

Bolinas Community Public Utility District
A Special Meeting Of The Board Of Directors
February 8, 2021 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 Comstock, Godino, Siedman, Smith and Walker present via teleconference; director Siedman presiding. Director Siedman requested everyone in attendance to mute their phone until they are invited to speak. After the presentation tonight during item 4, director Siedman said that he will ask people wishing to speak to identify themselves and he will then call on them in order.

3. Community Expression.

None. Staff said that the materials to be discussed during item 4 are posted on the BCPUD's website at www.bcpud.org for those who would like to follow along during the presentation.

4. Establishing Criteria, Terms and Conditions Applicable to Requests by District Customers for Exceptions to the District-Wide Per Meter Water Ration Amount Anticipated to be Implemented on March 1, 2021 Pursuant to BCPUD Resolution 680: Declaring a Prolonged Drought Condition in the Bolinas Community Public Utility District and Implementing Mandatory Conservation Measures Pursuant to a Previously Established Water Shortage Emergency.

Staff outlined the topics to be discussed, including underlying water supply facts and limitations, the staff's recommended rationing approach, and implications of alternative rationing approaches; after the presentation, the meeting will be opened for discussion and questions. Staff reminded the Board that Bolinas has been under a declared water shortage emergency for more than 50 years -- since the 1970's -- due to the well-documented limited nature of the water supply, which is why there is a moratorium on new connections to the water system, as well as a limited water use permit process, and why the BCPUD has taken action since the 1970's to augment the district's water supply (i.e., constructed two reservoirs, upgraded the distribution system to reduce water loss, conducted water conservation outreach and education to reduce demand, and evaluated potential short-term and long-term supplemental water sources).

All of California, and much of the West, is experiencing severe drought conditions at the present time. While drought conditions are a fact of life, climate change forecasts suggest that drought conditions may deepen in coming decades. In Bolinas, the relative lack of fog (i.e., few foggy days in recent years) in and of itself already may be impacting the flows in the Arroyo Hondo Creek. Accordingly, because Bolinas has such a limited water supply and because of the frequent drought conditions here, water-intensive uses and activities are undertaken at the user's risk that water may not be available from time to time for those water-intensive uses and activities. Examples of such water-intensive uses or activities include, but are not limited to: automatic irrigation systems, lawns and other water-intensive gardens, lengthy and/or multiple daily showers or baths, multiple rental units on a single residential property, short-term property rentals, unattended properties, inefficient or unnecessary appliance use and/or car washing. Bolinas residents therefore should take all steps possible to be more water-resilient and consider steps such as changing personal habits, foregoing water-intensive planting, installing water-efficient appliances, installing water catchment systems and/or grey water systems.

Staff noted that district customers experience significant water leaks nearly every month, usually at unattended properties. For example, a hose in a customer's yard was turned on and then left running when the resident went out of town, resulting in a water loss of more than 47,000 gallons (or 1,505 gallons per day) in December 2020. In another case, when a customer was on vacation, a toilet flap failed and approximately 112,140 gallons of water were lost (3,738 gallons per day) in November 2020. Many leaks like this are avoidable. All Bolinas customers should turn off irrigation systems and disconnect those systems from hose bibs to ensure against unintended water loss; hose bibs should be locked out to prevent water theft; water to a home should be turned off at the house valve during extended absences; and neighbors or caretakers should be asked to regularly check on properties during vacations or other extended absences.

As discussed at the most recent special Board meeting on February 3rd, staff has recommended that the Board enact a *per connection per day* mandatory water rationing program effective March 1, 2021 to ensure a reliable water supply for the community throughout 2021. Staff recommends the Board grant 14 limited exceptions from the ration requirement to specific businesses, public-serving and multi-use entities *only*. This recommendation is modeled on the rationing program the BCPUD Board enacted in 2009; the per connection per day rationing program had broad community support as a reasonable approach that did not discriminate between types of customers or types of water uses.

