

Bolinas Community Public Utility District

A Regular Meeting Of The Board Of Directors

October 21, 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.

7:32 p.m.

2. Roll.

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

3. Manager's Report and Project Updates.

- *Update on the Status of the BCPUD's Water Supply, the Heightened Water Conservation Alert and Community Voluntary Conservation Efforts.*

The focus of staff's time and effort since the last regular Board meeting in September and the special Board meeting on September 30th has been on managing the district's limited water supply. While water use in the district has declined since the Board issued the heightened water conservation alert in June, the stress on the district's water supplies from the lack of rain, extended periods of hot weather, fewer foggy days and the lengthy summer days has been persistent. Conservation efforts stalled in the community in September and staff concerns increased about the low creek flows and the water quality issues/reduced volume of stored water in the reservoirs. As a result, the district undertook an extensive analysis and, at the special Board meeting on September 30th, the district amplified its call for conservation and asked all customers to use no more than 150 gallons of water per day per property to ensure sufficient supplies until rains replenish the creek/reservoirs.

Since September 30, 2020, the district's water production has averaged between 82,000 – 92,000 gallons of water per day to meet demand. The amount of water diverted from the Arroyo Hondo Creek and the amount diverted from the Woodrat 1 Reservoir tends to mirror each other (when the amount diverted increases from one source, the diversions from the other source tend to fall commensurately). The diversions have averaged about 50,000 gallons per day from each source. As for consumption, in October consumption averaged 86,000 gallons per day, or 148 gallons per day per connection, which is a commendable 20 gallon per customer per day reduction since September. That said, individual consumption remains very divergent: in October, the highest 25 water users (most of whom are single family residences) consumed between 400 – 1,700 gallons per day per customer, and 233 customers overall used more than the requested 150 gallons per day or water. Staff therefore is focused on working with the highest water users to help them reduce their use by hand-delivering letters and following up with them directly. The primary explanation for high water use (apart from leaks) is landscape irrigation and/or a large number of people living at particular properties. Staff also have posted signs around town as prominent reminders of the limited water supply and need to conserve.

Director Comstock complimented staff's persistent and time-consuming work to manage the district's water supply and requested the unanimous consent of the Board to express approval of and appreciation for this work; the other Board members concurred. Director Comstock noted an email in the Board binder from consulting hydrologist Rob Gailey with various short-term and long-term suggestions for various tasks the district could consider to further its evaluation and modeling of the Arroyo Hondo Creek flows and asked if staff had any comments. Staff recommended the district continue to engage Rob for another 8 – 10 hours of work to assist the district with the collection and recording of data and updating of the creek flow model for the next two to three months; the Board had no objection. Staff noted a more comprehensive hydrologic analysis may be warranted after the rainy season, but at this point, staff would like to remain focused on the near term, particularly if the district does not receive significant rain in October and/or November.

Staff pointed out that overall consumption data for the quarter ending September 2020 for the downtown area was down as compared to this time last year. Director Amoroso said this could be because most of the businesses downtown were closed during the last quarter (rather than conservation). Director Godino inquired whether the applicable health guidelines provide for any flexibility for restaurants and other businesses in areas such as Bolinas with a limited water supply (such as reduced

dishwashing or handwashing requirements, for example); staff does not know but will research the question.

- *East Tank Rehabilitation Project.*

The Board reviewed the district's quality inspector's inspection reports for the final coating work performed on September 24th and 25th. The inspector concluded that the finished coat – roof and shell – came out well and there is no need for remedial repairs; in addition, the anchor chairs were touched up and are acceptable. The contractor has some remaining punch list items to complete, so the project is not yet ready to be accepted, but should be fully finished soon.

- *Irrigation Pump Station Replacement Project.*

Staff noted there is an item later on the agenda on this project and therefore provided a brief update on events to-date. The 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. Six addenda subsequently were issued to answer contractor questions and/or make contractual revisions. Staff anticipates that the project will be awarded tonight, the CEQA Notice of Exemption will be filed tomorrow, and the Notice to Proceed will be issued on or about November 30th. The district received five bids on the project and the results will be reported later in the meeting.

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

Staff said that the parameters of this project have shifted several times over the course of the last few months as the district has wrestled with the best way to address the water quality issues in the reservoirs. At this point in time, staff and the district's limnology consultant Eli Kersh recommend that the district purchase a new "enriched air" nanobubble unit for Woodrat 2; the enriched air is needed because of the high levels of iron detected in this reservoir per the bathymetry mapping and water sampling conducted last month (enriched air will better oxidize the iron in this reservoir). Staff noted that the enriched air unit previously had some moisture problems on the unit membranes, but Moleaer has addressed those problems with design improvements to the unit. The cost for the new unit is \$21,750 - \$9,025 previously deposited, for a total remaining purchase amount of \$12,725.

