

## **Bolinas Community Public Utility District**

**A Regular Meeting Of The Board Of Directors**

**July 20, 2022 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, Siedman, Smith present via Zoom; directors Godino and Walker absent.  
Director Siedman presiding.

### **3. Amend BCPUD Resolution 693: Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency by the Governor (March 4, 2020), and Authorizing Remote Teleconference Meetings of the Legislative Bodies of the Bolinas Community Public Utility District for the Period of 30-Days Pursuant to Brown Act Provisions.**

D. Smith/L.Comstock three in favor, directors Godino and Walker absent to adopt amended BCPUD Resolution 693, continuing the authorization of remote meetings of the BCPUD Board and committees for an additional 30 days.

### **4. Community Expression.**

None.

### **5. Manager's Report and Project Updates.**

- *Update on the Status of the BCPUD's Water Supply. (Update will be posted on the BCPUD website.)*

Staff reported that the 2021-22 rain year culminated with a total of 27.57 inches of rain received in the district, which is 11.15 inches *more* than the 16.42 inches of rain received during the 2020-21 rain year (which was one of only six years during which the district received less than 18 inches of rainfall in the district's 70 year record), but it was the third year in a row of below-average rainfall. Thus far in July, the district has recorded 0.37 inches of rain.

Staff noted that between June 14, 2022 and July 18, 2022, water *production* averaged 83,650 gallons per day (GPD), which is an increase of approximately 4% as compared to the last reporting period, when production averaged 80,578 GPD. Water *consumption* during this same timeframe averaged 84,707 GPD (approximately 144 GPD per connection), and is an increase of approximately 6% as compared to the last reporting period, when consumption averaged 79,471 GPD, or approximately 135 GPD per connection

The district's stored usable water supply in the Woodrat 1 and Woodrat 2 reservoirs as of July 14, 2022 (combined), plus the amount of treated water in storage, is estimated to be approximately 15 million gallons. The Woodrat 1 Reservoir is essentially full and the Woodrat 2 Reservoir is approximately 86% full. Losses from evaporation and seepage are evident in the Woodrat 2 Reservoir, which is more exposed to wind and has a larger surface area than the Woodrat 1 Reservoir; the loss rate is approximately 400,000 gallons per month during the summer/longest days of the year. Some loss also occurs at the Woodrat 1 Reservoir, but more favorable conditions (this reservoir is more protected from the wind) result in smaller losses which are not evident as a result of ongoing operations (i.e., water from filter backwashing is returned to reservoir).

The district's base flow (BF) recession model for the Arroyo Hondo Creek, updated to depict predictions about creek flows for the remainder of the calendar year, indicates that mid-July flows in the creek are approximately 92,500 GPD. The model predicts that creek flows will decline over time until the rainy season returns; however, if consumption stays close to current levels *and* the district receives 9.9 inches of rainfall by January 31, 2023 (a relatively conservative assumption), the district will have approximately 12.6 million gallons of water in storage through January 2023. Results will be less favorable if less/no rain occurs since creek flows would continue to drop and no reservoir inflows from runoff would occur.

Staff reported that the district's monthly Drought Report was timely submitted to the State Water Resources Control Board ("SWRCB"); as staff previously noted, the SWRCB recently moved from a weekly to monthly reporting schedule, with Drought Reports due on the 7<sup>th</sup> of the following month. The district's report details that water production is creeping up as demand increases, and that the district continues to meet demand by diverting water exclusively from its primary water source, the Arroyo Hondo Creek.

With regard to the district's project to add two emergency groundwater wells to its system, today staff received written confirmation from the SWRCB's Division of Drinking Water ("DDW") that it fully supports the Resource Recovery well project, in addition to the Wharf well project, and has advised the Department of Water Resources ("DWR") as such – DWR is the agency to whom the district applied for grant funds to operate the wells. DDW had raised concerns about the conversion of the Resource Recovery irrigation well to a drinking water well but, after a site visit and extended meetings with district staff and consultants during which some minor site improvements were discussed, DDW now fully supports the project.

