

**Bolinas Community Public Utility District**  
**A Regular Meeting Of The Board Of Directors**  
**September 19, 2018 270 Elm Road, Bolinas**

**1. Call to Order.**

7:30 p.m.

**2. Roll.**

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

**Moment of Silence in Honor of Phil Buchanan.**

A moment of silence was observed in honor of former BCPUD General Manager, Phil Buchanan, who passed away on September 12, 2018. President Siedman noted that Phil served the district with tremendous professionalism and distinction for decades, including during several challenging and difficult times. In addition to his many skills and accomplishments as general manager, director Siedman said Phil was a “helluva nice guy” and his passing will be deeply felt by many.

**3. Manager’s Report.**

-- *Update on the Terrace Avenue Bluff Stabilization Project.*

No update at this time.

-- *Update on the East Tank Rehabilitation Project – See Item 7, below*

-- *Update on the Wastewater Pump Station Upgrade and Pond Recirculation Project.*

Staff conferred with the district’s outside engineers last week to discuss project details, including most specifically the engineers’ recommended pre-purchase of a skid-mounted pump station and the logistics needed to install an anchored floating intake structure in Pond 3. It may be necessary to install a temporary floating intake structure until conditions permit the construction of the anchor element. The engineers will make a site visit in October to finalize design drawings and the temporary intake structure concept. Staff anticipates that this project will be out to bid sometime early in 2019 with construction likely in late spring.

-- *Update on the Fire Fuel Reduction Project in the Eucalyptus Grove above the Resource Recovery Center.*

The contracted crews working on this project are doing a fantastic job. The crew from Conservation Corps North Bay has been focused on hand-cutting and removing cotoneaster and other ground level vegetation. Pacific Tree Slope Cooperative and Small World Tree Service are removing small saplings and chipping on site. The final work day will be next Friday, September 28<sup>th</sup>. Staff has been updating CALFire on the project progress and plans to submit a single request for reimbursement after paying all contractors at end of September/beginning of October.

-- *Update on BCPUD/BFPD Survey of Obstructions and Encroachments in the Public Rights-of-Way on the Bolinas Mesa: Staff Report and Draft Letter to Customers.*

The staffs of the BCPUD and the Bolinas Fire Protection District (“BFPD”) are planning to schedule another meeting soon as the meeting previously scheduled for August 21, 2018 had to be postponed. It is clear that a key issue pertains to enforcement authority. Under the Public Utilities District Act, the BCPUD has the authority to regulate the use of the rights-of-way for public purposes, but it is unclear what the BCPUD can/must do if a property owner refuses to cooperate and/or actively obstructs the BCPUD in its efforts to preserve the public rights-of-way. Staff recommended that the district obtain a legal opinion on these questions so that district and the community know the answers. The Board concurred and director Siedman directed staff to request an opinion from County Counsel. Discussion ensued about the various different types of encroachments that are located in the rights-of-way (fences, shrubs, trees, hedges, sheds, and so forth) and whether the district’s enforcement authority may depend on the specific encroachment and whether/to what extent the encroachment interferes with district operations. Director Comstock agreed that it is very important to obtain clarification on any applicable process the district must follow to remove obstructions and encroachments in the public rights-of-way, particularly with regard to things people have built there such as fences and structures.

On a related note, staff reported that a major headache for district staff involves the billing problems posed by customers who have fenced-in their water meters. To the best of staff’s knowledge, all water meters in the district were installed in the public rights-of-way (as are the power

poles, telephone poles, etc.). As such, if a meter is fenced-in, the presumption is that the fence is *not* on private property but rather in the public right-of-way. For many years, the district's field operators were willing to open gates and walk behind the fences to read the district's water meters, but they are no longer willing to do so for a variety of reasons, including but not limited to unleashed dogs, privacy considerations, and the increased presence of security cameras. Staff has been estimating the water usage at these meters and including an explanatory letter with the customers' bills explaining that the usage is estimated because the district cannot access the water meter and requesting that the customer either move the fence or self-read the meter and provide the reading to the district. At the present time, 57 of the district's customers have fenced-in water meters and only 18 are providing readings – in many cases, those readings are not provided in a timely manner. This creates a tremendous burden for the district's administrative assistant; in addition, the lack of district access to its water meters means staff may be unaware of a leak or other problem with the district's infrastructure. Several of the affected customers have said that they are willing to move their fences, but they don't want to do so if the district is not going to require the same of all such customers. The presence of these fences in the public rights-of-way also impacts the district's ability to install drainage projects, as will be discussed later in the meeting (agenda item #7). Discussion ensued with the Board members expressing support for district staff and the need for access to these water meters; staff was directed to agendaize an item on this topic for consideration by the Board at the October meeting.

