

## **Bolinas Community Public Utility District**

### **A Regular Meeting Of The Board Of Directors**

**October 17, 2018 270 Elm Road, Bolinas**

#### **1. Call to Order.**

7:32 p.m.

#### **2. Roll.**

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

#### **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 10, below.*

-- *Update on the Wastewater Pump Station Upgrade and Pond Recirculation Project – See Item 11, below.*

-- *Update on the BCPUD's Fire Fuel Reduction Project.*

This project was timely completed on September 28, 2018. Conservation Corps North Bay, Pacific Tree Slope Cooperative and Small World Tree Service worked on this project and all three were very hard-working and professional. The district received final invoices from the contractors as follows: Small World (\$74,800), CCNB (\$46,987.32) and Pacific Slope (\$23,920) for a total of \$145,707.32 in project costs eligible for reimbursement. Staff will prepare a final report to CalFIRE and request an inspection, which is required before the district can submit its claim for reimbursement.

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

-- *See Item 9, below.*

Representatives of the BCPUD and the Bolinas Fire Protection District ("BFPD") have scheduled the next meeting on this topic for November 14, 2018. Also, per Board direction, staff requested a legal opinion from County Counsel with regard to the extent of BCPUD authority to regulate the use of the rights-of-way for public purposes and 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 reported that the most recent results from the district's quarterly sampling for chlorine disinfection byproducts was unwelcome in that the district's treated water slightly exceeded the maximum contaminant levels for total trihalomethanes (TTHMs) at its two sample sites in early September. For reporting purposes, these results do not constitute a violation because violations are determined on a running annual average basis, but the district's consultant has been notified and will make a site visit next week. The cause almost certainly is the extended use of water from the district's reservoir this summer (this water is higher in the organic compounds that bond with chlorine to form disinfection byproducts). Director Comstock referred to an email in the Board binders from the district's consultant and requested that staff provide a full report to either the Operations Committee or the full Board after the site visit on the points raised in this email with regard to possible use of aeration, disposal of sludge, etc. Director Smith suggested staff chart the district's sample results/locations over time to discern any possible trends and also revisit whether any of the recommendations offered several years ago by the reservoir management consultant may be helpful to the district now.

Staff directed the Board's attention to the most recent quarterly water consumption data for the downtown area of town for the July/August/September 2018 quarter. Staff noted that water consumption was DOWN as compared to the same quarter last year, which is great news, particularly as this was during the summer months.

Testing for lead is planned for next week at the Bolinas School on Olema-Bolinas Road. A law passed recently by the California state legislature requires water systems to take samples from at least five (5) sample sites and test for the presence of lead at all schools in the water districts' jurisdictional boundaries prior to July 2019. BCPUD staff worked with staff at the Bolinas campus at school to identify all water fixtures on campus and five were selected for sampling. The district is required to enter the sample locations on an online database created by the State Water Resources Control Board ("SWRCB"), which has been done. Once received, the results will be provided to the school.

Staff attended a Deputy Zoning Administrator ("DZA") hearing on September 27, 2018 concerning the County of Marin's application for a coastal permit to amend the Marin County Code to make clear that the state's vehicle code may be enforced on the non-County maintained roads in Bolinas. In addition to staff from the BCPUD and the BFPD, residents Bob Hunter and Rick Hall attended the

hearing and spoke in favor of the County's permit application (no one spoke to oppose the permit application). The DZA approved the permit application and the next step will be for the Board of Supervisors to consider the proposed ordinance.

The Buchanan family requested permission to plant an oak tree on the sewer pond property in honor of Phil Buchanan, the district's former General Manager at a private ceremony on October 24, 2018. Staff approved the request on the assumption the Board would have no objection. The Board concurred with staff's decision.