Directing the Board's attention to the quarterly water consumption and billing spreadsheet for the last quarter in the Downtown area, staff said district meter reads confirm that consumption was up in this area of town as compared to the same time last year, but remains well below historic levels. As consumption increases, however, the district has begun to document a few customer violations of limited water use permits. Staff currently is working with four customers to help them reduce water use and come back into compliance with the terms of their permits.

Staff reported last month that the BCPUD has requested to participate in the California Rural Water Association ("CRWA") Leak Detection Services program, whereby CWRA will send out technicians to evaluate the sources of potential water losses on the district's distribution system. CWRA has approved the district as a participant, but has advised that there are "hundreds" of water systems ahead of the BCPUD so it likely will be quite a while before the district's system is surveyed.

Staff noted that the district's 2021 Consumer Confidence Report was timely mailed out to all customers and posted on the district's website on June 30, 2022.

- *Operations Update.*

Staff announced that all of the district's shift operators have been diligently pursuing upgraded certifications in water distribution, water treatment, wastewater collection and, where applicable, wastewater treatment. Staff commended the operators' initiative, noting that the process of obtaining enhanced certifications is challenging but also rewarding for the operators and also beneficial to the district as the additional knowledge gained from the certification process enables the operators to better perform their jobs.

As for current projects at the district, staff said that the project to slipline the Woodrat 1 Reservoir overflow pipe has been inspected and staff will recommend the Board formally accept the project as complete during Item 11 later on the agenda. With regard to the update of the district's Watershed Sanitary Survey, the Board approved a proposal from Brelje & Race at a cost of \$9,000 for this work at the last month's meeting and the work is scheduled to begin next week. As for the Water Storage Tank Site Pipeline Replacement Project, the Board also has approved the engineering services proposal of Stetson Engineers for that project and the work will be done during August – October.

Tomorrow staff will work with Piazza Construction to replace a damaged hydrant at the intersection of Cherry and Pine Roads, which was inadvertently damaged by a district vehicle. Bollards will be installed to protect the hydrant. This work has been expedited to restore the hydrant to service as soon as possible.

Staff reported earlier this year about new federal and state requirements for water systems to conduct Lead Service Line Inventories by October 2024. Staff therefore has been attending webinars on the applicable requirements and is working on a methodology whereby this work can be completed over the next two years. In addition, staff is working on an update of the district's Emergency Response Plan.

On the sewer side of operations, the district has finished spraying for now as both Ponds 2 and 3 are nearly empty. Staff will allow the fields to dry out in anticipation of mowing this September. After that, staff will resume spraying as needed to lower the ponds as much as possible prior to the November 15<sup>th</sup> end of spray season.

Staff has been documenting and investigating the cause of recent surges in sewer flows – at times, flows into the sewer system are as much as 50% higher without any corresponding increase in water consumption. Staff first smoke-tested the customer properties on Wharf Road over the lagoon to determine if the customer plumbing overhanging the lagoon was vulnerable to seawater intrusion during high tides. A few minor plumbing issues were identified and quickly repaired by the residents. Staff next monitored manholes for unusual flows and discovered a large customer water leak due to a broken toilet flap that was sending approximately 6,000 gallon per day into the sewer (the toilet flap was repaired immediately). Staff also discovered a large near-blockage of fats, oils and grease ("FOG"), rags and

wipes in the final manhole before the lift station and was able to schedule an emergency industrial vacuum service early this morning. Finally, staff compared the high flows against the tide table and confirmed that the high flows are occurring during high tides, presumably because the ground water table then is raising and entering the sewer system via cracks or other problems with either customer laterals or the district's sewer main. Staff has scheduled a video inspection to take place next month during the next series of high tides in an effort to locate the source(s) of infiltration.

