

Bolinas Community Public Utility District
A Regular Meeting Of The Board Of Directors
November 16, 2022 270 Elm Road, Bolinas

1. Call to Order.

7:30 p.m.

2. Roll.

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

3. Community Expression.

None.

4. Manager's Report and Project Updates.

Staff congratulated incumbent directors Godino and Siedman, who were re-elected, and Andrew Alexander Green, who was newly elected to the BCPUD Board of Directors at the November 8, 2022 election. Staff said the directors officially assume office on December 2, 2022 for a four-year term and will be sworn in at the Board's regular meeting in December.

Staff has learned that Tom Lai, Director of the County's Community Development Agency and a long-term friend of the district, recently experienced a medical event and staff proposed to send him a "get-well and best wishes" card on behalf of the BCPUD; the Board had no objection.

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

Staff reported that the district has received 3.38 inches of rain thus far in the 2022-23 rain year; 0.7 inches of rain were received in July, 0.23 inches in August, 0.45 inches in September, 0.03 inches in October, and 1.97 inches thus far in November. As such, the district has received less than the average rainfall for this time of year. A rainfall progress correlation analysis indicates that there are 14 years in the BCPUD's rain records when the district has received 3.38 inches or less of rain through the end of November; during those 14 years, the district subsequently received a minimum annual rainfall of 14.49 inches, a maximum annual rainfall of 34.49 inches, and an average annual rainfall of 22.70 inches.

Between September 21, 2022 and November 14, 2022, water production in the district averaged 66,311 gallons per day (GPD), which is a significant decline in production as compared to the last reporting period, when production averaged 78,143 GPD. Note that the water treatment plant was off for three and one-half days during this reporting period for operational reasons. Water consumption during this same timeframe averaged 67,123 GPD (approximately 114 GPD per connection), and is a decline of approximately 10% as compared to the last reporting period, when consumption averaged 74,912 GPD, or approximately 128 GPD per connection.

As for water in storage, the district's stored usable water supply in the two reservoirs as of November 9, 2022 (combined), plus the amount of treated water in storage, is estimated to be approximately 13.5 million gallons. The Woodrat 1 Reservoir is essentially full (7.6 million gallons, 6.9 million of which are usable) and the Woodrat 2 Reservoir is approximately 70% full (6.5 million gallons, 5.9 million of which are usable). As noted in previous updates, 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; that said, the rate of decline in stored water has slowed since the last update due to the presence of fog, some rain and a shortening of the length of day.

The district's base flow (BF) recession model for the Arroyo Hondo Creek has been updated to depict predictions of creek flows for the remainder of the calendar year. The model was recalibrated -- so that the model predictions better match the data recorded -- by increasing the amount of flow into the creek from the groundwater system as a result of rain events (model parameter value increased from 7,901 to 9,500 GPD/inch of rainfall). As noted in previous updates, the BF recession model had been conservatively under-predicting the estimated creek flow, so the model has been updated as described; creek flows are approximately 100,000 GPD at the present time.

Staff directed the Board's attention to the most recent drought report (for October 2022) filed with the state: the district produced 2,124,900 gallons of water that month.

Staff reported that the district received the news last week from the California Department of Water Resources ("DWR") that the district's request for an increase in grant funding to install the necessary treatment facilities for the RRP well has been approved; as such, the BCPUD now awaits receipt of a Funding Agreement for both wells from DWR.

- *Proposed BCPUD Membership in the California Water/Wastewater Agency Response Network (CalWARN) per Senate Bill 552.*

As staff previously has reported, per Senate Bill 552, the BCPUD is required to maintain membership in CalWARN or a similar mutual aid organization by January 1, 2023. In the meeting binders are copies of the CalWARN Mutual Assistance Agreement and Articles of Agreement. Staff had hoped to be ready to recommend the Board approve the district's membership in CalWARN, but staff hasn't yet heard back from the assigned CalWARN representative concerning some questions staff has about the membership documents. Staff advised that the Board defer consideration of this item until the December 14th regular Board meeting; the Board had no objection.

