

## **Bolinas Community Public Utility District**

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

**September 23, 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.**

#### *- East Tank Rehabilitation Project.*

After several project delays due to the pandemic, the fires, air quality problems and more, the project contractor returned to the site this week to prepare the tank for its final full exterior coating. The district’s quality inspector has been on-site monitoring the work and his inspection reports are in the Board binders. The focus of the final coating work includes rust prevention and the caulking of specific “tight spot” areas. Earlier today, the contractor’s crew applied the final coat of paint to the exterior shell of the tank; tomorrow, the coating of the roof and ladder will be completed. In response to a question from director Amoroso about the project costs to-date, staff said a full project accounting will be forthcoming upon completion of the work and prior to acceptance of the project.

#### *- Irrigation Pump Station Replacement Project.*

As reported last month, this project went out to bid on August 25, 2020. A mandatory pre-bid site meeting was held on September 10, 2020 and six contractors attended. The district’s engineer (Bob Dawyot from Allied Engineers) and Gorman-Rupp representative Dennis Prahm also attended. All attendees walked the project site and a detailed discussion of the project ensued. Numerous questions were raised during the site meeting and district staff has issued addenda to respond in writing to the questions and clarify project requirements. As a result, the bid due date has been extended from September 24, 2020 to October 8, 2020.

#### *- Woodrat Reservoir Rehabilitation Project: Updated Proposal from Moleaer for Purchase of New Nanobubble Unit for Woodrat 1 Reservoir and Retention of Existing Nanobubble Unit for Woodrat 2 Reservoir; Proposal from eLimnology for Monitoring Services at Woodrat Reservoir 2.*

Staff reported that Moleaer is still working on its updated proposal; this item therefore was deferred to a subsequent meeting.

#### *- Update on California Coastal Commission (“CCC”) Permit Decision on July 9, 2020 re: 100 Brighton Avenue Seawall Repair Project.*

Nothing to report at this time.

#### *- Alliance of Coastal Marin Villages.*

The most recently planned meeting of the Alliance of Coastal Marin Villages (“ACMV”) was postponed due to the on-going fire situation in West Marin. Staff referred the Board to materials in the Board binders pertaining to a recent meeting of the “Coastal Community Working Group” or “CCWG”, a separate group convened by the County of Marin; staff attended the meeting the prior evening as BCPUD’s appointed representative. The purposes of the CCWG are set forth in the referenced materials and its primary function is to provide local (coastal Marin) community input on hazard and climate adaptation planning initiatives and projects in West Marin, including the Stinson Beach Nature-Based Adaptation Feasibility Study, the Tomales Bay Living Shoreline Feasibility Study, the Local Coastal Program Environmental Hazards Element and the Stinson Adaptation and Resilience Collaboration Plan. The County presented an overview at last night’s meeting on a multi-year process (through 2024) of West

Marin Adaptation Planning, all of which evidently is grant-funded. Staff will provide regular updates to the Board and community about the CCWG activities.

With regard to general water operations, the most recent quarterly consumption data is in the Board binders. Staff noted a more extensive discussion of water consumption in the district will occur later on the agenda (Item 5), but noted that consumption actually *declined* on the back of Mesa during the most recent quarter, which is the first drop in consumption this year as compared to the same quarter the previous year in quite some time. Staff noted that several notices of noncompliance were sent to customers in violation of the terms of their limited water use permits. Staff also sent out letters to all permit holders to inform them about the new enforcement procedures approved by the Board at the August 26, 2020 Board meeting; these letters have generated quite a few calls to the district from affected customers.

Director Godino complimented staff on the content of the current BCPUD Pipeline Newsletter as it is very informative about the district's limited water supply and the history of the moratorium, among other things.

