscal Year 2016-17 Memorandum of Understanding re: Compensation and Benefits between the BCPUD Board of Directors and BCPUD employees.

13. FY 2016-17 Draft Budget; *Draft Proposition 218 Notice to Customers re: Proposed Increases to Water and Sewer Service Charges.*

Staff said the Finance Committee has met many times over the last few months to prepare a draft budget. The district has many capital improvement projects to fund and implement, as well as overall cost increases to existing operations. The draft budget proposes a 10% increase to both water and sewer service charges and a 50% decrease to the septic/drainage charge. The budget highlights are: (1) an increase in operations staff as part of a transition that will occur when anticipated retirements occur in the next couple of years; (2) increased CalPERS contributions required to pay down an unfunded liability; (3) installation of important capital improvement projects including the rehabilitation of the district’s East Tank (treated water storage tank) and the new pumps at the downtown lift station; (4) contributions to bolster sewer reserves; and (5) continued reduction in the district’s debt – at present, the district has only two outstanding debt payments other than the Clean Renewable Energy Bonds (which are self-financing). Staff directed the Board’s attention to a spreadsheet detailing the status of the district’s reserves, which are in compliance with the district’s Financial Reserve Policy.

L. Comstock/ V. Amoroso all in favor to approve a Proposition 218 notice to customers regarding proposed increases to the water and sewer service charges in the draft FY 2016-17 budget.

Director Smith commented that several months ago the Board recharacterized the “Endowment Fund” listed on the reserves spreadsheet to a General Capital Reserve Fund, so it should not be referred to anymore as an “endowment” fund. He suggested that perhaps these funds should be folded into the designated reserves for water and sewer projects. Director Comstock said that it would be better to keep the funds segregated as emergency backup funds for projects such as the Wharf Road Lift Station Pump Replacement Project which are then repaid over time to keep the fund at the \$500,000 level (and avoid taking on debt) for precisely these sorts of unbudgeted emergencies. He pointed out that the designated funds are subject to the Financial Reserve Policy and the amounts there are set accordingly. As such, he recommends against comingling the monies; director Smith appreciated the explanation and said he had no objection to leaving the funds as is.

14. Volunteer Committee Reports.

-- *Bolinas Lagoon Advisory Committee*: Director Amoroso said the committee continues to discuss the “north end” project but nothing is yet resolved.

-- *Downtown Parking & Traffic Committee*: Nothing more to report.

-- *Resource Recovery*: Staff reported that a Stormwater Pollution Prevention Plan training has been scheduled for April 26, 2016 for the site manager and employees of the Resource Recovery Project.

-- *West Marin Mosquito Control Coordinating Council*: Director Godino said that a fourth and final meeting facilitated by Supervisor Steve Kinsey was held about two weeks ago. Following that meeting, further wordsmithing to the non-toxic protocol agreement was needed, so Supervisor Kinsey agreed to facilitate an additional meeting for that purpose on May 9th. Director Godino has conferred with the Marin/Sonoma Mosquito & Vector Control District (“M&VCD”) General Manager to draft an “out” clause for the M&VCD in the event of a public health emergency and it appears they have worked out the language. Director Godino said a map will be added to the agreement to clarify the exact area covered by the agreement. The West Marin Mosquito Coordinating Council (“WMMCC”) will be a signatory, as will the M&VCD; the M&VCD next meets on May 11th and will consider the agreement at that meeting.

Director Comstock asked about whether the use of methoprene will be allowed under the new agreement as drafted. Director Godino said the draft agreement allows the M&VCD to use methoprene briquettes in septic tanks in rotation with other methods because methoprene targets a life cycle phase of the mosquitoes that no other product does. Director Godino said that the WMMCC has looked deeply at this issue and two meta-studies were done which persuaded the WMMCC that the likelihood of harm by such use of methoprene is exceedingly small. Director Amoroso inquired whether the BCPUD will be notified if septic systems in Bolinas are treated with methoprene since those systems may be pumped out and dumped at the district’s sewer ponds. Director Godino said the agreement currently requires that owners be advised that their tanks cannot be pumped for at least 40 days after treatment for this specific reason. Director Amoroso said he would like to know if the BCPUD can be notified, as well, and said the potential for flooding along Gospel Flats raises concern about the use of methoprene briquettes in that area given the proximity to the lagoon. Director Godino said she would raise both issues with the M&VCD.

