

Bolinas Community Public Utility District
A Regular Meeting Of The Board Of Directors
May 17, 2023 270 Elm Road, Bolinas

DRAFT

1. Call to Order.

7:30p.m.

2. Roll.

Directors Alexander Green, Godino, McElroy, Siedman and Walker present; director Siedman presiding.

3. Community Expression.

David Ainley expressed his thanks to district staff for the hard work they do to keep the water running and toilets flushing; he said he also appreciates all of the efforts of the Board members to do a good job. He then referenced comments he made at a prior Board meeting concerning the “pseudo-science” that appears to be driving the Board’s opinion on dealing with the eucalyptus trees on the district’s sewer pond property and said he has additional thoughts he would like to convey. First, he said he would like the Board -- and also the Bolinas Fire Protection District Board -- to make their positions known as to why they apparently do not support the Bolinas Eucalyptus Project (“BEP”). The Bolinas community is concerned about that grove of trees, he said, and there are Bolinas residents, along with the BEP, who would like to raise funds in support of the BEP project, but because the BCPUD and Fire District Boards are not wholeheartedly endorsing this project, he claimed, they are having difficulty raising funds. He referenced the “Novato Zone Valley Memorial Park Eucalyptus Removal Project Replanting and Monitoring Plan”, which he said pertains to a project very similar in scale and purpose to the BEP and it is funded by the Marin Wildfire Protection Agency. He noted that the town of Paradise conducted an incredible defensible space effort, but the town nonetheless was incinerated in less than four hours by fire. “So, if you folks do not think that the eucalyptus are incredibly incendiary, I ask you to search on the web for ‘eucalyptus and fire’ to inform yourself about eucalyptus trees. Apparently the Marin Wildfire Protection Agency has looked at that sort of website. Otherwise the BCPUD, in my opinion, is out of your collective minds going forward with a bike path improvement project . . . The town that fought to save itself needs to step up to the plate, with the BCPUD leading the way, at least in spirit, and renew its self-preservation efforts and stop fiddling around about saving eucalyptus trees or, like the County of Marin, finding other excuses to kick the can down the road.”

Director Siedman thanked him for his remarks, noting that they were similar to statements he made at a prior Board meeting. Director Siedman said the Board told him then and he will repeat now that the challenge of how to deal with the eucalyptus trees on district lands is being studied and will require County involvement and permitting, including biological assessments, which he realizes David Ainley may regard as “pseudo-science”. Nonetheless, he said, the Board is obligated to consider and evaluate all of the available information, including studies done by experts in certain fields. Director Siedman said all of this information eventually will come before the Board, and the Board will then decide what to do. Director Siedman said it is incorrect to characterize the BCPUD as “opposed” to the BEP and/or not doing anything about hazards posed by the eucalyptus trees on its property; to the contrary, the BCPUD is in the process of collecting information it needs for this very purpose. He asked David Ainley to honor the process that must take place. Director Siedman said he realizes Mr. Ainley does not believe some of the arguments made in favor of the eucalyptus, and he is entitled to that belief, but the BCPUD’s job is to collect all information and data and not filter out information it doesn’t want to hear or agree with. He invited other members of the Board to comment.

Director Alexander Green commented that if the Board decided at this moment to remove all of the trees on its property, the district would still need to go through all of the studies it currently is engaged in before it could do so. He said he has been doing some research and discovered that the only group that does not need to provide a scientific report is the group supporting the monarch butterflies and who conducted the headcount [the Xerces Society]; that group influences the Fish & Wildlife and others regarding an ESHA [environmentally sensitive habitat area] determination, he said. Director Alexander Green emphasized that all of the procedures the district is following are because specific information is needed to inform the Board's decisions. He noted the district has not yet received all of the reports it needs in this regard. Director Siedman said he hopes David Ainley will understand the district needs to fulfill the required processes, even if he does not agree with them; the Board will then include an item on a meeting agenda when it is ready to make its decision(s) in this regard.

Craig Haselrig told the Board he is in the process of a project to build a unit for his mother-in-law to live in on his property and he recently was informed it would require a limited water use permit from the BCPUD. He inquired whether the Board would be able to conduct an expedited hearing on the water use permit. Director Siedman said the Board cannot do so at this meeting due to Brown Act requirements of notice, etc., but suggested the Board could include an item on the agenda for its upcoming special meeting on May 31, 2023. Mr. Haselrig thanked the Board.

Caitlin Bryhn Lacey referenced agenda item number 12 and asked to speak to that item when it is up for discussion, on a related note, she said she also is curious about the status of the license between the BCPUD and the Bolinas Community Land Trust ("BCLT") regarding the well at the 31 Wharf Road property.

Janine Aroyan said she would like to comment on the topic from a prior meeting as to whether an Accessory Dwelling Unit ("ADU") can be located on a lot across the street from the main residence. Janine researched the Marin County Code and it appears to require that septic systems generally must be sited on the primary parcel (the same property as the building it serves), so if there is an ADU permitted across the street, then the effluent from that structure would need to flow in a pipeline to the main residence and a water line also would need to be connected across the road which, she said, is a "direct violation of Resolution 173." Janine said this is a very complicated and important issue affecting the entire town and property values, so she wants to be sure the topic of ADU's being located across a street from the main parcel is transparently and publicly discussed, particularly given the implications she referenced for the moratorium resolution. She said, "I'm sure you all are discussing this as Board members", but she would like to be sure it is publicly discussed and there is full disclosure before a proposal comes before the Board. Director Siedman asked her if there is a specific proposal she is talking about; Janine said the topic of ADUs being allowed to be built across the street is likely to come up again and, because of the impact on the water moratorium, she wants to be sure there is transparent notice and opportunity for discussion.