Staff reported that 100 Brighton Avenue seawall repair project is now being handled by professional planner Susan McCabe due to Taylor Robinson's relocation to Chicago. Susan inquired whether the BCPUD would be willing to be a co-applicant on the project in light of the public benefits presented by the project and because the BCPUD owns the property on which the boat ramp is built. In response to a question from director Amoroso, staff said that no financial contribution by the district has been requested. Director Comstock said he would like to confirm that the district would not be exposed to any liability as a result of serving as a coapplicant. After a brief discussion, the Board directed staff to let Susan McCabe know the district is willing to consider a request from the property owners to serve as a coapplicant on the seawall repair at an upcoming public meeting. Staff noted that the BFPD strongly supports this project as the seawall provides critical access for emergency beach rescues and the Fire Chief will be submitting a letter of support for the project to the Coastal Commission.

On the wastewater side of operations, the district experienced a small spill on its sewer system on September 30<sup>th</sup> in the check valve vault. This was the same location at which the district experienced a spill in April, but the cause of the most recent spill was different: it occurred because bolts loosened on the check valve assembly, allowing wastewater to escape the sewer system (in April, the force main itself developed a hole). Staff estimates that approximately 200 gallons of wastewater *may* have reached the Bolinas Lagoon because it reached the nearby storm drain. The district's crew immediately responded and contained/cleaned-up the spill; Piazza Construction mobilized the following morning to install a temporary repair, followed by a full repair two days later.

Staff directed the Board's attention to correspondence sent and received since the last regular meeting, including non-compliance letters that were sent out to customers who exceeded the amount of water allowed by the terms of their permits EWUP letters and a SWRCB Notice of Intent to Issue a No Further Action Letter with regard to an underground storage tank at the Bolinas Garage.

Director Amoroso said he is concerned about the inaccuracy re: an alleged 100% increase in water use downtown contained in the County election ballot guide rebuttal argument concerning Measure X. Staff said the Point Reyes Light is going to publish an article that will explain this issue and the efforts made to correct the record. After a brief discussion, the Board directed staff to post a notice in the Hearsay and/or on Nextdoor if the newspaper article is not published or does not adequately explain the issue for any reason.

#### **4. Community Expression.**

None.

#### **5. Request for Financial Relief from Quarterly Water Bill pursuant to BCPUD Resolution 553 – 10 Mesa Road (B. Gallagher).**

Betsy Gallagher explained that the water service to her home was shut off on July 6, 2018 after BCPUD staff found water spraying from the pressure reducing valve. She engaged a plumber to replace the valve; this plumber believes that a flange on the valve was over-tightened by district staff some time ago which likely led to the leak. She said she believes the circumstances were beyond her reasonable control and she requested financial relief from her water bill. A brief discussion ensued about when the leak evidently started and stopped and whether the leak spanned two billing quarters. The Board concluded the leak most likely did span two billing quarters.

D. Smith/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 two quarters (the quarters ending June 2018 and September 2018) over the past three years.

#### **6. Request for BCPUD Board of Directors' Endorsement of Measure W (Bolinas Community Land Trust).**

Meg Simonds clarified that she personally is requesting the Board's endorsement of Measure W, not on behalf of the BCLT. The BCLT did not ask her to attend to make this request, although she is very involved with the BCLT as a member of the Board of Directors. Meg explained that she was inspired to request the Board's endorsement after learning that the Inverness Public Utility District recently endorsed the measure.

Director Amoroso said that he personally is in favor of Measure W, but he doesn't think the Board should take a position on it officially as this would establish a new precedent (the Board historically has not endorsed targeted County tax measures). Director Smith said that he believes this measure is in the best interests of the district because of problem new employees have finding affordable housing in Bolinas. Director Godino said she prefers not to endorse the measure as a Board, but notes directors may individually support it, of course. Director Comstock said he personally already endorsed this measure publicly; he concurs that the Board should not establish a precedent for endorsing ballot measures other than BCPUD-sponsored measures.