Staff reported that West Marin water district managers have begun to discuss an informal mutual assistance network, which makes a lot of sense because several of the districts have similar water treatment technologies and many of the operators already know each other. The BCPUD's staff is enthusiastic about the prospect of cross-training and collaborating with neighboring districts. Board members expressed strong support for this informal, local mutual assistance approach.

- *Agreement with Zanjero for Water Rights Reporting and On-Call Services.*

Staff requested Board approval of an agreement with Zanjero, Inc. for annual water rights reporting and on-call services for the district. Staff reminded the Board that the district has six licenses pertaining to its water sources, all of which need to be reported upon annually, which requires outside expertise. The district has been working with Zanjero, formerly known as Tully & Young, in this capacity for several years now. The proposed agreement covers two years of water rights reporting and on-call services for a "not-to-exceed" cost of \$10,000.00.

G. Godino/L. Comstock all in favor to approve the agreement between the district and Zanjero, Inc., for water rights reporting and on-call services at a not-to-exceed cost of \$10,000.00.

- *Operations Update.*

The district conducted its triennial Lead and Copper testing in late August and received the results in October. The participating customers have been notified about the results obtained for their properties and the district has reported the results to its regulators at the State Water Resources Control Board ("SWRCB")'s Division of Drinking Water.

Per the Board's approval at last month's meeting, Case Pacific was on-site yesterday to perform the injection work below the concrete box at the inlet of the Woodrat 1 Reservoir overflow pipe. Staff reports the work went well and staff will now monitor to assess whether any water continues to seep under the pipeline. A copy of the fully executed agreement with Case Pacific is included in the Board's meeting binders.

As for other pending projects, as staff previously reported, full funding for the district's ground water well projects has now been approved. As for the project to replace the discharge piping at the water storage tank site, the plans and specifications for this project are expected from the engineer at the end of November. Staff tentatively plans to put the project out to bid early in 2023 for installation in the late summer or fall. The exterior of the West Tank recently was inspected and staff expects to have the inspection report for the Board to review at the December regular meeting.

Staff are assessing areas of the community in which the water distribution system is vulnerable to bluff erosion. As the Board is aware, over the years the district has completed many projects to relocate its infrastructure out of areas threatened by bluff erosion, including but not limited to Terrace Avenue at Surfer's Overlook, and the bluff ends of Evergreen, Juniper, Oak and Rosewood Roads. The areas now identified for projects are Ocean Parkway between Aspen and Birch, and the bluff ends of Pine and Queen Roads. Briefly stated, the district likely will abandon the existing water mains in these areas and serve affected customers via service lines from other nearby mains located out of/further back from the bluff erosion zone. Staff will notify and work with affected customers well ahead of time to minimize any inconvenience.

On the sewer side of operations, per the Board's approval last month, the district has engaged Nute Engineering to conduct an assessment of the Wharf Road Lift station and identify the source of damage to the pumps; Nute also will recommend any needed electrical improvements as well as evaluate the wet well and a possible grinder.

The SWRCB has indicated that it intends to reissue the statewide sanitary sewer systems general order pertaining to sewer collection systems and sanitary sewer overflow response/reporting. The revisions have been underway for some time, with lots of pushback from affected agencies concerning the cost and burden of many of the revisions. The SWRCB may adopt a revised general order at its December 6, 2022 meeting.

As Board is aware, the district video-inspected the sewer system on portions of Wharf road on the night of August 9th, which was a full moon/high tide event, and confirmed the presence of infiltration and inflow (“I&I”) from three customer laterals. Staff immediately sent notices to the affected customers and requested that the necessary repairs be completed by September 30, 2022. The three customers initially organized as a unit and staff felt they were diligently pursuing a repair with a single contractor; however, it seems that repair efforts have stalled. Staff recently sent out an email to the “lead customer” about high tides forecasted for November – January (“King Tides”) and discovered customers no longer are working together. Staff expressed frustration as the need for the repairs was identified months ago and the customers have had significant time to complete them; in the meantime, the district experiences considerable I&I into the collection system during high tides. Discussion ensued and the Board urged staff to turn to enforcement options, if needed, to ensure the repairs are completed as soon as possible.

