

Bolinas Community Public Utility District

A Special Meeting Of The Board Of Directors

June 2, 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 conducted by the BCPUD Board, staff and public via Zoom.

1. Call to Order.

7:32 p.m.

2. Roll.

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

3. Community Expression.

None.

4. Unauthorized Use of BCPUD (APN# 193-142-12) and Private Property Adjacent to Brighton Beach Access Ramp: *Authorize BCPUD Staff to Coordinate with Adjoining Private Property Owner and Post Notice Requiring Removal of All Personal Property Within Seven Days; Authorize BCPUD Staff to Engage Appropriate Service Provider (Under Supervision of Marin County Sheriff) to Remove Any Remaining Personal Property After Seven Days.*

Staff stated that the Board held a special meeting on this topic last week and, at that time, the Board voted to authorize BCPUD staff to work with the appropriate county authorities and the adjoining property owner to abate the public health and safety issues at the site. Bolinas Fire Chief George Krakauer graciously volunteered to coordinate with the Sheriff's Office. He did so, and was advised that the property first would need to be posted with a notice that all personal property must be removed within the next seven days and then that amount of time must be granted to people to remove the materials. Only after that process is concluded should the BCPUD and adjoining property owner take action to remove any remaining materials or property, under the supervision of the deputy sheriff. Staff therefore has brought the matter back to the Board for consideration and authorization of staff action per the deputy's recommendation.

Director Siedman asked the Board members for their views. Director Smith said he visited the site again over the Memorial Day weekend and was delighted to see a tremendous clean-up; he did not see any camping gear, personal property, food or trash and the area was wide open to the public, and lots of people were walking around, accessing the bench and so forth. He said the driftwood art is very pretty and carefully constructed; he feels it is characteristic of the public art the community has enjoyed for decades and that is part of the Bolinas culture. He therefore does not believe these materials need to be removed. Director Comstock said that he wasn't able to see the site personally due to his recovery from knee surgery. Director Walker shared her screen to show a few photos of the site and said that the encampment had been removed, but the lower area of the property could invite a resumption of camping and perhaps there is an opportunity to improve the lower area in a positive way, perhaps with additional art. Director Godino concurred, saying that she supports the installation of art at this property (but not activities that present any health or safety issues).

Director Siedman said that he visited the site earlier in the day and saw a lot of driftwood installed in an artistic way, and there was clear access to the bench. He agrees that if/when debris and encampments occur, that is not desirable, so he believes the challenge for the Board is how to move forward with a plan to govern the use and enjoyment of this parcel of property. He is in favor of authorizing staff to take any action necessary to remove inappropriate materials from this parcel, but in the long term he'd like to see some form of committee formed to address the use of the property. Director Smith agreed that the BCPUD cannot condone encampments or other activities hindering public enjoyment of the area, but there doesn't seem to be anything like that occurring now; he recommended that either no action be taken or that the Board authorize staff to keep an eye on the property and post a notice if/when needed to remove encampment. Sherry Hirsch agreed, saying the site looks much better now and a lot of material has been removed. She said she does think the BCPUD should post the property as public space and personal effects may not be left there/no encampments are allowed. Ralph Camiccia said the problems will recur if the BCPUD does not come up with a general plan for the parcel and he supports director Siedman's suggestion of a committee to make recommendations for such a plan. Remick Hart also expressed his support for this suggestion.

Director Godino recalled that a possible referral to the Land Stewardship Committee was discussed at the most recent meeting and said she thinks that makes more sense than creating a new committee. Director Comstock agreed and said if that committee is not willing to take on the matter, the Board should figure out another committee that will. He said that since most of the objectionable activities at the parcel seem to be associated with encampments (trash, food and personal items), he is in favor of a “No Camping” sign posted on the property. Director Smith said that the existing No Camping signs for the beach likely also cover this parcel.

Staff expressed concern that the deputy’s instructions may not be clearly understood: he had advised the notice require that ALL materials be removed from the site, without distinguishing between driftwood and other materials; otherwise, the BCPUD is expressly authorizing the driftwood installation as a permitted use of the property which has potential consequences. Chief Krakauer agreed that this was his understanding of the deputy’s advice, and he agrees with director Comstock that most of the problems are associated with camping on the parcel; he said he has spoken with the folks who have been using the site and emphasized that no fires are allowed. He offered to circle back with the deputy sheriff for additional guidance as to signage, materials to be removed, and so forth, in light of the views expressed at the meeting.