Staff said there is nothing to report this month concerning negotiations about the update of the district's operating permit with the Regional Water Quality Control Board ("RWQCB") or the requests of homeowners on Canyon Road to connect to the sewer system; the district is awaiting further response from RWQCB staff.

Staff has a meeting scheduled later this week with Mark Wilson of NUTE Engineering to discuss next steps on the district's project to rehabilitate the lift station wet well and install grinders.

With regard to the project to hard-surface the pedestrian/bicycle path on BCPUD lands, the district continues to await a response from California State Parks on the Deed Restriction issue. Nonetheless, the district moved forward with the second plant survey in June because that is a necessary and time-sensitive component of the biological assessment. As for the engineering project cost estimate work, BKF Engineers requested some changes to the district's form of agreement and staff sent over a revised agreement today which has been accepted, so BKF Engineers will proceed with the work very soon.

- *Proposal from Gannett Fleming re the Rehabilitation of the Radial Gate on the Arroyo Hondo Creek.*

Deferred to a future meeting.

The Board reviewed correspondence sent and received since the last regular meeting, including but not limited to a notice from the County of Marin's Elections Department concerning the candidate filing period for seats on the BCPUD and other Board/offices in the November 2022 election; a notice from the County's Environmental Health Services Department about an updated policy for sewer spill responses; and a notice from CalPERS stating that employers such as the BCPUD have the option to prepay their annual unfunded actuarial liability payments and save 3.5% in interest costs. Staff noted that prepaying would save the district approximately \$2,107.00. A brief discussion ensued during which the Board members concurred that it makes sense to prepay this obligation from district reserves if necessary in order to save the interest costs.

- *Alliance of Coastal Marin Villages: Comment Letter re: California Coastal Commission's June 2022 Draft Public Trust Guiding Principles & Action Plan.*

Staff reported that the Alliance of Coastal Marin Villages ("ACMV") has prepared a draft comment letter to the California Coastal Commission ("CCC") concerning its recently-issued "Public Trust Guiding Principles and Action Plan". The deadline to submit a comment letter is July 24, 2022. Briefly stated, the ACMV's comments are that the CCC document fails to consider the fact that coastal communities are protected coastal resources under the Coastal Act and should be recognized as such in connection with implementation of the public trust doctrine. The letter further points out that this document is another in a series of "guidelines" which the CCC states are not regulatory when they are issued, but which then are applied in a regulatory manner, which is inconsistent with the Coastal Act. Director Comstock commended the ACMV letter as very well written and said he is concerned that the Bolinas community overall does not appreciate how consequential an issue the CCC's "public trust" implementation could be for the town per this document, particularly the CCC's antipathy toward seawalls that protect coastal communities. He noted that the CCC contends in this document that seawalls unacceptably prevent beaches from migrating inland, which compromises public trust lands, which is true to some extent, but that needs to be balanced against the Coastal Act priority of preserving communities as long as reasonably possible – some form of seawalls may be needed to preserve and protect Bolinas and many other coastal communities in the upcoming years, said director Comstock.

#### **6. Request for Financial Relief from Quarterly Water Bill pursuant to BCPUD Resolution 553 – Niman Ranch, Mesa Road (B. Niman).**

Director Smith said that based on the information in the Board binders, it appears staff observed the water meter spinning and alerted Bill Niman, who then located and repaired an underground leak. No water was surfacing from this leak; rather, it was a classic "blind leak" and the customer took immediate steps to repair it, so director Smith proposed that the Board forgive 90% of the bill attributable to the leak, which appears to have occurred over two billing quarters. Director Comstock concurred that the facts of this case warrant 90% relief.

D. Smith/ L. Comstock                      three in favor, directors Godino and Walker absent                      to forgive 90% of the quarterly metered water charges attributable to the leak for the two quarters in question as determined by the historical average water use for the same quarters during the three years preceding the leak.

