

Bolinas Community Public Utility District
A Regular Meeting Of The Board Of Directors
August 21, 2019 270 Elm Road, Bolinas

1. Call to Order.

7:33 p.m.

2. Roll.

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

3. Manager's Report and Project Updates.

-- *East Tank Rehabilitation Project.*

The repair of the roof of the East Tank is underway. The replacement roof sheets have been fabricated, coated and inspected and are ready for delivery to the project site; copies of the district's quality inspector's reports on the fabrication, blasting and coating of the roof sheets are in the Board binders. The containment structure has been partially dismantled to allow for the repair and the contractor's crew has prepared the roof by making cuts around the edges of all of the plates to be removed. A crane will be mobilized on-site next week and the installation of the roof sheets will begin at that time (i.e., removal of "bad" sheets, lifting and placement of new sheets, welding of the new sheets).

-- *Wastewater Pump Station Replacement Project.*

As reported last month, Marin County's Community Development Agency issued the district a coastal permit to install the replacement pump station at the sewer pond property. A five-day appeal period then passed with no appeal to the County's Planning Commission. The County then forwarded the permit approval decision to the California Coastal Commission ("CCC") and the project was posted on the CCC website during a 10-day appeal period. The deadline to appeal was this past Monday, August 19th. It does not appear any appeal was filed, although staff is seeking written confirmation from CCC staff. The district's engineers were due to submit technical specifications for the project bid packet last Thursday, August 15th, but they experienced a delay and the specifications just arrived today, so staff has not yet reviewed them.

-- *On-Site Wastewater System Repair Project (270 Elm Road).*

At a recent meeting of the Operations Committee, this project was discussed in connection with a much larger discussion about district's fixed assets, including the BCPUD building, which may need to be rehabilitated or replaced within the foreseeable future. A recent repair of the floors in the Children's Center bathrooms revealed moisture damage to the floor joists and such damage may extend to other areas of the building as the ventilation is extremely poor. Staff plans to confer with the district's septic engineer to ensure the district does not undertake a repair of the system that will not be adequate for a future building rehabilitation or replacement.

-- *Alliance of Coastal Marin Villages.*

The next meeting of the Alliance of Coastal Marin Villages ("ACMV") is Thursday, August 29th, to be followed on Thursday, September 5th, by a quarterly meeting with Supervisor Rodoni. The ACMV has established contact with a similar group that has formed in the Big Sur area; that region of the coastline also is impacted by massive tourism that is straining local infrastructure and the local community (especially with regard to traffic and parking), much as is happening in West Marin.

With regard to general water operations, staff directed the Board's attention to the most recent water consumption data, which indicates that consumption was down on the Mid-Mesa during the most recent quarter ending in July. While this is not the lowest on record, consumption was much lower than it was during the same quarter last year. Staff believes the low consumption is due to the extended rainy season this year, which significantly reduced demand for landscape irrigation.

The crew has been hard at work supervising the East Tank project and also designing and implementing a procedure to dispose of the waste from the coagulant treatment process from the clarifier. Approximately 10,000 gallons were pumped out of the clarifier and a regular schedule will be established now that the procedure has been developed. In addition, the crew is planning a project in the Juniper right-of-way to remove the hydrant at the intersection with Ocean Parkway and pull back the water main to a point just past the last water service connection to ensure the integrity of the distribution system at this location.

The district received the lab results of its lead and copper testing “at the tap” which was completed in late July-early August; the district is in compliance with applicable law and will remain on a triannual sample schedule.

Staff referred the Board to a proposal in the binders submitted by the district’s computer consultant to replace and upgrade the BCPUD’s office computers; staff endorsed the proposal. The district’s server “crashed” last week and several of the district’s software programs are obsolete; as such, this is an ideal time to proceed with an upgrade at a very reasonable cost -- the total cost to the district for the upgrade would be less than \$2,000. The Board had no objection.

Staff is preparing for the upcoming audit of the district’s fiscal year 2018-19 financial statements. During the upcoming weeks, staff will meet and confer with the district’s outside bookkeeping/CPA firm to finalize and close the district’s books. The audit field work is scheduled for September 26, 2019.

On the wastewater side of operations, staff would like to purchase spill response equipment to be stored at the downtown lift station at a cost of approximately \$3,250. Staff directed the Board’s attention to the specific equipment identified in the Board binders which is designed to prevent sewer overflows from entering storm drains (i.e., mats and berms); given the proximity of the lift station to the County storm drains and the Bolinas Lagoon, staff recommends the purchase of this equipment. The Board had no objection.