Director McElroy said he would like to clarify something for everyone: the Board does not talk about district matters outside of duly noticed public meetings and, if a topic is not on the meeting agenda, it cannot and is not discussed by the directors. Director Walker agreed and said she was very glad director McElroy raised this point because the Board members do not have any opportunity to talk with each other outside the meeting forum. Director Alexander Green noted that staff has provided the County's statement about merging lots across streets or public rights-of-way and allowable secondary uses on a parcel merged in this manner; he said this statement confirms that the County does allow such mergers and uses, so he is interested in talking more about this and the BCPUD resolution about water lines. He noted that the BCPUD was sued when the moratorium was enacted by parties claiming the moratorium was really a tool to limit development rather than a valid means to manage a limited water supply, which was proven false, and he cautioned that the topic of where to place ADUs may be outside the district's purview. Director Siedman thanked Janine for bringing the matter to the Board's attention and assured her that when the time comes up for the matter to be addressed, it will be on the BCPUD agenda.

4. Manager's Report and Project Updates.

- *Update on the Status of the BCPUD's Water Supply: Recommendation to Cancel the Heightened Water Conservation Alert issued on June 17, 2020.*

Staff reported that, as of May 16, 2023, the district has received 39.27 inches of rain thus far in the 2022-23 rain year; this cumulative rainfall is well above the average rainfall for this time of year. As for water production and consumption, between March 14, 2023 and May 15, 2023 water production in the district averaged 64,879 gallons per day (GPD), which is an increase in production of 6,000 GPD as compared to the last reporting period, when production averaged 58,879 GPD. Staff noted that the water treatment plant was off for eleven (11) days during this reporting period for operational reasons. Water consumption during this same timeframe averaged 61,758 GPD (approximately 105 GPD per connection), which is a slight uptick as compared to the last reporting period, when consumption averaged 103 GPD per connection. However, staff have noticed a jump up in consumption since the end of April: for the first fifteen days of May, consumption has averaged 67,534 GPD, or 115 GPD per connection. As for water in storage, the Woodrat 1 Reservoir is full (7.6 million gallons, 6.9 million of which are usable), as is the Woodrat 2 Reservoir (9.3 million gallons, 8.6 million of which are usable).

Staff directed the Board's attention to the district's base flow (BF) recession model for the Arroyo Hondo Creek, which has updated to depict predictions of the base flow portion of creek flows through June 30, 2023. Creek flows continue to be much higher than in prior years as a result of the above-average annual rainfall received this rain year, with a projected creek flow of close to 175,000 GPD by June 30, 2023. This compares very favorably to creek flows of approximately 111,000 GPD on June 30, 2022, and as compared to creek flows of approximately 85,500 GPD on June 30, 2021 and creek flows of approximately 113,000 GPD on June 30 2020. Staff also directed the Board's attention to graphs in the written update depicting the correlation between annual rain flow and Arroyo Hondo Creek flows which really underscores the dramatic responsiveness of the creek to current weather conditions.

- *Recommendation to Cancel the Heightened Water Conservation Alert issued on June 17, 2020.*

Staff reminded the Board that it voted to trigger a Heightened Water Conservation Alert at its regular meeting on June 17, 2020, nearly three years ago, following a significant spike up in water consumption over the 2020 Memorial Day weekend. The goal at that time was to reduce demand by 20-30% to achieve an average town water use of no more than 100,000 GPD or 170 GPD per property. The Board subsequently held a public meeting in September 2020 to further encourage voluntary conservation of no more than 150 GPD per connection (or 90,000 GPD town water use). By February of 2021, the district was planning for mandatory rationing, perhaps set as low at 100 GPD per connection, because it had received only 10.2 inches of rain as of January 31, 2021 (and the prior rain year the district received only 22.7 inches of rain, so creek flows and stored water supplies were much lower than normal). Ultimately, in March 2021, the Board approved Resolution 680, declaring a special water emergency and enacting mandatory rationing to be triggered if and when the community's seven-day water use exceeded 76,000 GPD, or 125 GPD per connection, with some exceptions.

In May of 2021, the Board held another public meeting to urge further conservation because water use was increasing yet rainfall totals were only at 16.25 inches, just half the district's average annual rainfall, and reservoirs were at only 60% capacity. The district also erected a sign at the entrance to town, updated daily, to inform the community in real time about the town's current water use. At the June 2021 regular meeting of the Board, the directors voted to amend Resolution 680 and reduce the community seven-day water use trigger down to 66,000 GPD and the Board held several meetings to develop and approve criteria for limited exceptions to the mandatory ration requirements. Fortunately, the district received welcome rainfall in the Fall of 2021 and the Board was able to suspend Resolution 680 at the November 2021 regular meeting. However, the Heightened Water Conservation Alert has remained in place. In light of the well-above average rainfall this rain year, staff enthusiastically recommends that the

Board formally cancel this alert. A brief discussion ensued, with Board members expressing a willingness to cancel the alert, but noting that water conservation remains a way of life in Bolinas due to the inherently limited nature of the district's water supply.