Further discussion ensued about whether/how to post a notice at the property. Director Siedman suggested that the Fire Chief should confer again with the Sheriff’s Office and the BCPUD should reach out to the Land Stewardship Committee. Board members discussed posting a No Camping sign as well as a more detailed sign about the removal of all personal property. Director Smith spoke strongly in favor of limiting the sign to No Camping as the existing driftwood art is very beautiful and well-constructed. Chief Krakauer suggested posting a sign stating No Camping, No Fires, No Shelters. Director Comstock made a motion to that effect as applicable to the lower portion of the parcel that is owned by the BCPUD and also to refer the longer-term task of an overall plan for the property to the Land Stewardship Committee.

L. Comstock/D. Smith all in favor to post a sign on the BCPUD parcel APN 193-142-12 prohibiting camping, fires and shelters and to refer the longer-term task of an overall plan for the property to the Land Stewardship Committee.

Director Smith agreed to contact the Committee and to contact the adjacent property owner, Mark Talucci, to solicit his involvement.

5. Manager’s Report: *Update on the Status of the BCPUD’s Water Supply. (Update will be posted on the BCPUD website in advance of the meeting).*

Staff presented an update on the status of the district’s water supply since the last regular meeting of the Board on May 19, 2021. Staff noted that the projections presented to the Board thus far concerning the district’s water supply all assume the district will not receive any more rain during calendar year 2021. Subsequent to the May 19th meeting, director Comstock requested that staff refine the projections to include some reasonable assumptions about rainfall given that it has never not rained *at all* during the latter portion of the calendar year. Staff therefore has refined the projections to include the impact of late year rains (i.e., specific measureable rainfall scenarios for the October 2021 – January 2022 timeframe) on the district’s projected water supply.

The first scenario presented assumes that the district will receive an amount of rain equivalent to the historic minimum rainfall revised by the district during the months of October – January, which is 4.24 inches of rain. The resulting analysis in terms of the base flow recession model for the creek is a relatively minor, flashy impact on creek flows from that amount of rain, but the projections about creek flow do not change materially and the impact on stored water in the reservoirs also would be minimal, primarily because the district typically does not see any overland flow of rainfall into the reservoirs until a minimum of 10 inches of rain have been received. The updated scenarios assume that the reservoirs received 127,625 gallons of water for each inch of rain received up to 10 inches; after that, the reservoirs received over 500,000 gallons of water for each inch of rain due to the runoff which would then result. As such, if the district were to receive only the historic minimum amount of rainfall this year during October – January, its water supply status would not be meaningfully different than it would be under the “no rainfall” analysis previously presented.

The second scenario presented assumes the district will receive an amount of rain equivalent to the historic average rainfall received by the district during each of the months of October (1.75 inches), November (4.28 inches), December (6.09 inches), and January (6.51 inches), for a total of 18.63 inches. Under this assumed scenario, the base flow recession model projects dramatic impacts on stream flows, such that the creek would be flowing at nearly 125,000 gallons per day by mid-January 2022, in contrast to the 40,500 gallons per day predicted under the preceding scenario. There would be similarly dramatic improvement in the district’s stored water supply, with the two reservoirs at 55% - 75% capacity by the end of January 2022, depending on consumption rates. While this would be a very welcome scenario, historically the district receives *less than* the average amount of rainfall in 52% of the years for which the

BCPUD has rain records; that said, this analysis demonstrates how quickly the district's surface water sources will respond to average amounts of rainfall.

The third scenario assumes the district will receive hypothetical amounts of rain during each of the months of October, November, December and January: 1 inch, 2 inches, 3 inches and 4 inches, respectively, for a total of 10 inches – this is very similar to the rainfall received during the 2020-21 rain year during those months. This scenario projects a creek flow of just less than 72,000 gallons per day by mid-January 2022 and a maximum storage of 10% - 41% of capacity by the end of January 2022, depending on consumption. As such, this scenario is better than the historic minimum rainfall scenario, but would not leave the district in a robust position heading into February 2022.

Staff underscored the importance of conservation as the district embarks on the summer months. Although consumption jumped up dramatically over the Memorial Day weekend, staff has confirmed that the majority of this increase was attributable to an undetected leak at a customer property resulting in a water loss of over 32,000 gallons. Staff noted that some in the community were quick to blame tourism or vacation rentals for the increase and this was not the case; staff urged residents to wait for factual information and not make assumptions or villainize segments of the community for assumed water use. Staff urged every resident in town to vigilantly check their property every day of any possible leaks, particularly toilet leaks or hose leaks as those are the most common sources of significant water losses. Staff said that in the last month the district lost almost 100,000 gallons to customer leaks, all of which were preventable and which vastly overshadowed any uses at vacation rentals or by tourists.