Staff reported that the State Water Resources Control Board (“SWRCB”) recently issued a new order concerning monitoring and reporting applicable to all sewer systems in the state as the SWRCB is attempting to quantify whether and how much wastewater is being recycled across the state; staff is assessing the order for implications for the district’s regular reporting.

The Board reviewed a letter recently sent to a customer on the sewer system after a smoke test conducted by the district revealed that the customer’s home roof drains were connected to the sewer system; customers are not permitted to connect roof drains to the district’s sewer system as it is not a combined sewer/stormwater system, so the customer has been required to disconnect these roof drains. BCPUD staff is diligently investigating all possible sources of “infiltration and inflow” in to the sewer system and also identified another customer recently with a sump pump plumbed into the sewer system (which now is disconnected).

Staff directed the Board’s attention to a draft letter in the Board binders to the Marin County Environmental Health Services Department concerning the district’s willingness to participate in a pilot septic program proposed by the Bolinas Community Land Trust (“BCLT”) whereby participants would be allowed to install smaller/less expensive septic systems if they agree to abide by the terms of a limited water use permit issued by the BCPUD. The Board had directed staff to prepare this letter at the last regular Board meeting. At this point in time, staff is waiting for comments/further direction from the BCLT as to if/when this letter should be submitted in connection with the proposed pilot program.

With regard to the Terrace Avenue Bluff Stabilization project, staff received a call from Eric Miller, the new Senior Engineer at the County’s Department of Public Works. Eric has replaced Ernest Klock in this position (Ernest has been promoted to Assistant Director) and called to follow up on resident concerns about a possible compromise of the County repair of the road-level retaining walls and also the planned repaving project of Hillside Road proposed by nearby residents. Eric will come out to Bolinas to assess both issues in the near future. The residents’ contractor would like to know if the drainage off of Hillside can be directed to the County’s stormwater drain on the “uphill” side of Hillside. Remick Hart, the resident leading this project, was present and informed the Board that the additional cost to divert the water away from Terrace Avenue/Surfer’s Overlook and into the County storm drain will be approximately \$8,200. He noted that the homeowners are responsible for Hillside but not for Terrace Avenue, so the homeowners are reaching out to the Save Terrace Avenue Committee representatives for the funding to complete this additional work as they believe it would benefit the repair work done at the top of the bluff several years ago. Director Smith said the BCPUD would be willing to accept any ground asphalt that might be generated by the project. Remick said that several folks on Marin Way already have requested the material, but if there is any remaining, he will notify the BCPUD. Director Smith said he remains concerned about the potential impact of the vegetation on the bluff and staff committed to raising this issue with Eric Miller during his site visit. Remick Hart suggested a “v-ditch” should be installed on the inside of Terrace Avenue to handle stormwater flows and said he would raise this with Eric Miller, as well.

The Board reviewed correspondence sent and received since the last regular meeting, including a request to hold “Toxic Away Day” on November 2, 2019 at the Mesa Park parking lot from 7 am – 5 pm; a notice from ACWA/JPIA concerning the district’s property program renewal for the 2019-20 year (no rate increases this year, but increases are likely in upcoming years due to significant losses experienced from recent fires in California); and outreach materials (also from ACWA/JPIA) concerning wildfire preparedness and response tips for water and wastewater agencies.

Staff reported that the district is scheduled to receive a site visit from its ACWA/JPIA risk manager on September 4, 2019 and the visit will include a defensive driving course for district employees. The training course will be held at the Firehouse public meeting room and will be open to neighboring districts. Operators from the Stinson Beach County Water District are expected to attend.

The district has been invited to attend the inaugural Marin County Special Districts Chapter Formation Meeting on September 18th from 9am – 11am and staff is planning to attend. Staff also directed the Board's attention to election materials in the Board binders from ACWA concerning upcoming ACWA Board elections, noting that the district has been asked to support specific candidates. After a brief discussion, director Siedman acknowledged that the Board members do not know any of the candidates and therefore declined to agendaize the matter for future action. Finally, the Board reviewed the meeting agenda for the August 8, 2019 Marin LAFCO meeting which included a request for an extension of time by the owners of 276 Mesa Road to complete the specified approval terms for annexation of the property at 276 Mesa Road into the district.