K. McElroy/A. Alexander Green all in favor to cancel the district's Heightened Water Conservation Alert issued on June 17, 2020.

- *Update on the Tank Site Pipeline Replacement Project.*

Staff reported that Allan Richards of Stetson Engineers has provided a revised schedule for this project. Per this schedule, the district plans to go out to bid on this project on June 1, 2023, with a mandatory site meeting on June 12th and bid due date of July 10th. This schedule will allow for the Board to be able to consider the bids and whether to award a contract to the lowest responsible bidder at the July 19, 2023 regular Board meeting.

- *Update on the Groundwater Wells Project.*

Staff said that the biological site assessment and coastal permit application work should be underway soon and that staff has provided comments to the California Department of Water Resources on the Funding Agreement. In reference to the earlier question from Caitlin Bryhn Lacey, staff said the BCPUD's license for the use of the well at 31 Wharf Road has an initial term of three years which begins when the well is put into operation. Prior to the conclusion of the three-year term, staff anticipates the BCPUD and BCLT will meet to negotiate appropriate renewal terms.

- *BCPUD's Pedestrian/Bicycle Path Project: Proposal for Engineering and Design Services from BKF Engineers.*

Becky Dower of BKF Engineers presented an overview of her proposal for engineering and design services for the BCPUD's project to hard-surface the pedestrian/bicycle path on the sewer pond property. She noted the original gravel path was installed about 15 years ago and is experiencing issues related to age, including erosion due to the steepness of the path in sections, poor drainage, vegetative encroachment and so forth. BKF Engineers prepared an initial study for the BCPUD to estimate the cost of resurfacing the path and concluded that the amount of grant and donated funds available to the BCPUD at the present time is likely insufficient to resurface the entire pathway. BKF Engineers also assisted the BCPUD in a meeting with the County of Marin to determine whether any permits will be required for the project. The County advised that if the project does not widen or significantly change the alignment of the path as originally permitted, the County will deem this project repair and maintenance under the original coastal permit and a new coastal permit will not be required. The County will review the project plans and specifications to ensure that the project is limited to repair and maintenance.

Becky explained her proposal includes topographic mapping so that she can develop a base map, as well as the preparation of construction drawings and specifications that can be used for publicly bidding the project; her design includes grading, stabilization and earthwork details, as well as pavement thickness and width and other related improvements needed to support the pathway. These documents will be supplemented by technical specifications. Discussion ensued, with the directors asking clarifications about the level of detail contemplated in the construction documents; Becky said the specifications likely will be relatively standard, but the design drawings will need to be very site specific, particularly to address areas where the path has eroded, so that contractors have very clear notice of the work required. She directed the Board's attention to photos of the path where cutting and removing upslope soil and flattening of the path surface likely will be needed – she said there are numerous locations on the length of the pathway where specific detail should be included in the project drawings to ensure the erosion issues are addressed and that the district receives solid bids.

Kevin McElroy said he thinks it is worth discussing whether the Board wants to proceed with this project at this time, given the discussion during community expression which essentially questioned why the district is improving a path in this eucalyptus grove, at least until the Board knows next steps insofar as the grove is concerned. Director Godino said those are her thoughts, as well. She said she is aware that the grant funds to improve the path must be expended within a window of time; staff confirmed the grant performance period has been extended into 2028. Staff said the grant contract is in place for the project, but the district has not yet drawn on any funds, which is a key milestone; once the district draws on funds, it will be much more difficult to withdraw from the project if the Board should decide not to proceed. Staff noted the funding agency must approve the cancellation of the contract. Director Godino said she is in favor of improving the existing path but, after last winter's historic storms and all of the current debate about the safety of the grove, she would like to have as much information as the district reasonably can obtain about the trees in the grove before starting to draw on grant funds, particularly the pending arborist report commissioned by the district.

Director Andrew Green concurred, noting it is his understanding that reports under development for the Bolinas Eucalyptus Project will indicate that a significant number of the trees in the grove are unhealthy and a large percentage of the trees are over 100-foot tall and therefore have a big range of potential impact. While he acknowledged the hard work of former director Smith and staff to obtain the grant funds, he said it seems unwise to proceed, noting that a huge tree fell on Terrace Avenue just today, during dry weather. Director Alexander Green said the path currently is closed for safety reasons and he is not comfortable proceeding with the path improvement project at this time. In response to a question from director McElroy, staff confirmed the path is closed pending the FEMA-funded disaster assistance project (removal of trees that fell across the path in the winter storms and also trees that are threatening the path). Also, staff said, the district is waiting for the arborist's hazard assessment report. Directors Walker and McElroy both stated their support for improving the path eventually, but their preference is to decide what needs to be done with regard to the trees in the grove first.

Director Siedman said it seems clear the Board wants more information about the safety of the grove before proceeding with the path improvement project and the pending arborist report is a key component, so he concurs that the path project should be placed on hold for now. Jennie Pfeiffer said she remembers a prior discussion about this project and the end of the path near Resource Recovery which becomes dangerous when it enters Olema-Bolinas Road, and she thought there might be a discussion with the Bolinas School and the County of Marin about stepping in to help; she said Supervisor Rodoni is scheduled to have office hours in Bolinas and perhaps this project could be raised at this time. Staff said it isn't possible to include that extension of the path in this project as there is not enough funding and it would require separate coastal permitting, but it certainly can be pursued as a separate project.

