

**Bolinas Community Public Utility District**  
**A Regular Meeting Of The Board Of Directors**  
**October 18, 2023 270 Elm Road, Bolinas**

**DRAFT**

**1. Call to Order.**

7:30 p.m.

**2. Roll.**

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

**3. Community Expression.**

Howard Dillion thanked the Board members for their dedication and hard work on behalf of the district; director Siedman expressed the Board's appreciation for Howard's kind words.

**4. Manager's Report and Project Updates.**

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

Staff reported that the district has received 1.7 inches of rain thus far in the 2023-24 rain year. Since the September Board meeting, water production in the district averaged 73,314 gallons per day (GPD), which is a slight drop as compared to the last reporting period when production was 82,309 GPD. Water consumption during this same timeframe also averaged 73,314 GPD (approximately 126 GPD per connection), which is also a drop as compared to the last reporting period, when consumption averaged 84,181 (143) GPD per connection. Water use has remained modest so far this rain year, and the community has continued commendable conservation practices.

As for water in storage, the Woodrat 1 Reservoir is very close to full and Woodrat 2 contains more stored water than at this point last year (roughly 7 million gallons as compared to 6.5 million gallons in October 2022). The total usable available stored water is approximately the same as this time last year. With regard to the Arroyo Hondo Creek, current creek flows are approximately 146,000 GPD, significantly higher than last year, when creek flows were approximately 92,000 GPD in October 2022. The creek has been flowing over the impoundment structures all year, which is in stark contrast to the recent drought years when the creek stopped spilling by mid to late spring. The district has been able to meet demand with the Arroyo Hondo Creek water source thus far throughout 2023. In response to questions from director Alexander Green, staff confirmed the overall storage volumes of the reservoirs and said the water storage tanks hold 440,000 gallons each; staff said the graphs included in the water supply update memo are representative of reservoir storage volumes during year in which the district does not divert any water from them, noting that Woodrat 2 is more exposed and vulnerable to evaporation during late summer months.

- *Update on the BCPUD's Groundwater Wells Project.*

Staff said the district is in the process of finalizing the biological site assessments for both groundwater well sites and drafting the coastal development permit applications; staff hopes to submit the permit applications in November.

- *Update on the BCPUD's Tank Site Pipeline Replacement Project.*

Staff said the district issued the Notice to Proceed for this project on October 9, 2023. The contractor has not yet provided the construction schedule, but staff noted the deadline to complete that project is December 15<sup>th</sup>. As such, staff anticipates the project will be underway soon.

- *Operations Update.*

Staff reported that needed repair work has continued at the water treatment plant to replace framing and windows that failed during last year's winter storms; the framing has been replaced and the new windows are now installed. Last week John Lewis, the district's consulting technician for the membrane filters at the water treatment plant, was on-site for his annual preventative maintenance work on the filters and to conduct a training session with the operations staff. This year, John also provided workflow spreadsheets for the operations staff to use for recording regular filter maintenance activities.

Last month the district conducted its third round of sampling for per- and polyfluoroalkyl substances (PFAs), also known as "forever chemicals". As staff has reported in the past, the BCPUD was randomly selected by the Environmental Protection Agency ("EPA") to participate in this nationwide sampling per the applicable Unregulated Contaminant Monitoring Rule 5. The results of the first two monitoring events (March and June 2023) are now available and staff is pleased to report the district had no detection of PFAs in the water system. There was one detection of lithium, which is a naturally occurring metal in Earth's crust; staff noted there are many commercial uses for lithium, increasingly as a component for electric car batteries. Staff explained that lithium is on the EPA's Fifth Contaminant Candidate List, which is a list of contaminants not currently subject to any proposed regulations but which are known to occur in public water systems and may require future regulation under the Safe Drinking Water Act.

Per the Board's request, staff followed up with Sid Ganis about water use at 61 Crescente in light of the public hearing at last month's meeting concerning non-compliance with his limited water use permit. Staff said the customer made adjustments and brought water use down to an average of 160 gallons per day, which is well below the maximum quarterly water use allowed under the limited water use permit.

