

Bolinas Community Public Utility District

A Regular Meeting Of The Board Of Directors

June 17, 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.

Staff reported that district operations have continued as reported last month, with shift operators working largely independently with separate disinfected equipment, masks and gloves as needed, and with staff time focused on essential operations and maintenance. One change to report: as of June 8th the district's administrative assistant is working regularly at the office now; a Plexiglas shield has been installed at her desk in anticipation of when the office will be regularly open to the public. The district offices are now open by appointment only. All Board and committee meetings will continue to be held remotely for the foreseeable future.

The major news of recent weeks in town concerns the tragic fire at 22 Brighton Avenue. The stellar work of the Bolinas Fire Protection District ("BFPD") saved the building from a total loss and contained the fire to that property; winds from earlier in the day (or recent days) could have been a disaster. BCPUD staff mobilized immediately to monitor hydrants, pressure reducing valves and other district infrastructure in the vicinity. Staff acknowledged the leadership of Chief Operator Bill Pierce, as well as the hard work of shift operators Stew Oakander and Andrew Spalding, who worked much of the night under stressful conditions. The following morning, this same staff was paged to a leak in Wharf Road near the lift station which may or may not be related to the fire suppression efforts. The leak occurred at the site of a decades-old repair (pre-1984) of the water main. Staff called Piazza Construction and a crew arrived within hours on an emergency basis to excavate the site and install the repair; water service was stored to affected customers by 2:00 pm that day. Staff directed the Board's attention to an invoice from Piazza Construction for the work performed: \$5,175.90; however, this does not include paving restoration costs, which may be significant. Staff noted that the fire and leak combined resulted in a water loss of approximately 50,000 gallons.

The County of Marin's Election's Department is gearing up for the November 2020 election; the BCPUD has provided all required documentation, including a copy of Resolution 672 (authorizing the election in its jurisdiction) and an updated Board roster. A question did arise about whether the district needs to approve a revised jurisdictional boundary map in light of the annexation of 276 Mesa Road in to the district boundary; the County has confirmed that is not necessary. Staff prepared an elections announcement to run in The Hearsay News and on Nextdoor, and inquired if the Board had any comments. Director Siedman asked director Amoroso if he is prepared to say whether he is going to run for another term; director Amoroso said he is not prepared to declare his intentions at this time. Staff noted that the period to declare candidacy opens on July 13th and closes on August 7th; if either of the incumbents whose terms are expiring do not run for another term, the filing period for non-incumbents *only* is extended to August 12, 2020.

Staff reported that the district has experienced a setback on the Woodrat Reservoir Rehabilitation project. After an initial very positive set of data indicating that the dissolved oxygen levels in the reservoir were rising after the nanobubble unit was installed, more recent data from the remote monitoring system shows a decline in dissolved oxygen, although it remains above 0 (which is where the levels were before the unit was installed). The district's limnology consultant, Eli Kersh, and representatives from Moleaer made a site visit and diagnosed a problem with the nanobubble unit; analysis confirmed the unit was working at only 65-70% of specification for a variety of reasons, including a temporary power outage after which the unit's compressor did not restart. Moleaer is committed to remedying the situation and plans to submit a proposal to extend the pilot program, which may include an option to lease rather than purchase the unit. At this point, the district continues to see water quality improvements in the reservoir water, but not as significant as when the nanobubble unit initially was installed. Staff directed the

Board's attention to an article in the Board binders about the beneficial impact of hypo limnetic oxygenation, which was provided by Eli Kersh.

The East Tank Rehabilitation Project is not yet complete because the exterior coating of the tank has not yet been accepted by the district. The district's inspector will be on-site next Thursday, June 25th to fully inspect the exterior and will also inspect the exterior of the West Tank at that time. A representative of the paint company will also participate in the inspection. Following this inspection, which will be fully documented by the district's engineer, staff anticipates another on-site meeting with the contractor and painting subcontractor after the July 4th weekend to discuss and agree upon the work needed to complete the job.

With regard to overall water operations, staff has been extremely busy dealing with the increase in water consumption in the district that has occurred over the last several weeks, beginning with Memorial Day weekend. Prior to the Memorial Day weekend, consumption was averaging less than 150 gallons per day per connection; at present, consumption is averaging about 205 gallons per day per connection. On occasion, consumption has exceeded 250 gallons per day per connection. While it is not unusual for consumption to increase in the summer months, an early and sustained increase like this following an unusually dry winter is worrisome, particularly given that several of the district's historically highest water users are not operating due to the Coronavirus pandemic, but will resume operations as soon as it is safe/permissible to do so. Staff noted that the district's licenses allow for the diversion of an average of 100,000 gallons per day from the Arroyo Hondo Creek over the course of the calendar year; however, consumption throughout the district is averaging approximately 120,000 gallons per day at the present time, so the district has turned to its emergency back-up reservoirs to supply the difference. Staff reported that the treatment plant currently is diverting close to 100,000 gallons per day from the creek via three filters and approximately 30,000 gallons per day from the reservoir via one filter.