Staff directed the Board's attention to the most recent quarterly water consumption data for the back-Mesa during the June/July/August 2018 quarter. Staff noted that water consumption was up as compared to the same quarter last year and this is the twelfth month in a row of increased consumption. Five customers with expanded water use permits exceeded their maximum quarterly water use limits and will receive non-compliance notices. Also, the district experienced a problem with its permit compliance tracking procedures, so some customers were unaware they were out of compliance and the district therefore granted additional time to come into compliance. The Board noted that some customers have permits with water use limits below that which would be granted under the modified expanded water use permit procedures recently approved by the Board; the Board directed staff to let these customers know they may be eligible to receive additional water

The crew has been working at the Woodrat Water Treatment Plant to install a new compressor and make needed adjustments because the district is using water from the Woodrat reservoir. The crew also located and raised valves in Poplar Road – one at Birch and one at Cedar – that have long been buried, so it is a significant benefit to have this access restored. In addition, staff completed site preparation work for the East Tank Rehabilitation project, supervised the contractors performing the fire fuel reduction project, planned drainage projects, and performed maintenance work. Finally, staff is nearly finished with the re-installation of the repaired generator at the downtown lift station.

Staff reported that the incumbent BCPUD directors all filed for re-election and no non-incumbents filed, so the three BCPUD directors (Comstock, Godino and Siedman) will all be reappointed in lieu of an election to new four-year terms. In further election news, staff was asked by the County Elections Department to review the text of Measure X (regarding downtown parking) on the draft ballot which was correctly printed; however, staff happened also to see the ballot measures for and against the measure and noted that there is an inadvertent error in the rebuttal to the argument against Measure X. Staff alerted the rebuttal argument proponents to the error but it unfortunately is too late to change the argument language. In response to questions from the Board, staff explained that the error involves an assertion that BCPUD staff reported at the July 2018 Board meeting that water use in the downtown area is up 100% (which is not accurate) and infers that this increased water use is due to vehicle inhabitants (there is no publicly available data on water use by persons living in their vehicles).

A "Critical Mass" bike ride is scheduled for Sunday, September 30<sup>th</sup>, beginning at the BCPUD office and proceeding to the Bolinas School. Staff mowed and weed-whacked along the pedestrian/bicycle path today which provides additional area for bikes to ride. Staff also will make its best efforts to ensure the path is swept on September 28<sup>th</sup>.

As reported last month, staff continues to urge the County to press forward with the enactment of an ordinance to clearly authorize deputy sheriffs to enforce the state Vehicle Code on the non-County-maintained roads in Bolinas. A notice has been issued concerning a Deputy Zoning Administrator hearing to consider the County's application for a Coastal Permit to amend Marin County Code Title 15 and designate specific roads in Bolinas "as being subject to the provisions of the California Vehicle Code." This hearing is next Thursday, September 27<sup>th</sup> and the County staff report will be available this Friday; assuming approval by the Deputy Zoning Administrator, the next step will be for the Board of Supervisors to approve the ordinance. Jennie Pfeiffer requested clarification about the implications of applying this ordinance on the Bolinas Mesa. Director Siedman explained that if residents call the sheriff today because someone is parked in front of their driveway, for example, the deputy will take no action because of a perception that the Vehicle Code does not clearly apply on the non-County roads. By passing this ordinance, the County essentially is fixing a technical error which will allow them to ticket and/or tow vehicles in response to public complaints. Director Godino said that based on the district staff's many conversations with the deputy sheriffs, there is no indication at all that the deputies will be

out patrolling on the Mesa to issue tickets (they are not sufficiently staffed to do so); rather, this action is being taken by the County in response to numerous community requests for enforcement of the Vehicle Code on the Bolinas Mesa.

Finally, staff reported that the County's Planning Commission will hold a hearing about the proposed changes to the downtown commercial core zoning issues as well as amendments and modifications to the certified Local Coastal Program (Amendments 3 and 7) on October 11, 2018. Staff will post notices on NextDoor and in the Hearsay to alert the community about this hearing. Staff noted that the topic of the downtown commercial core zoning has been of strong interest in Bolinas.

