

Bolinas Community Public Utility District

A Regular Meeting Of The Board Of Directors

June 16, 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.

7:31 p.m.

2. Roll.

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

3. Manager's Report and Project Updates.

- Update on the Status of the BCPUD's Water Supply.

Staff directed the Board's attention to a memorandum in the meeting binders which presents updated information about the district's water supply since the last Board meeting on May 19, 2021 through June 14, 2021. Staff reported that the district's diversions from the Arroyo Hondo Creek averaged 63,432 gallons per day (GPD) and no water was diverted from Woodrat 1 reservoir during this time, once again underscoring the beneficial impact of the community's conservation efforts.

Total annual rainfall in the district (since July 1, 2020) is 16.42 inches. The district's stored usable water supply in the Woodrat reservoirs as of June 14, 2021 (combined) was approximately 9.34 million gallons, a decrease of 537,262 gallons in reservoir storage when compared to the 9.88 million gallons in storage on May 17, 2021; the decline in storage between May and June is due to continued environmental losses (evaporation, which was much more pronounced due to the longer days and extremely windy weather in recent weeks, and seepage) and possible measurement imprecision.

Staff reported that from May 18, 2021 – June 14, 2021, water consumption across the district averaged 60,562 GPD, or 102 GPD per connection. Individual water consumption remains quite uneven. For example, in May 2021, the highest 12 water users logged an average water use of 317 - 1,103 GPD. In May 2021, 22 customers (including the highest 12) used more than 200 gallons of water per day, whereas 33 customers did so in April. In May 2021, 108 customers used more than the anticipated ration amount of 125 gallons per day, whereas in April 2021, 129 customers did so. In May 2021, 194 customers used more than 100 gallons per day, whereas in April 2021, only 174 did so.

The district also experienced several significant customer leaks during May. Over the Memorial Day weekend, over 32,000 gallons of water were lost due to a leak at one property, and another customer had improperly set his irrigation system, resulting in an additional 17,000 gallons of water lost in just one month (or 560 GPD). Staff urged all customers to check their properties on a daily basis for potential leaks; in addition, if a property will not be used for an extended period, please shut off water to the property via a house valve or ask the BCPUD to do so as this will prevent water loss.

Staff presented updated scenarios about the district's stored water supply reflecting the actual data recorded as of June 14, 2021 based on differing rates of overall community water consumption and based on an assumed (but hypothetical) receipt of 9.9 inches of rain during October 2021 through January 2022. The most recent seven-day running average community consumption is approximately 59,300 GPD; as such the updated scenario indicates if consumption stays close to current levels (and at or below the ration trigger of 66,000 GPD) and the 9.9 inches of hypothetical rainfall occurs by January 31, 2022, the district is projected to have between 4.3 and 6.5 million gallons of water in storage through January 2022.

However, staff noted that if the district receives only the historic minimum level of rainfall (4.24 inches) during October 2021 through January 2022 (and consumption stays close to or below current levels) the district is projected to have only about 3.7 million of gallons of water in storage through January 2022. If consumption were to increase to the ration trigger of 66,000 GPD, storage will be at only 1.4 million gallons by the end of January; and, if consumption were to increase to 76,000 GPD, the district would be out of stored water before the end of January 2022.

Staff next presented an updated base flow (BF) recession model for the Arroyo Hondo creek, developed for the district by consulting hydrogeologist Rob Gailey, revised to (1) reflect an assumed (but hypothetical) rainfall of 9.9 inches by January 2022; (2) depict the recoverable creek flow (approximately 10 gallons per minute flows past/around the dam); and (3) correct the size of the storage area behind the dam from 1,995 square feet to 1,500 square feet. The recoverable base flow remains essentially the same as previously predicted, at just under 30,000 gallons of recoverable water per day in the creek by September 1, 2021. Staff also presented a BF recession model with an assumed historic minimum rainfall of 4.24 inches during October 2021 through January 2022. The recoverable base flow remains essentially the same through October and the creek flow response to the lower rainfall is, unsurprisingly, far less robust. Creek flows at January 31, 2022 are predicted to be approximately 47,000 GPD vs. approximately 70,000 GPD under the hypothetical rainfall assumption.