Water use in Bolinas varies considerably between customers. In December 2020, 358 (or approximately 60%) of BCPUD's customers used less than 100 gallons of water per day, on average – collectively, these customers used 26% of the available water supply. The remaining 234 customers (or approximately 40%) of BCPUD's customers used more than 100 gallons per day, on average – collectively, these customers use 74% of the available water supply. Fourteen of the 234 customers using more than 100 gallons a day of water were businesses or public-serving or multi-use entities. Of the 220 residential customers who used an average of more than 100 gallons per day, they used a combined average of 174 gallons per day. Staff believes that many of the 220 residential customers using more than 100 gallons of water per day are capable of significantly reducing their water use.

Given the disparity in water use across the community and given the context of the District's extremely limited water supply conditions, BCPUD staff believes it is premature for the BCPUD Board to grant *any* residential exceptions (or divert staff time and district resources to implement a per person per day rationing approach). Instead, staff recommends that the Board defer establishing criteria for residential exceptions, if at all, until such time as all residential customers have demonstrated their best, sustained efforts to conserve water and achieve the mandatory ration amount. Once the mandatory rationing requirements are enacted, customers finding it difficult to comply can contact the BCPUD and staff will be assigned to meet with them, conduct a water audit, and identify opportunities for conservation. Customer will be required to keep a daily written record of water use for the next 1 -2 weeks as a requirement to apply for an exception.

Staff recommends that the Board grant 14 specific limited exceptions from the daily mandatory ration amount to businesses, public-serving and multi-use entities only, as the Board did in 2009. Staff has evaluated the recent (2020) and pre-pandemic (2017-2019) water use of these customers and recommends specific daily ration amounts for those customers. These 14 customers represent 2.5% of the district's connections and, if the recommended exceptions are granted, these customers will receive 10.9% of the available water supply. If these exceptions are granted, based staff's previous analysis as presented at the February 3rd special meeting, the resulting ration amount would be 97 gallons per day per customer. Again, this analysis assumes that (1) current water usage needs to be held at current levels (62,000 gallons per day district-wide, or 102 gallons per day per connection); (2) the district will receive a total of 21 inches of rain this rain year; and (3) 24 active connections will continue to have negligible water use.

Staff revisited its underlying analysis following the February 3rd special meeting. At that meeting, the Board indicated an interest in considering a *per person per day rationing approach* or otherwise granting a number of residential exceptions from the mandatory ration amount. However, granting exceptions is complex, time-consuming and resource-intensive for the district and has the potential to divide the community and/or significantly impact the remaining available water supply for other residential customers. For example, the district already has received exception requests from (1) customers with multiple rental units on one residential property, (2) customers with large or extended families on one residential property, (3) customers with extensive gardens, (4) customers with medical needs, and (5) customers who believe they cannot reduce their usage any further. Granting exceptions based on any one of more of those "needs" inevitably involves value judgments because water use "needs" vary in the eye of the beholder. Customers who enjoy long showers, or who are dedicated gardeners, for example, feel their water needs are as important as another customer's need to rent multiple units, or another customer's need to operate a vacation rental, or another customer's need to provide housing to extended family. Staff noted that if the Board were to approve exceptions for the 20 highest residential water users in town (allowing them to retain their current usage), those customers represent 3.5% of the district's customers and would receive 11.3% of the available water supply. Moreover, the resulting ration amount of the remaining residential customers would drop to 87 gallons per day per connection.

As noted, staff reevaluated the underlying water supply assumptions and projections presented at the February 3rd special Board meeting. Specifically, staff explored whether it would be possible to allow some increase in overall water consumption above December 2020 levels. The purpose of rationing is to ensure that historical "seasonal demand increases" in water use do not occur this year because otherwise, the district will run critically low on water and experience very poor water quality by early Fall (fire season), or run out of water entirely if rainfall is less than projected. Staff had recommended the Board enact a resolution to mandatorily ration water at December 2020 levels (62,000 gallons per day throughout the district, or 97 gallons per day per connection, with 14 limited exceptions) in order ensure a reliable supply of water to the community throughout 2021. Subsequent to the February 3rd special meeting, staff considered the implications for the district's water supply if community water use is limited to 76,000 gallons per day, or 125 gallons per day per connection via mandatory rationing (with 14

limited exceptions), assuming the district receives 20.7 inches of rain (the statistically predicted average rainfall to be expected in a comparably dry year). Staff then projected that the town will not run out of water in 2021 if rationing is set at this amount, but would be in a somewhat less resilient position in terms of stored water at year-end (5.3 million gallons in storage as compared to 9 million gallons under the prior analysis).