Staff further recommends that the district retain the existing the nanobubble unit at Woodrat 1 for at least another 2 months at no cost – this would be in exchange for sampling and data collection work the district will provide to Moleaer once the new unit is installed at the Woodrat 2 reservoir. Moleaer has proposed this because the data will be quite valuable to the company to confirm the operational effect of its technology. The cost of this sampling and data collection work per a proposal from Eli Kersh is \$4,797.38 (the majority of which are lab fees of \$2,250.00). (At a September 10, 2020 meeting of the Board's Operations Committee, the Committee decided to recommend to the full Board that a prior version of these staff recommendations pertaining to Moleaer and the nanobubble units be adopted.)

Finally, staff recommends that the district remove the azolla from the surface of the Woodrat 1 Reservoir as soon as possible. Since this specific recommendation is not agendaized for Board action tonight, staff requests that the Board hold a special meeting early next week to approve an emergency project to remove the azolla. Staff will provide additional details at that meeting, but believes the project has become quite urgent due to a significant spike in water quality issues and customer taste, odor and color complaints in the last few weeks. Moreover, there is now the potential for the water quality problems in the reservoir to worsen if the thick mat of azolla dies off this winter and redeposits into the bottom of the reservoir.

D. Smith/L. Comstock all in favor to authorize staff to negotiate a proposal with Moleaer for a new nanobubble unit to be installed at Woodrat 2 and to retain the existing nanobubble unit at Woodrat 1 in exchange for sampling/monitoring work at a cost not to exceed \$20,000.

- *Alliance of Coastal Marin Villages.*

Staff does not have an update; the Alliance met with Supervisor Rodoni on the evening of October 12, 2020, but staff had a family medical emergency and was not able to attend the meeting.

- *Coastal Communities Working Group.*

Staff referred the Board to materials in the meeting binders pertaining to a meeting the prior evening of the "Coastal Community Working Group" or "CCWG", a group of local stakeholders convened by the County of Marin; staff is the BCPUD's appointed representative. One of staff's roles on the CCWG is to ensure the activities of the group are communicated back within the Bolinas community. Staff therefore would like to post links to the CCWG meeting documents (which are extensive and very informative) on

the BCPUD's website; the Board had no objection. In response to questions from director Smith, staff said the Bolinas Lagoon North End Project is a separate effort of the Marin County Parks and Open Space District. Director Godino inquired about the status of that project and opportunities for public input as she would like to ensure community safety concerns are taken into account; staff will investigate and report back.

On the sewer side of operations, staff reported that flows into the system jumped up a bit earlier this month to approximately 40,000 gallons per day, but flows are back down to approximately 30,000 gallon per day. The district has resumed spraying because the wastewater quality has improved and meets the applicable standards for land disposal. Staff anticipates spraying until Pond 3 is empty, likely another 2 weeks. Staff has installed a rental (new) diesel generator at the lift station that is extremely quiet and has no apparent emissions or smell, so staff is evaluating whether this generator would be a superior option than retrofitting the site for a propane generator. Coincidentally, the Governor's Office of Emergency Services issued an RFP on October 9, 2020, soliciting grant proposals of up to \$300,000 for "fixed long term emergency electrical generation equipment" with a priority for "the use of/acquisition of low/no emissions power solutions" and with additional priority for disadvantaged communities. Staff may try to apply, but the deadline may be difficult to meet as it is next Friday, October 30th and it is not entirely clear whether a diesel or propane generator will be eligible for grant funds under this RFP.

Director Comstock inquired about the status of the request from customers on Canyon Road to connect to the district's sewer system; staff said the district is working on scheduling a meeting with the responsible regulators to discuss the request.

The Board reviewed correspondence sent and received since the last regular Board meeting, including emails between the district and the County Planning Department regarding changes to some of the department's procedures as a result of the ongoing pandemic, including the fact that the department's notifications to local agencies about pending permit applications for building projects in their villages is now entirely on-line. The BCPUD did not receive notice of this change but is now aware of it and has subscribed to the relevant webpages. In addition, the Board reviewed the most recent quarterly inspection of the Resource Recovery Project (by the County Environmental Health Department); staff noted that the RRP is in need of a new loader at the site and staff is exploring options for a replacement.