With regard to the pedestrian/bicycle path improvement project, the district received an updated contract from California Department of Parks & Recreation with the four-year extension of time. The district has been asked to prepare and submit new application documents for the underlying grant because of the increase in grant funding. Staff also has been conferring with the district’s biologists concerning their assessment of the path route, as well as the engineers about path improvement design considerations.

Staff reported that the Board next month will consider an amendment to its franchise agreement with Recology Sonoma Marin to cover SB 1383-related tasks, as well as a public hearing on the proposed rate increases for 2023-27. Today staff attended a two hour webinar hosted by CalRecycle on SB 1383 topics. Staff also recently spoke with a representative from the California Special Districts Association, which has been polling its members about the impacts of SB 1383. The representative said that the biggest issue for all of the special districts is the same issue the BCPUD is concerned about: enforcement (which is beyond the capacity of most small special districts).

Staff is pleased to report that the BCPUD has been accepted as a “participating jurisdiction” into the County’s Multi-Jurisdictional Local Hazard Mitigation Plan (“MCM-LHMP”). A professional emergency planning consultant engaged by the County is leading the process, which will involve substantive meetings twice a month, plus a considerable amount of work for staff to assess the extent of risk posed to its infrastructure from specific types of hazards and to identify/describe projects to mitigation those risks (which will then be included in the plan). The district also will conduct outreach to other entities in town and the public to participate in the plan development.

- *Alliance of Coastal Marin Villages.*

The Alliance of Coastal Marin Villages (“ACMV”) met on November 14th. There is no update at this time on the update of the Local Coastal Program Environmental Hazards chapters. Discussion during the ACMV meeting focused on the County’s draft Housing Element. Evidently the draft Environmental Impact Report for the Housing Element identifies limited wastewater capacity as a primary constraint on development in West Marin.

5. Offer to Donate Real Property to the BCPUD (APN# 190-241-10, vacant lot adjacent to APN# 190-241-04 (270 Elm Road, BCPUD office building) and the Nymph Road right-of-way).

K. Walker/L. Comstock four in favor to accept the offer to donate parcel #190-241-10, a vacant lot adjacent to the BCPUD parcel at 270 Elm Road.

6. Request for BCPUD Letter of Support for the Creation of the Point Reyes Dark Sky Reserve (P. Day, Co-Founder, Dark Sky Point Reyes Initiative).

Ken Levin said he was present to answer any questions from the Board, noting that they received a full presentation about the Point Reyes Dark Sky Reserve and outdoor lighting ordinance to be considered by the County Board of Supervisors from Peggy Day at the October regular meeting. The Board resolved to defer a vote on the requested letter until this meeting, to allow time for education and outreach in the Bolinas community about these topics. Staff confirmed that an informational article was published in the Hearsay News and that the BCPUD received a supportive letter from Anne Sands.

G. Godino/L. Comstock all in favor approving a letter from the BCPUD to the County (Supervisor Rodoni) in support of the Point Reyes Dark Sky Reserve and the enactment of an outdoor lighting ordinance for West Marin.

7. BCPUD Right-of-Way Permit Application: *Proposal to Install a Culvert under Queen Road on the south side of Cherry Road (D. Bider).*

David Bider said that he would like to install a culvert under Queen Road on the south side of Cherry Road to connect to a cement swale he will install to run to the end of the block where there is a drainage pipe; the purpose is to divert storm water away from his property on the west side of Queen and south side of Cherry. He noted this project also would help Nina Rosenberg as storm water would be diverted away from her property, as well. In response to questions from the Board, staff said it would be preferable to defer a decision on this until the district completes its project to abandon the water main

under Queen Road at this location – that project will provide information about the specific location of infrastructure there (and therefore where/how deep a culvert could be installed), as well as reveal the extent of the County’s Cherry Road right-of-way. Staff said it isn’t clear from the materials Mr. Bider presented whether the proposed cement swale would be in the County right-of-way (in which case an encroachment permit from the County will be required) or on private property. Staff noted that anything not within the Queen right-of-way is outside of the BCPUD’s jurisdiction. After a brief discussion, the Board deferred consideration of this request until after the BCPUD’s project to abandon the Queen water main is complete, which staff said should be sometime in the early part of 2023.