The staff has been working very hard to manage the water supply and engage in "the art of running the Woodrat Water Treatment Plant" while using all of the district's water supply sources. When the water supply is under stress, as it is right now, staff makes daily trips up the Arroyo Hondo Creek watershed to assess creek flows and then return to the plant to adjust production accordingly. When staff must use reservoir water to supplement the supply from the Arroyo Hondo, that water requires significantly more treatment and the filters must backwash every 20 minutes rather than every hour. In addition to the extra staff time needed at the treatment plant, staff also are reading all meters in town every month right now, so the office can then follow-up with letters alerting customers to high usage and requesting that they improve their conservation efforts.

Staff reminded the Board that a consequence of using the emergency reservoir supply is "color" in water, a yellow or reddish tint, as many who have lived in Bolinas for a while will remember. The district has been receiving complaints about the color of the water in certain areas of town, so staff is responding to each complaint and making assessments. The treated water leaving the district's storage tanks is clear and the chlorine residual is good at the tanks and in the system. Staff is flushing hydrants in the areas where the reports of color seem to be most prevalent and taking samples for testing and analysis. In response to a question from director Godino, staff explained that color is an aesthetic issue that results from the mixing of water sources and reaction with the "biofilm" within the distribution system; in an abundance of caution, staff is taking samples of the discolored water to ensure there are no water quality concerns.

Staff reported that the transfer of a water meter to 276 Mesa Road, newly annexed into the jurisdictional boundaries of the district, has been completed. This property has a limited water use permit with a maximum quarterly water use of 2,700 cubic feet. In other community news, Smiley's Saloon is expected to reopen in October.

On the sewer side of operations, the current flows into the system are averaging about 30,000 gallons per day. At present, staff is not spraying because the wastewater in Pond 3 currently does not meet the applicable standard for land disposal, perhaps due to the low rainfall and the resulting lack of "dilution" in the ponds. That said, the treatment system is in good shape under the circumstances with Pond 2 is empty and with Pond 3 having only about 3 feet of wastewater in it. At the lift station, a rental generator has been installed. It is a new diesel generator that is extremely quiet and has no apparent emissions/smell. Staff will evaluate whether this generator would be a superior option to retrofitting the site for a propane generator.

The district continues to receive complaints from residents about dirt bikes, motorcycles and ATVs in the sprayfields. Staff expressed frustration at the riders' refusal to listen to or obey the instructions of district staff to stay out of the sprayfields. The district will need to install more explicit signage in order for the sheriff to be able to assist with enforcement. Staff has hesitated to involve the sheriff in this matter, but noted many years of efforts to locally educate the young riders and their families about the importance of staying off the sewer pond property; unfortunately, those efforts have not been completely successful. Staff expressed a related concern for the safety of the young riders: one of the employees on the BCPUD's backhoe (which is very heavy and not able to stop suddenly) very nearly missed hitting a dirt bike rider who shot off of an unpaved road and onto Elm Road without even looking for cross traffic. A brief discussion ensued and the directors agreed that signage would be an appropriate next step to facilitate possible enforcement by the sheriff.

Staff reported that the district received a complaint about a fence under construction that is alleged to be within the Alder public right-of-way near Aspen Road. Staff contacted the property owner (who is new to town), who immediately agreed to stop construction of the fence until the Board can evaluate the matter. The new owner had no idea the fence was encroaching into the right-of-way. Staff asked whether the matter should be agendaized for the Board's consideration at the October regular meeting. The Board directed staff to include such an item on the agenda. Director Smith said that perhaps the Board should

revisit its overall policy about encroachments at this time and several directors offered additional comments. After a brief discussion, the Board directed staff to include an item on the next meeting agenda for the Board to more generally discuss the topic of encroachments in the public rights-of-way.