4. Community Expression.

Janine Aroyan said that during both the April and May Board meetings, the topic of restricted water use for all customers was discussed; specifically, discussions at those meetings centered on the “unfair” result that occurs when people who apply for building permits receive limitations on their water use whereas those who do not get permits do not (because the project never comes before the BCPUD Board if the property owner does not apply for County permits). Janine said if a water limit on all customers is being considered, the Board should be completely transparent and include the topic on its agenda; she said if the Board is moving in this direction, it should not be “a backroom discussion”. Director Siedman assured Janine that all Board action takes place at public meetings and would do so with regard to this topic, as well. Janine said there also was discussion at prior meetings about following up with customers who are “grossly negligent” with regard to their water use and possible follow-up action by the district. Director Smith explained this is a new policy enacted in connection with revisions to the limited water use permit process to provide that the district will work with high water users to help them reduce their usage. Janine questioned whether this policy is limited to high water users applying for limited water use permits or applicable to everyone. Director Smith said that it applies to those applying for permits; he said he currently is working on a “universal cap” on water usage and if/when he presents it the matter will be on the Board's meeting agenda for public discussion.

5. Limited Water Use Permit Application – 64 Terrace Avenue (M. Gaustad) (bathroom remodel).

Malcom Gaustad was present to explain that he is not adding any square footage to his home; rather, he is simply remodeling the bathroom by replacing “in kind” and all replacement appliances will be low-flow. Director Siedman said that this appears to be a situation where there are no implications for increased water use.

L. Comstock/D. Smith four in favor, director Godino absent finding no limited water use permit is required for this project because there are no implications for increased water use.

Mr. Gaustad asked why he was required to apply for a limited water use permit. Director Siedman summarized the history of the moratorium on new connections and the Board's ongoing obligation to manage the water supply. Mr. Gaustad said he read the moratorium resolution and asked where the “50% additional use” concept came from. Director Siedman said this was part of the original moratorium resolution which recognized that it would be necessary on an on-going basis to manage the water supply for the town; this concept was developed to allow residents additional water if/when needed, but on a consistently limited basis. Mr. Gaustad said there are two structures at his property and they have not been used for many years; he asked how the “historical water use” there would be determined. Director Siedman said that the Board applies the community average water usage in cases where the water use at the property is not representative for any reason. Mr. Gaustad said he would like to build an addition to the upper structure and he feels he has historic water rights as a property owner; the property used to belong to his grandparents and he purchased it from his cousins. Director Siedman said that he does have rights as a water meter owner, subject to the BCPUD rules and regulations on water usage. Discussion ensued and directors Siedman and Smith further explained how water use limits are determined and noted that Mr. Gaustad most likely would receive a limit of 224 gallons per day if he applies to expand his home; he currently uses less than a third of that amount of water.

Mr. Gaustad then asked, “why am I here?” He said the district is a public agency that works for the community, noting that the word “community” is in the agency's title. He said the district should have simply looked at his plans and determined there would be no increased water use resulting from his bathroom remodel – “end of discussion”. Director Smith said that while it may not be necessary for property owners to attend Board meetings regarding their limited water use permit applications, the Board does need to fulfill its duty to examine building projects and any implications for water use. Staff noted that the district has a declared water emergency and a moratorium on new connections, so it is required to conduct a public process to analyze projects and their implications for water use to fulfill its obligation to carefully manage the scarce water supply; staff acknowledged that it is an unusual process but it is not

meant to be burdensome. Mr. Gaustad said he feels he is being penalized (by having to prepare documentation for the BCPUD and attend this meeting) for complying with building rules; he suggested the BCPUD work more closely with the County so that people are told to apply to the BCPUD when they apply for building permits. The Board expressed surprise that he was not so informed when he applied for his County permit. Mr. Gaustad asked what the BCPUD does about all of the people in town who are building secondary structures (and presumably increasing water use) and so forth without permits. Director Amoroso said that it is the County's responsibility to enforce the building code requirements. After further discussion, director Smith said that Mr. Gaustad is correct that people who apply for building permits have consequences in terms of increased costs and other requirements (including the requirement to apply to the BCPUD for a water use permit); he told Mr. Gaustad that if he has suggestions as to how to improve the BCPUD procedures, he would like to hear them. Mr. Gaustad said the district should not be draconian; rather, it should incentivize people to come in and apply for permits. For example, he said the word "limited" in the district's water use permit application letter is "a little scary". Director Smith said this raises an interesting point about how the district communicates with customers: should the customer water use permit letter be modified in any way to better convey the district process and let customers know they are not required to attend the Board meeting when their permit application is considered? The Board directed staff to include an item on the September 2019 meeting agenda to discuss this topic and consider a revised form of customer letter.