**7. Request for Financial Relief from Quarterly Water Bill pursuant to BCPUD Resolution 553 – 115 Oak Road (J. Lyon).**

Joan Lyon explained that a neighbor noticed water pooling on the road well below her house and an investigation ultimately revealed that a hose had been turned on at the house, apparently by a disgruntled former tenant. As soon as she was aware of it, Joan took steps to turn off the water and lock the hose bib; she also purchased and installed a Flume device in order to be able to monitor water use at this property (which is now only rarely used by family). Director Smith said that this also seems to be tantamount to a blind leak situation and recommended financial relief for 90% of the bill attributable to the leak.

D. Smith/L. Comstock three in favor, directors Godino and Walker absent to forgive 90% of the quarterly metered water charges attributable to the leak as determined by the historical average water use for the same quarters during the three years preceding the leak.

**4. Community Expression (cont'd).**

Director Siedman noted that Janine Aroyan had her hand raised. Janine said that she would like to provide a brief update about the Land Stewardship Committee activities and not wait until the end of the meeting to give her report. She said the Committee has been focused most recently on the Brighton Beach entrance. She noted that there is some deterioration of a portion of the seawall adjacent to the Talucci property that could be on BCPUD property; the Committee does not know who is responsible for maintenance but raised this issue for consideration. She also said that Chuck Oakander has assessed the branches from a tree on the Talucci property that overhang the public area and Mark Talucci is interested in removing them and may have a proposal for the Board's consideration at the next meeting.

**8. Ad Hoc Committee re: BCPUD Building at 270 Elm Road, Bolinas: Recommendation that BCPUD Authorize the Expenditure of \$93,500 to Conduct a Phase I Feasibility Assessment of Site Conditions (Phase 1 of a Three Phase Approach to Design and Construct a Replacement Building at 270 Elm Road, Bolinas).**

**8a. Proposals for Topographic Survey, Boundary Survey and Record of Survey: CSW/Stuber-Stoeh Engineering Group, Inc.; Pacific Land Surveys.**

**8b. Proposals for Design of a Class 1 Septic System: Eckman Environmental; Questa Engineering Corporation.**

**8c. Proposal for Geotechnical Engineering Services: Miller Pacific Engineering Group.**

Director Siedman reported that he and director Walker are the Board members serving on the Ad Hoc Committee re: the BCPUD building, along with Steve Matson and Andrew Alexander Green. The committee has concluded, based on a comprehensive inspection report, that the building needs to be replaced as it would not be worthwhile or cost-effective to rehabilitate it. He said that the first phase of work that must be done is a feasibility assessment of site conditions, including a topographic survey, boundary survey and record of survey; a septic system design, and a geotechnical assessment. The committee therefore solicited proposals from several professional service providers and the members believe that a budget of \$93,500 is reasonable to pay for this Phase 1 work. Director Siedman noted that the current building is in bad shape and a rebuild will provide many opportunities for using the space in a much more productive way. At the present time, the BCPUD is exploring a partnership with the Bolinas Community Land Trust ("BCLT") whereby both entities would have office and meeting space, and the BCLT may be able to include some affordable housing units in its section of building space. He asked for a motion to approve an expenditure of up to \$93,500 for the Phase 1 feasibility work.

A discussion ensued during which director Comstock asked for confirmation that the Board is only authorizing feasibility work that will be required for any future rebuild of the BCPUD building and is not committing at this point to any particular design or use of the building. Director Siedman confirmed this understanding. Director Comstock said that in his view, not nearly enough public engagement has taken place yet with regard to the building design or potential uses; however, if the decision for the Board tonight is only to approve a budget for the feasibility work necessary for a rebuild, which he agrees it is necessary to do, then he supports the committee's recommendation.

L. Comstock/D. Smith three in favor, directors Godino and Walker absent to authorize the expenditure of \$93,500 to conduct a Phase 1 feasibility assessment of site conditions at 270 Elm Road, Bolinas.