4. Community Expression.

Director Siedman said the Board received three items submitted under this agenda item. The first is an email from Sherry Hirsch about a Community Services Officer (non-deputy) proposal for Bolinas (for parking/traffic enforcement and certain social services) and an exploratory conversation about this proposal is scheduled with Supervisor Rodoni for October 22nd; director Siedman will join the conversation. Sherry reports that Stinson Beach is also interested in this proposal.

Director Siedman said the Board also received several letters from people in the community objecting to scale of the Bolinas Community Land Trust project downtown. He noted the BCPUD typically passes on letters like this to the County when it reviews the project during the permitting process. He asked if anyone was present to speak to the topic; none appeared.

Director Siedman said the Board also received a very nice email complimenting staff's presentation at the September 30th Special Board meeting. Director Comstock noted that the presentation is on the BCPUD's website for those who are interested.

Janine Aroyan commented that people sending letters to the BCPUD about the BCLT downtown project may have sent those letters also to the County planner, but she hopes the BCPUD will consider the project independently at one of its meetings. Director Siedman confirmed that the BCPUD will do so.

Jennie Pfeiffer inquired whether there is a plan for the space in the BCPUD building recently vacated by the Bolinas Children's Center. Staff said the district intends to retain a qualified consultant to evaluate whether to rehabilitate the building to replace it. Jennie inquired whether there is any possibility of temporary use of the space for the Book Exchange and/or local flea markets during the winter months; director Siedman suggested Jennie speak with staff about a specific proposal.

5. Second Notice of Noncompliance: Limited Water Use Permit No. 17-01 – 76 Altura Avenue, Bolinas (N. Oliai).

Nina Oliai was present and, in response to questions from the Board, said that she has been in communication with staff about her high water use and has requested a water audit meeting on-site. In response to a question from director Smith, staff reported that water use at the property during September averaged 280 gallons per day. Director Smith said this water use is now in compliance with the permit but remains quite high for a drought year; director Godino concurred and commented that everyone is being asked to reduce to no more than 150 gallons per day so Ms. Oliai should do so as well, regardless of whether the permit amount is higher. Nina Oliai agreed and explained numerous landscaping changes that have been made to reduce overall water use over the last few months by installing hard scape and

removing plants. Director Siedman encouraged Ms. Oliai to continue her water use reduction efforts and work with staff to confirm that water use does not revert to prior high levels.

6. BCPUD Policy re Encroachments in the Public Rights-of-Way on the Bolinas Mesa; *Complaint re: New Fence Encroaching in the Alder Public Right-of-Way (North side of Alder, near Aspen) (M. Lewis)*.

The district received a complaint last month about a fence under construction in the Alder right-of-way at 156 Alder Road. Staff spoke with the property owner, who agreed to stop work until the Board considered the matter. The Board requested the specific complaint and the BCPUD's overall policy about encroachments in the rights-of-way be agendaized for this meeting.

Director Smith said that the topic of encroachments in the rights-of-way on the Bolinas Mesa is a thorny and messy one and he feels the district should establish a consistent policy going forward as the situation appears to be getting out of hand. He noted that the fire department has specifications about the minimum width of roads given the importance of emergency access/egress and this might be a good guideline to start with. Matt Lewis said he believes there are a number of additional reasons to remove encroachments in the rights-of-way, including the drainage plan. He said if drainage ditches were to be installed in the Alder right-of-way in this neighborhood, numerous people would have to move their fences back to their property lines in order for such a project to proceed. He said another reason is that people who install fences in the right-of-way also start to believe the fenced-in area is their property and it becomes an emotional issue. He said he asked the BCPUD to step in on this project when he did precisely because the post holes for the fence had only just been dug and it would not be very expensive at this time to re-dig the post holes on the property line.

Director Comstock said that he is on the BCPUD's Mesa Septic, Flood Control and Roads committee and that committee has discussed this issue for years, often with the Fire Department. His own opinion has shifted overtime and he now believes the BCPUD needs to focus on encroachments that infringe on its infrastructure or projects the district is responsible for – water lines, sewer lines, or in some cases drainage – rather than *all* encroachments in the rights-of-way. The district did a survey a few years ago with the Fire Department of the entire Mesa and there are *a lot* of encroachments, he said, and the problem is too big to tackle overall. He believes the Fire Department should take the lead on encroachments that implicate fire safety and the BCPUD should focus on its facilities.

