

Bolinas Community Public Utility District
A Regular Meeting Of The Board Of Directors
May 20, 2020 270 Elm Road, Bolinas

In compliance with local and state shelter-in-place orders, and as allowed by the Brown Act as currently in effect under the State Emergency Services Act, the Governor’s Emergency Declaration related to COVID-19, and the Governor’s Executive Order N-29-20 (March 17, 2020), the BCPUD did not offer an in-person meeting location for the public to attend this meeting. The meeting was limited to essential district business items and was conducted by the BCPUD Board, staff and public via teleconference.

1. Call to Order.

7:30 p.m.

2. Roll.

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

3. Manager’s Report and Project Updates: *Coronavirus Impact on District Operations; Status of Volunteer Committees and Options for Remote Meetings; Updated Operations Plan; Proposal for As-Needed Wastewater Engineering Services (West Yost Associates); Update on Woodrat Reservoir Rehabilitation Project; Update on Wastewater Pump Station Replacement Project.*

Staff reported that district operations are continuing during the pandemic with all employees considered “essential workers”. As reported last month, the shift operators are working largely independently with separate disinfected equipment, masks and gloves as needed. The chief operator, who primarily worked from home at the outset of the pandemic, is now spending more time in the field to train the district’s new shift operator and develop operational and training protocols. The district’s overall work at this time is focused on essential operations and maintenance; work that requires close contact between employees has been deferred to the greatest extent possible. The district’s administrative assistant is working primarily remotely, but coming into the office twice a week to perform work that cannot be done remotely.

Staff directed the Board members’ attention to information in the binders from the district’s insurance authority, ACWA/JPIA, regarding webinars and helpful information relating to the pandemic. Staff attended a recent webinar concerning a gradual return to work and reopening of government offices to the public which was very helpful. Staff is planning to install a Plexiglas enclosure around the administrative assistant’s desk, in anticipation of when the district office will be open to the public. Protective equipment and disinfectant has been re-stocked, an extra supply of face coverings has been obtained, and staff is analyzing when and how to safely re-open the office to the public. The district has been notified by the Bolinas Children’s Center that the preschool will vacate the building effective June 30, 2020. As such, it may be possible to use that much larger space to hold future board meetings in a socially distanced manner. On a related note, staff referenced a recent article from the Marin Independent Journal regarding the Coronavirus testing in Bolinas, which was conducted during the week of April 20, 2020. Today’s New Yorker magazine also published a lengthy article about the testing.

Staff reported that many of the district’s regulatory agencies have extended certain reporting deadlines. For example, the deadline for the district to report annual volumetric data for the sewer treatment system was extended from April 30th to June 30th by the State Water Resources Control Board (“SWRCB”). Staff noted that the SWRCB has reported an increase in sewer spills caused by residents flushing disinfecting wipes. The district was very concerned about this possibility at the outset of the pandemic and issued regular notices advising the communities that disinfecting (and other) wipes are *not* flushable.

Staff is working on an update of its 2015 cross-connection control survey. Forms were mailed out to all customers on May 1st and approximately 250 have been returned thus far. Staff thanked the community for the timely responses and urged those who have not yet responded to do so as soon as possible.

At the outset of the pandemic and related shelter-in-place rules issued by the state and local authorities, staff advised the district’s Volunteer Committees that all meetings would be on hold until further notice. Recently, the Resident Permit Parking Committee has asked to resume their meetings remotely. Staff requested guidance from the Board on this request. Director Smith said it seems reasonable for the committee to meet via teleconference as the Board has done. After a brief discussion, the Board directed staff to inform the committee it is authorized to resume its meetings remotely and in accordance with the current requirements of the Brown Act.

Staff directed the Board members' attention to the Proposal for As-Needed Wastewater Engineering Services from West Yost Associates. Staff recommends the Board approve the proposal for the district to work with Kathryn Gies of West Yost Associates on an as-needed basis when engineering consulting advice is needed concerning the district sewer system, such as for regulatory compliance matters. The proposal is for an annual cost of \$5,000 to provide these services and the cost has been included in the FY 2020-21 draft budget.

D. Smith/L. Comstock all in favor approving the As-Needed Wastewater Engineering Services Proposal of West Yost Associates.

Staff updated the Board on the Woodrat Reservoir Rehabilitation Project. The nanobubble unit and remote monitoring equipment have been installed. The district's limnology consultant, Eli Kersh, and representatives from Moleare will be on-site this week to check the equipment as recent data indicates it is not operating quite as projected. Overall, the raw water from the reservoir appears to be much clearer than it has been historically, but the dissolved oxygen levels (which had been climbing) appear to be declining, so further analysis is needed. Director Smith inquired whether the sample port he suggested has been installed; staff will check on this and report back.