Staff met recently with representatives of Neptune Technology Group regarding their Automated Meter Reading (AMR) system, which is a water meter reading system that can be installed by retrofitting existing meters and will enable staff to read water meters electronically. The representatives said most rural utility districts are using the AMR systems as opposed to an Advanced Metering Infrastructure (AMI) systems, which is reliant on dependable cellular service. The district will collect information on the cost of the Neptune system and determine whether to recommend it to the Board. Staff noted the option to be able to retrofit existing meters, rather than replace them all, is very compelling; in addition, the district staff can install and/or retrofit the meters as it is a very straightforward process. In response to questions from director McElroy, staff said the AMR technology is promising and will be less costly than an AMI system, but it will still be expensive so staff has requested budget-level cost information from the Neptune representatives. Staff also plans to contact other water districts using the system for feedback on their experience.

Staff reported that the Federal Emergency Management Agency ("FEMA") has approved the district's reimbursement request for overtime and equipment costs relating to the January storms and a check should be arriving soon. Also, the final work needed to remove debris from the Arroyo Hondo Road has been completed by Chuck Oakander of Pacific Slope Tree Cooperative and Don Murch of Gospel Flats Engineers. Staff will next pursue the reimbursement of those costs from FEMA.

On the sewer side of operations, spray season at the sewer pond disposal fields was completed this week and the operations staff installed repairs to ensure that the drain valves that move water between the disposal fields are in good working order.

Staff reminded the Board it recently approved a fence project at the district's tank site on the Little Mesa, whereby Chris and Lara Deam are rebuilding and partially relocating a fence on the common property line. Staff said the project is proceeding as planned and going well. The Deam's contractor is in close communication with the BCPUD crew, which is much appreciated.

With regard to SB 1383, the law enacted several years ago to require businesses and residents in California divert food waste out of landfill, staff said as of January 1, 2024, all jurisdictions in the state are required to ensure that businesses and residents are in compliance with the law. Along with representatives from other special districts in Marin, staff is engaged in an effort to negotiate with the County to take on the SB 1383 enforcement responsibilities. Staff will participate in a meeting this week with Zero Waste Marin to discuss the enforcement requirements and respective responsibilities. Staff noted there is an upcoming deadline of November 15<sup>th</sup> for jurisdictions to apply to CalRecycle for another round of SB 1383 grant funds; evidently special districts are eligible for up to \$75,000 in grant funding in this round, and the funds may be used to pay for enforcement efforts.

Director Godino inquired if CalRecycle will offer grant funding like this on an ongoing basis; staff does not know, commenting that this is the first time solid waste enforcement obligations have been placed on public agencies (franchisors), rather than on the haulers (franchisees). Per SB 1383, agencies such as the BCPUD may not privately contract for enforcement services (meaning the BCPUD cannot contract with Recology Sonoma Marin to enforce SB 1383 in Bolinas), it can only contract with another public agency to do so. Since the County holds the franchise for most of unincorporated Marin, the other small special district franchise holders are collaborating in an effort to persuade the County to take on SB 1383 enforcement throughout the area. Director Walker inquired whether solid waste collection services could be provided on a neighborhood basis rather than individually since so many residents generate very little solid waste; she noted this would greatly reduce the number of bins needed, particularly on the lagoon side of Wharf Road. Staff is aware of discussions concerning green waste service for this area of Wharf Road and said a neighborhood approach might be workable there.

- *Proposal for a Groundwater Monitoring Well Plan for BCPUD's Sewage Treatment Facility (West Yost).*

Staff reminded the Board that the district is in the process of negotiating a transition to a new operating permit for the sewer treatment facility and, as a preliminary matter, the Regional Water Quality Control Board ("Regional Board") has required the district to enhance its groundwater monitoring at the facility. The first step in that process is to develop and submit a work plan for Regional Board approval. The BCPUD has proposed to submit the work plan by October 2024; in this manner, the development of the work plan can span across two fiscal years, making it more manageable for the district to pay for it. The district's consulting engineer at West Yost, Kathryn Gies, has submitted a proposal to develop the work plan at a cost of \$35,800 (background, data review and site reconnaissance at a cost of \$8,800; a groundwater monitoring well installation work plan at a cost of \$17,900, and an additional \$9,100 for ongoing consulting services). Staff said ongoing consulting services will be needed as the district continues to engage in discussions with Regional Board staff about the permit transition. Staff noted the district's budget for annual consulting services is \$25,000, so the funds should be available to pay for the work plan and ongoing consulting services during this fiscal year and the following fiscal year.

G. Godino/A. Alexander Green                      all in favor                      to accept the proposal for the groundwater monitoring well plan submitted by West Yost at a cost of \$35,800.