Jon Cozzi spoke on behalf of the Bolinas Eucalyptus Project ("BEP") and said he would like to see all of these projects succeed – the bike path improvement project, the habitat restoration project and so forth – and the BEP would be happy to share its two arborist reports and tree inventory, assessment and mapping report. He said a risk assessment report by forester Kent Julin also is expected soon, which he would be happy to share, as well. Jon noted there is a serious concern that an "ESHA" [environmentally sensitive habitat area] might be identified in the grove [due to monarch butterflies]; he said Sean Kennings advised him that the biologists are leaning in this direction. Jon said only 1.3% of the monarchs documented in Bolinas were in this grove; he said that if an ESHA determination is made, the BCPUD "will never be able to maintain the trees on that land", nor will PG&E be able to cut down trees overhanging the power lines.

- *Proposal from Gannett Fleming for Engineering Drawings and Specifications for Bolinas Beach Groin and Bluff Protection Wall Repairs.*

Staff reminded the Board it previously approved a proposal for the fabrication and installation of a replacement railing on the existing concrete stairs. However, in discussions with engineers in the meantime (about a more comprehensive repair project for the groin), staff now recommends against

proceeding with that work because it appears the stairs themselves need rehabilitation. Also, the sand levels at the groin have built back up after the winter storms, making a railing installation very difficult. Staff noted that the failed railing was removed and a temporary, robust wooden railing was installed in its place a few months ago, which should suffice until the more comprehensive repair project can be installed. Gannett Fleming has submitted a proposal for \$35,503 for detailed repair drawings, which the Board has in the binders. Staff also has solicited an updated proposal from Ron Noble, who performed the original inspection of the groin structure in late 2020 (Ron's prior proposal for engineering drawings and specifications submitted in January 2021 was \$32,000). Staff is not requesting any action from the Board tonight, but wants to keep moving this project forward; for budget purposes, it appears the district is facing approximately \$35,000 in engineering and design costs. Director Walker said it would be useful to ask the engineers to develop an engineer's estimate for the repair work for budget purposes, as well.

- *Form of Septic System Limited Water Use Permit/Application (Bolinis Septic System Pilot Program per BCPUD Resolution 681).*

Staff presented a form of septic system limited water use permit for the Board's consideration. Staff reminded the Board that it passed Resolution 681 at the request of the Bolinas Community Land Trust ("BCLT"), who has been working closely with the Marin County Environmental Health Services ("EHS") Department to help Bolinas residents improve their septic systems. The County regulators are allowing flexibility on septic system design as long as they have assurance that water use will be limited so that the system cannot be hydraulically overloaded. Staff said former director Smith was instrumental to the negotiations with the County concerning this program. The Board agreed by enacting Resolution 681 to issue a special form of limited water use permit specific to the Bolinas Septic System Pilot Program to ensure that water use will be limited and enforced. Director McElroy said the proposed language on the permit seems a bit vague as to the specific monitoring period; staff said it is the BCPUD's understanding that the County and the BCLT will address this in a separate memorandum of understanding ("MOU"). Discussion ensued, with staff pointing to the current language of Resolution 681 – which contemplates that water use monitoring will be done by the BCLT and submitted to EHS specifically so that BCPUD staff does not have this role – and BCLT Executive Director Annie O'Connor explaining that some of the Pilot Program components have evolved in recent months. Staff recommended that BCPUD, BCLT and EHS staff meet to confer and ensure that Resolution 681 still accurately reflects the program, agree upon their respective roles and responsibilities, and bring this item back to the Board at a future meeting; there was no objection from the Board.

- *Operations Update.*

Staff continues to work with FEMA on its disaster assistance grant funding applications, which is very time-consuming; it appears the BCPUD is eligible to receive approximately \$11,000 in reimbursement for staff overtime and equipment costs during the January winter storms, and between about \$32,000 - \$52,000 in disaster response costs (i.e., removal of trees and other debris from the district's bike path and from the Arroyo Hondo access road). Staff noted the work needed on the Arroyo Hondo access road is on hold per Park managers due to the presence of a spotted owl nest in the vicinity.

Staff timely submitted the BCPUD's 2022 Electronic Annual Report to the State Water Resources Control Board ("SWRCB")'s Division of Drinking Water ("DDW"). Next month the BCPUD will prepare and distribute the 2022 Consumer Confidence Report to all customers in the district. On April 21st, the district's regulators from the SWRCB's DDW conducted an extensive inspection of the district's water sources and water treatment plant and it is staff's understanding that a written report from DDW will be forthcoming.

The crew continues its great work to hand-remove azolla from the surface of the Woodrat 1 reservoir and has devised increasingly efficient systems to do so. Staff reminded the Board that this work is done by hand due to the district's commitment not to use chemical controls in its drinking water sources. Staff credited shift operator Andrew Spalding for his very dedicated work on this project.