Returning to the rainfall scenarios, staff said that in light of the deepening drought conditions and given the consequences if the district should experience another dry rain year, staff is recommending that the Board amend BCPUD Resolution 680 to lower the ration threshold from 76,000 gallons per day (averaged over a 7-day period) to 66,000 gallons per day. Staff had been intending to recommend the Board also amend BCPUD Resolution 680 to lower the ration amount from 125 gallons per day per property to 100 gallons per day per property, but staff has decided to defer that recommendation at this time in favor of a more incremental approach.

6. Amendment to Section 3 of BCPUD Resolution 680: Lower the “Trigger” for Mandatory Rationing from When District-Wide Consumption exceeds 76,000 Gallons Per Day (Averaged Over Seven Consecutive Days) to When District-Wide Consumption exceeds 66,000 Gallons Per Day (Averaged Over Seven Consecutive Days).

Director Comstock thanked staff for the updated analysis and different rainfall scenarios; he said he believes it is a more realistic approach than assuming no rainfall at all and he agrees that analysis supports lowering the ration trigger to 66,000 gallons per day. He therefore made a motion to amend section 3 of BCPUD Resolution 680 to so lower the ration trigger. He noted that this approach is still quite conservative as it assumes the district will not yet be able to benefit from either of the two well projects during this timeframe; the district would hope otherwise, but he agrees it is appropriate not to count on that extra water at this time. In response to a suggestion from staff, director Comstock amended his motion to make clear the amendment to the resolution would take effect no sooner than June 9, 2021. Director Smith seconded the motion.

L. Comstock/D. Smith all in favor to amend Section 3 of BCPUD Resolution 680 to lower the “trigger” for mandatory rationing to when district-wide consumption exceeds 66,000 gallons per day (averaged over seven consecutive days), effective June 9, 2021.

7. Amendments to Sections 3 and 6 of BCPUD Resolution 680: Lower the Mandatory Ration Amount from No More Than an Average of 125 Gallons Per Day Per Property (Averaged Over a Seven-Day Consecutive Period) to No More Than an Average of 100 Gallons Per Day Per Property (Averaged Over a Seven-Day Consecutive Period).

Deferred to a future meeting.

8. Exceptions to the Mandatory Water Ration Amount pursuant to Section 5 of BCPUD Resolution 680: Establish Criteria for Evaluation of Exception Requests; Set Deadline for Submittal of Exception Requests; Schedule Special BCPUD Board Meeting to Consider all Exception Requests and Potentially Further Revise the Mandatory Ration Amount.

Staff presented draft criteria for the Board's evaluation of requests for exceptions from the anticipated mandatory ration amount; staff noted that per Section 5 of BCPUD resolution 680, the Board may grant exceptions under specific circumstances. At the most recent regular Board meeting on May 19, 2021, the Board instructed staff to prepare written criteria reflecting the Board's input at that meeting. The draft criteria therefore provide that any customer requesting an exception must set forth in writing and in detail the reasons why they are requesting more water than the ration amount. At the time the request is submitted, the customer must schedule a water audit with BCPUD staff to be completed prior to the Board meeting at which the exception will be considered so the district can verify the customer has

adopted all reasonable conservation measures up until that point, and that the exception is necessary, notwithstanding all those conservation measures.

In addition, the draft criteria provide that the Board will prioritize exception requests that present a clear public health and safety reason; specifically that the number of people regularly relying on a single meter for drinking water and sanitation purposes will not have sufficient water for those purposes, unless an exception is granted. The criteria provide that public health and safety exceptions shall not be granted unless there are more than five people regularly relying on a single meter for drinking water and sanitation purposes *and* the customer requesting the exception must provide adequate proof to the BCPUD's reasonable satisfaction as to the number of people regularly relying on the meter. As a general rule, no more than 20 gallons per person over the ration amount will be granted to customers requesting public health and safety exceptions.

A second category of exceptions may be considered, once the Board analyzes the impact of exceptions granted for public health and safety reasons, by customers with commercial businesses that will not have sufficient water for their business unless an exception is granted. The criteria provide that such customers would need to provide information about their commercial business in terms of the minimum amount of water needed to minimize adverse impacts on their business. If the business is a short term rental property, the customer must document the average occupancy and the rental property must be on the County of Marin's public list of registered short term rental operators. In connection with all exception requests, the Board also will consider the requesting customers historic water use.