Staff issued a water conservation notice to the community via Nextdoor, the Hearsay News and flyers around town following the Memorial Day weekend. Staff noticed that some comments posted on Nextdoor in response to the notice suggested that specific subgroups in town are responsible for the increase in usage; accordingly, staff resolved to read all meters to obtain the factual data needed to determine where high water use is occurring. Staff found that 360 customers, or approximately 2/3 of the district's customer base, used more water in May 2020 than they did, on average, over the last year – in other words, the increase in water usage is widespread across the district.

Director Comstock said the data supplied by staff is very interesting; while staff noted the usage across the bottom of the customer base, in his view, the data is more interesting at the top of the customer base insofar as it indicates that about half of the excess water use is attributable to about 10% of the district's customers. Director Smith said this data confirms an analysis he did earlier in the year which demonstrated that a small number of customers use an enormously disproportionate amount of the district's water. Director Siedman asked if staff is calling these particular high users to urge them to conserve. Staff said yes, the customers who used more than four times their average usage all have been called and two of those customers discovered significant leaks at their property (more than 1,000 gallons per day). If the Board decides to trigger a heightened water conservation alert at tonight's meeting, staff plans to also issue letters to all customers within specific levels of usage to urge them to immediately reduce their water usage by more than 20%.

In response to a request from director Comstock, staff analyzed how many customers are using more than 224 gallons per day, which is the amount of water typically permitted by the Board per the limited water use permit process: in May, 173 of the district's 587 customers used more than 224 gallons per day of water. Staff said that while there are many possible explanations for the increase in usage, including but not limited to the Coronavirus imposed shelter-in-place requirements, those requirements have been in place since March and the district did not experience the current increase in water consumption until Memorial Day weekend, which coincided with the onset of warm weather. Staff said this data suggests the increase in use may be primarily due to outdoor watering. In any event, whatever the cause of the increase, staff will continue to read meters every month and continue its education and outreach efforts with customers to encourage conservation. The Board deferred further discussion on this topic until later on the agenda (Item 10).

In addition to all of the meter reading and standard operational duties, staff also was very busy this month with repairs at the water treatment plant and also responding to hundreds of USANorth notices as PG&E is inspecting all of their poles in town. Staff expressed appreciation to the field staff for all of their work in recent weeks, and to Belle Wood for the extra work she has been doing to enter and organize a large amount of extra customer data.

As for rainfall during the 2019-20 rain year, staff reported that the district received 1.7 inches of rain in May, bringing the annual total to 22.7 inches of rain, which is less than half of the rain received the prior rain year and approximately 2/3 of the district's normal annual rainfall.

Staff reported that a subcommittee of the Alliance of Coastal Marin Villages ("ACMV") met recently via Zoom with staff from the County of Marin's Community Development Agency ("CDA") to discuss

the possible resumption of negotiations between CDA staff and staff from the California Coastal Commission (“CCC”) concerning the Environmental Hazards Chapter of the County’s Local Coastal Plan (“LCP”). The ACMV raised the topic out of concern about a possible lack of notice of any such negotiations in light of the CCC’s recent adoption of the “principles of aligned state action” on sea level rise which was done without any advance notice (the topic was added to the CCC meeting agenda at the last minute) or public input. The ACMV wants to be sure the local coastal communities are alerted well ahead of time if negotiations over the Environmental Hazards chapter are going to resume; the LCP update process has been stalled since 2016 due to disagreements between CDA and CCC staff over issues in this chapter. The ACMV has process concerns about how those negotiations have occurred thus far, as well as substantive concerns about specific provisions in the Environmental Hazards chapters. The ACMV has discussed a possible education and outreach strategy to conduct in the coastal communities of Marin to ensure residents are aware of the importance of the LCP update and why they should care about how this document in its entirety, but particularly the Environmental Hazards chapter, will affect them so that they can participate in the process.