#### 4. Community Expression.

None.

#### 5. Request for Financial Relief from Quarterly Water Bill pursuant to BCPUD Resolution 553 – 410 Cedar Road (S. Burris).

Clint Haflerig was present and told the Board that he experienced a leak in the back of his yard. BCPUD staff assisted him with finding it under ground. In response to a question from director Siedman, Clint affirmed that he was unaware of the leak (water was not surfacing in his yard) until he received the water bill and he then took prompt action to repair it.

V. Amoroso/L. Comstock all in favor to forgive the amount of the water bill attributable to the leak based on the historic average water use during the same quarter over the past three years.

#### 6. Young Stewards of the Land (USF environmental studies students and Bolinas-Stinson Union School District middle school students) - Proposal for Trail Maintenance Work Day, Pedestrian/Bicycle Path on BCPUD Lands, November 9, 2018. (M. Stone)

Melinda Stone explained that she had a conversation four or five months ago with the BCPUD's Land Stewardship Committee about a work day to maintain the bike path and had thought it was approved through the committee, but she found out a week ahead of doing the work she had planned that she would need permission from the full BCPUD Board. After speaking with director Smith, she believes the appropriate project scope would be invasive non-native plant removal and native plant restoration (and not trail maintenance). In response to a question from director Siedman, Melinda confirmed that the committee is in favor of such work and she anticipates that 20 kids will participate. Discussion ensued about the extent of the project and the appropriate process to move forward.

D. Smith/L. Comstock all in favor to authorize the Young Stewards of the Land program to work with the Land Stewardship Committee to develop and implement projects beneficial to the BCPUD land and the program, subject to prior notification to and no objection from BCPUD staff.

Director Godino inquired whether the Young Stewards of the Land program has insurance and Melinda replied that it does. Staff agreed to follow-up to ensure the appropriate coverage is in place prior to the work day.

#### 7. Right-of-Way Permit Applications: (1) South side of Alder between Evergreen and Grove – clean/establish ditches and install culverts under Evergreen, Fern and customer driveways; (2) Larch/Locust/Tulip – clean/establish ditches adjacent to rights-of-way and install culverts under customer driveways; (3) East side of Birch between Mesa and Poplar – clean/establish ditches and install culverts under customer driveways. (BCPUD).

Staff reported that the proposed project on Birch Road is on the east side of the road between Poplar and Mesa Roads and the scope is to re-establish existing ditches and install culverts for customer access to their property. This project will require mowing, mainly at one property with a large blackberry patch on a vacant lot where the brush is encroaching 10-15 feet into the right of way; tree pruning also will be done. Staff has spoken with the property owners in the neighborhood and there is no opposition to the project.

The project on Larch is on one block of the road on the north side between Locust and Tulip where a ditch will be reestablished -- no mowing or pruning or culverts are needed on this section. The project will then proceed on the east side of Tulip to reestablish an existing ditch and install new culverts to enable a resident parking and access. In response to a question from Tony de la Valle, staff said the ditch will continue north on Tulip until the point at which a new fence is located; because this fence is about 10 feet into the Tulip right of way, the ditch will then diagonal over to a ditch already existing from that point to the intersection with Poplar Road. Tony said that he and his landlord are strongly in favor of this project and requested staff to notify him as soon as staff knows when the project will be implemented.

As for the project on Alder, the ditch on the south side of Alder between Grove and Fern will be reestablished and a new culvert will be installed under Fern (where the district removed a large eucalyptus tree earlier this year in anticipation of this project); a new ditch will be installed between Fern and Evergreen, along with culverts for one property. The project will stop at the intersection of Alder and Evergreen because of significant encroachments in the Alder right-of-way (fences and ornamental plants).

Discussion ensued about whether to request or require residents to pay for the culverts and/or the culvert installations as part of these projects in light of the surplus accumulated in the septic/drainage fund. Director Godino said she does not want to see the projects stall in the event someone balks at paying for a culvert. Director Comstock said that the district has not been swamped with requests for projects; in fact, the district reduced the amount of the annual service charge years ago because of the surplus accumulated in the fund, so he favors moving ahead with projects that can be done until such time as additional funding would be needed, which can then be addressed. Director Smith said he is strongly in favor of implementing these projects but wants to be sure that the community is aware of the availability of drainage services as many people he knows have paid for their own drainage work. He also expressed concern that requests for drainage work may quickly outpace the amount of surplus funds available for such projects.