Director Smith expressed concern that some residents may be fearful of a water audit and therefore may not apply for an exception and experience genuine hardship as a result. He recommended instead that the Board simply approve an additional 20 gallons per person for households of more than five persons. Director Godino said she sympathizes with those concerns, but that if done properly and respectfully, a water audit may really help people stay on track with their water use and it would be best for the district to confront this before or at the outset of water rationing, not during the process. Director Comstock concurred, saying that a water audit should be not viewed as a punitive measure and the BCPUD should focus on respectful engagement with the community to help everyone reduce their use to the extent possible. Director Siedman said that he believes the community is small enough and the BCPUD staff is well enough known that all concerned should be able to get past any fear issues.

Director Siedman asked for Board views on the adequacy of proof required in connection with customer requests for exceptions; he suggested a simple attestation under penalty of perjury. Director Godino said she favors a prior suggestion of director Smith that a statement signed by a property owner plus a tenant at a property for requests due to public health and safety reasons should be sufficient. Director Smith said that after some reflection, he thinks perhaps the form should require the property owner and a second person who is one of the full-time residents (whether a tenant or otherwise, such as an extended family member).

Director Siedman requested Board input on the commercial exception criteria. Director Smith said that he considered various situations that might arise, ranging from a native garden seedling business to short term rentals and it seems the former customer should present evidence about the specific amount of water needed for specific purposes and the Board could then assess the request vis-à-vis the available water supply. As for short-term rentals, he proposed the Board take a similar approach to the larger households and allow an additional 20 gallons per person for the documented average daily occupancy rate. Director Comstock said he agreed with these proposals, as did directors Godino and Walker. A brief discussion ensued whereby staff requested specific confirmation of her understanding of the Board's input on the specific language in the draft criteria and the Board members provided additional clarifying input.

D. Smith/G. Godino all in favor to approve criteria for the evaluation of exception requests to the mandatory ration amount per Section 5 of BCPUD Resolution 680, as amended by the Board input during the meeting.

The Board then turned to the tasks of setting a deadline for the submittal of exception requests and scheduling a special Board meeting at which the requests will be considered. Staff recommended that the Board authorize staff to widely publicize the deadline and special meeting date ahead of time so that the Board could decide as many exception requests as possible given the potential impact on the overall daily ration amount if a large number of exceptions are granted; staff noted that exception requests could still be granted later on an as-needed basis. Director Smith suggested a deadline in approximately two weeks, assuming notices go out immediately; he agreed that is important for the Board to be able to assess whether a reduction in the overall ration amount will be needed.

Director Comstock said that the Board's focus should be on the overall district water use of 66,000 gallons per day as opposed to each and every individual customer and whether each and every one is at the ration amount as that actually would be a problem – the vast majority of customers are using far less. The most important objective for the Board should be to persuade everyone not to increase their current water use because, if they do, mandatory rationing will be required and the district would really like to avoid that if possible. In response to a question from director Walker, staff said the daily average is in the

57,000 – 62,000 gallons per day range, district-wide, at the present time. Staff reiterated that the jump up in consumption during Memorial Day weekend, when consumption exceeded 66,000 gallons per day, has been attributed to a large leak at a customer property over the course of the three-day weekend (over 32,000 gallons). Director Walker requested that the publicity about the exception request deadline and special meeting also be translated into Spanish; director Godino offered to share some “lessons learned” at the Bolinas School about effective community outreach.

Discussion ensued about the time needed to notify the community and a possible date for a special Board meeting to consider exception requests. Director Siedman ultimately suggested that these tasks be deferred to the upcoming regular meeting on June 16th as staff likely will have a better handle on the time needed. Staff agreed, noting that there is some urgency as the summer months are around the corner during which consumption in the district typically increases significantly. That said, consumption has *not* increased in April and May as it typically would, which indicates the community has really heard and understood the district’s messaging about the critical need to conserve. Director Smith noted that a member of the public attending the meeting wrote a chat comment about the helpfulness of the Flume monitoring device (installed at the customer’s water meter) to track water use. Staff noted that Marin Water has been able to offer financing for these devices for their customers and staff will investigate any similar options for the district. Director Smith commented that the devices will not work well for customers without reliable internet service.

9. BCPUD Resolution 683: Declaring that an Emergency Exists, Waiving the Competitive Bid Process and Authorizing the Immediate Purchase of a Replacement Generator for the Wharf Road Lift Station.

Deferred to a future meeting.

10. Adjournment.

9:37 p.m.