Staff presented the updated rainfall totals; the district has received only slightly above the minimum recorded rainfall for this time of year. In fact, the district has experienced only 4 other years where the rainfall received was less than it was this year through the end of May. Those rain years generally turned out to be *much* drier than normal years with a minimum total rainfall received of 15.6 inches, a maximum of 18.4 inches, an average of 17.0 inches and a line of “best fit” projection of 17.8 inches. These statistics reinforce the prediction that the 2020-21 year will conclude as one of the lowest rainfall years on record. Finally, staff presented contrasting photos of the Arroyo Hondo Creek in May 2005 (photo taken by Phil Buchanan when 48.8 inches of rain were received that rainy year) and in June 2021 (photo taken by Lloyd and Evan Kahn when 16.42 inches of rain were received).

Staff noted that the Board lowered the ration “trigger” from 76,000 GPD to 66,000 GPD, (averaged over a 7-day period) at a special meeting on June 2, 2021, based on current information about the district’s projected water supply. The anticipated ration amount remains 125 GPD per property, enforced over a seven-day period. At the June 2, 2021 special Board meeting, the Board also evaluated “exception” criteria for public health and safety as will be discussed later in the meeting during Item 6.

- *Emergency Groundwater Well Projects.*

Work is well-underway on this project with the district’s hydrogeologist and civil engineer focused on their respective responsibilities. Staff continues to target a permit application submittal on June 30th to the State Water Resources Control Board (“SWRCB”). The required pumping tests of the Resource Recovery well should be completed this week and full samples will be taken early next week. The SWRCB has indicated it will accept the pumping tests already completed for the Wharf Well by the Bolinas Community Land Trust (“BCLT”). Drinking water source assessments are underway for both wells. The SWRCB has notified us that a Drought Monitoring Order is pending which will require specific districts to submit weekly reports on the status of their water supplies; as a result, emergency funding may be available to pay for part/all of this project. In response to a question from director Comstock, staff said that a license agreement between the BCPUD and BCLT is under development for use of the Wharf well.

- *Irrigation Pump Station Replacement Project.*

Staff requested a special meeting on Friday, June 18th at 2:00 p.m. for the sole purpose of accepting the Irrigation Pump Station project as complete and authorizing staff to record a Notice of Completion and pay Fort Bragg Electric the retainer amount of \$9,173.07. The Board had no objection and a quorum of directors confirmed their availability for such a meeting.

- *Woodrat Reservoir Rehabilitation Project.*

Staff reported that the operations staff continues to see improvements in water clarity in the reservoirs. A recent round of sampling seems to confirm measurable increases in oxygenation and reduction in iron, manganese, phosphorus, and other constituents of concern in the Woodrat 2 reservoir. Another round of sampling was done last week which will provide additional data.

- *Alliance of Coastal Marin Villages.*

- *Coastal Communities Working Group.*

Staff directed the Board’s attention to written comments prepared by the members of the Alliance of Coastal Marin Villages (“ACMV”) regarding the County’s revised Environmental Hazards policies. The letter makes 10 key points, all focused on preserving the rights of homeowners to repair and maintain existing properties and upgrade them for safety and code purposes (including fire safety) without unnecessary and extensive permitting or “mitigation” requirements.

Turning to general operations, staff reported that water consumption data for the back of the Mesa (for the quarter ending in May) was way down as compared to the same time last year and was the lowest on record for that area of town since 2006. Staff referenced a communication from the SWRCB dated June 8, 2021 asking districts to “Prepare for Drought” by evaluating their water supplies, creating

contingency plans and conducting education and outreach about the need for customer conservation. Staff said the district is well-ahead of schedule on all of these requests.

On June 1, 2021 the BCPUD received an email from the California Special District's Association ("CSDA") indicating that the BCPUD was flagged as "at risk" by the SWRCB in connection with the "SAFER" program – SAFER stands for Safe and Affordable Funding for Equity and Resilience. The SWRCB is evaluating all districts per the "Human Right to Water" law under California law, part of an effort to ensure that all Californians have access to safe water. The SWRCB conducted a "Drinking Water Needs Assessment" in 2021 and the BCPUD was found to be "at risk", but barely. Staff requested a Zoom meeting with SWRCB staff to better understand the assessment and was told that all districts scoring over "1" are deemed to be at risk, and the BCPUD's score was 1.15. The reasons for this include the district's past issues with chlorine disinfection byproducts – even though those issues were addressed in 2017 by the district's inline coagulation treatment process, the SWRCB's assessment looks back nine years. In addition, the BCPUD received points because of "extensive treatment" due to the surface water nature of the district's water system; there is nothing the BCPUD can do about that. The SWRCB also deems the BCPUD's water rates to be high relative to a median average annual income of \$59,000; the SWRCB representatives understand that the BCPUD has raised rates in recent years to conduct numerous identified capital improvement projects and has had to do so since it doesn't qualify for grant funds as a disadvantaged community. It is possible that being on this list will now qualify the BCPUD for some grant funding; staff will keep an eye on this.