Overall, staff concludes that it is reasonable to revise its mandatory rationing recommendation accordingly (to 125 gallons per day per connection, with 14 limited exceptions), although staff will continue to closely monitor all available water supply indicators and adapt its projections and rationing recommendations accordingly during 2021. Staff is not seeking Board action tonight, but rather will propose a specific resolution for the Board's consideration at the regular February meeting (with an effective date of March 1, 2021). Staff noted that only 140 customer connections used more than 125 gallons per day in December 2020, so 452 customer connections already are using less than the revised ration amount. Staff believes the 125 gallons per day ration amount is achievable by all or nearly all residential customers. As previously discussed, exception requests can be considered at a later time by the Board after a customer demonstrates a meaningful and sustained effort to comply.

Director Siedman asked people who would like to speak to identify themselves. Bob Rippe, Vic Amoroso, Patty Bradford, Janine Aroyan, Ralph Camiccia, Mary Nisbet, and Steve Nicholson all requested to speak. Director Siedman then asked if the Board members would like to speak; all agreed to hear from the audience first. Bob Rippe said he lives on Elm Road and received a 60-day eviction notice as a result of the water issue and wondered what to do next. Director Siedman said he believes there is a moratorium on evictions during the pandemic and expressed surprise that a landlord would issue an eviction notice during these times. Vic Amoroso said he has six people living on his property (5 adults and 1 child) and is worried how he can manage with the recommended ration amount. Director Siedman noted that staff has outlined an exception process; staff explained that the exception process would not come into play until after the customer works with staff to conduct a water audit and implement further conservation measures to ensure all reasonable efforts have been made to comply with the ration amount.

Patty Bradford said she has seven people living on her property and she believes that staff's recommendation of 125 gallons per day will work out; they will work hard to comply and appreciate that there will be recourse if they for any reason cannot stay at or below the ration amount. Janine Aroyan inquired about the usage projected for the Coast Café – why does one business get the equivalent of 10 homes? Businesses should be required to undertake significant conservation efforts given their impact on the water supply, she said. Also, the Gibson House is proposed to receive 300 gallons per day whereas homes with the same number of people will receive only 125 gallons per day. Staff explained that the list of businesses is the same list that was part of the 2009 ration resolution; staff said the amounts will be revised to reflect current conditions (some of the businesses may continue to be closed for a good portion of 2021, for example). Janine said she favors the idea of closing the downtown bathrooms at the tennis courts in favor of porta potties and handwashing stations as a way to reduce demand on the town's water system.

Ralph Camiccia wondered about the current town population and noted that even during "good" water years, everyone has to be careful with water use. He speculated that many people new to town may not fully realize how severely limited the water supply is. He mentioned the idea previously raised about a town forum or advisory board at which discussions on issues like this can take place. In response to a question, staff explained that the district has 587 active connections, plus 5 BCPUD connections (for its various facilities in town). Mary Nisbet thanked the district for its work and inquired about the installation of catchment systems; she asked if BCPUD could assist with the bulk purchase of tanks. Director Siedman said he is very much in favor of promoting catchment systems and noted that the BCPUD may be able to coordinate such an effort via bulk purchases. Mary said if there is someone in the community available to advise on such systems, that would be helpful as well. Director Siedman directed staff to include an item on the next regular meeting agenda for the Board to facilitate the bulk purchase of catchment tanks.