The Board reviewed correspondence sent and received since the last regular meeting, including a notification concerning the County’s “Bolinás Lagoon North End Project”, which includes the removal of the so-called “cross-over” road from Highway 1 to Olema-Bolinás Road. It appears that this project is now pending as the BCPUD has been asked to identify any utilities in the area. Director Comstock asked if anyone from Bolinás has had any interaction with the County on the design of the new intersection at Highway 1 and Olema-Bolinás once the cross-over road is removed as it has the potential to be very hazardous if it is not redesigned. The Board asked staff to follow-up with the project planner at the County of Marin for an update on this aspect of the project. Finally, the Board received several sets of minutes from the BCPUD’s Resident Permit Parking Committee, as well as a copy of its “vision statement”.

4. Public Hearing: Draft Fiscal Year 2020-21 District Budget.

Director Siedman opened the public hearing on the district’s draft FY 2020-21 budget and asked if there was any comment; no public comment was offered and the public hearing was closed.

Staff reported that one change has been made to the draft budget since the Board reviewed it at last month’s regular Board meeting. Specifically, when staff reviewed the district’s FY 2019-20 third quarter financial statements, staff noted the district is over-budget on worker’s compensation expenditures: the district has expended \$26,333.97 in such expenditures to date whereas \$16,800.00 was budgeted, with one quarter of payments still to go. Staff investigated and conferred with the finance manager at the district’s insurance authority, ACWA-JPIA. The finance manager confirmed that the district’s “experience modification factor” went from just over 1.0 to 2.08 because the district experienced three claims in the last 3-year window, two of which were large claims in 2018, so the district’s experience modification factor will be high again next year. Staff therefore made an adjustment for this in the draft FY 2020-21 budget which resulted in a \$24,612 increase in worker’s compensation insurance expenses; staff therefore adjusted the district’s anticipated tax revenues to cover the anticipated expenditure and present a balanced budget. (Staff commented that the increase in budgeted tax revenue is consistent with current year tax revenue received to date; staff previously had lowered the FY 2020-21 budgeted tax revenue due to concern about the pandemic’s impact).

5. Community Expression.

Kevin McElroy said he lives on Altura Road on the Little Mesa and he has noticed that customers frequently come to the Board to seek financial relief from their quarterly water bills for water losses due to leaks. He inquired if the district has experience with leak detectors such as those made by “Flume”, which affix to a customer’s water meter and can provide data directly to customers about their water use. He suggested the district could inform customers about these devices and encourage their use (and perhaps even subsidize them), particularly in light of the current water supply shortage and heightened water conservation alert. Director Smith said he has been researching such devices and agrees they could be appropriate for the district; he pledged to research this specific device. Staff said preliminary research on the Flume device indicates they are intended for East Coast water meters which typically are in home basements where the plumbing is readily accessible (rather than in the ground, like the BCPUD meters); that said, staff has more research to do and is very much in favor of anything that can provide customers with more information about their water use (particularly leaks, which otherwise can go undetected).

Alicia Gamez commented that she finds the teleconference Board meetings to be very helpful and that they facilitate public participation.

6. Request for Financial Relief from Quarterly Metered Water Bill pursuant to BCPUD Resolution 553 – 42 Wharf Road (R. Setrakian).

Staff reported that this customer experienced a significant water loss at his property during the last quarter in 2018 and the first quarter of 2019 (which was a wet winter); at the same time, he also had a problem with his sewer lateral. Staff notified him about the leak at the end of December 2018; it was repaired by March 6,

2019. The total loss was nearly 20,000 cubic feet. Director Smith inquired why it took so long for this customer to request financial relief. Staff said the district repeatedly billed him for the water and then, most recently, advised the customer that but-for the Coronavirus pandemic the water would be shut off to this property (under the emergency state order, utilities cannot shut off water due to nonpayment of bills) and stated that the bill is long overdue and should be paid prior to the end of the fiscal year (June 30). This prompted a response by the customer, who explained there are serious medical issues in the family which is why he hasn't responded; he then submitted the relief request. Director Comstock noted the sewer lateral problem at the same property and asked if the customer was cooperative with the district's request for a prompt repair; staff said yes, he was. Director Smith said record shows that the leak (a blind leak) was very difficult to find and he recommends 90% relief.

D. Smith/V. Amoroso all in favor to forgive 90% of the amount of the bill attributable to the leak as determined by the historical water use at this property during the same quarter during the last three years.