- *Proposed Projects to Remove Cypress and/or Eucalyptus Trees and/or Limbs of Such Trees on BCPUD Properties per Urban Forestry Associates' Tree Failure Analysis and Risk Assessment Report; Removal of Cypress Trees Adjacent to Elm Road near intersection with Jute Road.*

On September 25, 2023, staff met on-site with Bolinas Fire Chief George Krakauer, BCPUD Chief Operator Stew Oakander, arborist Ray Moritz and PG&E's Vegetation Program Manager, Andrew

Ludwig, regarding the trees along the south side of Mesa Road identified in UFA's report as presenting potential risks to the public and that are within close proximity to PG&E's power lines. Mr. Ludwig stated that if limbs or specific trees identified in UFA's report threaten power lines, PG&E is responsible for them and will pay for the recommended work, which must be performed by a PG&E approved contractor. Mr. Ludwig confirmed that PG&E plans to remove 7 – 8 trees per year adjacent to Mesa Road and currently is waiting for the coastal permits to do so; the trees along Mesa Road marked with two red dots (all noted in UFA's report) are slated for removal first. Mr. Ludwig evaluated the additional trees identified in UFA's report as threatening the power lines and concluded PG&E is responsible for them and will remove them (except for one that is too short to threaten the power line and another that is well back from the road). Staff subsequently sent Mr. Ludwig a confirming email regarding the site visit and asked him to assess four additional trees to determine whether they are PG&E's responsibility due to proximity/threat to power lines.

With regard to the BCPUD's property at 270 Elm Road, staff explained that UFA assessed the Monterey Cypress trees remaining from the original boundary planting decades ago, noting past failures of these trees, current structural deficiencies and the fact that the trees have "far outlived their utility life expectancy". UFA recommends the district "directionally fell" the remaining trees into the open field adjacent to the office building and remove and chip branches for fire prevention. Staff requested an estimate for this work from Pacific Slope Tree Cooperative ("PSTC") and a written estimate of \$12,000 was provided, which staff said is very cost-effective under the circumstances, given the number of trees to be removed. If funds permit, PSTC will cut the trees into lengths and stack them on the perimeter of the property; if funds do not so permit, BCPUD staff will do this work.

Staff said these trees are not "protected" or "heritage" trees as those terms are defined by the County of Marin. Per the Marin County Tree Removal Permit Fact Sheet, even if these were protected or heritage trees, it appears no permits would be required for their removal outside of the coastal zone (due to the UFA risk assessment report); however, the fact sheet notes that a coastal permit *may* be required for the removal of trees and vegetation in the coastal zone. Accordingly, if the Board approves this project, staff will consult with the Marin County Planning Department to determine whether a coastal permit is required. If such a permit is required, staff noted the cost will increase and staff will re-present the project for approval; if not, staff will confirm that the \$12,000 proposal is below the threshold required for the district to obtain additional proposals and will proceed with the project, if approved by the Board.

K. Walker/K. McElroy all in favor to approve the project to remove the cypress trees on the BCPUD's property at 270 Elm Road adjacent to Elm Road near the intersection with Jute Road.

Turning to the Bolinas Post Office topic, staff reminded the Board that the USPS abruptly cancelled the interim post office at Mesa Park project, apparently because the proposed size of the interim facility (even though it was developed with the input from USPS staff) was not large enough. The district sent a letter to the USPS San Francisco District Manager asking for a reconsideration of that decision; Congressman Huffman's office was extremely helpful in that regard. The USPS advised the Congressman's office that it was receptive to considering a revised site proposal, so the district submitted a revised site plan with a larger footprint (2585 square feet), but the USPS has not yet responded. In response to questions from director Siedman, staff said if the USPS responds positively, the next steps will be for the district to execute a lease with the USPS for the portion of the Mesa Park parking lot on which the interim facility will be located, and finalize its coastal permit application. Staff noted it will also be necessary for the USPS architect to redesign the interior space given the additional square footage involved. A brief discussion ensued and director McElroy asked if the Mesa Park Board has been updated; staff said yes, a general update has been provided, but since it is not yet clear whether USPS will agree to re-engage, detailed discussions about the revised site plan have not yet occurred.

- *Alliance of Coastal Marin Villages.*

Nothing to report.

Director Walker said she would like to thank the community for its ongoing water conservation efforts.