Steve Nicholson said he appreciated staff's presentation. He inquired whether the 24 active connections with negligible use are on developed properties or on empty lots; staff said that most of these connections are on developed properties and a few are in the process of being transferred. Steve asked if unused meters can be repurchased or taken out of service by the BCPUD and/or if there are any projects anticipated to have a significant impact on water use in 2021. Staff said that the district does not have authority to take an active water service connection out of service. As for pending projects, the County of Marin posts projects requiring coastal permits on the Planning Department page and it is possible to search for projects in Bolinas. Staff said all such projects are required to apply to the BCPUD for limited water use permits.

Director Smith said he remains worried about large families because it is very hard to live on less than 20 gallons per day per person. He said he does not think there are that many customers in town with more than 6 people in their family and he therefore believes the BCPUD should provide such customers an opportunity to petition for more water (and doing so will not pose an undue burden on the staff). Given the housing crisis and the apparent threat of evictions already in play, he said, he believes the

district should proactively accommodate larger families for their personal health and safety needs.

Director Godino says she prefers to go with staff's recommendation. She said that more water for larger families necessarily would mean reductions for everyone else. Director Godino said she would prefer to start out more stringently (i.e., set the 125 gallons per day amount for all residential properties) and then see what happens in terms of compliance, rain and conservation rather than allowing some customers more water at the outset. Director Comstock said he also strongly supports the staff's recommendation. He said he believes the 14 exceptions for businesses, public-serving and multi-use customers are the only recommendations that should be granted at this point in time; even then, he said, each of those exceptions should be carefully examined to ensure the exception amount is appropriate. Director Comstock said the district must be very conservative before granting any exceptions given the extremely limited and stressed nature of the water supply at the present time, and only after every customer has demonstrated their best efforts to comply.

Director Walker complimented the staff for a thorough presentation and detailed data analysis. She said she agrees with staff's recommended approach and encouraged everyone to try and use even less than the 125 gallons per day and seek out options for catchment and other conservation measures. Director Siedman said he is much more comfortable with the 125 gallons per day ration amount and, while he is sympathetic to large families, he does not believe exceptions should be automatic. He encouraged any customers who are worried about their ability to comply to contact district staff for help and noted there will be a process for relief due to hardship.

Steve Rosenberg said he would like to address the Board, as did Eduardo, Jeff Clapp, and Annabelle Scott. Director Siedman invited Mr. Rosenberg to speak first. Mr. Rosenberg said he understands the district Board and staff are between a rock and a hard place; he said he is the landlord who issued the eviction notice previously mentioned. He did so because his attorney advised him that the moratorium on evictions does not apply to circumstances like this and, if the rationing is imposed and the four families who live on his property cannot comply, he will need to evict them. If exceptions are not granted now, he said, the 60-day eviction notice will need to stand. Director Siedman said an eviction notice seems to be premature until the residents work with staff and make an effort to comply and/or apply for an exception. Mr. Rosenberg said he cannot remove the eviction notice until he receives an exception; he noted that he put catchment tanks in precisely because there are a lot of people sharing the property. Eduardo said he is a tenant at Mr. Rosenberg's property and he and his family will be forced to leave if an exception is not granted. Director Siedman said this is exactly the type of hardship that might qualify for an exception.

Jeff Clapp said he is concerned about staff assumptions about future rainfall; he said the data set is quite small (only 12 data points) and if the rain assumption is overly optimistic, the water supply situation could be much more dire. He urged the Board and staff to assess this carefully. He also encouraged the Board to favor higher density developments as a means by which to house more people less expensively. Finally, he asked if the Board has the authority to ban landscape irrigation. Director Siedman said the Board has broad authority during a declared water emergency. Jeff encouraged the Board to consider restricting or reducing outdoor water use. Referring back to Jeff's point about the limited rain data set on which staff is basing its ration recommendation, staff said the district will be very closely monitoring actual rainfall and will make adjustments to the rationing recommendation as necessary, noting that the next two months will be extremely critical. Annabelle Scott said her questions were answered by the responses to Jeff's questions and comments.

In response to a questions from director Siedman, staff said no action of the Board is requested tonight; rather, staff will present a detailed rationing resolution for the Board's consideration at the regular meeting later this month.

5. Adjournment.

8:51 p.m.