Director Godino inquired as to whether/how the Human Right to Water law impacts the BCPUD with regard to the unhoused; does the BCPUD have an obligation (legal or moral) to provide water to this population in Bolinas? Staff did not know and offered to research the district's obligation to provide water to non-customers. Director Siedman suggested that the Department of Public Health may have guidelines on water district responsibility in this regard.

The operations staff is very busy right now working to monitor the districts water sources, read meters, track down and repair leaks, hand-deliver high use letters to customers, and so forth. Also, just before Memorial Day there was an apparent water theft from one of the district's hydrants; the apparent theft slammed shut the hydrant valve and fled town, immediately causing a hammer of water to reverberate through the water system and cause several leaks, requiring the crew to work late into the night. A few days prior, on May 21st, the crew was called to a situation in front of the Bolinas Market and discovered that some sort of vehicle with a holding tank for wastewater dumped the contents on Wharf Road at some point between 6:30 am and 8:30 am. Staff treated the matter like a sewer spill (after confirming that the wastewater was *not* from the district's system) and cleaned it up, ensuring that no part of this wastewater flowed into the Bolinas Lagoon (storm drain right nearby). Staff extended thanks to Belle Wood, Stew Oakander, Andrew Spalding, Blake Miller and Evan Kahn, all of whom are working very hard on behalf of the community.

Finally, staff reminded the Board that a new law (SB 1383) is scheduled to take effect on January 1, 2022 which mandates curbside organic recycling; as previously reported to the Board, Recology Sonoma-Marine intends to meet this requirement by allowing food waste to be placed in the green waste containers, thereby requiring Recology to transport this waste to a non-local disposal site as the Resource Recovery Project site is not permitted to accept food waste. This law also places obligations on franchise holders such as the BCPUD to enforce some of the SB 1383 requirements -- but it is clear from the text of the law that it is not intended to apply to franchise holders that generate less than 5,000 tons of solid waste per year. Staff argued for this exemption in a recent conference call with Recology Sonoma-Marine and Cal Recycle; Recology confirmed that BCPUD's solid waste tonnage was less than 2,000 tons for each of 2018, 2019 and 2020, but claims not to have any records from when the Ratto Group owned the company. Cal Recycle agreed that the BCPUD should be exempt, but said the law requires Cal Recycle to look only at data from 2014 to make the exemption determination. Staff pushed on this and Cal Recycle said it will evaluate the matter and circle back with the district.

4. Public Hearing: Draft Fiscal Year 2021-22 District Budget.

Director Siedman opened the hearing by noting that on April 30th the BCPUD issued a Proposition 218 notice to advise all customers of a proposed 3 percent increase to the annual service charge for water and the annual service charge for sewer, which would be an increase of \$43 and \$42 per year, respectively. The Proposition 218 notice explains the reasons for the proposed increase and also informs the community about this public hearing. Director Siedman invited comments or questions, noting that action on the proposed budget will not occur until the regular meeting in July. In response to a question from director Godino, director Siedman confirmed that the annual service charges appear on the property tax bill.

Staff reported that the district has not received any written protests or any other form of written correspondence from the public about the draft budget. Staff noted that the Finance Committee developed the budget over the course of a series of public meetings held from January 2021 through April 2021 and also updated the district's Five-Year Capital Improvement Plan. As director Siedman observed, a Proposition 218 notice was issued on April 30, 2021 to inform property owners of the proposed service

charge increases and sets out in detail the reasons why, which primarily are cost-of-living adjustments for the San Francisco Bay Area and scheduled capital improvement projects.

After confirming that there were no public comments, director Siedman closed the hearing.

5. Community Expression.

Melinda Griffith said that she understands that it might take 18 months for the College of Marin to start the rebuild of the biology lab and she asked if it would be possible to request a schedule from the college. She expressed concern about whether the funds are available for the rebuild and what the plans are to secure the site pending the rebuild; she also wondered about two off-street parking spaces historically available to the public. Director Godino said she would like to see any form of security fence constructed in a way to allow as much parking as possible, particularly for fishermen and the Rod & Boat Club members. Director Siedman said it seems appropriate for the BCPUD to submit a letter on issues of town concern. Melinda offered to prepare a first draft of the letter for director Siedman's signature.