8. Appointment of a Replacement Director to the BCPUD Board of Directors (*two-year appointment to fill the remaining term of office of former director Don Smith, consideration of applications and interviews of applicants*).

Director Siedman said he would like to thank directors Comstock and Smith for their years of service to the Board and the time they dedicated to the community, which is much appreciated.

Director Siedman explained that, as president of the Board, he will conduct the appointment process with the participation of the other directors. Each candidate will have three minutes for an opening statement. After this, director Siedman will pose a question to the candidates and other Board members will be entitled to follow-up – in each case, all of the candidates have the opportunity to respond on a rotating basis (so the same person is not always the first to answer). This process will be followed for each of the three questions and the candidates will each have two minutes to respond; after the questioning is completed, the directors will vote for their preferred candidate. The directors will vote by writing their name and the name of the candidate they select on a piece of paper – all directors will do so at the same time. Director Siedman then will read out the results. If no candidate has three votes (which is necessary given the four-member status of the Board at this time), those candidates who do not receive any votes will be eliminated and a fourth question will be proposed to the remaining candidates. Following the fourth question, another vote will be held in the same manner – if no candidate had three votes at that time, then the Board will vote again via ranked voting (i.e., each director will vote for their first and their second choice candidates). Ultimately, if the Board is not able to reach a decision, then the matter will be referred to the Marin County Board of Supervisors to either make an appointment or instruct the BCPUD to hold a special election.

Director Comstock suggested that at some point, the directors may wish to comment on the reasons for their vote. Director Siedman suggested that when he reads out the votes, any director who wishes to do so can explain their vote. He proposed to begin the candidate opening statements in the following order: Genie McNaughton, Zack Fuller, Doug Lee, John Bryant, Kevin McElroy and Christian Jensen. Director Siedman asked if all candidates are present and if all can confirm they are registered voters in the jurisdictional boundaries of the BCPUD. All candidates but Christian Jensen confirmed their presence and voter registration status; Mr. Jensen was not present, which was a requirement for appointment set forth in the Notice of Vacancy, so he was not further considered for appointment.

Genie McNaughton said she ran for the BCPUD Board in the November 8, 2022 election and submitted a candidate’s statement at that time which sets out her reasons for seeking a position on the Board; she seeks to work on behalf of the Bolinas community and the environment in which it lies. She is a trained biologist with years of experience in water and wastewater issues in her career at the Environmental Protection Agency. She believes that the perspective of a biologist is an important one to bring to the BCPUD Board.

Zack Fuller said his interest in water and watershed management was developed as a result of teaching a permaculture class for the Regenerative Design Institute at Commonweal Garden. This experience prompted him to think about the community and how it is interconnected; he also learned about irrigation, rainwater and grey water. In addition, he participated in the Ecology Leadership program at Commonweal Garden as a student and as a facilitator; he learned how to work within groups of people as a team, which is another skill he can bring the BCPUD Board.

Doug Lee said he ran for a seat on the school district board in the recent election but did not prevail. A friend suggested he should consider applying for appointment to the BCPUD Board since he has a civil engineering background and wants to serve the community. Doug emphasized that he does not have an agenda or objective other than to help the community as a problem-solver.

John Bryant said that he is a local attorney who has lived in Bolinas for 25 years. He is applying for appointment to the Board to serve the community. He has been impressed with the BCPUD and his goal would be to maintain the role the Board has in the community and preserve and protect the resources that it stewards. He said his training and experience as an attorney, and years of experience negotiating with the County on behalf of clients, could be helpful to the BCPUD.

Kevin McElroy said the town of Bolinas has been shaped by water, and water should unite the community, not divide it. He is interested in joining the Board because he believes that creative and effective stewardship of water is fundamental to how the community can come together and grow. Kevin said he believes the Board has a role to play in galvanizing the town to action to solve its problems. He

said everyone refers to the district as “B-PUD”, but he would like to “put the ‘C’ back in BCPUD” – he believes the Board has a role in educating the community about the true cost of managing its water and wastewater resources, for example. Finally, there is also work to be done at a grassroots level on conservation and avoiding water waste. As a community member with three young kids in the school, he also believes he would represent an important constituency in town.

Director Siedman posed the first question to the candidates: what do you think are the main issues the community faces today?