Matt said that if the BCPUD gives tacit approval for people to encroach in the rights-of-way then it is giving away public property. Director Comstock disagreed, saying the district is not granting permits for people to encroach in the right-of-way. Director Smith said that enforcement is extremely difficult because the BCPUD does not have police authority for this purpose; building projects are the County's jurisdiction, not the BCPUD's, but the County doesn't want anything to do with encroachments in the unpaved rights-of-way because it never accepted them. Moreover, director Smith said that when the BCPUD has tried to deal with this pervasive problem, it receives tremendous pushback from the community.

Director Godino said she is strongly in favor of enforcing the public rights-of-way and is against private property owners essentially incorporating public property into their private yards. She noted that the staff has been most successful with changing public behavior (such as excessive water use) by encouraging people to improve their conduct for the benefit of the entire community via an extensive public education effort. Perhaps a similar public education campaign about the rights-of-way could be effective at alerting people to the importance of the rights-of-way to emergency access for the installation of public infrastructure and so forth. In response to a question from director Smith about prior efforts such as this, staff confirmed that the public has been nearly unanimous in its opposition to having the BCPUD enforce the full width of the public rights-of-way.

Matt asked if the BCPUD would send a letter to the owners of 156 Alder Road asking them not to install their fence in the public rights-of-way. Director Godino said she does not want these folks to be targeted, especially when they have been so responsive to the BCPUD's outreach and stopped their project pending this discussion (unlike many others); she said if the BCPUD decides to send such a letter in this case, it needs to do so in all such cases going forward. Director Comstock said Matt's suggestion of a letter is consistent with the framework of BCPUD Ordinance 30 and that asking people to install fences on their own property (and not in public property) is a reasonable request. Director Smith said that he believes community outreach is a good idea, especially for situations where most of the fences in a neighborhood are in the right-of-way and a new person moves in and starts to install a fence in line with the others and then receives a letter from the BCPUD saying they can't do so – that new person understandably will resist this and point to others' fences asking why those fences are allowed to remain. Director Smith said that the district also needs to prepare for cases when people just ignore the letters and discussion ensued about enforcement challenges.

Director Siedman suggested the roads committee work with the Fire Department on the enforcement issues. Director Comstock said the committee tried to do so a couple of years ago and found the encroachment problem to be too intractable. Director Comstock said he believes that the approach of

BCPUD Ordinance 30 is similar to the County's approach to building violations; the ordinance envisions enforcement action only in response to a complaint. So, if the district receives a complaint and the encroachment does not obstruct the district's access to its infrastructure, director Comstock said the district likely would not do more than send a letter as anything more is just "a bridge too far". If the encroachment does obstruct access to the district's infrastructure, then the district needs to act immediately, presumably by threatening to shut off water for lack of compliance.

Colin Jackson of 156 Alder Road said he would like to simplify things by moving his fence to the property line if that would make things easier for everyone involved. He said he understands fire safety issues as he is a Battalion Chief with the Tiburon Fire Department; he noted that he removed a large bush adjacent to the Alder right-of-way that was encroaching well into the gravel portion of the road at this same location to improve access. He said that in his professional opinion, fire engine access at this section of Alder – even if the fence were to be installed where the holes are now -- is much improved over what it was before the bushes were removed. That said, he acknowledged that he is new to the neighborhood, he doesn't want to cause problems and he can see this is an emotionally charged issue for the community – as such, if the BCPUD wants him to relocate the fence, he will.

Director Siedman said that is very gracious offer and the district very much appreciates it. The larger problem still remains, he said, with many trees, shrubs, fences and other structures in the rights-of-way and he asked where the Board wants to go from here. Director Smith said he would like to think about a letter to all property owners explaining where the rights-of-way are relative to their property so that they can assess whether they are encroaching, and noting that if the BCPUD needs to access its infrastructure but cannot do so because of encroachments, the customer will need to reimburse the district for its access costs. The letter also should alert people to the fact that the fire potential is real and extensive encroachments could affect their ability to obtain fire insurance. Finally, director Smith said he would like to express his appreciation to Colin Jackson for his willingness to relocate his fence to the property line as this action sets an excellent example. Director Godino concurred. Director Smith agreed to work on letter to property owners for the Board's consideration at an upcoming meeting.

In conclusion, Colin Jackson said it is his understanding that he should move the fence as best he can to the property line and asked if that was correct; director Siedman said yes, and reiterated that the Board very much appreciates that he is willing to do so.

7. Request to Use Parking Lot at Mesa Park ("APN# 193-020-45) for Household Hazardous Waste Collection Event ("Toxic Away Day") on November 7, 2020.