Ralph Camiccia reported that next Wednesday at 6 pm the County and other organizations are hosting a "State of the Lagoon" meeting to discuss a variety of concerns about illegal clam digging and other harvesting occurring in the lagoon; in addition, the Bolinas and Stinson Beach Fire Chiefs will be discussing fire risks and implications for evacuation along the lagoon, among other things. He urged everyone to attend. Ralph said he will post notices about the meeting in the Hearsay News.

6. Exceptions to the Mandatory Water Ration Amount pursuant to Section 5 of BCPUD Resolution 680:

a. *Approve Final Criteria for Evaluation of Exception Requests;*

Director Siedman noted that the Board discussed criteria for exception requests at the June 2, 2021 special meeting which staff now has incorporated into the final criteria; staff said the final criteria also include an exception for medical conditions requiring water use in excess of the mandatory ration amount to accommodate requests from specific customers in town. In response to a question from director Godino, staff explained that property owners who own more than one property served by a water meter will have their water use assessed based on the combined usage at all such properties, so this total available water allocation will be taken into consideration in connection with any exception requests. Director Smith suggested that the person with the medical condition also attest to the condition on the exception request form (as that person may not be the property owner).

L. Comstock/G. Godino all in favor to approve the final criteria for evaluation of exception requests, as amended with the clarification that the person requesting an exception based on a medical condition also be required to sign the request form to attest to the condition.

b. *Set Deadline for Submittal of Exception Requests (Tentative Date: June 29, 2021);*

K. Walker/L. Comstock all in favor to set a deadline of June 29, 2021 for the submittal of exception requests.

c. *Schedule Special BCPUD Board Meeting to Consider all Exception Requests (Tentative Date: July 1, 2021); and*

D. Smith/L. Comstock all in favor to schedule a special Board meeting on July 1, 2021 at 7:30 p.m. to consider exception requests.

d. *Approve Customer Notification Materials/Process.*

Staff proposed to send out letters to everyone in the community to inform everyone about the process to apply for exceptions, including but not limited to alerting them to the exception criteria on the BCPUD's website and the requirement to contact the office to schedule a water audit, the deadline to apply and the date of the Board's special meeting to consider the requests. The information also will be posted in town, on Nextdoor, in the Hearsay News and translated into Spanish. Director Godino suggested that the flyer contain the specific information about exception criteria rather than a link to the BCPUD's website; based on her experience at the Bolinas School, she said people often do not go to website links. Director Walker suggested that bullet points about the criteria under a heading such as "Do You Qualify?" might be helpful.

D. Smith/L. Comstock all in favor to approve the customer notification materials and process outlined by staff, as modified by the suggestions offered by directors Godino and Walker.

7. 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.

Staff explained that the district is required to have an emergency back-up source of power at its Wharf Road Lift Station as a regulatory matter; when the district's generator failed, staff secured a rental at a cost of \$2,000 per month. The district has obtained two quotes for a Tier 4 EPA-certified diesel generator – the same as currently rented and operating downtown – and the lowest quote was submitted by CD Power at a cost of \$59,940.75. There is a lead time of 6 – 8 weeks for this equipment. Staff therefore requested that the Board find that an emergency exists, that the purchase of this critical piece of equipment needs to be made as soon as possible, that the quote submitted by CD Power is reasonable, and to suspend any otherwise applicable competitive bid requirements, all as set forth in Resolution 683.

L. Comstock/K. Walker all in favor to pass BCPUD Resolution 683, declaring that an emergency exists, waiving the competitive bid requirements and authorizing the immediate purchase of a replacement generator for the Wharf Road Lift Station.

8. BCPUD Resolution 684: Appointing William Pierce as a Limited Duration Employee and Certifying the Nature of the Employment and that Appointment is Necessary to Fill a Critically Needed Position Sooner than 180 Days.

Director Siedman noted that Bill Pierce is planning to retire effective July 2, 2021 and the district would like to retain him as a limited duration employee due to his specialized skills and knowledge; in order to so hire him before 180 days have passed since his retirement, per CalPERS rules, the district needs to pass Resolution 684 to certify the critical nature of his skills and the reasons for the early appointment. Staff said that the specific, critically needed skills Bill has pertain to (1) the emergency groundwater well projects, (2) the operation of the sewer system (he is the only licensed operator qualified to supervise the sewer system at the present time) and (3) the training of the new shift operators (such training currently is not available elsewhere due to the ongoing Covid-19 pandemic). The Limited Duration Employment Agreement is attached as an Exhibit to the draft resolution

L. Comstock/D. Smith all in favor to approve BCPUD Resolution 684, appointing William Pierce as a Limited Duration Employee and certifying the nature of employment and that appointment is necessary to fill a critically needed position sooner than 180 days.