Staff continues to work on the bid documents for the Irrigation Pump Station Replacement Project with the revised goal of holding a socially distanced pre-bid site meeting in June or July for installation of the project in the fall.

Staff reported that the district has not yet accepted the East Tank Rehabilitation Project because the final exterior coating of the tank is not acceptable. The contractor agrees more work needs to be done, but does not agree with the district as to the scope of that work. The district has asserted that a full and final exterior coating of the tank should be done to ensure a professional, finished appearance; the contractor agrees that the bottom third of the tank should be recoated, but has resisted recoating the entire exterior. As such, the district's coating inspector will conduct a full exterior inspection and identify all of the areas that need to be touched-up, repaired and coated. The district will rent a scissor lift for the inspection and the inspector will also inspect the exterior of the West Tank at that time.

As for general water operations, staff reported that there was an increase in consumption for the quarter ending in April on the mid-Mesa. The district posted water conservation alerts and an article in the Pipeline in an effort to reverse this concerning trend. To date, the district has received only 21 inches of rain (as of the end of April), which is less than half of the rainfall received last year and only two-thirds of the district's average annual rainfall, so the community, so the district very likely is heading into challenging summer and fall months and will need to conduct extensive education and outreach in the community to reduce water consumption. Following a brief discussion which included questions from the Board as to whether the shelter-in-place order could be impacting consumption (with more people in town and people at home rather than at work). Staff will assess the consumption data more closely and prepare a follow-up report to the Board at the next monthly meeting.

Staff provided an update on the 100 Brighton Seawall Repair project. At a special Board meeting in May, the Board authorized staff to work with the property owner's team to revise the Coastal staff's proposed "special conditions" on the project. The overall topics of disagreement between the applicants and Coastal staff pertain to Coastal staff's conditions on the width of the wall (which Coastal staff wants to narrow considerably), a requirement to remove all rip-rap, a requirement to relocate fencing and other minor encroachments onto BCPUD property, a requirement to remove the remnants of the old groin on the upcoast property, some additional restrictions on the property owner for any future redevelopment of the property and the imposition of certain requirements on the BCPUD co-equally with the property owner. It appears that the local chapter of the Surfrider foundation will write a letter of support for the project, and a Bolinas college student is creating a video with public testimonials in favor of the project to be shown at the upcoming remote meeting.

The Board reviewed correspondence sent and received since the last regular meeting and staff noted several emails between residents at 79 Wharf and 99 Wharf and the County of Marin concerning the undermining of Wharf Road behind the seawall. The County's senior engineer visited the site and affirmed that subgrade material under the road is moving out through the seawall, but indicated he did not see signs of imminent seawall failure. The County evidently plans to have a structural engineer evaluate the site in the near future.

On behalf of the district, staff participated in a telephone meeting with representatives of Mesa Park, the Bolinas Community Center ("BCC"), the Bolinas Community Land Trust ("BCLT"), and the Bolinas Coastal Community Alliance ("BCCA") to discuss the apparent need for showers for homeless community members in light of the recent closing of Sam's House. A proposal for Mesa Park to install a shower at the downtown park is opposed by the BCCA. The County of Marin has indicated that it will contribute \$10,000 towards the installation of a shower, but the County does not have funds available for maintenance. During the telephone meeting, the participants discussed the possibility of a mobile shower unit (entirely self-contained with its own water and waste disposal system) at Mesa Park and that concept

garnered general support from the various participants on the call. After a brief discussion, director Smith said he would like to serve as BCPUD's representative on this group; staff had no objection.

Staff reported that the County's Department of Public Works has installed parking signs downtown in order to implement the first phase of the downtown parking restrictions approved by the community, as well as new green parking zones in front of the post office and the Bolinas Market.

Staff directed the Board's attention to a Marin County Civil Grand Jury Report about web transparency of special district compensation practices. The district will need to include an item on the June or July Board meeting agenda to approve a response to the report. Staff noted that while the BCPUD was not audited by the Grand Jury, the district nonetheless was asked to respond to one of the recommendations. The deadline for compliance is July 27, 2020.

Staff thanked the Board for holding a special meeting earlier in May to approve a letter to the CCC expressing concern about a certain "Principles for Aligned State Action" on sea level rise that the CCC was planning to adopt at its May 13th meeting. Regrettably, the CCC adopted the principles without any serious consideration of the public input submitted on the topic. Discussion ensued relating to the CCC's lack of transparency in its decision-making process, which raises significant concerns locally about the local coastal plan ("LCP") update process.