7. Request to Remove Hazardous Tree in Marin Way near the intersection with Rafael Avenue (R. Rush).

Staff reported that Randy Rush spoke to one of the district's Shift Operators on May 18th and said that a tree branch had snapped off of a tree in Marin Way and fell onto his deer fence. Evidently the tree was planted in Marin Way many years ago by the neighbors across the street; Randy believes the BCPUD is responsible for trees in the right-of-way and would like the tree to be removed as it is hazardous. Staff spoke with Randy Rush and explained that per BCPUD Ordinance 30, the BCPUD does not have jurisdiction over rights-of-way in Bolinas that are not on the Gridded Mesa. At the May Board meeting, the Board agreed to agendaize this request for discussion as it had been submitted under Community Expression. Discussion ensued and the directors noted Marin Way is a private road, whereas the roads on the Gridded Mesa are publicly-enforceable easements and BCPUD Ordinance 30 is applicable to those easements/roads. Directors Amoroso and Godino both said they were approached by residents of Marin Way who were opposed to the removal of the tree. Director Siedman expressed concern about the precedent of getting the district involved in tree removal projects not on the Gridded Mesa. Director Siedman asked if any director on the Board wished to make a motion with regard to this request; hearing none, director Siedman asked staff to so advise Randy Rush.

8. Update re 100 Brighton Avenue Seawall Repair Project: *California Coastal Commission Permit Hearing Postponed to July 8 – 11, 2020.*

Staff reported that at the June 2020 California Coastal Commission ("CCC") meeting, Coastal staff postponed the hearing on the 100 Brighton seawall repair permit application until the CCC's July 2020 meeting. In response to a question at the CCC June 2020 meeting from Commissioner Rice, Coastal staff said the reason for the postponement was to work with co-applicants (AMJT Capital and BCPUD) to narrow the scope of issues in dispute and to reach out to the community. Encouraged, AMJT Capital and BCPUD immediately emailed Coastal staff to suggest a meeting; Coastal staff responded with an email saying they have "firm grasp" of the applicants' concerns and there has been no mention of a call or remote meeting to discuss permit terms (i.e., some of the special conditions that are problematic for the applicants). As such, it isn't entirely clear what might happen prior to the July meeting. Today there was an exchange of emails in which Coastal staff inquired about what AMJT Capital is paying for with regard to the project and some detail about how the public can remotely participate in the meeting. AMJT Capital and the BCPUD continue to be concerned about the remote hearing process and the ability of the public to comment live. Some video testimonials have been prepared and the applicants are working to ensure they will be played at the hearing. Kirsten Walker is heading up the effort to get the word out in the community about how to express support for the project and/or participate in the hearing. Staff noted that Supervisor Rodoni submitted another letter of support for the project on June 8th.

9. Bolinas Community Land Trust's On-Site Wastewater Treatment Systems (aka Septic Systems) Pilot Project: *Proposal for BCPUD to Serve as Managing Entity.*

Director Smith said he has been working to try and convince the Environmental Health Services ("EHS") Department at the County to allow a pilot septic project for nearly a decade for homeowners seeking to legalize or build second units. Now, the Bolinas Community Land Trust ("BCLT") and its wastewater engineer Noadiah Eckman have put together a specific proposal for EHS to consider whereby BCLT would run the pilot project and BCPUD's responsibility would be limited to monitoring and enforcing water use limits. EHS did not realize that the BCPUD has the authority to limit water use; the Regional Water Quality Control Board ("RWCQB") is also being consulted and is interested in the proposal. In response to a question from director Siedman, director Smith said he endorses the concept of the BCPUD serving as managing entity for the pilot program. He noted that the proposal needs more work before it is submitted, but he can work with BCLT and its consultants to make corrections. In response to a question from director Amoroso, director Smith said 20 properties would be in the pilot program.

Sean Kennings, of LAK planning consultants, appeared on behalf of the BCLT and confirmed that he has been in discussions with EHS and the RWQCB and it is clear they don't fully understand BCPUD's ability to limit and enforce water use restrictions. For those entities, if they are going to approve an alternative system for new or existing developments, they want to ensure there won't be an overload of that system via too much water. He noted that EHS may require some sort of telemetric monitoring alarm on the septic system and a commitment from the BCPUD for enforcement accountability.

Director Smith requested that the BCPUD approve the proposal for BCPUD to serve as the managing entity for the pilot project, subject to satisfactorily working out all details with the BCLT, EHS and RWQCB; he pledged not to over-commit BCPUD staff time. He noted that one of the biggest impediments to building second units are the County's septic upgrade requirements, yet second units are the town's best potential source of affordable housing; as such, he thinks the pilot program truly is in the public's interest. Director Comstock said his reading of the proposal places responsibility for management on the BCLT and the BCPUD's role is really the managing of the water; director Smith concurred. Sean Kennings cautioned that the proposal needs to be structured (for EHS's purposes) so that the BCLT is not "policing itself" – BCPUD will need to have an enforcement role as the local government authority.