**5. Update on Recent Changes for DarkSky West Marin: Request for BCPUD Support of a Lighting Inventory to Measure Overly Bright Lights with Citizen Scientists as Data Collectors (P. Day).**

Don Jolley was present in lieu of Peggy Day, who was unable to attend. Don explained that the DarkSky West Marin proposal has changed since it was initiated by the Point Reyes Village Association (“PRVA”) in conjunction with the Point Reyes National Seashore (“PRNS”). The International DarkSky Association recommended that West Marin de-couple from the Point Reyes National Seashore because it will streamline and make more efficient the application and approval process for the village communities. The PRNS continues to seek independent recognition as a DarkSky Reserve, whereas the PRVA and other communities along the coast are looking to be designated as DarkSky Communities.

Don said the DarkSky West Marin group is requesting the BCPUD’s help to persuade the County to enact an ordinance that incorporates specific guidelines for lighting for residential and commercial properties. He explained there was initial support for such an ordinance from the County and from Supervisor Rodoni’s office but, more recently, the Community Development Agency (“CDA”) staff was resistant, citing a lack of budget to work on such an ordinance and expressing concerns about enforcement. Don said the DarkSky initiative will not move forward without the support of all of the supervisors (since the supervisors set policies, priorities and budgeting for the CDA), so the DarkSky West Marin group is asking everyone in the west Marin communities to write to Supervisor Rodoni and all of the supervisors to request their support for a lighting ordinance. In response to a question from director Siedman, Don confirmed that he is requesting a letter of support from the BCPUD to the Board of Supervisors, and also is seeking to inform the general public about the DarkSky West Marin effort and how members of the public can express their support of it to the Board of Supervisors (and to CDA).

Director Godino suggested that updating the community regularly on this topic is a good idea as people get busy and may not otherwise know about it. Don agreed and said discussions also are underway about incorporating the DarkSky program into the school curriculum. Director Walker commented that presenting at the Bolinas Civic Group meetings at the community center also would be a good way to inform the community about the need for input and engagement. Director Alexander Green said he would like to confirm that DarkSky West Marin is seeking designation as a DarkSky Community and also advocating for an ordinance to be enacted that specifies light levels. Don said yes, recognizing that the ordinance is a political “hot potato” as some are claiming the effort is a backdoor way to stop development. Don said the effort is not anti-development, but rather an effort to encourage informed development – what better time than now, he asked, when the County is seeking to create additional housing? Director McElroy suggested a “night of action” might be effective, whereby the County would agree to turn off the bright downtown lights for a night (in consultation with the downtown businesses and residents), so the public could see the difference between a brightly lit downtown and otherwise. Don said this is a great idea and might dovetail into the effort to determine how many streetlights really are needed in West Marin. He noted the International DarkSky Association has a lot of information on its website on the myth of how lighting creates safety; the West Marin group also is working with an experienced lighting consultant on this topic.

After further discussion, Don Jolley said he would confer with Peggy Day and provide the BCPUD a template letter to send to the County Board of Supervisors and CDA to express support for the DarkSky West Marin project. Director McElroy asked if there a potential cost savings to the County from enacting a lighting ordinance. Don said Peggy Day has done a tremendous amount of work on this and a cost-benefit analysis submitted to the County which evidently demonstrates that the retrofitting that would take place as a result of a new lighting ordinance would pay for itself within a decade.

**6. Public Hearing to Consider Termination of Water Service and/or Revocation of Permit – Violation of Maximum Water Use Allowed Under Limited Water Use Permit # 06-02 (A. Gade – 550 Overlook Road, Bolinas).**

Anna Gade told the Board she has been working to reduce her water use since she received the BCPUD’s notice regarding recent high usage (along with a bill for \$422, when her bill usually is about \$12). She explained she had an accident in which she broke her neck and she cannot hand-water her garden herself anymore (as she had done for many years) as she does not want to risk falling. She asked her gardener to install a drip irrigation system for a hedge on the property to save him time on hand-watering. Regrettably, an excessive amount of water was used as a result. Anna said she turned the drip irrigation system off as soon as she received high usage letter from the BCPUD and is closely monitoring her water use in communication with the district. She said Janine Aroyan also has advised her to install a Flume device to more easily monitor her water use.