Staff said the district also received a complaint from a property owner who received a bill for water use by a tenant at their property. As it turns out, the tenant left without paying the final bill, even though the office advised the tenant the bill would be forthcoming. The bill therefore was sent to the property owner as the ultimate responsible party. Staff explained that, as a matter of policy, the BCPUD agrees when requested to bill tenants directly for water service as a convenience to the property owners, but the bill ultimately remains the responsibility of the property owner. This system has worked well for many years and it has never happened to staff's knowledge that a property owner has refused to pay a water bill under such circumstances, but the property owner here is balking at doing so. Staff requested guidance from the Board. After a brief discussion, the Board affirmed the district policy that property owners are responsible for water use at their properties that any arrangement they may have with tenants is at their risk as the beneficiary of that arrangement.

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

Director Siedman noted that the Board received two letters from people concerned about the size and scope of the Bolinas Community Land Trust ("BCLT") project at 31 Wharf Road. Janine Aroyan said she believes more letters will be forthcoming and perhaps there will be an opportunity at a future BCPUD meeting for people to submit comments. Arianne Dar said she thought the BCPUD agreed to write a letter for support to the State Water Resources Control Board for the BCLT well to be part of a Community Water System. Director Siedman said the Board is not opposed to this, but did not agree to affirmatively support it.

Janine said she drove downtown today and three BCPUD personnel were flushing hydrants with a huge amount of water; she asked if this is "normal" given the water conservation currently requested at this time of all the customers. Staff explained the water quality from the district's emergency back-up water supply (reservoirs) is very poor and has lots of "color, taste and odor" in it, which is generating complaints from customers. The flushing is necessary to eliminate the poor quality water from the system and reduce the color, taste and odor problems. Staff said the district is trying to minimize the flushing to the minimize the extent needed to improve water quality.

Director Siedman said he would like to take a moment to recognize two long-term community members who recently passed away, both of whom contributed enormously to the town during their time here: Claire Simeone and Michael Satris.

#### **5. Report on Status of Available (Declining) Water Supply; Notice of Special BCPUD Board Meeting on September 30, 2020 at 7:30 p.m. re: Schedule for Mandatory Rationing of Water.**

Staff reported that the district currently is producing approximately 90,000 – 100,000 gallons per day of water at the Woodrat Water Treatment Plant to meet demand; demand for water in the district is averaging approximately 98,000 gallons per day, or 168 gallons per day per connection. The amount of water diverted from the Arroyo Hondo Creek and/or the reservoirs is adjusted on a daily basis given supply conditions – that said, on average thus far in September the district is diverting approximately 70,000 gallons per day from the creek and about 42,750 gallons per day from the reservoirs. Staff is working on an analysis of the projected creek flows for presentation at the special Board meeting next week. Due to the recent foggy weather, the flows in the creek have come up; however, the forecast is for the weather to warm up in the coming week. In the reservoirs, the district currently has a stored water supply of 9,600,000 gallons.

Staff noted that in June 2020, when the district issued its heightened water conservation alert, consumption in the district was averaging approximately 120,000 gallons per day, or 210 gallons per day per connection; this level of consumption dropped to 174 gallons per day per connection in July; and it dropped further to 166 gallons per day per connection in August. This represents a decline in consumption of 20%, for which the district is very grateful; since then, however, conservation efforts have stalled. Staff believes there is more that customers can do to conserve on a voluntary basis. For example, staff's analysis of water consumption data in town shows that 10 customers in the district (less than 2% of the customer base) are using 10% of the district's water; moreover, 32 customers (5% of customer base) are using 20% of the water; and, 129 customers (22% of the customer base) are using 50% of the district's water. On the other hand, hundreds of customers are using a lot less water than this, which suggests there is considerably more opportunity for voluntary conservation.

Staff will be providing a very detailed update about current supply and consumption conditions, as well as forecasts for the remainder of the year, at the upcoming special Board meeting on September 30, 2020 and materials will be posted on the district's website in advance of the meeting.

Kirsten Walker suggested the BCPUD may consider working with the Bolinas-Stinson Union School District to disseminate information about water conservation needed to local families via the school

communication process. Director Siedman agreed, noting that the district also could distribute information to real estate agents in town and encourage them to provide to their clients (owners and any tenants). A brief discussion ensued about improving BCPUD communication with the community about the limited nature of the water supply and importance of conservation during drought periods.