After some further discussion, director Smith proposed that the BCPUD agree to serve as managing entity for the BCLT's pilot septic program. Director Comstock seconded the motion. In response to a question from director Amoroso, director Smith explained that the BCPUD will monitor water use at the properties participating in the pilot program, consistent with the district's limited water use permit process. Director Comstock asked for clarification as to whether the participants in the pilot septic program will be required to apply for a limited water use permit from the BCPUD as a condition of their participation in the program. Director Smith said yes, they will, although there may be some variances about the amount of water to be approved on a site-specific basis.

Alicia Gamez asked if there are protections in place for the water moratorium in this pilot program. Director Smith explained that no new water meters are being created by the program; he said essentially the limited water use permit process would be extended to properties participating in the pilot program. Ms. Gamez said she does not understand how it is that the BCPUD can authorize more water use. Directors Godino and Smith said that is not the case. Director Siedman explained that the moratorium places a cap on the water meters that could be issued; here, the pilot program will place a cap on how much water specific properties with water meters can use. As such, it is another control and restriction on how much water someone can use, so it supports the goals of the moratorium. Ms. Gamez asked if under the existing moratorium someone with a water meter could run a fountain all day long. Director Smith said that if the property is not under a limited water use permit, that is theoretically possible, but it would be very expensive. Director Godino noted the community also is highly educated about the limited nature of the district's water supply and the implications of a dry year, such as the current year, and whether or not someone has an official cap on their water use, the district discourages water waste in every possible way.

Janine Aroyan commented that she was called to a property this evening where the septic alarm was going off and she phoned the septic repair person, who is out of town for a couple of days. She was advised to shut off the system; as such, the homeowner cannot use the house for a couple of days. As such, this could impose more responsibilities on BCPUD staff than might be anticipated. Director Smith thanked her for the comment and said he would work to ensure that BCPUD staff is not overly burdened. Director Comstock noted that the details of BCPUD's involvement still need to be worked out – accordingly, the decision tonight is a general commitment, not approval of a specific proposal. Sean Kennings said that the main goal tonight is to secure the BCPUD's willingness to partner with the BCLT. The specific proposal still needs to be finalized and the BCPUD will have a direct role in the details; it then will be presented to EHS and RWQCB.

D. Smith/L. Comstock all in favor approving a proposal that BCPUD serve as the managing entity of the BCLT's pilot septic program.

10. BCPUD's Water Conservation and Dry Year Water Use Reduction Program: *Amendment to Criteria Triggering Heightened Conservation Alert Stage and Mandatory Rationing Alert Stage.*

Staff requested the Board include this item on the agenda because staff is very concerned about the status of water consumption in the district at this time. There has been a sustained increase in consumption throughout town since the Memorial Day weekend. Staff reminded the Board that back in 2009, the district developed its Water Conservation and Dry Year Water Use Reduction Program (the "Program") which sets out specific "triggers" to prompt heightened conservation or rationing during a dry year (such as the current year), based on specific information about consumption and water supply (i.e., flows in the Arroyo Hondo Creek and levels in the district's two reservoirs). Staff recommends that the Board amend the Program to add an additional trigger for a heightened water conservation alert; specifically, when staff determines it is necessary to transfer water from the Woodrat #2 reservoir to the Woodrat #1 reservoir. This action is important because it means staff is contemplating that the district will need sustained use of the Woodrat #1 reservoir to meet district demand, which has not happened for more than 10 years. The reason the water

needs to be transferred from Woodrat #2 to Woodrat #1 is because the district can only divert from Woodrat #1 into its treatment plant and the levels in that reservoir need to remain high for water quality purposes (and for precautionary reasons, in the event the ability to transfer water becomes compromised). In addition, staff recommends adding language about the need to have sufficient water available for fire-fighting purposes in the Program. Finally, staff recommends that the Program not dictate the specific percentage reduction in water consumption to be implemented in favor of more flexible language based on the facts and circumstances at the time.

Director Comstock said he has a lot of comments. He said he agrees that this subject is very timely and appropriate for discussion by the Board at this time; the Board should be keenly focused on demand and supply of water in the district, and what to do when the district has a problem, as it does right now. As for the criteria in the Program, there are three criteria and any one of them constitutes a trigger for a heightened water conservation alert. He noted that the third criteria grants the Board broad authority to assess circumstances, which is very important, especially when demand for water is high and at specific points in time in the year. Director Comstock expressed concern that the second criteria -- 10 million gallons or less in the reservoir -- may not be sufficiently aggressive; he asked if the total reservoir capacity is approximately 16 million gallons. Staff said Woodrat Reservoir #1 has an as-built capacity of 26 acre feet, 24 acre feet of which are usable, which translates to a capacity of 8,640,000 gallons. Woodrat Reservoir #2 has a 30 acre feet as built capacity, or 28 usable acre feet of water, which is 10,080,000 gallons. As such, the combined reservoir capacity is approximately 18,700,000 gallons of water. Director Comstock said he feels that the district should not "wait" until the reservoir capacity is down to 10 million gallons before taking action with regard to conservation.