**7. Request for Letter of Support from the BCPUD for a CPUC-CASF Application by CPUC Grantee Inyo Networks, Inc. for "Bolinas Zone II" Funding for an Extension Area of the Currently Funded Bolinas Gigabit Network (BGN) Area.**

Peter Pratt reported that the California Public Utilities Commission ("CPUC") earlier in the day determined that Inyo Networks, Inc. may *not* apply for funding for the proposed extension area, so his request for a letter of support is moot. Director Comstock explained that properties on certain sections of Horseshoe Hill Road and Dogtown were not included in Inyo's original funding application for technical reasons and it had appeared that it would be possible to rectify this with a second CASF application, but today the CPUC said no. Director Comstock noted that there may be another opportunity to address this when new regulations go into effect in February and Peter Pratt concurred; director Comstock emphasized that the BCPUD, the County and Inyo Networks are not giving up on the effort to obtain funding to bring high speed internet service access to the residents of Horseshoe Hill Road and Dogtown. Director Comstock further noted that nothing prevents those residents from working directly with Inyo Networks to obtain service if they wish to do so – the current problem concerns the availability of grant funding from the state for this purpose. In response to questions from the Board, Peter explained that the Bolinas project is on track: Inyo has surveyed 371 of the utility poles in Bolinas and is working on obtaining the required licenses to use the poles for the installation of the fiber optic cable. That said, the installation in Bolinas will not begin until the Nicasio project is fully installed and complete; Peter is working to schedule a tour of the Nicasio project for interested Board members and staff in the next few weeks.

**8. Request to Use Parking Lot at Mesa Park (APN# 193-020-45) for Household Hazardous Waste Collection Event ("Toxic Away Day") on October 27, 2018.**

G. Godino/D. Smith all in favor to approve the request to use the parking lot at Mesa Park for Toxic Away Day on October 27, 2018.

**9. BCPUD Board of Directors' Clarification of District Policy with regard to Customers with Fenced-In Water Meters.**

Staff requested guidance from the Board on an interim basis (pending the completion of the BCPUD/BFPD Survey of Obstructions and Encroachments in the Public Rights-of-Way) with regard to meters that have been fenced-in by customers. BCPUD crewmembers no longer are comfortable going through gates to read the district's meters due to the presence of security cameras, privacy issues, aggressive dogs, and so forth. As such, the BCPUD does not have access to more than 10% of the district meters as fifty-seven (57) customers have fenced-in meters; staff cannot read these meters or inspect them for repair or other issues. Staff has contacted each of the affected customers by mail and requested the customers read and report their usage on a quarterly basis; however, despite staff's best efforts only about 18 of the affected customers are doing so. Staff therefore has no option but to estimate usage for billing purposes, which creates a lot of extra administrative work.

Staff suggested that for some meters the Board might consider requiring customers to build a "jog" in their fence with three feet clear on all sides of the meter (so that maintenance work can be done if needed) to allow the district access to its infrastructure. However, staff noted that there are some fences that have been built 10-20 feet into the public right-of-way; as such, a "jog" is impractical and would feel like a bowling alley. For those customers, staff said the Board really needs to require that the actual meter reading is provided by the customer on a timely basis (either by taking a photo and emailing it in, calling the district with the reading, or whatever means the customers prefers to provide the data on a timely basis). In response to questions from the Board, staff said the district's ultimate recourse would be to threaten to turn off water service to those not providing access to district infrastructure; that said, staff has no wish to resort to this.

Meg Simonds said that she is an "offender" (i.e., her meter is fenced in) and she did not realize how much trouble it presents for the district. She said many people may be like her and not realize the implication of their actions; also, many people "inherit" their fences when they purchase their property and have no idea the fences aren't on the property line. She suggested that more specific contact by the district explaining the issue (via targeted emails and/or phone calls) may help educate customers such as herself. Director Smith said he is concerned that requiring staff to call each of the customers could be extremely time-consuming and potentially contentious. Director Godino said that the district may want to use a different color for a mailing on this topic to attract customer attention; she also suggested the district include a diagram of how a "jog" should be built into a fence. Director Siedman said perhaps the mailing

could be headed with large bold letters stating “Attention, Your Water Service May be Turned Off!” or words to that effect.

Director Comstock said it seems the district already has given customers the option to timely provide meter readings and the results are not good – as such, this is not a viable strategy. He said he does not believe any customers have bad intentions with regard to their fence locations, but it is time for the district to insist on access to its infrastructure on public property. That said, he does think the district can better explain the situation to customers so that they understand the scope and depth of the problems posed for the district by the fenced-in meters and this might encourage significant voluntary cooperation. Discussion continued and the Board ultimately directed staff to prepare a draft notice to the 57 customers with fenced-in meters consistent with the discussion and to include an item on the November 2018 meeting agenda for the Board to review and approve the letter.