9. Update from the Save Terrace Avenue at Surfer's Overlook Committee re: Proposed Phase 2 of the Bluff Stabilization Project: Authorize BCPUD Staff to Request the Bolinas Community Center, Fiscal Agent, to Release up to \$5,000 from the Save Terrace Avenue at Surfer's Overlook Project Bank Account for an Inspection Report from Ron M. Noble & Associates.

Director Smith said that he has been involved with this project for years. He noted that there is approximately \$200,000 on deposit from the funds originally raised by the Safe Terrace Avenue Committee for use in "Phase 2"; that said, it may never be possible to install the full bluff stabilization project recommended by SAGE Engineers years ago. As such, he feels it would be appropriate at this time to evaluate intermediate options to slow down the rate of erosion of the cliff and perhaps repair the seawall at the base of the bluff and Ron Noble, as a coastal engineer, could be engaged for this purpose. Ralph Camiccia said that the Committee members are in contact with Ron Noble and have requested a written inspection report from him with his views about how to slow erosion of the bluff, whether to eliminate certain vegetation from the bluff face, the scope of potential minor or major repairs to consider, and his views about whether to replace the seawall at the base of the bluff (and a rough cost estimate therefore).

D. Smith/L. Comstock all in favor to authorize staff to direct the Bolinas Community Center, fiscal agent, to release up to \$5,000 from the Save Terrace Avenue Fund for an inspection report from Ron M. Noble and Associates.

10. Volunteer Committee Reports:

-- *Resident Permit Parking Plan Committee*: Report from the Committee. No one was present to present on behalf of the Committee.

-- *Resource Recovery*: Staff reported that the Marin Wildfire Prevention Authority approved a grant of \$125,000 per the application submitted by the BCPUD and the Bolinas Fire Protection District on behalf of the Resource Recovery Project toward the purchase of a replacement loader for the site. Also included in the Board binders is the most recent inspection report. Staff noted the inspectors were not happy with certain record-keeping protocols which have since been addressed.

-- *West Marin Mosquito Control Coordinating Council*: Nothing to report

-- *Land Stewardship Committee*: Director Siedman noted that the Board previously suggested this Committee take on the challenge of improvements to the district property at the end of Brighton Avenue adjacent to the access ramp. Janine Aroyan confirmed that the Committee is scheduling a meeting for this purpose within the next 10 days.

11. Other Business.

a. Board Committee Reports.

--*Finance: Engagement Letter from R. J. Ricciardi, Inc. for FY 2020-21 Audit; FY 20-21 Third Quarter Financial Statements.*

L. Comstock/G. Godino all in favor to approve the R. J. Ricciardi, Inc., engagement letter for the district's FY 2020-21 Audit.

Staff presented the third quarter financial statements – balance sheet and profit & loss statements – overall, revenue and expenses are on track except for over-budget plant expenses on both the water and sewer side due to unbudgeted expenses related to the drought and to the rental generator at the lift station.

-- *Legal:* Nothing to report.

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

-- *Water and Sewer Operations:* Nothing to report.

-- *Personnel:* Nothing to report.

b. Minutes of the March 17, 2021 Regular Board meeting; Minutes of the April 21, 2021 Regular Board meeting; Minutes of the May 19, 2021 Regular Board meeting; Minutes of the May 25, 2021 Special Board meeting; Minutes of the June 2, 2021 Special Board meeting.

Director Smith noted a typo in Item 7, line 4 of the draft minutes of the March 17, 2021 Regular Board meeting.

L. Comstock/K. Walker all in favor to approve the minutes of the March 17, 2021 regular Board meeting, as corrected.

Director Smith offered clarifying corrections to the draft minutes of the April 21, 2021 Regular Board meeting.

L. Comstock/D. Smith all in favor to approve the minutes of the April 21, 2021 regular Board meeting, as clarified.

Director Smith offered clarifying corrections to the draft minutes of the May 19, 2021 Regular Board meeting.

K. Walker/D. Smith all in favor to approve the minutes of the May 19, 2021 regular Board meeting, as clarified.

c. Warrants.

Director Smith inquired about a check for over \$9,000 to Coast Sanitary; staff explained that this was the cost incurred in fully pumping out the accumulated sludge in the clarifier at the Woodrat Water Treatment Plant.

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

d. Scheduling of Next Meeting(s):

June 18, 2021 – 2:00 p.m., Special Board meeting; July 1, 2021 – 7:30 p.m., Special Board meeting; July 21, 2021 at 7:30 p.m., Regular Board meeting.

12. Adjournment.

9:11 p.m.