

Bolinas Community Public Utility District
A Special Meeting Of The Board Of Directors
July 1, 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.

7:30 p.m.

2. Roll.

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

3. Community Expression.

None.

4. Exceptions to the Mandatory Water Ration Amount pursuant to Section 5 of BCPUD Resolution 680: *Consider Staff Recommendations for Public Health & Safety, Medical Condition and/or Commercial Business Exceptions to the Anticipated Mandatory Ration Amount of 125 Gallons Per Day Per Connection.*

Staff reported that the district received 24 exception requests by the June 29th deadline; one of the requests subsequently was withdrawn. Water audits have been conducted at all of the properties for which exception requests have been submitted to confirm that the underlying conditions have been accurately represented and water conservation measures have been implemented. Staff has prepared recommendations with regard to each of the requests by applying the exception criteria approved by the Board at a prior meeting (and posted on the district's website); in the interest of customer privacy, the requesting properties will be identified only by address. Staff noted that five of the customers requesting exceptions own two or more properties served by a water meter and that BCPUD Resolution 680 specifically addresses this situation in the enforcement section and provides that the district will assess such properties based on their cumulative, combined average water use, which allows some flexibility for water use between properties.

A brief discussion ensued about whether the Board should consider each recommendation separately, or vote comprehensively on staff's slate of recommendations; the Board resolved to consider each recommendation separately. In response to a question from director Godino, staff explained that the total anticipated ration amount may have to be reduced from 125 GPD if the total amount of gallons approved via the exception request process and water supply projections should warrant such action in the upcoming months. Director Smith said that he believes the customers requesting exceptions have been sincere and honest in their applications and that he is very glad the district is processing the requests so as to allow more water for a limited number of customers who really need it and/or would suffer serious hardship without an exception; he thanked staff for performing the work needed to conduct the audits and compile the recommendations.

The Board first considered exception requests submitted by the five customers – 71 Olema-Bolinas Road, 315 Elm Road, 190 Oak Road, 95 Olema-Bolinas Road and 560 Evergreen Road – who own more than one water meter. Discussion ensued, during which the Board found that all of these properties currently are in compliance with Resolution 680 based on their cumulative average use. The Board confirmed that if circumstances/water use changes at any of these properties, the customers may resubmit their exception requests.

The Board then considered the following exception requests:

235 Fern Road: Staff noted that a business exception request submitted for this property likely is moot because it pertained to water use needed in May. Staff contacted the customer to confirm this, but received no response prior to the Board meeting. Staff will advise the customer that it is possible to reapply for an exception if needed.

295 Grove Road: Staff reported that this exception request is based on the number of people at the property; staff was unable to confirm whether eight or nine people regularly are served by this water

meter. As such, the exception amount would be either 185 GPD (8 people) or 205 GPD (9 people). Director Smith said the property also has a rental unit that can accommodate 2-3 people; he noted that many customers in town rely on rental units for income. He suggested that a short term rental that serves 2 -3 people should be deemed to have an average regular occupancy of 1 person, so perhaps an additional 20 GPD should be granted here. Director Comstock disagreed with this approach because the customer did not request the additional water for this purpose in their exception request; he said the BCPUD should not create a formula based on theoretical occupancy but rather on requested and verified occupancy. Discussion ensued and the customer then spoke up and said that the request is for 8 – 9 people because that includes the rental unit; he explained that the rental unit generally has between 1 -3 people, for an average of 2, with 6 people otherwise regularly residing at the property. Director Siedman proposed the customer receive an exception for 8 people, or 185 GPD; there was no objection to this suggestion.

235 Aspen Road: Staff said that 7 people have been verified as living at the property and regularly relying on the meter, so per the Board's approved criteria, the exception for 7 people would be 165 GPD.

284 Cherry Road: Staff reported that this customer submitted a business exception request for 200 GPD. Director Smith said he believes this is a reasonable request as the customer is dependent on her garden in several different ways for income (it is frequently open to the public) and she is trying very hard to minimize the losses in her garden, which is very beautiful. Director Comstock said that many people in town have beautiful gardens they don't wish to lose in the drought; he does not agree that the garden is sufficiently intrinsic to this customer's livelihood to warrant an exception. Director Walker said she believes there is a sufficient business nexus to this request and would grant the requested exception; director Godino agreed, but subject to review in the event the district's water supply should become more limited in the upcoming months. Directors Smith and Siedman ultimately concurred with director Walker and Godino to grant an exception of 200 GPD, subject to review in the event of worsening supply conditions; director Comstock disagreed.

201 Mesa Road: Staff said this exception request is based on the number of people at the property and staff confirmed that eleven people regularly rely on the water meter, which would result in an exception of 245 GPD; the Board had no comment.