Director Siedman directed staff to continue to work with Anna to ensure she remains in compliance with the terms of her permit; he told Anna the district does not want to turn her water off, but she does need to reduce her water use and remain in compliance with the terms of her limited water use permit. Director Walker noted that Anna’s water use was quite low in early 2022, but jumped up in July and October; her usage then was low in early 2023, and it jumped up again in the summer. Discussion then ensued about the district’s enforcement letters and staff explained the first letter addressed the quarterly violation, followed by a second letter focused on a 30-day compliance period, as mandated by BCPUD Resolution 655. In response to a question from director Alexander Green, Anna said that she has two 500-gallon water storage tanks on site for irrigation use. She again expressed her commitment to comply with the terms of her limited water use permit.

**7. Request for BCPUD to Clean Up Logs Allegedly Dumped on an Undeveloped Lot adjacent to Pine Road near the Intersection with Cherry Road. (E. Han).**

Eric Han and his wife, the owners of an undeveloped lot near at the intersection of Pine and Cherry Roads, were present to ask the district to remove logs that appear to have been put on their lot by the neighbor across the street. Director McElroy asked if the Hans have spoken with the neighbor about this and asked them to remove the logs; he said he believes the cost should be borne by whomever cut down the trees and left them there. The Hans said the neighbors say they did not put the logs there. Director McElroy said based on the photos the Hans provided, the trees appear to have been there for a long time as there is vegetation growing over them and the Hans agreed. Director Siedman said this appears to be a private dispute between two property owners; unless the trees are on BCPUD land, it is not within the district’s jurisdiction to be involved. Ms. Han said the neighbors deny responsibility even though it seems clear from viewing the property that the trees were theirs (citing the photos). Director Siedman agreed the photos seem to suggest the neighbors cut down the trees from their property and placed them on the Hans’ property, so the Hans may have a good claim to that effect, but the BCPUD is not responsible for mitigating neighbor disputes related to private land issues. The other Board members expressed sympathy for the Hans’ situation, but underscored that the Hans’ remedy is to pursue this vis-à-vis the neighbor.

**8. Marin County’s Draft Short Term Rental Standards: *Presentation by Marin County Principal Planner Leslie Lacko; Public Comment on the Draft Standards; BCPUD Comment Letter on Draft Standards.***

Leslie Lacko, a principal planner with the County of Marin, gave a brief presentation on the County’s Draft Short Term Rental (“STR”) Ordinance update. She explained the County first adopted a STR ordinance in 2018, which focused on “Good Neighbor” policies (still in effect today), and established a STR Hotline. In 2020, the County made a minor change to the ordinance and the Board of Supervisors committed to revisiting the ordinance at a later date, which was delayed due to the pandemic. In May 2022, the County implemented a moratorium on short-term rentals which is in effect until May 23, 2024,

or when new regulations are certified by the California Coastal Commission, which will require a Local Coastal Plan Update. Draft STR regulations were then developed and are available on the County's website, including a staff report explaining why the regulations are written the way they are. [www.maincounty.org/main/short-term-rentals](http://www.maincounty.org/main/short-term-rentals). Leslie said the draft regulations establish STR operational requirements for eligibility, good neighbor policies (noise, trash, parking), and emergency preparedness. The draft regulations require a license to operate a STR and an application process for the license; the regulations also include caps on the number of STR's as determined by each affected community, as well as a process for enforcement of violations. Leslie said comments on the draft regulations should be submitted to the Planning Commission by noon tomorrow in advance of a hearing on October 23, 2023 for the Commission to receive public feedback. Leslie noted the Commission is not going to vote on the draft regulations at that hearing; it is anticipated a vote will occur at the November 13, 2023 meeting.

In response to questions from directors Godino, McElroy and Alexander Green, Leslie explained that before the County's moratorium on STRs went into effect, there was a "run" on applications, so the County used the number of licensed STRs prior to the moratorium as the ultimate number of STRs to allow, which she said the County will achieve via attrition (i.e., as licenses expire and then are not renewed); there is no timeline set to achieve the ultimate number, but it likely will take a number of years. Leslie said there are currently 621 STRs in West Marin but the ultimate number is 551. She noted the draft regulations will not take effect until 2 years from now and staff will prepare administrative procedures to implement the regulations in the meantime. Director Walker asked how the County will monitor compliance with the new regulations; Leslie said there is an enforcement team at the County and the regulations have been written with their input, so the County is confident it can enforce the regulations. Director Walker asked if enforcement will include interfacing the BCPUD concerning water usage at the STRs. Leslie said the County will be asking for copies of water bills and imposing requirements pertaining to water use on the STR permits.