**6. Request for Financial Relief from Quarterly Water Bill pursuant to BCPUD Resolution 553 – 80 Terrace Avenue (D. Stewart).**

David Stewart was present to answer questions from the Board. Director Siedman noted that a letter explaining the circumstances of the water loss is in the Board binders. Director Smith commented that this appears to have been an underground blind leak that was addressed immediately and diligently by the property owner as soon as it was discovered; he therefore recommended 90% financial relief. Director Comstock noted the letter references “prior remediation” and he asked the property owner about the reference. David said he previously addressed a leak on the same pipe but it was much further down the hill near Terrace Avenue; this time, the leak occurred much further up the hill and he discovered additional sections of spliced-in section of copper pipe. He has now excavated the entire stretch of piping and replaced it with new copper pipe; he apologized for the water loss and said he felt terrible about it.

D. Smith/G. Godino 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 in each of the last three years.

**7. Coastal Permit Application (Project P2866); Limited Water Use Permit Application – 45 Nymph Road (M. Griffith) (demolish existing 2-BR, two-story 1,748.4 sq. ft. home on APN # 191-261-24 (22 Oak Road) and relocate the top floor (874 sq. ft.) to APN 191-261-24, 25, 02 and 03, said lots to be merged under a separate application, P2867).**

Melinda Griffith explained that she now plans to demolish the bottom floor of the home at 22 Oak Road (which is threatened by bluff erosion) and move the top floor of that structure to what will be the same parcel on which her home at 45 Nymph is located; the relocated top floor will then become an “accessory dwelling unit” or “ADU” on the 45 Nymph property. She reminded the Board that she previously had proposed to demolish the structure at 22 Oak entirely and transfer the meter to serve a new single family home adjacent to 45 Nymph. She has now “downsized” the project and also will merge the lots as indicated so the ADU can be served from the same meter currently serving 45 Nymph. In response to a question from director Smith, Melinda confirmed that 45 Nymph and 22 Oak each have a water meter – by merging the lots and reducing the scope of the project to an ADU, she then hopes to be able to sell and/or transfer the water meter formerly serving 22 Oak to a separate location in the future.

Director Siedman said he just realized he should recuse himself from consideration of this agenda item. Director Amoroso therefore presided over the agenda item. In response to a question from director Comstock, staff stated that neither water meter (i.e., neither the meter serving 22 Oak nor the meter serving 45 Nymph) currently has a limited water use permit. Director Comstock said it would seem a conditional limited water use permit would be appropriate for the project at 45 Nymph under the circumstances presented, as well as for the meter serving 22 Oak Road, in the future when a transfer request is considered.

L. Comstock/D. Smith four in favor, director Siedman abstaining to approve a conditional limited water use permit for 45 Nymph Road with a maximum quarterly water use of 2,700 cubic feet, per BCPUD Resolution 655.

There was no public comment on the coastal permit application.

**8. Coastal Permit Application (Project P2828); Limited Water Use Permit Application – 160 Iris Road (Z. Lara) (demolish existing site structures and construct a new 2,862 sq. ft. residence and 233 sq. ft. accessory structure, along with new septic system and alteration of land forms).**

Director Siedman inquired whether anyone was present to address the Board on this matter; no one responded. Director Siedman said it would seem to be a project requiring a limited water use permit. Director Smith agreed and noted since the historical water use at the property is so low, per BCPUD Resolution 655, the maximum quarterly water limit should be 2,700 cubic feet (i.e., the community average plus 50%).

D. Smith/V. Amoroso all in favor to approve a limited water use permit for 160 Iris Road with a maximum quarterly water use of 2,700 cubic feet, per BCPUD Resolution 655.