Staff also credited shift operator Evan Kahn with implementing a great idea to install inexpensive water sensors at the Woodrat Water Treatment Plant, which the operators can access via an app downloaded to their phones. The sensors detect if/when water starts to flood the floor of the plant, which can happen when there is a break in the interior plumbing and, if undetected, can result in large water losses. Shortly after the new sensors were installed, the operators received notifications that a leak was detected at the plant and the on-call operator was able to address it within ten minutes. Staff said that the operators unanimously designated Evan as the “employee of the month” for his initiative on this project.

Staff reported that Nick Marcotte started work this week as an intern for the district. He will be working with the operators two afternoons a week on the district’s Lead Service Line Inventory. Staff is pleased to report that the crew already has made great progress on this project.

Staff attended the annual Board of Directors meeting of ACWA/Joint Powers Insurance Authority (“JPIA”) in Monterey earlier this month. In general, this meeting is held for the purpose of providing all member districts a report on the overall status of the organization. ACWA/JPIA is anticipating relatively significant premium increases in the liability (10%) and property (20%) programs due to large losses in those programs due to catastrophic fires throughout the state.

With regard to pending projects, staff met recently with the two affected homeowners on Queen Road to explain the emergency project to be installed there; staff also is evaluating a similar project for Pine Road. As for the district’s radial gate (the lower diversion point on the Arroyo Hondo), staff solicited a condition assessment proposal from Gannett Fleming because the firm has a former Bureau of Reclamation engineer who is very familiar with radial gate structures. The proposal was submitted last night and staff has not yet had time to review it, but included it in the Board binders as an informational item at this time.

On the sewer side of operations, on May 3rd staff from the Regional Water Quality Control Board (“RWQCB”) conducted a site visit to inspect the district’s sewer treatment facility in connection with an evaluation of the BCPUD’s request to add six new connections on Canyon Road to the district’s sewer system and to discuss the planned transition of the district’s sewer treatment plant to a new Waste Discharge Order (i.e., treatment facility permit). Representatives from Marin County’s Environmental Health Department also attended. RWQCB staff will present a recommendation to its Executive Team concerning the BCPUD’s Canyon Road connections request this month.

- *Update on Status of BCPUD Sewer Customer Lateral Repairs.*

With regard to the sewer lateral repairs required of the eleven homeowners on Wharf Road, staff reported that all but two of the affected customers either have repaired their laterals or are in contract to repair their laterals. The two customers not yet in contract have been told by their contractors that additional inspection work needs to be done to identify the type of repair needed; staff spoke directly with the contractor and confirmed that information.

The Board reviewed correspondence sent and received since the last regular Board meeting, including an email from a senior conservation biologist at the Xerces Society expressing concern about the potential removal of eucalyptus trees and associated monarch habitat in the eucalyptus grove on BCPUD lands, and an inquiry from Supervisor Rodoni’s office as to whether Bolinas would like CalTrans to install an updated village population sign with elevations along Highway 1.

Staff has been working with community members Melinda Griffith, Aenor Sawyer and Steve Matson, along with staff from Congressman Huffman’s office, on a proposal for the location of a temporary Bolinas post office in the Mesa Park parking lot. John Borg also has been very active in organizing the community on this topic. Congressman Huffman has agreed to convey the proposal to the headquarters U.S. Postal Service office in Washington D.C.; a copy of his letter and the proposal are in the Board binders.

On behalf of the district, staff attended a retirement event at the Marin County Board of Supervisors on April 25th in honor of Tom Lai, who is retiring as Director of the County's Community Development Agency; there was a tremendous turnout and very moving remarks were delivered in Tom's honor.

- *Alliance of Coastal Marin Villages:*

The Alliance of Coastal Marin Villages ("ACMV") held a quarterly meeting with Supervisor Rodoni on May 4, 2023. Supervisor Rodoni reported on the County's efforts to regulate short-term rentals in unincorporated Marin County and it was acknowledged that there are many different points of view on this topic among the various villages' residents. He also reported that the County will be receiving funding via the bipartisan infrastructure bill to install the "middle mile" of fiber optic cable along Highway 1 between Olema and Bolinas (it will be owned by the County) and the County hopes to have it installed by 2026. Finally, the supervisor will be having office hours in Bolinas at the Bolinas Community Center this Friday, May 19th beginning at 3:00 p.m.

5. Request from the Bolinas Stinson Internet at Home ("BSIAH") Program for the BCPUD to Take an Active Role in Ensuring that Broadband Internet is Accessible, Affordable and Sustainable to all Bolinas Residents (*Georgia Woods and Chloe Sladden on behalf of BSIAH*).

Chloe Sladden and Georgia Woods were present on behalf of the Bolinas Stinson Internet At Home ("BSIAH") program to ask the BCPUD to take an active role in ensuring that accessible, affordable and sustainable broadband internet service is available to all Bolinas residents. They explained that more work is needed, essentially an extension of the work done by the Bolinas School to enhance internet access for the parents and students during the Covid-19 pandemic (Chloe and Georgia both were deeply involved in that work). They said it became clear during the pandemic that broadband internet access is an equity issue in Bolinas, with only 11% of low-income school age students/families having access to broadband internet and none of the Spanish-speaking students/families having such access at the outset of the pandemic. Georgia related the history of their efforts to fundraise and ensure that the local school students and families had broadband internet access; they eventually extended that effort to include high school-age students and families in Bolinas (i.e., pre-K through 12th grade). As a result, 95% of students and families in Bolinas now have access to broadband internet via Muir Beach LAN. The areas still not served include Horseshoe Hill Road, Paradise Valley and Dogtown.