Director McElroy said water use for many customer in in Bolinas is restricted by a limited water use permit; he said the draft regulations contain a higher cap on the amount of water that can be used (250 gallons per day) than the BCPUD has imposed on its customers. He asked what the relationship will be between the County and the BCPUD if a Bolinas STR owner violates their limited water use permit – would that be grounds for losing the STR license? Leslie said she does not think so as the standard in the draft regulation is County wide; if the water use exceeds the BCPUD permit, then that is up to the BCPUD to enforce. Director Siedman asked if the BCPUD's water use permit limit could be included as a condition on the County's STR license; Don Smith pointed out that the 250 gallons per day County limit is not very much higher than the standard BCPUD limit of 224 gallons per day. After further discussion, Leslie noted that the Staff Report states the following, "At the time of application, and renewal, you have to demonstrate that water use does not exceed an average of 250 gallons per day, *or a lower limit established by the local water provider.*" As such, she said, the draft language addressed the directors' concern. Director McElroy asked if violating the BCPUD water use permit would be considered a serious enough violation to warrant loss of the STR license. Leslie said the enforcement process is laid out in the draft regulations and violation of the water use permit would be considered a violation of the STR license.

Don Smith said he has been deeply involved in the topic of regulating STRs since 2015 when advocates in West Marin communities raised a red flag about the impact of STRs were having on the availability of housing. Today, he said, there are twice as many STRs in West Marin as there were in 2018; STRs are now 16% of the housing stock in West Marin and even a higher percentage in Stinson Beach, which can no longer staff a volunteer fire department. Don said community leaders have analyzed the impact of STRs closely and believe very strongly that the cap on STRs in the draft regulations should be rolled back to 2017 levels. He acknowledged CDA is reluctant to do this because of enormous pushback that will occur from STR owners and concerns about property rights; recent court cases, however, have been issued in favor of efforts to regulate STRs. Don said it is a matter of political will and the Board of Supervisors needs to direct CDA to draft more stringent STR regulations. He also noted the proliferation of corporate entities purchasing homes and turning them into micro-hotels, so he also

urges the County to prohibit STR ownership by corporate entities. To summarize, he recommends the caps on STRs be rolled back to half of what is proposed in the draft regulations (community by community as each community has a different cap) and that corporate entities be prohibited from engaging in STR activity. Don noted the draft regulations astonishingly state that operating an STR is not a commercial activity; the advocates working on this (West Marin Residents for Housing) also will seek to have that language removed. He said a letter to the Planning Commission from the BCPUD Board on these points, as well as letters from individual community members, would be very helpful.

Director McElroy noted different communities in West Marin appear to have different views on this topic; for example, Dillon Beach is strongly in favor of STRs whereas Bolinas is not. He asked if Bolinas could develop its own STR ordinance. Leslie questioned how such an ordinance would be enforced and said she believes the ordinance needs to be County-wide, enforced by the County, with the caps on STRs tailored for each community. She recommended Bolinas push for tighter caps in its community. Don said STRs currently are 16% of the housing stock in West Marin and his group would like to see that be reduced to an average of 8%; in Bolinas, STRs are now 10% of the housing stock and he would like to see that reduced to 5%. Director Alexander Green thanked Leslie Lacko for attending the meeting and making her presentation; Leslie thanked the Board for inviting her.

A. Alexander Green/G. Godino all in favor to authorize staff to send a letter to the Marin County Planning Commission regarding the draft of Short Term Rental standards in favor of the positions developed by West Marin Residents for Housing (with reference to the group's website, where excellent information can be found), specifically, asking the Commission to reduce the cap on STRs by half in Bolinas and to require that licensees must be natural persons and not corporate entities.

## **9. Discuss Potential Revisions to BCPUD Resolution 655 re: Enforcement of Limited Water Use Permits.**

Director McElroy noted the standard quarterly water use limit pursuant to Resolution 655 (2,700 cubic feet per quarter) is based on 2017 data; he said water consumption in the district has declined significantly since then, so he would like to discuss recalculating that limit. Director McElroy said he also does not like the fact that so many customers have "unlimited" meters when the district has such a limited water supply. Director Siedman asked if director McElroy also is interested in exploring alternative enforcement mechanisms under Resolution 655. Director McElroy said he is, including the possibility former director Smith suggested in the past about installing a device to reduce water flow to customers who are not in compliance with their limited water use permit. Don Smith said the East Bay Municipal Water District implemented this method, but he does not know how effective it is or whether it is still in place. Director Siedman noted the Board has talked in the past about unlimited water meters and said he would like to put that aside for now and focus on the agenda item of potential revisions to the enforcement procedures under Resolution 655. He said the directors previously expressed a desire to develop an enforcement mechanism short of shutting off water service. Director Alexander Green asked if the district tracks sudden increases in water use at properties that do not have limited water use permits; staff said yes, a jump in water use like this is flagged immediately and is almost always due to a leak.