Director Comstock asked whether there is any type of encroachment on top of water infrastructure at this property. Discussion ensued and director Comstock said he would like to include a comment to the County requesting that any approved structures or fences installed in connection with this property are located on the property and not in the public right-of-way. Director Smith noted that the project proposes to plant coastal redwoods which could create problems down the line because they have a shallow root

structure and, as the groundwater drops on the Mesa over the summer, it may require a large amount of water to keep the trees alive; moreover, if the trees are then weakened due to lack of water, they could fall and cause tremendous damage. Director Smith said a live oak would be more appropriate; he said he is aware the BCPUD does not have jurisdiction over this issue but would like to make a comment if possible. Director Godino said that Assistant Fire Chief Marcotte may be able to provide advice about a fire-safe planting plan. Someone else noted that the Marin County website has information on appropriate planting, as well.

**9. Report from the BCPUD's Volunteer Resident Permit Parking Plan Committee: *Presentation of Proposed Community Survey re: Draft Resident Permit Parking Plan Options; Draft Article for Inclusion in BCPUD's Pipeline Newsletter; Proposed Committee Meeting for an Informational Discussion with County of Marin and California Coastal Commission Staff re: Draft Resident Permit Parking Plan Options.***

Bruce Bowser and Sherry Hirsch were present to report to the Board on behalf of the Resident Permit Parking Plan Committee. Bruce said the committee has been working for more than a year on options for a resident permit parking plan and, while they don't yet have a detailed plan to present, they feel they are at a point where the committee needs conceptual input from the community; the committee also would like to cultivate a working relationship with the County and Coastal Commission staff who will be deciding on whether to permit the plan. Sherry said the County has indicated that Coastal Commission staff is willing to meet informally on a potential plan, so the committee would like Board approval to have such a meeting. Also, the committee very much wants community feedback via a survey to be sent out and advertised via the BCPUD Pipeline newsletter.

Discussion ensued; Bruce and Sherry requested Board approval to publicize the survey and said they welcome Board input on the content of the survey. Bruce noted the committee solicited comments on the survey from many downtown residents and businesses. Director Comstock said he does not have enough information yet to provide feedback. For example, a critical question is: who is eligible to obtain a resident parking permit? He noted the questions of permit-ability and enforceability are critical; he assumed the committee has analyzed resident parking plans in other communities to determine what has been allowed and how effective such plans have been in other coastal communities. Director Comstock said it is clear that a plan that would effectively ban people from living in their vehicles won't be permitted; so, he noted, question 5 in the survey about whether people think there is a problem of people camping in their vehicles may not be helpful or advisable.

Al Minvielle said that Brighton Avenue has turned into a campground. It isn't people living in their vehicles with no other option, it is people coming to town for several days at a time to vacation in their vehicles at the beach – he said people seem to be discovering Bolinas via the internet as a place to camp in your car on the street near the beach. Director Godino said state law allows a vehicle to remain on the County street for 72 hours, so isn't the behavior Al describes legal? Sherry said that limitations on the 72-hour rule can be enacted by permit and the committee is evaluating the types of limitations that have been enacted elsewhere. But before the committee goes further, the members want to get community, County and Coastal Commission feedback on general ideas before a lot of work is invested in specific plan details.

Director Siedman suggested that the Board members review the draft survey the committee has prepared and send constructive comments directly to Bruce and Sherry. Al Minvielle said the Coastal Commission's primary concern is maximum access to the beach; in many cases, regulating parking limits access to the beach. However, in Bolinas, regulation would enhance access to the beach because the long-term overnight parkers are taking up virtually all of the parking – regulating parking here will increase turnover of parking spaces. Sherry said that in addition to comments on the survey, the committee also wants input on topics to discuss in a meeting with the County and Coastal Commission staff. Director Comstock said he believes it would be a mistake for the committee to request such a meeting at this time as the resident permit parking plan ideas are not yet well-enough developed. Director Siedman said it also might be better to have the survey results in and analyzed before the meeting takes place. Kirsten Walker suggested the survey also solicit input from the beach-going public, not only Bolinas residents. Director Siedman proposed that the committee update and revise the survey based on Board member (and other) feedback for the Board's consideration at the next regular meeting.