4. Community Expression.

Director Smith inquired about a senate bill pending and referenced in the Board books pertaining to the maintenance of seawalls. Staff noted that the CCC voted unanimously at its May meeting to oppose the bill, which evidently would require the CCC to permit seawalls and other devices to protect coastal development. The Alliance of Coastal Marin Villages ("ACMV") plans to evaluate the bill and consider whether to take a position on it.

Director Smith also noted that the current shelter-in-place order has increased the need for reliable internet service and he feels that now may be a good time to put pressure on AT&T to install the necessary equipment to improve its internet service in the community. Director Smith suggested that perhaps someone at the County would be appropriate for that role. Director Comstock said Horizon Cable appears to be installing its equipment in town; this is good news given that both Inyo and Leighton Hills of Muir Beach LAN are not currently returning calls. Discussion ensued regarding the need for reliable internet in the community and director Smith said that he will contact Supervisor Rodoni's office.

Staff reported that a customer emailed the district requesting that the BCPUD remove a hazardous tree that is not located on the gridded Mesa. Staff advised the customer that the BCPUD involvement in hazardous tree work does not extend to the rights-of-way outside of the gridded Mesa, but said the customer is always welcome to submit a request for the Board's consideration. Staff asked whether the Board would like to add an item on the next board meeting agenda to discuss the issue. Director Siedman recused himself from the issue; director Amoroso agreed that an item should be included on the Board's June meeting agenda to consider this request.

5. Request to Remove and/or Prune Hazardous Blue Gum Eucalyptus Tree in the Larch Public Right-of-Way -- 315 Larch Road near Vine Road (W. Poulson).

Staff reported that at the April Board meeting, the Board and Mr. Poulson came to an agreement on the terms pertaining to the removal of a eucalyptus tree in the Larch public right-of-way and that staff arranged for the removal with a tree company; however, Mr. Poulson then submitted several requests in connection with the project that staff believes would require Board approval. An extended discussion ensued about the decision reached at last month's meeting, Mr. Poulson's subsequent emails to staff, and appropriate next steps. At the conclusion of the discussion, the Board essentially reaffirmed its prior decision and staff was directed to proceed with the tree removal as originally agreed.

6. BCPUD's Water Conservation and Dry Year Water Use Reduction Program.

The district developed a Water Conservation and Dry Year Water Use Reduction Program in connection with the mandatory rationing the district imposed in 2009 following three consecutive years of low rainfall. The program has a two-stage process: 1) heightened voluntary conservation alert and 2) a mandatory rationing. District staff is contemplating a recommendation that the Board issue a heightened voluntary conservation alert due the steady increase in consumption during a very low rainfall year. However, it seems the program should be revised to reflect current conditions. After a brief discussion, staff was instructed to include an item on the June meeting agenda for the Board to consider possible revisions to the program/issuing an alert with the benefit of another month of consumption data.

7. Limited Water Use Permits Issued Pursuant to BCPUD Resolution 173: *Potential Amendment to Enhance Enforcement Procedures.*

Director Smith said that the current process for identifying Limited Water Use Permit (“LWUP”) violations allows too much time for the customer to exceed the terms of the permit and use more water than authorized. As such, he would like to revise district procedures to address the high usages on a timelier basis. Specifically, director Smith suggested that the district send out a warning letter immediately following the first quarter of exceedance (rather than waiting until after a second quarter has passed) and require the customer to send in a monthly meter read report thereafter so that compliance can be tracked more closely by the district. Director Comstock agreed that some customers are not taking their high water use seriously and said he feels that particularly in light of a possible water shortage in the near future, the district should address permit violations sooner than the current process allows. Director Comstock agreed with director Smith’s suggestion to require monthly readings from customers who exceed their LWUP terms after one quarter and follow up with appropriate action if they do not send in their readings or they continue to have high usage. Following further discussion, the Board directed staff to consult with legal counsel about how the district can best improve its LWUP enforcement process.

8. BCPUD Resolution 553 (re: Financial Relief from Quarterly Water Bills): *Potential Amendment to Eliminate the Option of “100%” Relief for Extraordinary Water Losses.*

Director Comstock stated that when a customer comes to the Board to request financial relief from a high bill due to a leak, he believes the customer should shoulder some of the responsibility for the leak that occurred at their property. As such, he said the Board should amend the resolution so that it never grants complete (or 100%) financial relief from a quarterly water bill. Discussion ensued about the amount of leak relief the Board should grant in various circumstances. Director Godino said she believes the Board is empowered at any time not to grant complete financial relief and suggested an amendment to the resolution may not be necessary. Director Comstock said he agrees, but when he brought this issue up at a recent meeting in connection with a specific request for financial relief, he was told by other Board members that a change in precedent like this would require specific Board action to amend the resolution. After further discussion, staff was directed to work on language to amend Resolution 553 to provide that no more than 90% relief may be given to a customer requesting financial relief from a quarterly metered water bill and to include an item for the Board to consider that language on the regular Board meeting agenda for June.