Georgia said it will be very important to secure federally funded, County-owned fiber optic cable to Bolinas, and then connect the entire town to it at an affordable cost via the existing local providers – this effort will require advocacy on behalf of the community and its unique needs and she believes the BCPUD as the local utility provider is well-positioned to serve that role. She noted the local internet service providers are "mom and pop" companies without the resources to pursue federal funding, and they need support in the way of subsidies to ensure their service is affordable. Georgia emphasized that it will be important to have someone at the table with the County to ensure that the "final mile" of fiber optic cable is installed so that Dogtown and Horseshoe Hill are served; the two local service providers, Horizon Cable and Muir Beach LAN, need local support and community connection, as well. Chloe emphasized that this is a "once in a generation" infrastructure funding opportunity.

Director Siedman said he believes the Board generally supports this work, but inquired what exactly is being asked of the district. Georgia and Chloe explained that resources are not available to hire a program manager for this work to advocate for Bolinas; they are volunteers and it is not sustainable for them to fulfill that role. They would like a BCPUD employee, for an estimated 5 -10 hours a month of staff time, to be dedicated to work on the effort to expand broadband internet in Bolinas, whatever that might be, from evaluating conditions in the field, to communicating/assisting the local service providers, to advocating with the County, and more. Chloe pointed out that the district itself will directly benefit from the availability of fiber optic cable broadband throughout the community in connection with infrastructure upgrades and monitoring. Director Siedman said he is concerned the staff already is

completely maxed out in terms of work already required. Staff offered to talk off-line with Chloe and Georgia about exactly what is needed and assess whether it is possible to make such a commitment.

Director McElroy inquired whether this request has been put out to the broader community at one of the public forums. He noted that there seems to be a lot of momentum at the moment with people interested in working on community projects and there could be qualified people willing and able to help. Chloe said they approached Will Bartlett about posting information about the need on the Bolinas Civic Group website; she said they have been trying to identify a program manager for this work in the community for the past two years without success. Georgia noted that a relationship with the County also is very important – someone needs to be advocating for Bolinas with regard to the middle mile – and the BCPUD has that relationship. Annie O’Connor said the BCLT is planning to start a strategic planning process in the fall and will be looking at programmatic approaches to expand the BCLT’s work in terms of preserving community across all income spectrums, so there may be a role for the BCLT on this effort. Annie offered to participate in an off-line meeting to discuss this further. Will Bartlett suggested that Chloe and Georgia present at the next Bolinas Civic Group meeting as he thinks there could be community members interested in helping and he would be happy to facilitate connections.

After brief additional discussion, it was agreed that Georgia and Chloe will meet with BCPUD and BCLT staff and return with a more specific proposal for the Board to consider in terms of a commitment of district staff time and/or resources.

6. Request from Briones Lions Club for a Financial Contribution from the BCPUD for Portable Toilets and Handwashing Stations for July 4th Parade Event.

Matt Lewis said the July 4th parade will take place this year for the first time in three years and costs have risen significantly since the pandemic. He said the Briones Lions Clubs’ membership has declined during the pandemic from 45 to 11, so he also is looking for volunteers to help with the parade. With regard to his request to the BCPUD, Matt said he is seeking financial help to rent portable toilets and handwashing stations in order to take the pressure off the downtown bathrooms (and the BCPUD’s sewer system) and ensure the beach is not used for that purpose. He requested a contribution of \$200.00. Director Godino suggested that the BCPUD contribute \$300 in light of the clear benefit to the district in terms of reduced water and sewer impacts and director Walker quickly concurred.

G. Godino/K. Walker all in favor for the BCPUD to contribute \$300.00 toward the Briones Lions Club rental of portable toilets and handwashing stations for the July 4th parade event.

7. Request from Bill Niman for a Financial Contribution from the BCPUD for Chipping of Hazardous Trees (APN 188-170-61, South of Mesa Road, across from BCPUD Water Storage Tank site).

Bill explained that a number of trees across Mesa Road from the district’s water storage tanks were toppled during the winter storms and fell on some of his fencing. He said he had thought the property on which the trees were located was BCPUD property, but that turns out not to be the case, notwithstanding the fact that BCPUD had infrastructure there decades ago. Bill said his crew cleaned up the trees and repaired his fencing, but there is a pile of brush remaining that needs to be chipped. Bill reached out to BCPUD staff and asked if the cost of chipping could be shared between them as neighboring property owners. Staff said that the operations crew evaluated the situation and staff does not object to the cost-sharing proposal, which Bill said would be a maximum of \$900.00. In response to a questions, Bill said that the amount of brush to be chipped exceeds the amount the Bolinas Fire Protection District is able to take on as part of its Chipper Day program.

G. Godino/ K. Walker all in favor to contribute an amount not to exceed \$900.00 toward the chipping of brush from hazardous trees on APN 188-170-61.

8. Public Hearing to Consider Termination of Water Service and/or Revocation of Permit – Violation of Maximum Water Use Allowed Under Limited Water Use Permit #64 (N. McCarthy - 398 Tulip Road, Bolinas).