Director Comstock said the methoprene has been a key issue all along between the WMMCC and the M&VCD with regard to renegotiating the non-toxic protocol agreement and he asked if the WMMCC is split on the issue. Director Godino said that the WMMCC is split, although a straw vote of the Council revealed that a majority of the members support the draft agreement (including the use of methoprene). Director Comstock asked if Liza Goldblatt is in favor of the agreement as drafted; director Godino said she does not want to discuss individual positions but will say that she believes Liza understands the benefit of having an agreement and feels that is better to have an agreement rather than none at all with the M&VCD.

Director Comstock said that the BCPUD took on the responsibility to lead the West Marin community in the negotiations to extend a non-toxic protocol with the M&VCD and the community did not want methoprene. Now it seems the WMMCC is willing to accept the use of methoprene in limited form. He said he feels the BCPUD has a responsibility to go back to the community and inform people about this before an agreement is signed. He said people may feel betrayed, particularly if they don’t know in advance and have an opportunity to express their views. Director Godino agreed and said the M&VCD is also meeting to discuss next steps and how to proceed. Director Siedman suggested the BCPUD include an item on the May meeting agenda to consider the agreement as proposed and receive public input. Director Godino said it may be a bit tricky as she cannot be present to present the agreement and answer questions at the May meeting as she will be out of town; she said that Jim Zell from Stinson Beach may be able to stand in for her. Director Comstock asked whether the BCPUD should prohibit the disposal of septage from tanks treated with methoprene in the sewer ponds; director Godino said the 40-day provision is in the agreement for this reason, but director Comstock is concerned whether this will be adequately enforced if the BCPUD is not part of the process. Director Godino emphasized that the amount of methoprene to be used is far, far below the levels of concern and the product dissipates very, very quickly.

-- *Land Stewardship Committee*: Director Siedman said the committee will next meet on Friday, April 22nd. Director Smith said there are a couple of very bad spots on the bike path on the sewer pond property that he hopes the crew can address. He said directly across from the goat farm is a small pond that is running into the middle of the path and creating an enormous mess. He said a 10-foot culvert needs to be installed as soon as possible. In addition, the S-Bend directly above the intersection at Mesa Road is clogged with vegetation debris and needs to be cleaned up in order for the path to be useable. Staff had no objection and was unaware of the problems or would have asked the crew to deal with them before now.

15. Other Business.

a. Board Committee Reports.

-- *Finance: Recommendation for Payment of Cost to Remove Hazardous Trees Adjacent to Olema-Bolinas Road and over the BCPUD’s Sewer Force Main; Minutes of the February 9, 2016 committee meeting; Minutes of the March 8, 2016 committee meeting; Minutes of the March 22, 2016 committee meeting.*

L. Comstock/D. Smith all in favor to approve the recommendation of the Finance Committee that the cost of removal of hazardous trees over the sewer force main (\$16,940) be paid for from sewer reserves and the remaining cost of the removal of trees adjacent to Olema-Bolinas Road (\$38,585) be paid by all customers (i.e., from the water reserves)

L. Comstock/D. Smith four in favor, director Amoroso abstaining to approve the minutes of the February 9, 2016 Finance Committee meeting.

Director Comstock noted that the March 8, 2016 minutes of the Finance Committee contain a confusing discussion based on a misunderstanding about terminology and he proposed that the paragraph highlighted in yellow in the draft minutes be struck to avoid future confusion.

L. Comstock/V. Amoroso all in favor to approve the minutes of the March 8, 2016 Finance Committee meeting, as amended

Director Amoroso offered a correction to a typographical error in the minutes of the March 22, 2016 meeting of the Finance Committee

L. Comstock/G. Godino all in favor to approve the minutes of the March 22, 2016 meeting of the Finance Committee, as amended

-- *Legal*: Nothing to report.

-- *Mesa Septic, Flood Control and Roads*: Nothing to report.

-- *Operations*: Nothing to report.

-- *Park and Recreation*: Nothing to report.

-- *Personnel*: Nothing to report.

-- *Sewer*: Nothing to report.

- b. Minutes of the March 16, 2016 regular Board meeting; Minutes of the April 13, 2016 special Board meeting.

Directors Amoroso, Comstock and Smith offered several corrections for typographical errors in the March 16, 2016 draft minutes. Director Smith also requested a revision to the description of the anticipated monitoring that will take place downtown relating to the irrigation well at the Resource Recovery Project site.

L. Comstock/D. Smith four in favor/director Amoroso abstaining to approve the minutes of the March 16, 2016 regular Board meeting, as amended.

L. Comstock/D. Smith all in favor to approve the minutes of the April 13, 2016 special meeting of the Board.

- c. Warrants.

L. Comstock/D. Smith all in favor to approve the warrant list.

- d. Scheduling of Next Meeting(s):

May 18, 2016 at 7:30 p.m.

14. Adjournment.

9:54 p.m.