Director Comstock also provided comments about what the district should do once it decides it needs to trigger a heightened water conservation alert. He said that many districts start with voluntary conservation and proceed to mandatory rationing -- he notes this process penalizes those who are the most conservative in water use and rewards profligate users because it usually requires the same percentage reduction in use of all customers. He advocated that the district initially should focus on the highest water users and impose a specific gallon per day reduction when it is at the outset of a water supply crisis. He suggested the district implement something like a limited water use permit on the highest water users in times such as the present, with rising demand so early in the year, low rainfall the prior winter and reduced surface water supplies. He noted that doing so would be an intermediate, targeted form of mandatory rationing. In addition, all other customers should have a specific reduction in water usage they should be asked to accomplish. He asked if staff has identified what water usage is sustainable for the district until the rains resume. Staff said consumption needs to come down by about 20-30% to 100,000 gallons per day across the district, which is 170 gallons per day per property.

Staff reminded the Board that mandatory rationing requires a tremendous amount of staff time to enforce specific limits and urged that the district begin with a heightened voluntary call for conservation, noting that the community has always responded well to such calls. Staff also will send letters out to the highest users to explain how their usage compares to the community average and requesting that they do more since their usage disproportionately impacts supply. Director Smith said this year appears to be different than years past in that consumption spiked up on Memorial Day weekend and has not really come down in response to the district's initial notification. Staff agreed, but said staff had paused its outreach effort to gather more data once comments on social media started blaming specific sub-groups for excessive water use. The data confirms that the increased water usage is system-wide and that *everyone* needs to do their part. Staff suspects most of the increased water use is for landscaping throughout town and that usage really needs to be reined in. Director Smith said he will try and quantify the amount of water remaining in the creek and reservoirs to assist the staff in targeting specific consumption reduction levels needed if staff can provide the necessary data; after a brief discussion about the data needed, staff agreed to compile it.

Discussion ensued about potential additional revisions to the program and whether specific percentage reductions in water use should be set forth in the document. Director Godino said she appreciates the flexibility of the current document; director Smith said he likes the idea of a cap on highest water users since an overall percentage reduction on all customers punishes the most conservative users. After further discussion, director Siedman suggested the Board defer any more changes (other than those set forth in the amended document in the Board binders) to provide sufficient time for the directors to evaluate potential revisions more thoroughly. Director Comstock said he is concerned that current water usage is out of control in town and does not want to delay action tonight.

Director Siedman agreed that the Board should take action tonight; director Amoroso concurred. Director Smith said the district should write letters to all customers using more than 224 gallons per day to reduce usage to that level and the Board should then review their usage after two weeks to decide whether a mandatory rationing stage is needed. Director Comstock favors a trigger of the heightened voluntary conservation alert tonight, with those using more than 224 gallons per day asked to reduce to that level, with everyone else asked to reduce usage by 10%; he said customers should be clearly advised that mandatory rationing may be necessary this year if consumption in town does not decrease. Director Godino said she favors action tonight and generally agrees with the approach outlined by director Comstock and Smith.

Staff recommended the Board adopt the proposed amendments to the Program tonight, trigger a heightened conservation alert with a general request for conservation across the community, and then regroup in two weeks when the June consumption data will be available. Staff noted that 173 customers are using more than 250 gallons per day at the present time, so that will require a lot of letters; this more targeted approach can be implemented once the district has more data after the end of June. Staff recommends initially targeting customers using 4 times or more the average water use in town with individual communications (calls or emails or letters) immediately. Director Comstock said the heightened alert needs to emphasize the urgent need to conserve immediately. After further discussion, the Board agreed to trigger a heightened voluntary conservation alert, with the amendments proposed by staff, with further modifications to be made by the Board if necessary as additional data about water demand and supply becomes available.

G. Godino/V. Amoroso all in favor to amend the district's Water Conservation and Dry Year Water Use Reduction Program as revised by staff and trigger a heightened water conservation alert.