Director Siedman opened the hearing and asked Nathan McCarthy if he understood the serious nature of the matter; Nathan responded that he does not. Director Siedman explained that Mr. McCarthy received notice from the BCPUD that the amount of water used at his property exceeded the terms of his limited water use permit and the matter is now before the Board to consider termination of his water service. Staff stated that for the quarter ending on February 28, 2023, water use at the property was 3,400 cubic feet (an average of 283 gallons per day), but the maximum allowable water use per quarter at the property is 3,000 cubic feet (an average of 249 gallons per day). Staff confirmed that Mr. McCarthy received a notice of this violation and was provided 30 days to reduce water use and come into compliance with the terms of his permit, which unfortunately did not occur.

Director Siedman asked if anything has been done to evaluate water use at the property and reduce consumption. Mr. McCarthy said he has limited his children to taking 2-minute showers and also has engaged a local plumber to install low flow fixtures; he also plans to purchase water storage tanks to capture rainwater for landscaping and gardening. He said the entire experience has been eye-opening to assess and evaluate how to reduce water use. Director Walker asked if there is a timeframe for the installation of the low flow fixtures; Mr. McCarthy said he believes the work will occur next week and that the main problem has been his kids' long showers, not outdoor water use. After a brief discussion, director Siedman suggested the Board continue the matter to the next meeting, if needed, to provide additional time for Mr. McCarthy to come into compliance and for staff to check the meter again in a month, or after the low flow fixtures have been installed. There was no objection from the Board.

9. Fiscal Year 2023-24 Memorandum of Understanding re: Compensation and Benefits between the BCPUD Board of Directors and BCPUD Employees.

Staff said the primary update in the FY 2023-24 memorandum of understanding is a 4% wage increase for staff (with the exception of the Administrative Assistant, who will receive a 6% increase); other than this, the changes reflect updated benefits costs charged by the district's benefits vendors. Director McElroy asked if bereavement leave is provided in the event of the death of a sibling or cousin; staff said the memorandum certainly can be amended to explicitly provide this (it likely is covered by the language "third degree of consanguinity"). Director McElroy noted one of the holidays provided is "Admissions Day" and he asked about this reference; staff explained that the district observes California Admissions Day as an official holiday in early September. Finally, director McElroy inquired why the vacation policy maxes out at three weeks for operations staff vs. nine weeks for office staff. Staff explained that the Board amended the MOU in October of 2021 to fully pay for dependent health care coverage for all employees. Previously, the district paid only 50% of dependent health care coverage for employees hired after 2012; this was done as a way to reduce escalating benefits costs for the district, however, as a practical matter, that meant the office staff had full dependent coverage whereas the field staff did not (because all were hired after 2012), which seemed fundamentally unfair. The operations staff ultimately proposed to reduce their vacation accrual maximum (which is a benefit to the district in terms of a reduced liability on the balance sheet) in exchange for fully paid dependent health care coverage and the Board agreed.

Alexander Green/K. McElroy all in favor to approve the FY 2023-24
Memorandum of Understanding, amended to include "siblings and cousins" to the bereavement leave policy.

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

Staff reported that the district is now in contract with Miller Pacific to conduct the geotechnical investigation work for this project.

11. BCPUD Sewer System Management Plan: Updated Spill Emergency Response Plan.

This item was deferred to the May 31, 2023 special Board meeting.

12. Announcement of Special BCPUD Board Meeting on May 31, 2023 at 7:30 p.m. re: Coastal Permit Application (P4047); Limited Water Use Permit Application – Vacant Lot on Mesa Road, Bolinas (APN 193-020-55); Bolinas Community Land Trust & County of Marin (temporary RV trailer campground).

Director Siedman recused himself from discussion of this item. Director Godino said this agenda item is an announcement to the community that, because of the high level of community interest in the temporary RV trailer campground project, the Board will hold a special meeting to consider it on May 31st. Director Godino said the Board is trying to arrange a translator for the meeting. Director Alexander Green asked if the meeting will be at the Firehouse Public meeting room; staff agreed to contact the Fire District to reserve the room, if possible. Director McElroy said that he would prefer to wait for the special meeting to have any substantive discussion of this project; director Godino agreed, noting that this is an informational item only.

Caitlin Bryhn Lacey noted that since director Siedman is the only attorney on the Board, the district may want to engage outside counsel to advise it about this project given the complexity of the issues presented. In response to a question from director Godino, staff said the district seeks outside legal advice on an as-needed basis when legal issues are presented. In response to questions from John Bryant, director Godino said the Board's Legal Committee does not provide legal advice to the district, that is the role of outside counsel. John Bryant said he wants to ensure the Board is "properly resourced" with regard to this project given that director Siedman is recused from this matter. Cheryl Ruggiero asked if the Board anticipates that there will be a motion and vote on the agenda item at the May 31st special meeting. Director Walker said any Board action would be limited to decisions with regard to a limited water use permit application. Cheryl stated that it seems there are a lot of potential legal issues at play, including implications for the water moratorium, and that is why community members are suggesting the Board have legal counsel before taking action at this meeting. Director Walker assured her that the Board will be prepared for the meeting, noting that most of the legal issues likely pertain to the County's permitting process.