**10. BCPUD Resolution 678: Establishing a Special Category of "Septic System Limited Water Use Permits" for Issuance in Connection with the Bolinas Septic System Pilot Program.**

Director Smith said he has been working with the Bolinas Community Land Trust ("BCLT") and County Environmental Health Services ("EHS") Department about a septic system pilot project for more than a decade. The concept is to allow some exceptions to the onerous septic system upgrade rules in cases where affordable housing will be served as long as the BCPUD enforces water use limits at the participating properties so that the septic systems are not overloaded. He prepared a draft resolution with staff's input in the Board binders; however, he has not yet received EHS comments on the resolution. Arianne Dar clarified that the BCLT will hire staff to monitor the actual water use, so the program will not involve BCPUD staff enforcement time. Director Smith emphasized that the key to this program for

the County EHS is the local government enforcement of water use limits that the BCPUD is willing to provide. That said, director Smith reported that EHS has not yet commented on the draft resolution; he therefore suggested the BCPUD defer consideration of the resolution until EHS comments are received. Director Comstock noted the Board previously has expressed support for this pilot program and a willingness to serve as the enforcing authority; however, he would like the resolution to be very clear that the Septic System Limited Water Use Permit does not *replace* any otherwise existing limited water use permit that might apply at a property. Director Smith agreed; he noted existing limited water use permits may contain a lower limit on water use than EHS would allow for the purposes of the septic program and also have a different enforcement mechanism, so this should be very clearly articulated (and understood by participating property owners).

#### **11. Mail-In Election re: Proposed Change to Election Rules for the Selection of Marin County LAFCO Special District Representatives.**

Staff reported that California law establishes a process to facilitate the participation of independent special districts with regard to the selection of two regular and one alternate special district representatives to the Marin County Local Agency Formation Commission (“LAFCO”). In the past, Marin LAFCO has had to preside over the selection process when the Marin County Independent Special District Selection Committee has been unable to get a quorum. The California Special District Association has now established a Marin County chapter and that entity is willing to run the selection process. A change to the election rules is needed to do this, hence the mail-in election.

G. Godino/L. Comstock                      all in favor                      to authorize President Siedman to vote in favor of the proposed change in election rules of the selection of the Marin County LAFCO special district representatives.

#### **12. Other Business.**

##### a. Board Committee Reports.

-- *Finance: Engagement Letter from Maze and Associates for FY 2020-21 Bookkeeping Services.*

L. Comstock/V. Amoroso                      all in favor                      to approve the engagement letter from Maze and Associates.

-- *Legal: Nothing to report.*

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

-- *Operations: The Committee met on September 10, 2020 with the district’s limnology consultant to evaluate a potential revised proposal from Moleaer with regard to the nanobubble generator at the Woodrat 1 reservoir.*

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

-- *Personnel: Nothing to report.*

-- *Sewer: Nothing to report.*

##### b. Minutes of the August 26, 2020 Special Board Meeting; Minutes of the August 26, 2020 Regular Board meeting; Minutes of the September 10, 2020 Operations Committee meeting.

L. Comstock/D. Smith                      all in favor                      to approve the minutes of the August 26, 2020 special meeting of the Board.

Director Amoroso offered clarifying corrections to the minutes of the August 26, 2020 regular Board meeting.

L. Comstock/D. Smith                      all in favor                      to approve the minutes of the August 26, 2020 regular meeting of the Board.

Staff noted that the minutes of the September 10, 2020 Operations Committee meeting are not yet ready and the item was deferred to a future meeting.

##### c. Warrants.

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

##### d. Scheduling of Next Meeting(s):

Special Board meeting on September 30, 2020; Regular Board meeting on October 21, 2020.

#### **13. Adjournment.**

9:48 p.m.