11. Limited Water Use Permits Issued Pursuant to BCPUD Resolution 173: *Enhancement of Enforcement Procedures.*

Staff conferred with counsel about whether the district can enhance its enforcement procedures without amending BCPUD Resolution 173 (aka the "moratorium resolution"); specifically, whether the district can expedite its approach to the enforcement of limited water use permit procedures. At the present time, the district implements an enforcement policy whereby customers receive an initial "notice of non-compliance" when their average water use over two quarters exceeds the maximum quarterly water use limit set out in their limited water use permit. Then, if the customer does not bring down their water use sufficiently, they received a "second notice of non-compliance" after the next quarter and are called before the Board. As such, three quarters of excessive average water use have transpired before the Board conducts a non-compliance hearing. Staff and counsel discussed a revised enforcement approach whereby an initial letter of noncompliance would be issued to the customer after the *first* quarter in which the customer exceeds the quarterly water use limit and, if they do not reduce water sufficiently by the next quarter, the second notice of non-compliance would issue at that time which would be then be considered by the Board. In other words, the district would compress its enforcement process by a full quarter.

Director Smith noted this would still require six months before the Board could take action with regard to excessive water use at a public meeting; staff concurred, pointing to the language in BCPUD Resolution 173 which targets average water use over two quarters. Director Smith inquired if legal counsel considered whether the district can change the language of BCPUD Resolution 173; staff said this likely is possible, but staff had thought the Board preferred to first revise its enforcement approach within the confines of the current language in the resolution, without amending the underlying resolution, if possible. Director Smith said he would like the district to receive legal advice as to how short the "violation period" can be before the Board takes action; he does not want six months of overuse to transpire before the Board acts. Staff will consult further with counsel on this point; staff noted that the 60-day notice of termination of water service still applies in any event due to applicable state law.

Director Comstock said he understood from prior Board discussions that the Board would like to amend its policies to enforce the terms of limited water use permits after one quarter in violation; this is a separate question from whether the district would terminate water service. After one quarter in violation, the Board would so notify the customer and place that customer on a one-month reporting schedule through the next quarter so that the district can monitor whether the customer has responded to the violation notice and reduced their water use. If the customers has not done so, the question becomes one of a remedy: will the Board then proceed with termination of service proceedings, or are there additional/other remedies to impose, such as requiring water flow reducers? He noted that the same set of enforcement considerations will come into play if the district has to impose mandatory rationing limits on all customers as a result of the current drought.

Director Smith said he believes BCPUD Resolution 173 will need to be amended, in paragraph 6, to state that permits are subject to revocation if water use exceeds the permit limit for whatever minimum time the district is entitled to impose. After further discussion, director Siedman said it seems that the Board is not yet ready to vote on revisions to the enforcement letters as presented in the Board books. The Board continued the agenda item to the next regularly scheduled Board meeting (or a special meeting, if needed) to allow for further consideration and consultation with legal counsel. Directors Comstock and Smith volunteered to work further with staff on this matter.

12. BCPUD Resolution 553 (re: Financial Relief from Quarterly Water Bills): *Amendment to Cap Financial Relief at 90% of the Amount of the Bill Attributable to the Water Leak.*

Director Comstock noted the Board agreed at the last meeting to consider this amendment and staff has prepared an amendment to BCPUD Resolution 553 which achieves the objective of capping the amount of financial relief from quarterly water bills the Board can grant for water losses due to leaks at 90%, effectively eliminating the option of "100% "or complete relief given the impact of such water losses on the district's water supply and distribution systems. Director Smith noted there is nothing sacred about a particular percentage of financial relief from bills and questioned whether they should be enshrined in the resolution. Director Siedman said the proposed amendment codifies the Board's past practice of granting 25% or 50% or

75% relief, but caps any relief granted at 90%; he acknowledged that it does remove flexibility for the Board going forward. Director Smith suggested perhaps the language simply should state that financial relief shall not exceed 90%, without mandating other specific relief percentages. Discussion ensued with the other directors agreeing with Director Smith's suggested approach.

D. Smith/L. Comstock all in favor to amend BCPUD Resolution 553 to cap financial relief from quarterly water bills at 90% of the amount of the bill attributable to the water leak.

13. BCPUD Resolution 673: Joining Other Bolinas Agencies in Requesting County Leadership and Funding for Services to Assist the Unhoused and to Reduce Visitor Impacts on Downtown Bolinas.