Annie O'Connor said it might be helpful if those expressing legal concerns could elaborate more specifically about them. John Bryant said he believes the Board should be supported by legal advice with regard to the decisions it will be asked to make at the special meeting. Cheryl Ruggiero agreed with director Walker that most of the legal issues pertain to the County and its permitting process. Caitlin asked if the Board has ever encountered an emergency permit like this and noted the property in question has a long and complicated history. Director Godino emphasized that the Board's jurisdiction will be limited to the limited water use permit application. Staff said that the County's emergency coastal permit process appears to be a new procedure and the district has not previously encountered it.

Former BCPUD director Don Smith said he does not see anything about this limited water use permit application that is different from others the Board has considered over the years; the Board will apply the rules on the books and the formulas for determining maximum water use, he said. Director Walker agreed, noting the applicable resolution is BCPUD Resolution 655; Don Smith pointed out that this resolution is more restrictive than past BCPUD resolutions, including the moratorium resolution, with regard to high water users. Further discussion started to ensue and staff intervened to note that this agenda item is informational and the Board therefore should not be engaging in an extended discussion about topics not on the agenda per the Brown Act. Director Godino concurred and closed the agenda item.

13. Volunteer Committee Reports:

-- *Resident Permit Parking Plan Committee: Minutes of March 14, 2023 Committee meeting; Request for Appointment of BCPUD Director to the Committee.*

The Board accepted the minutes of the March 14, 2023 Committee meeting.

Sherry Hirsch and Bruce Bowser were present on behalf of the Committee to ask if a current director of the Board could be appointed to replace former director Don Smith on the Committee. Bruce said it would be particularly helpful for a Board member to attend meetings of the Committee with the County and/or Sheriff's Office; he said it should not require a lot of time. Sherry noted that staff has attended these meetings when possible, which is much appreciated, but a director participation is very important at this juncture. Director McElroy asked how close the Committee is to the "finish line" of implementing the parking plan after three years of work. Sherry said all of the issues should come to a head in the next four to five months; Bruce agreed, noting it is a crucial time to get a BCPUD director involved. Bruce suggested this committee should be a standing Board committee because the town's downtown parking and traffic woes will not go away even if the resident permit parking plan is implemented – a solution must be found for how to manage all of the coastal visitors. Discussion ensued with directors acknowledging all of the hard work that Sherry and Bruce have dedicated to the resident permit parking plan; however, none of the current directors were able to commit to serving on the Committee. Director Siedman recommended that staff continue to serve as the BCPUD liaison to the Committee; he said a director may be able to step in on an as-needed basis. Director Walker encouraged Sherry and Bruce to reach out to staff and/or the Board if there is a specific need.

-- *Resource Recovery:* Nothing to report.

-- *West Marin Mosquito Control Coordinating Council:* Director Godino said that she will reach out to Liza Goldblatt, who historically has led the council, for an update and report back at a future meeting.

-- *Land Stewardship Committee:* Nothing to report.

14. Other Business.

a. Board Committee Reports.

- *Finance: Minutes of the April 3, 2023 Finance Committee Meeting; Update re: Draft FY 2023-24 District Budget and Draft Five-Year Capital Improvement Plan (FY 2023-28).*

A. Alexander Green/K. Walker all in favor to approve the minutes of the April 3, 2023 Finance Committee meeting.

Staff reported that the district's Proposition 218 notice was mailed out earlier this month with the draft FY 2023-24 budget, which is also posted on the district's website, as is the draft Five-Year Capital Improvement Plan (FY 2023-28). The Board's public hearing on the draft FY 2023- 24 budget is scheduled for the regular Board meeting in June.

- *Legal:* Nothing to report.
- *Mesa Septic, Flood Control and Roads:* Nothing to report.
- *Water and Sewer Operations:* Nothing further to report.
- *Personnel: General Manager Retirement; Hiring Process for new General Manager and for new Assistant General Manager.*

Director Siedman stated that the General Manager has announced her plans to retire in May 2024 and the Personnel Committee recommends the Board commence a hiring process as soon as possible for her replacement. He noted the Board already has approved the creation of an Assistant General Manager position, and the Committee recommends the district begin the hiring process for the new General Manager first so that person can be involved in the hiring of the Assistant General Manager. Director Siedman said staff has prepared a draft Hiring Announcement and advertisement for the position and the entire Board will be the hiring committee. He said he would like the new General Manager to be hired before the end of the year so there can be an in-depth transition process through May 2024. Discussion ensued about the hiring timeline, with a preference to advertise the position for 60-days; staff expressed a desire to obtain Board comments on the Hiring Announcement before it is finalized. After further discussion, the Board resolved to finalize the Hiring Announcement by the June Board meeting, advertise and solicit applications for approximately 60-days thereafter, and then schedule interviews of the most qualified applicants, ideally in September.

- b. Minutes of the March 15, 2023 regular meeting; Minutes of the April 19, 2023 regular Board meeting

G. Godino/A. Alexander Green all in favor to approve the minutes of the March 15, 2023 regular Board meeting.

The minutes of the April 19, 2023 regular Board meeting was deferred to the next meeting.

- c. Warrants.

G. Godino/K. Walker all in favor to approve the warrant list.

- c. Scheduling of Next Meeting(s):

Special Board meeting: May 31, 2023 at 7:30 p.m.
Regular Board meeting: June 21, 2023 at 7:30 p.m.

15. Adjournment.

11:03 p.m.