**10. 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 received two bids for the project. The district rejected the apparent lowest bid as unresponsive and determined that Piazza Construction is the lowest responsible qualified bidder. Staff noted that the bid is approximately \$100,000 over the engineer’s estimate, so the Board will need to approve the additional funds if and when the notice to proceed is issued. Staff will be meeting with James Piazza at the end of the week to discuss a schedule for the work. Staff recommends the Board award the project to Piazza Construction, subject to the conditions set forth in the resolution, including the referenced Notice of Exemption under the California Environmental Quality Act.

L. Comstock/D. Smith                      all in favor                      approving BCPUD Resolution 658 and awarding the project to Piazza Construction.

**11. BCPUD Resolution 663: Approving the Sole Source Purchase of an Irrigation Pump Station as part of the BCPUD’s Wastewater Pump Station Upgrade and Pond Recirculation Project.**

This item was deferred to a future meeting.

**12. Amend BCPUD Resolution 572 (Update to BCPUD’s Conflict of Interest Code).**

Staff recommended certain clarifying revisions to the BCPUD’s Conflict of Interest Code to make clear that the General Manager is required to annual file a Form 700 (Statement of Economic Interest) and to clarify that all Form 700’s filed by district Board and staff are available for public inspection.

G. Godino/V. Amoroso                      all in favor                      to approve amendments to the BCPUD’s Conflict of Interest Code.

**13. Audit/Amendments to BCPUD’s Sewer System Management Plan.**

This item was deferred to a future meeting.

**14. Water Supply Update.**

Director Smith reported that conductivity levels from the irrigation well water samples rose again, but not any more than occurred at the same time last year, which is encouraging as it suggests that the seasonal rains do recharge the freshwater supply on an annual basis vs. potential seawater intrusion caused by the summer/fall use of the irrigation well. In response to a question from director Comstock, director Smith said that the salinity detected in the sampling is about 1% of that of seawater. Unfortunately, the monitoring well on Olema-Bolinas Road is not providing any useful data or “early warning” of potential seawater intrusion; but the well does confirm that the water table downtown remains high, well above sea level, all year round. Director Smith recommended that the district cease collecting samples at the monitoring well.

**15. Volunteer Committee Reports:**

-- *Bolinas Lagoon Advisory Committee*: A meeting is planned for October 19<sup>th</sup> at the Firehouse

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

-- *Resource Recovery*: Nothing to report.

-- *West Marin Mosquito Control Coordinating Council*: Director Godino reported that the annual meeting will be held in about two weeks in Point Reyes Station. At this meeting, the Marin/Sonoma Mosquito & Vector Control district will present its data for 2018 on mosquito treatment activity in Bolinas.

-- *Land Stewardship Committee*: Staff noted that Genie McNaughton wrote a very nice letter about the district's fire fuel reduction project that was published in the Hearsay News.

-- *Internet Access Committee*: Nothing further to report.

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

**16. Other Business.**

a. Board Committee Reports.

-- *Finance*: Staff reported the Fiscal Year 2017-18 audit field work was conducted on October 9, 2018 and the process is moving smoothly; staff anticipates having the audited financial statements ready for Board acceptance at the November meeting (November 28, 2018).

-- *Legal*: Nothing to report.

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

-- *Operations*: Nothing to report.

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

-- *Personnel*: Nothing to report.

-- *Sewer*: Nothing to report.

b. Minutes of the September 19, 2018 regular Board meeting.

Directors Godino and Comstock offered clarifying revisions to the draft minutes of the September 19, 2018 regular Board meeting.

L. Comstock/D. Smith                      all in favor                      to approve the minutes of the September 19, 2018 regular Board meeting, as clarified.

c. Warrants.

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

d. Scheduling of Next Meeting(s):

November 28, 2018 at 7:30 p.m.

**17. Adjournment.**

9:15 p.m.