Director Smith explained that he was asked to put this item on the agenda by the Bolinas Community Coastal Alliance ("BCCA") because, after learning of director Smith's suggestion that a shower be installed at the downtown park for use by the unhoused, the BCCA convened a meeting of the various agencies in town to advocate for a portable rather than permanent shower for this purpose in town. Director Smith said he still prefers a permanent installation, but as the BCPUD representative on the coalition of agencies, he recommends the BCPUD adopt the language of BCPUD Resolution 673 because the BCCA feels it is important to have a unified message from the town's agencies to advocate for portable showers for the unhoused, among other things. Director Amoroso asked if permanent showers would impact BCPUD's water supply. Director Smith noted that Sam's House (before its recent closure) historically offered showers once a week for the unhoused and served 6-8 people for timed showers, with very little impact on overall water use at this location. That said, this resolution supports a request for portable showers. Director Comstock expressed support for the resolution and moved the Board support it.

Director Godino asked about the reference to Mesa Road in the resolution – do the agencies envision the showers might be at Mesa Park? Director Smith said yes, the BCCA does not want the showers to be downtown. Director Godino pointed to the language in the proposed resolution supporting a request for a campground location in Bolinas to be identified and operated; she said she supports the concept of showers for the unhoused, but the resolution says a lot more than that insofar as it addresses campgrounds. Janine Aroyan requested that the Board post the resolution on the BCPUD's website; she said she does not think the community will oppose portable showers, but there are questions about water use and disposal. Staff agreed to do so. Director Smith said the water use and disposal questions will need to be answered.

Director Siedman said it does not seem the Board is ready to vote on the proposed resolution. Director Smith said the BCPUD would not be signing up for anything specific by passing this resolution other than asking the County to assign someone to work with the agencies on the portable showers and campground issues; he said he strongly suspects the campground is a non-starter due to water and wastewater disposal constraints. He feels a sense of urgency to get a process moving for showers because Sam's House closed last October and the unhoused who had been using those showers have not had reliable access to showers since that time. He urged the Board to consider passing the resolution tonight to keep momentum going for some form of showers. Discussion continued and director Siedman said it seems the Board generally supports the concept of showers for the unhoused, but the campground issue is not garnering such support. Director Smith said the other agencies were very insistent that all agencies needed to approve the same language; director Siedman said the BCPUD does not have to support the same language as the other agencies if it isn't acceptable to the Board. Director Smith suggested striking the provision in the resolution relating to identifying and operating a campground, which is subsection 4; director Siedman said he would support that approach.

D. Smith/L. Comstock three in favor, directors Amoroso and Godino abstaining to approve Resolution 673 with the deletion of subsection 4 pertaining to campgrounds.

14. Other Business.

a. Board Committee Reports.

-- Finance: *Engagement Letter from R. J. Ricciardi, Inc. for FY 2019-20 Audit; Third Quarter Financial Statements; Minutes of the May 19, 2020 Committee meeting.*

L. Comstock/G. Godino all in favor to approve the engagement letter from R. J. Ricciardi, Inc. for the district's FY 2019-20 audit.

Staff presented the district's third quarter financial statements. As previously noted, the district is over-budget on workers' compensation costs; apart from this, the district is generally on budget.

L. Comstock/D. Smith four in favor, director Amoroso abstaining to approve the minutes of the May 19, 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 to report

-- *Sewer*: Nothing to report

Director Smith inquired about the Volunteer Committee agenda item, which is usually at this point on the agenda. Staff explained that due to the Coronavirus pandemic and the temporary suspension of some of the Brown Act meeting requirements, the Board has been limiting its agenda to essential business only. Director Smith noted that the Resident Permit Parking Committee submitted a vision statement and he wanted to ask if any directors have any comment on that statement. No comments were forthcoming.

- b. Minutes of the May 20, 2020 regular Board meeting; Minutes of the June 2, 2020 Special Board meeting.

Directors Comstock, Smith offered clarifying revisions to the draft minutes of the May 20, 2020 regular Board meeting.

L. Comstock/D. Smith all in favor to approve the minutes of the May 20, 2020 regular Board meeting.

L. Comstock/D. Smith all in favor to approve the minutes of the June 2, 2020 special Board meeting.

- c. Warrants.

Director Comstock inquired about the warrant issued for \$30,500 for “Terrace Avenue water” on the warrant list. Staff explained that was the district’s annual deposit to its account at California Bank & Trust, the district’s fiscal agent, to fund its bi-annual loan repayments to the State Water Resources Control Board for the loan that financed the relocation of the district’s water main off of Terrace Avenue at Surfer’s Overlook.

L. Comstock/V. Amoroso all in favor to approve the warrant list.

- d. Scheduling of Next Meeting(s): July 15, 2020.

15. Adjournment.

10:25 p.m.