Staff noted much of the work paid for privately by residents of specific neighborhoods is road improvement work, not drainage work per se, although it is true that drainage projects tend to improve road quality, as well. Staff explained that the district has informed the community about the availability of drainage services but residents often balk at moving forward with a project if it would require the removal of their encroachments. For example, staff said that the project on Birch probably should be implemented on the west side of the Birch right-of-way, but due to the extent of encroachments there, staff decided to reestablish the ditch on the east side. After further discussion, director Comstock suggested the Board approve the specific projects on the agenda and ask the adjacent residents to pay for the culverts.

L. Comstock/D. Smith all in favor to approve the subject right-of-way drainage improvement projects on the condition that customers be requested to pay for the cost of any culverts requested in connection with the projects.

#### **8. BCPUD Resolution 658: Approving Form of Contract Documents for the East Tank Rehabilitation Project and Awarding a Contract for the Project to the Lowest Responsible Qualified Bidder, Subject to Certain Conditions.**

Staff reported that the district is still in the process of checking references and verifying the ability of the second apparent low bidder and its subcontractors to perform the project as bid, so staff is not yet prepared to recommend an award of contract for this project.

#### **9. 2018 Local Agency Biennial Notice – Conflict of Interest Code.**

Staff explained that this is an informational item at this point. BCPUD has an obligation to review its conflict of interest code on a biennial basis and let the Marin County Board of Supervisors know by October 1, 2018 if any amendments to the code are needed. Staff will make this determination and, if amendments are needed, staff will include an item on the Board's October meeting agenda for this purpose.

#### **10. Water Supply Update.**

Director Smith said he does not yet have the most recent sample test results and asked staff to ensure that this data is obtained no later than the week before the regular monthly Board meeting.

#### **11. Volunteer Committee Reports.**

-- *Bolinas Lagoon Advisory Committee*: Staff reported that CalTrans is scheduled to begin the work to improve drainage across Highway 1 around the Bolinas Lagoon in October.

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

-- *Resource Recovery*: Nothing to report.

-- *West Marin Mosquito Control Coordinating Council*: Nothing to report.

-- *Land Stewardship Committee*: Nothing further to report.

-- *Internet Access Committee*: Director Comstock reported that he requested a tour of the Nicasio installation with Supervisor Rodoni, among others, and others are welcome to join if interested. He noted that the installation of fiber-optic cable in Nicasio is taking longer than expected due in part to the length of many of the driveways there. In response to questions from Eric Karpeles, director

Comstock explained that the California Public Utilities Commission requires the service provider to provide internet service access to every house in the project zone unless the property owner denies permission; at present, Horseshoe Hill Road is not included in the project zone but efforts are underway to obtain a supplemental grant to include that area of the community.

--*Vehicle Habitation*: Nothing further to report.

**12. Other Business.**

a. Board Committee Reports.

-- *Finance*: Staff reported the Fiscal Year 2017-18 audit preparation work is almost complete and the field audit with Doran & Associates is scheduled for October 9, 2018.

-- *Legal*: Nothing to report.

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

-- *Operations*: Nothing to report.

-- *Park and Recreation*: Staff reported that Recology has agreed to resume solid waste disposal service at no charge to Mesa Park, per long-standing custom.

-- *Personnel*: Nothing to report.

-- *Sewer*: Nothing to report.

b. Minutes of the August 15, 2018 regular Board meeting.

Directors Comstock and Smith offered clarifying revisions to the minutes of the August 15, 2018 regular Board meeting.

D. Smith/L. Comstock                      all in favor                      to approve the minutes of the August 15, 2018 regular Board meeting, as clarified.

c. Warrants.

Director Comstock asked why the district made a \$6,400 payment to PG&E. Staff explained that this is an annual “true-up” payment to PG&E after electricity generated by the solar arrays and impact of Marin Clean Energy are calculated. Staff confessed that the bills from PG&E are nearly incomprehensible.

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

d. Scheduling of Next Meeting(s):

October 17, 2018 at 7:30 p.m.

**13. Adjournment.**

9:23 p.m.