Director Siedman asked staff to work with director Walker to evaluate the proposals received thus far for the feasibility work and select which proposals to accept.

**9. BCPUD Resolution 702: Approving the Fiscal Year 2022-23 District Budget.**

L. Comstock/D. Smith three in favor, directors Godino and Walker absent to approve BCPUD Resolution 702, approving the fiscal year 2022-23 District budget

**10. BCPUD Resolution 703: Replaces Resolution No. 687, Stating the Current Rates and Charges for District Services and Authorizing Placement of Charges on the Marin County Property Tax Bill Where Appropriate.**

L. Comstock/D. Smith three in favor, directors Godino and Walker absent to approve BCPUD Resolution 703, stating the current rates and charges for District services and authorizing placement of charges on the Marin County property tax bill where appropriate.

**11. BCPUD Resolution 704: Accepting Completion of the Woodrat 1 Reservoir Overflow Pipe Slipline Project.**

Staff reported that this project has been inspected and found to be fully installed per the contract, so staff recommends the Board accept it and authorize staff to file a Notice of Completion and pay the contractor in full, except for the 5% retention, which will be paid no sooner than 35 days after the filing of the Notice of Completion.

D. Smith/L. Comstock three in favor, directors Godino and Walker absent to approve BCPUD Resolution 704, accepting completion of the Woodrat 1 Reservoir overflow pipe slipline project.

**12. Agreement for Engineering Services between the BCPUD and Gannett Fleming.**

Deferred to a future meeting.

**13. Volunteer Committee Reports:**

-- *Resident Permit Parking Plan Committee:* The Board received a detailed written report from Sherry Hirsch on behalf of the committee, and Sherry was present to provide a verbal summary of it. Sherry reminded the Board that in May the committee conducted a poll of Brighton Avenue residents about the County's draft parking plan and there was widespread support, which the committee reported to the County. The committee has met several times with County personnel over the last few months. The County has conducted a survey of the available parking spaces in downtown Bolinas, which is important data for discussions with the California Coastal Commission staff who will need to approve any regulation of parking downtown given the proximity to the beach. Sherry said that Supervisor Rodoni has raised the concept of instituting a 22-foot limit on the length of vehicles allowed downtown; there also is the possibility that the County will allow Measure X to "sunset", which the committee is concerned about – while not perfect, Measure X has deterred some of the more egregious parking problems downtown. Finally, the committee and the County have been discussing the challenges of enforcing Measure X and/or other parking restrictions in light of concerns about/protections for the unhoused; the Sheriff's Office policy is to refer complaints about persons living downtown in their cars to the office of Health and Human Services and has a homeless liaison to work on the problems in West Marin. Sherry reminded the Board that there are legal protections for the unhoused, and Coastal Commission priorities relating to environmental justice, that must be considered and respected in connection with the regulation of parking. The committee's next meeting with the County will be held on August 8<sup>th</sup>.

-- *Resource Recovery:* Nothing to report.

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

-- *Land Stewardship Committee:* See item 4 (cont'd) above. Staff reported that the Committee recently inquired whether the knoll across from one of Mickey's farming areas next to the steep path below the sewer ponds can be mowed, but staff advised no mowing can be conducted on BCPUD property until after August 15<sup>th</sup> due to the potential presence of protected species.

**14. Other Business.**

a. Board Committee Reports.

- *Finance:* Nothing to report.
- *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 June 15, 2022 regular Board meeting

Directors Smith and Comstock offered clarifying revisions to the draft minutes of the June 15, 2022 regular Board meeting.

L. Comstock/D. Smith                      three in favor, directors Godino and Walker absent,                      to approve the minutes of the June 15, 2022 Regular Board meeting, as clarified

c.            Warrants.

D. Smith/L. Comstock                      three in favor, directors Godino and Walker absent                      to approve the warrant list.

c.            Scheduling of Next Meeting(s):

August 17, 2022 at 7:30 p.m.

**15. Adjournment.**

8:45 p.m.