6. Limited Water Use Permit Application – 206 Ocean Parkway (M. Leffert and K. McPherson) (replacement of roof and windows; interior upgrades).

Alethea Patton was present on behalf of the property owners and said that no square footage is being added to the home; rather, the project consists of an update of what is there, with a new roof and windows, along with some interior remodel work, interior and exterior painting, and the installation of new appliances.

D. Smith/L. Comstock four in favor, director Godino absent finding no limited water use permit is necessary for this project because there are no implications for increased water use.

7. Limited Water Use Permit Application – 182 Hawthorne (C. O'Denver) (replacement in-kind of existing structure; 10% increase in floor area).

Director Siedman recused himself from consideration of this item.

Staff reported that this property currently has a limited water use permit allowing a maximum water use of 4,200 cubic feet per quarter.

L. Comstock/D. Smith three in favor, director Siedman recused, director Godino absent to continue the terms of the existing limited water use permit.

8. Request for Connection to the BCPUD's Sewer System – 14 and 16 Canyon Road, Bolinas (E. Pope and J. Sylvan).

Jack Sylvan, owner of 14 Canyon Road, and planner Sean Kennings of LAK Associates, were present to explain and answer questions about the request to connect to the BCPUD's sewer system. Director Siedman said the Board understands that these properties are at the end of Canyon Road and the County Environmental Health Services department will not allow a repair of the existing septic systems and therefore is requiring that the properties connect to BCPUD's sewer system. Director Siedman said the Board previously allowed a connection at the end of Terrace Avenue; staff, however, noted that the Board allowed that project because the property owner had purchased a connection to the sewer system from another property and transferred it to that location. Staff explained that the district has a moratorium on new connections to the sewer system, enacted pursuant to a requirement by the Regional Water Quality Control Board ("RWQCB") as part of a grant application in the 1980's; the RWQCB required the moratorium because of excessive infiltration and inflow into the collection system that periodically overwhelmed the treatment facility. Staff referenced BCPUD Resolution 259 (approved in 1985) enacting the moratorium and BCPUD Resolution 500 (granting two modifications to the moratorium). The two modifications are for projects serving the public interest (which allowed the Firehouse to connect) and for properties within the boundary of the sewer district as that district was described in a 1975 grant and served by an on-site septic system. Discussion ensued and director Siedman said that the public interest exception may be applicable because this is a matter of health and safety to the community. Staff noted that this exception requires a determination that the treatment capacity of the sewer system can accommodate the new connections; as such, any connection to the sewer system would need to be approved in connection with a limited water use permit so that the district can be sure of the amount of flow. Staff said that since the publication of the meeting agenda, two more homeowners on Canyon Road have asked to be connected to the sewer system and others may well ask, so the treatment capacity analysis will need to take this into consideration.

Director Comstock said the district has had a moratorium on new connections to the sewer system for many years and takes it seriously; any decision to make an exception to that moratorium triggers

11. Update of the BCPUD's Sewer System Management Plan.

This item was deferred to the September 2019 meeting.

12. BCPUD Resolution 668: Adopting a Bi-Annual Schedule for the Physical Inventory of the District's Fixed Assets.

L. Comstock/D. Smith four in favor, director Godino absent to approve BCPUD Resolution 668 and adopt a bi-annual schedule for the physical inventory of the district's fixed assets.

13. BCPUD Resolution 669: Cites Board of Directors' Choices for Determining Fiscal Year 2019-20 Appropriations Limit.

V. Amoroso/D. Smith four in favor, director Godino absent to approve BCPUD Resolution 669.

14. BCPUD Resolution 670: States District's Appropriation Limit for Fiscal Year 2019-20.

D. Smith/L. Comstock four in favor, director Godino absent to approve BCPUD Resolution 670.

15. Water Supply Update.

Director Smith reported that the data collected by the district confirms that the irrigation well continues to perform similarly, with conductivity levels rising in the peak pumping months but falling during the winter rainy months. He said he will keep monitoring and if something comes up, he will report it to the Board, but it is not necessary to continue this standing item on the agenda. Director Smith said that the current use of the well appears to be sustainable and the data collection/monitoring effort is an example of how parameters can be set with "red flags" in place to alert the district to potential problems in advance of an emergency.