Discussion ensued about potential alternative enforcement mechanisms for limited water use permit violations. Director McElroy suggested the district might reduce a customer's water use limit by 10% for noncompliance with his or her permit as an intermediate enforcement option; he said he would prefer this to a financial penalty, which is inequitable. Director Godino said she cannot think of many situations where a limited water use permit violation was due to something other than a leak at the property; the leak then gets fixed and the customer comes back into compliance. She acknowledged that sometimes the leak goes undetected when it really should not have if the customer was being more diligent, but the customer then has the consequence of a high bill for their inattention. Director Godino expressed concern that the Board is seeking to impose a "solution" for a problem that doesn't exist. Don Smith said permit violations usually are due to irrigation system issues; director Godino agreed and said these are often due to leaks on the systems. Director Siedman asked for staff's input; staff expressed agreement with director



Godino and noted that the enhanced enforcement process under Resolution 655 is working – all of the customers who have been issued 30-day notices have come into compliance either during that window or shortly thereafter. Director McElroy said he appreciates staff’s comments that the process is working; he simply would like to add an enforcement option short of turning off someone’s water.

Janine Aroyan said she is aware of many cases where irrigation systems are misused or misunderstood. She said the systems are installed, but gardeners then do not understand how much water is being used once the systems are in operation. Janine advocated for stronger education of gardeners in this regard; she also said the installation of Flume monitoring devices has been very helpful for many of her customers. Director McElroy noted that County “use” permits are supposed to trigger limited water use permit applications and said STR license permits appear to be for the purpose of authorizing a change in use at a property. He therefore suggested the Board consider requiring customers who apply for STR licenses (or renewal of such licenses) to apply to the BCPUD for a limited water use permit, as well. Director Siedman said that existing district resolutions would need to be amended to apply to license applications, as well as County building and/or use permit applications. Director Siedman asked staff to include an item on an upcoming Board meeting agenda for the Board to consider such an amendment(s).

Director Godino referenced Janine’s comments about gardeners’ lack of information or understanding about how irrigation systems work and/or how much water they use and said perhaps there is additional outreach the district could do in this regard. Staff said the district already does this when issues arise; staff makes site visits to the specific properties, run through the irrigation system with the gardeners, show them how to monitor the water use at the meter, demonstrate how to adjust the irrigation system to reduce the water use, and so forth. Janine suggested the district encourage the purchase and installation of Flume devices as they really help people identify water use problems at their property. Staff said the operations crew regularly recommends this to customers. A brief discussion then ensued about remote meter read systems and how such a system can provide real-time information about water use to both the district and the customer; staff currently is evaluating a potential AMR system for the district.

Director McElroy again referenced the fact that Resolution 655 set the maximum quarterly water use limits based on 2017 data and said recent water use is much lower. Staff said recent water use data represents water use during three years of extreme drought and it would be unfair to set a revised limit based on that time period. Staff noted consumption in the district dropped by 50% during the recent (2020-2022) drought as a result of extensive outreach and education by the district. Director McElroy acknowledged this point and director Siedman suggested perhaps the district could evaluate water use for a time period following the drought that would be more representative of “normal” use. Director Alexander Green suggested the Board consider imposing a fee customers would have to pay to have their water turned back on after a limited water use permit violation that is not timely remedied. A brief discussion ensued during which directors noted that some customers are “repeat offenders” with permit violations every summer. Director McElroy suggested there could be an expedited process for these customers. In response to a question from director Siedman, staff said the Board would need to amend Resolution 655 to include an expedited process if it desires to implement one.

**10. BCPUD’s Pedestrian/Bicycle Path Project: *Agreement for Engineering and Survey Services between the BCPUD and BKF Engineers.***

Staff reminded the Board that it approved the BKF Engineer and Survey Services proposal at the prior meeting; as such, staff now recommends Board approval of the agreement for these services.

K. Walker/A. Alexander Green                      all in favor                      to approve the agreement for engineering and survey Services between the BCPUD and BKF Engineers.