9. Update on the BCPUD’s Fiscal Year 2020-21 Draft Budget and Five-Year Capital Improvement Plan 2020-25; *Customer Mailer with Draft Budget.*

Staff reported that the Finance Committee met the prior day to review the draft FY 2020-21 budget and recommends that the Board approve sending a mailer to all customers to explain the proposed budget. Staff noted that a Proposition 218 notice is not required because the district is not proposing to increase any service charges. If approved by the Board, the mailer will be sent out to all customers next week.

Director Smith offered several clarifying edits to the mailer. Director Comstock noted that the budget reflects the fact that the General Manager voluntarily declined an increase in compensation for the upcoming fiscal year in order to more easily balance the FY 2020-21 budget and allow other staff to receive a 3.5% pay increase. The Board members thanked the General Manager.

Director Comstock emphasized with regard to the Five-Year Capital Improvement Plan (“CIP”) that while the district proposes in the FY 2020-21 budget to slow its collection of funds for capital improvement projects to a certain extent in light of the Coronavirus pandemic and its financial consequences on district customers, that does not mean the district’s plan to install those projects has wavered. He said it is important for the district to stay focused on those projects and install them as operational circumstances permit; due to the press of regular business, it generally is not possible for the district’s small staff to install more than one capital improvement project at a time. He argued that if staff is ready to install a specific project for which the funds have not yet been fully collected, the Board should not hesitate to authorize the use of reserves or entering into a loan for the needed funds to ensure the district stays on pace with regard to the improvement, repair and maintenance of its infrastructure.

D. Smith/V. Amoroso all in favor to approve the customer mailer with the FY 2020-21 draft budget, as clarified.

10. Fiscal Year 2020-21 Memorandum of Understanding re: Compensation and Benefits between the BCPUD Board of Directors and BCPUD Employees.

Director Siedman said the Personnel Committee met with staff regarding the FY 2020-21 Memorandum of Understanding (“MOU”) and negotiated the terms reflected in the document. In general, staff will receive a 3.5% in their hourly wage, cell phone reimbursement will be increased from \$43 to \$50 per month, and standby pay will increase from \$55 to \$57 per shift.

G. Godino/D. Smith all in favor to approve the Fiscal Year 2020-21 Memorandum of Understanding.

11. BCPUD Resolution 672: Proposing an Election Be Held In Its Jurisdiction on November 3, 2020; Requesting the Board of Supervisors to Consolidate With Any Other Election Conducted On Said Date; and Requesting Election Services by the Marin County Elections Department.

Staff said there are two seats on the BCPUD Board up for election this year – namely, the seats currently held by directors Amoroso and Smith. The nomination filing period begins on July 13, 2020 and runs through August 7, 2020; if all incumbents do not file for reelection, the nomination period will be extended for non-incumbents only until August 12th. The district will be post notices on NextDoor and in the Hearsay News about the election in the near future.

V. Amoroso/L. Comstock all in favor to approve BCPUD Resolution 672.

12. Other Business.

a. Board Committee Reports.

-- Finance: *Minutes of the April 14, 2020 Committee Meeting.*

L. Comstock/V. Amoroso all in favor to approve the minutes of the April 14, 2020 Finance Committee meeting.

-- *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 further to report

-- *Sewer*: Nothing to report

Director Godino reported that there is news to report regarding the West Marin Mosquito Control Coordinating Council in that its agreement with the Sonoma-Marin Mosquito & Vector Control district was renewed at the May 13th district meeting. The Council is seeking new members due to several departures.

b. Minutes of the April 15, 2020 regular Board meeting; Minutes of the May 8, 2020 Special Board meeting.

Directors Smith and Comstock offered clarifying corrections of the minutes of the April 15, 2020 regular Board meeting.

D. Smith/L. Comstock all in favor to approve the minutes of the April 15, 2020 regular Board meeting, as clarified.

Directors Comstock and Smith offered clarifying corrections of the minutes of the May 8, 2020 special Board meeting.

L. Comstock/G. Godino all in favor to approve the minutes of the May 8, 2020 special Board meeting, as clarified.

c. Warrants.

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

d. Scheduling of Next Meeting(s): June 17, 2020.

Staff noted that the district's public hearing on its proposed FY 2020-21 budget will be conducted at this meeting.

9. Adjournment.

9:33 p.m.