16. Volunteer Committee Reports:

-- *Bolinas Lagoon Advisory Committee*: Nothing to report; the Board directed staff to delete this committee report from the standing Board meeting agenda.

-- *Downtown Parking & Traffic Committee*: Staff reported that a meeting has been scheduled at the County on the afternoon of September 11th with all responsible County staff (Planning, Department of Public Works, County Counsel, and Sheriff's Office), Supervisor Rodoni, BCPUD staff and four of the downtown residents who have been closely tracking efforts to regulate parking downtown (Sherry Hirsch, Bruce Bowser, Al Minvielle and Joyce Clements); director Comstock will attend on behalf of the Board. The purpose of the meeting is to strategize a response to the CCC staff letter raising specific objections to the implementation of "Measure X" to regulate parking downtown. In response to a question from director Amoroso, staff explained that Supervisor Rodoni invited the downtown residents to participate in the meeting; staff will be meeting with the residents beforehand to explain the regulatory process and ensure they understand the meeting is about responding to the CCC staff letter and not discussing new/different approaches to regulating parking in downtown Bolinas.

-- *Resource Recovery*: Staff will attend a meeting with Marin County Zero Waste representatives, Recology representatives and Ed Schmidt from the Stinson Beach County Water District next week to discuss pending legislation mandating the curbside collection of food scraps and implications for the Resource Recovery Project.

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

-- *Land Stewardship Committee*: A proposal from Ian Rich to lease portions of the BCPUD's "sewer pond" property was submitted to the district and staff has referred it to the Land Stewardship Committee for consideration.

-- *Internet Access Committee*: Director Comstock said he has no new information to report about the progress (or lack thereof) on the installation of high-speed fiber optic cable in Bolinas.

17. Other Business.

a. Board Committee Reports.

-- *Finance*: Nothing further to report.

-- *Legal*: Nothing to report.

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

-- *Operations: Minutes of the August 15, 2019 Committee Meeting*.

Staff apologized for the fact that the meeting minutes are not yet drafted for approval.

Director Comstock said that the Operations Committee plans to become more active with regard to assessing the status of the district’s infrastructure. For example, the Committee would like to develop an information system/schedule to catalog the maintenance, repair and evaluation of all of the district’s infrastructure (water, sewer and buildings/vehicles/equipment). Director Smith said he is concerned the district does not have adequate quantitative information about the status of its infrastructure; he said it may be possible to develop protocols to alert the district to pending failures, such as occurred at the downtown lift station when both pumps failed within a few months of each other. In other cases, maintenance schedules can be established to ensure preventative work takes place on a timely basis. Director Smith would like to begin with an updated assessment of the West Tank, as well as of the district’s buildings at 270 Elm Road; for example, he would like to talk with the district’s coating inspector about how to best maintain the tanks following rehabilitation. The Committee plans to meet regularly and report on a quarterly basis to the Board.

Director Smith said that given the Chief Operator’s pending retirement at the end of 2020, the district will have an opportunity next year to seek a replacement Chief Operator with an engineering degree, and/or engineering background and experience to be able to systematically monitor and assess infrastructure performance and replacement/rehabilitation needs. He noted the district may also benefit from conferring with ACWA and/or neighboring water districts such as Marin Municipal or North Marin water districts on these topics. Discussion ensued, with director Comstock recognizing that hiring is the responsibility of the Personnel Committee, but the Operations Committee would like to provide input for the job description. Director Amoroso recommended that whatever happens with regard to hiring a new Chief Operator, the selected person should be brought on board in time to have a significant period of overlap with Bill to be “trained” on the operations of the district. After further discussion, the Board agreed the hiring process should get started as early as possible in the new year.

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

-- *Personnel*: Nothing to report.

-- *Sewer*: Nothing to report.

b. Minutes of the July 17, 2019 regular Board meeting; Minutes of the July 26, 2019 special Board meeting.

Directors Amoroso, Comstock and Smith offered clarifying revisions to the draft minutes of the July 17, 2019 regular meeting.

L. Comstock/D. Smith	four in favor, director Godino absent	to approve the minutes
of the July 17, 2019 regular Board meeting, as clarified.		

D. Smith/V. Amoroso	four in favor, director Godino absent	to approve the minutes
of the July 26, 2019 special Board meeting.		

c. Warrants.

L. Comstock/D. Smith	four in favor, director Godino absent	to approve the warrant
list.		

d. Scheduling of Next Meeting(s):

September 18, 2019 at 7:30 p.m.

18. Adjournment.

10:12 p.m.