Genie McNaughton said she believes the community needs to learn to use its water more effectively and become more aware of the environment from where it comes and the impacts of its use, including the biological impacts, and that the Board has a role to play in educating the community in this regard.

Zack Fuller said that there is a feeling of pessimism and longing in town for Bolinas as it “used to be” that seems really toxic; he said change is inevitable and many of the problems Bolinas faces are national problems, such as housing and AirBnB impacts, so the community needs to focus on what it can do to move forward in a positive way to address these problems.

Doug Lee said that losing families from the community is a big issue. His wife works at the school and enrollment has dropped significantly in the last ten years. Doug said families are regularly losing their rental homes to vacation rentals and the town is losing its community as a result.

John Bryant said that a main issue facing the town is how to maintain unity in the midst of diversity. Bolinas is rich in environmental resources and local talent, he said. The Board can serve as a forum for maintaining unity.

Kevin McElroy said housing is at the top of his mind; he believes it is critical to provide housing for families, teachers and staff at the school, noting that many families are living in substandard conditions. He agreed with Zack Fuller that there is a lot of pessimism in the community, but he said that he is an optimist and is here to find solutions.

Director Siedman posed the second question to the candidates: what do you like the most about Bolinas?

Kevin McElroy said he likes the sheer natural beauty of the place. John Bryant said he likes the community and its amazing people who come together to help each other in difficult times. Doug Lee also cited the community and noted the breadth of people who applied for appointment to the Board, and others who participate in the Community Center, music, art and everything else that brings the residents together as a big family. Zack Fuller said the authenticity of the people who live in Bolinas is what he likes best – living here, he said, a person has to figure out how to get along with everybody and that makes everyone stronger as a result. Genie McNaughton said she likes the people, the place and the wildlife that constitute the entirety of Bolinas, which is always changing (and that does not need to be cause for pessimism).

Director Siedman posed the third question to the candidates: if you are appointed to the Board, on which two committees would you like to serve?

Doug Lee said that he worked at a water treatment plant as part of a past internship and also has designed railroads, which involves designing a lot of grading, drainage, culverts, and so forth, so he would seek to serve on the Operations Committee and on the Mesa Septic, Flood Control and Roads Committee.

John Bryant said that he is well qualified for the Legal Committee, and would serve on the Finance Committee if asked because he had an economics degree, but he is more interested in the Mesa Septic, Flood Control and Roads Committee.

Kevin McElroy said he would gravitate toward the Operations Committee and the Mesa Septic, Flood Control and Roads Committee, noting that he has a background working at wineries and breweries and an engineering background. He said he would be willing to serve on the Finance Committee if needed.

Genie McNaughton said that she would like to serve on the Operations Committee and either the Finance or Personnel Committee because she was a manager in a large organization and has skills to contribute in that regard.

Zack Fuller said that he would choose the Personnel and Operations Committee, noting that he had experience in leadership positions and also studied philosophy and complicated systems when in college.

Director Siedman called for the directors to vote. He then read the votes as follows: director Godino voted for John Bryant, director Walker voted for Kevin McElroy, director Comstock voted for Genie McNaughton, and he voted for Kevin McElroy. Director Siedman said that based on the results of the vote, candidates Zack Fuller and Doug Lee are eliminated.

Director Siedman posed the fourth question to the remaining candidates: do you think the BCPUD Board is responsive to the needs and concerns of the community?

Genie McNaughton said yes, the Board has had to be responsive to the community and has done so effectively. She said that there is some frustration among some people in town that all of the issues they would like to discuss are not taken up by the Board, but some of these issues simply are not relevant to the scope of work or mission of the district.

John Bryant said he believes the Board is very responsive to the community and serves as a forum for discussion when it can; he noted the Board continues to have significant influence within the County on issues in Bolinas.

Kevin McElroy said he believes the Board is very patient, responsive and respectful concerning the needs of the community, and dedicates significant time and energy to questions that come before it.