The Mesa Park Board has approved the use of the parking lot for this purpose and staff recommends approval, subject to the district's standard terms and conditions, including but not limited to acceptable insurance coverage/additional insured endorsements.

L. Comstock/D. Smith all in favor to approve use of the parking lot at Mesa Park for the Household Hazardous Waste Collection Event ("Toxic Away Day") on November 7, 2020, subject to the district's standard terms and conditions.

8. 2020 Local Agency Biennial Notice – Conflict of Interest Code.

Staff reminded the Board that in 2018, the Board amended BCPUD Resolution 572 to update the BCPUD's Conflict of Interest Code. At that time, staff recommended and the Board approved certain clarifying revisions to the BCPUD's Conflict of Interest Code to make clear that the General Manager is required to annually file a Form 700 (Statement of Economic Interest) and to clarify that all Form 700's filed by district Board and staff are available for public inspection. No further action is needed at this time.

V. Amoroso/L. Comstock all in favor authorizing staff to complete the 2020 Local Agency Biennial Notice paperwork indicating that no updates are needed to the district's Conflict of Interest Code.

9. BCPUD Resolution 678: Approving Form of Contract Documents for the Wastewater Treatment & Disposal System Irrigation Pump Station Replacement Project and Awarding a Contract for the Project to the Lowest Responsible Qualified Bidder, Subject to Certain Conditions; Notice of Categorical Exemption pursuant to the California Environmental Quality Act ("CEQA"), Cl. 2, Section 15302 (replacement of existing facility on same site with substantially the same purpose and capacity).

Staff reported that the district received timely bids from five qualified contractors and the lowest bid was submitted by Fort Bragg Electric, Inc. in the amount of \$179,821. The other bids received were from TriNet Corporation for \$196,000; Piazza Construction for \$203,500; Thompson Builders for \$209,203 and Valentine Corporation for \$213,369. The bids were opened and publicly declared yesterday at the scheduled bid opening. Staff noted that BCPUD Resolution 678 makes the specific finding that the project is exempt from CEQA under Cl. 2, Section 15302, with the notice of exemption attached to the

resolution; approves the form of contract documents; awards a contract in the amount of \$179,821 to Fort Bragg Electric; and authorizes staff to implement the award of contract and administer the project.

Director Smith moved to approve BCPUD Resolution 678 and said he is delighted the new equipment will be installed. Director Comstock seconded the motion and said he had two questions. First, did staff qualify the contractor? Staff said yes, the district has a qualification procedure as part of the bid process and the low bidder meets those qualifications; in addition, the reference checks for the contractor are quite positive. Second, he inquired as to the amount of the engineer's estimate for the project. Staff said the engineer's estimate for the project was \$231,150, which includes a 15% contingency.

D. Smith/L. Comstock all in favor to approve BCPUD Resolution 678.

10. Other Business.

a. Board Committee Reports.

-- *Finance*: Staff reported that the district is in the midst of the annual audit of its financial statement with a new outside auditor this year.

-- *Legal*: Nothing to report.

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

-- *Operations*: Nothing to report.

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

-- *Personnel*: Staff requested a meeting with the Personnel Committee to approve a job description and hiring schedule for the Chief Operator position. Director Comstock asked that at the Personnel Committee coordinate with the Operations Committee on this task. Staff noted that this would be four of the five Board directors and suggested perhaps the full Board could review and draft the hiring documents. Ultimately, director Siedman directed staff to work with the Personnel Committee to schedule a meeting and then solicit Board input on the draft documents for the Committee's consideration

-- *Sewer*: Nothing to report.

b. Minutes of the September 10, 2020 Operations Committee meeting; Minutes of the September 23, 2020 Regular Board meeting; Minutes of the September 30, 2020 Special Board Meeting

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.

Director Smith offered clarifying corrections to the minutes of the September 23, 2020 regular Board meeting.

L. Comstock/D. Smith all in favor to approve the minutes of the September 23, 2020 regular meeting of the Board, as amended.

Director Comstock offered clarifying corrections to the minutes of the September 30, 2020 regular Board meeting.

L. Comstock/D. Smith all in favor to approve the minutes of the September 30, 2020 special meeting of the Board, as amended.

c. Warrants.

L. Comstock/G. Godino all in favor to approve the warrant list.

d. Scheduling of Next Meeting(s):

Special Board meeting on October 27, 2020 at 10:00 a.m.; Regular Board meeting on November 18, 2020 at 7:30 p.m.

11. Adjournment.

9:16 p.m.