445 Cedar Road: Staff said this exception request is based on the number of people at the property and staff confirmed that seven people regularly rely on the water meter, which would result in an exception of 165 GPD; the Board had no comment.

15 Brighton Avenue: Staff explained that this exception request is a combination of number of people at the property/business because there is a residence with six people regularly relying on the meter, plus a hotel business with capacity for 4 guests. Discussion ensued about how to quantify the occupancy of the hotel. The customer explained that there are two rooms in the hotel with a maximum occupancy of four; he estimated a 60-70% occupancy rate in the summer. Following some discussion, the customer clarified that he is requesting an exception for 6 residents relying on the meter, plus 2 hotel occupants, for a total of 8 persons relying on the meter. Director Smith noted that most short-term rentals in town will not exceed the 5 person occupancy threshold, so he does not believe that very many of them will qualify for an exception. Staff noted that this approach will result in an exception of 185 GPD for this property.

230 Alder Road: Staff said this exception request is based on the number of people at the property and staff confirmed that six people regularly rely on the water meter, which would result in an exception of 145 GPD; the Board had no comment.

450 Vine Road: Staff said this exception request is based on the number of people at the property and staff confirmed that eight people regularly rely on the water meter, which would result in an exception of 185 GPD; the Board had no comment.

Director Smith noted that two of the exception requests did not include signed statements from the customers so he asked staff to follow-up to complete the district records in this regard; in addition, he suggested that customers with exceptions be asked to inform the district if their circumstances change and either less or more water is needed.

24 Park Avenue: Staff said this exception request is based on the number of people at the property. The customer attests that there are 5 regular full-time residents and three part-time kids and/or grandkids. After some discussion, the Board declined to act on this request as there was insufficient information in the application to warrant additional water use.

565 Aspen Road: Staff said this exception request is based on the number of people at the property and staff confirmed that six people regularly rely on the water meter, which would result in an exception of 145 GPD; the Board had no comment.

35 Brighton Avenue: Staff said this exception request is based on the number of people at the property; staff confirmed five people regularly rely on the water meter, but the customer is claiming 6

residents. The Board declined to act on this request until such time as the customer provides sufficient evidence that there are 6 people regularly relying on the meter.

160 Mesa Road: Director Siedman recused himself from consideration of this request.

Staff said this exception request is based on the number of people at the property and staff confirmed that 53 people regularly rely on the water meter, which would result in an exception of 1,085 GPD. Director Comstock said that based on considerations of public health and safety, and staff's confirmation of the number of people relying on this water for drinking water and sanitation, he would approve the request. Director Walker agreed, as did director Godino, who urged the property owner to work with district staff to the extent possible to minimize water use and maximize water storage.

35 Brighton Avenue: the customer requested to be heard and said she can attest that six people are regularly relying on the water meter – she explained that one tenant recently was in the hospital but will be returning soon and/or the space will be rented to another tenant. Director Siedman recused himself from consideration of this request due to the identity of the owner. In light of the customer attestation, and subject to tenant verifying the number of people at the property, the rest of the Board agreed that an additional 20 gallons can be allotted, for a total of 145 GPD.

210 Elm Road: Staff said this exception request is based on the number of people at the property and staff confirmed that seven people regularly rely on the water meter, which would result in an exception of 165 GPD; however, the customer anticipates the number of people relying on the meter will be reduced to five at some point in the Fall. After a brief discussion, the Board agreed on an exception of 165 GPD, subject to a requirement that the customer notify the district when the number of people is down to five.

210 Laurel Road: Staff said this exception request is based on the number of people at the property and staff confirmed that six people regularly rely on the water meter, which would result in an exception of 145 GPD; the Board had no comment.

6 Purple Gate: Staff said this exception request is based on the number of people at the property and staff confirmed that six people regularly rely on the water meter, which would result in an exception of 145 GPD; the Board had no comment.

140 Maple Road: Staff said this exception request is based on the number of people at the property and staff confirmed that eleven people regularly rely on the water meter, which would result in an exception of 245 GPD. In response to a question from director Godino, staff confirmed that the number of people relying on the meter was verified by the staff. Director Smith commented that the historic water use at this property is relatively high and the residents might benefit from receiving some water conservation tips and advice from staff; director Godino agreed.

398 Tulip Road: Director Comstock recused himself from consideration of this request.

Staff said this exception request is based on the number of people at the property and staff confirmed that seven people regularly rely on the water meter, which would result in an exception of 165 GPD; the rest of the Board had no comment.

Staff recommended that the Board formally amend Resolution 680 at the regular meeting on July 21st and explicitly approve all of the exceptions determined at this meeting; director Siedman directed staff to include an item on the meeting agenda for that purpose

5. Adjournment.

8:59 p.m.