Director Comstock asked if he can explain his vote for Genie McNaughton; director Siedman encouraged him to do so. Director Comstock first said he wants to thank all of the candidates for being willing to serve, noting who to vote for is a really difficult choice. He said the role of a BCPUD director is extremely varied and can be very time-consuming to perform well given the myriad of issues faced by the district. He said as a public utility district, the public is supposed to select the directors, not the Board – he understands this is a special situation, but noted that only one of the candidates, Genie McNaughton, actually ran for the Board in the recent election and she received at least 220 votes (the election is not yet certified), so he is influenced by the fact that she ran for office and the fact that, in the judgement of at least 220 people in the community, Genie is their choice for the Board.

Director Walker said that she is looking for diversity on the Board and prioritizing how all of the directors will balance each other out and work harmoniously.

Director Godino said she is very impressed by all of the candidates this evening. She cast her vote for John Bryant due to his long-standing community work and the expertise he can contribute to the Board.

Director Siedman said that he also was very impressed by all of the candidates; he said he also would like to see more diversity on the Board and he voted for Kevin McElroy for that reason, as he seems to bring another perspective.

Director Siedman suggested the Board proceed to ranked voting at this time, and the directors proceed to write down their votes. Director Siedman then announced the votes as follows: director Comstock voted for Genie McNaughton first and John Bryant second; director Godino voted for John Bryant first and Kevin McElroy second; director Walker voted for Kevin McElroy first and Genie McNaughton second; and he (director Siedman) voted for Kevin McElroy first and Genie McNaughton second.

Director Siedman then proceeded to assign the candidates two tallies for each first place vote and 1 tally for each second place vote: on this basis, Kevin McElroy received 5 tallies, Genie McNaughton received 4 tallies and John Bryant received 3 tallies.

K. Walker/G. Godino all in favor to appoint Kevin McElroy to the BCPUD Board of Directors to fulfill the remaining term of former director Smith.

Director Godino thanked all of the candidates for their participation and said she was extremely impressed by the expertise everyone brought to contribute; she especially thanked everyone for taking part in this very public appointment process.

9. Update from the Ad Hoc Committee re: BCPUD Building at 270 Elm Road, Bolinas.

The Board engaged in a brief discussion about the status of the BCPUD building project, noting that staff is pursuing an agreement for the boundary survey and topographic mapping services. Staff recommended that the topographic mapping be required in one-foot contours and limited to the foreseeable building footprint and surrounding area as it does not seem necessary to incur the cost of topographic mapping the north end of the property, which is steeply sloped and heavily vegetated. There was no objection from the Board; staff was encouraged to proceed expeditiously as this phase of the assessment is critical to all of the next steps of this project.

10. Volunteer Committee Reports:

-- *Resident Permit Parking Plan Committee:* The Board received a written update from the Resident Permit Parking Plan Committee.

-- *Resource Recovery:* Nothing to report.

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

-- *Land Stewardship Committee*: Janine Aroyan reported that she is still waiting to get an updated estimate from Chuck Oakander for the proposed tree limb removal work at the end of Brighton Avenue per the Board's request at the October regular meeting.

11. Other Business.

a. Board Committee Reports.

- *Finance*: Staff reported that work continues on the district's Fiscal Year 2021-22 audited financial statements. Staff noted that the Board will need to appoint a new director to the Finance Committee in light of director Comstock's departure from the Board. At the January 2023 regular Board meeting, the Board will be approving the schedule for the Fiscal Year 2023-24 budget process.
- *Legal*: Nothing to report.
- *Mesa Septic, Flood Control and Roads*: Nothing to report.
- *Water and Sewer Operations*: Nothing further to report.
- *Personnel*: Director Godino said that she walks by the BCPUD yard nearly every morning at about 6:45 a.m. and sees the operations staff there and getting ready to work; she commended their work ethic and early arrival on the job.

b. Minutes of the September 21, 2022 regular Board meeting; Minutes of the October 26, 2022 regular Board meeting.

L. Comstock/G. Godino all in favor to approve the minutes of the September 21, 2022 regular Board meeting.

The Board deferred approval of the minutes of the October 26, 2022 regular Board meeting.

c. Warrants.

L. Comstock/K. Walker all in favor to approve the warrant list.

c. Scheduling of Next Meeting(s):

Regular meeting: December 14, 2022 at 7:30 p.m.

12. Adjournment.

9:37 p.m.