**11. Appoint an Ad Hoc Committee of the Board re: Recology Sonoma-Marín Request for One-Time Extraordinary Rate Increase.**

Staff said the Board may appoint up to two directors to serve on an ad hoc committee of the Board. Director Siedman offered to be one of the committee members as he has been involved in past rate negotiations with the district's haulers; director McElroy also offered to serve. Director Godino said Jeff Clapp has expressed interest in assisting the Board with responding to the rate increase request; director Walker confirmed Jeff's interest in this regard. Staff recommended the Board appoint the committee to serve for the time needed to evaluate Recology's extraordinary rate increase request and make recommendations to the full Board.

K. Walker/G. Godino all in favor to appoint directors Siedman and McElroy, as well as Jeff Clapp as an outside community member, to an ad hoc committee of the Board relating to Recology Sonoma-Marín's request for a one-Time Extraordinary Rate Increase.

**12. Request to Use Parking Lot at Mesa Park (APN# 193-020-45) for Household Hazardous Waste Collection Event ("Toxic Away Day") on November 11, 2023.**

Staff said the district has not yet received the applicable contractual documents for the event and assumes it is still on track to occur on November 11<sup>th</sup> (that date has been approved by the Mesa Park Board), but recommended that Board approval be contingent upon execution of satisfactory contract documents, including but not limited to the district's standard terms and conditions relating to insurance coverage.

G. Godino/A. Alexander Green all in favor to approve the request to use the parking lot at Mesa Park for Toxic Away Day on November 11, 2023, subject to the execution of satisfactory contractual documents.

**13. BCPUD Resolution 716: Adopting Section 1094.6 of the Code of Civil Procedure.**

Staff recommended the Board adopt this section of the Code of Civil Procedure to provide clarity and transparency to district customers about a 90-day limitations period on judicial review of any BCPUD decision "suspending, demoting, or dismissing an officer or employee, revoking or denying an application for a permit, license or other entitlement, imposing a civil or administrative penalty, fine, charge or cost, or denying an application for any retirement benefit or allowance, unless another statute provides for a shorter limitations period and that shorter period shall prevail over the 90-day limitations period described herein." Staff recently noted that the Stinson Beach County Water District has adopted this Code of Civil Procedure and recommends the BCPUD do so, as well.

K. McElroy/A. Alexander Green all in favor to approve BCPUD Resolution 716.

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

Staff reported that the geotechnical report from Miller Pacific should be completed soon. Director Alexander Green commented that Miller Pacific is not currently accepting new work as the firm is extremely busy.

**15. Volunteer Committee Reports:**

-- *Resident Permit Parking Plan Committee:* Staff reported the County of Marin has applied for a coastal permit to implement the resident permit parking plan in Bolinas and the Deputy Zoning Administrator hearing to consider the County's application will be scheduled soon.

-- *Resource Recovery:* Staff reported the Marin Wildfire Prevention Authority will be holding two Community Green Waste days next week (October 24-25) at the Resource Recovery site.

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

**16. Other Business.**

a. Board Committee Reports.

-- *Finance*: Staff is working with the district's outside bookkeepers to close the district's books for fiscal year 2022-23 so that the audit for the district's annual financial statements can begin.

-- *Legal*: Nothing to report.

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

-- *Water and Sewer Operations*: Director McElroy said the committee plans to meet in early November to discuss the Canyon Road lateral connections project

-- *Personnel*: Director Siedman reported that the Board has scheduled interviews of candidates for the General Manager position.

b. Minutes of the August 16, 2023 Regular Board meeting; Minutes of the September 20, 2023 Regular Meeting; Minutes of the October 4, 2023 Special Board meeting.

Staff said that due to the ongoing press of district business, the draft minutes of the regular and special Board meetings are not yet ready for Board approval.

c. Warrants.

Director McElroy asked about the warrants issued to WRA, Inc. Staff said these are payments made in connection with the district's groundwater wells projects for the biological site assessments and coastal permit work

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

d. Scheduling of Next Meeting(s):

October 25, 2023 at 9:15 a.m.: Special Meeting of the Board, Closed Session

November 15, 2023 at 7:30 p.m. Regular Meeting.

Director Walker said she will be out of town and unable to attend the November 15, 2023 regular Board meeting. Director McElroy said that he will be out of the country for the December 2023 and January 2024 regular Board meetings.

**17. Adjournment.**

10:40 p.m.