

Bolinas Community Public Utility District
A Regular Meeting Of The Board Of Directors
January 17, 2024 270 Elm Road, Bolinas

DRAFT

1. Call to Order.

7:33 p.m.

2. Roll.

Directors Alexander Green, Godino, Siedman and Walker present; director McElroy attending via Zoom. Director Siedman presiding.

3. Community Expression.

Mary Beth Brangan and Jim Heddle informed the Board that telecommunication companies are proposing to install small cell towers every 150 feet along the rights of way throughout West Marin for the stated purpose of boosting WiFi service. Mary Beth and Jim said there are many negative impacts on people from cellular frequencies, including adverse health effects (particularly for pregnant women and children); increased fire potential; damage to insects and birds; decline in home values; and, the unsightly appearance of the towers. They explained funds have been raised to hire an attorney to draft an ordinance for West Marin that would grant local control over decisions as to whether or not such cellular towers can be installed in/near impacted communities. Mary Beth and Jim asked the BCPUD Board to consider writing a letter to the Marin County Supervisors requesting that the supervisors work with the attorney to draft and adopt the ordinance. Following a brief discussion, the Board requested that Mary Beth and Jim provide a draft letter for the Board to consider at an upcoming board meeting.

Director Godino said Bolinas-Stinson School Superintendent, Leo Kostelnik asked her to mention that there will be a community-wide school meeting on February 6th, 2024 from 5:30 p. m. -7:30 p.m. in the Quesada building to discuss: "What do you value about the school and what are your hopes for the school in the future"?

Georgia Woods, the incoming BCPUD General Manager, introduced herself. Georgia started training for her new position last week. She said it has been a great experience and she appreciates the hard working staff.

4. Manager's Report and Project Updates.

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

Thus far in the 2023-24 rain year, which began on July 1, 2023, the district has received 14.39 inches of rain (as of January 15, 2024). At the present time, the district has received less than the average rainfall for this time of year, which is 19.35 inches by the end of January. That said, there is more rain predicted in the 10-day forecast, particularly at the end of this week and into the beginning of next week. A rainfall progression analysis indicates there are 24 years in the BCPUD's rain records when the district received 14.39 inches or less of rain through the end of January; during those 24 years, the district subsequently received a minimum annual rainfall of 14.49 inches, a maximum annual rainfall of 28.30 inches and an average annual rainfall of 21.18 inches, and a best fit of 24.34 inches. Note, however, there is a lot of "scatter" in the data and there is considerable potential for more annual rainfall this rain year, as some forecasts are suggesting.

Between December 22, 2023 and January 15, 2024, water *production* in the district averaged 62,156 gallons per day (GPD), which is a slight increase as compared to the last reporting period, when production averaged 55,026 GPD. Water *consumption* during this same timeframe averaged 64,004 GPD (approximately 109 GPD per connection), which also is an increase as compared to the last reporting period, when consumption averaged 58,476 GPD (approximately 100 GPD per connection); the increases likely are due to increased occupancy of homes and associated water use during the holiday season. Woodrat 1 Reservoir and Woodrat 2 Reservoir are both full and spilling.

Arroyo Hondo Creek flows continue to be much higher than in recent prior (drought) years as a result of the above-average annual rainfall received last year, and are estimated to be approaching 200,000 GPD. The creek has been flowing over the impoundment structure all year and the district continues to meet demand with the Arroyo Hondo Creek water source and has not diverted from either of the Woodrat Reservoir sources.

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

As reported at the December meeting, the district's consultants at WRA submitted the district's coastal development permit applications to the County of Marin's Community Development Agency for this project on December 21, 2023. Senior Planner Megan Alton visited the sites on January 16th and staff was present to answer questions; a follow-up letter is expected at the end of this week detailing questions and/or requesting additional information to complete the applications.

In addition, the district received notice earlier this month that the district's grant project manager at the California Department of Water Resources ("DWR"), has been changed and staff is scheduled to participate in a remote meeting with the new project manager this Friday. As reported last month, the district submitted its First Quarterly Progress Report on December 18, 2024, which was three months after the parties' execution of the grant funding agreement, covering the first three months of the project following funding approval in late April 2022. The new project manager has requested that the district update this Report to cover the entire seventeen-month period (April 2022 – January 2024) and has signaled an interest in holding bi-weekly meetings until the project is completed.

- *Operations Update.*

Staff reported the water treatment plant has been off periodically during recent weeks and will be off again in advance of the forecasted rain events this weekend and early next week. The shift operators are closely monitoring the district's water sources for turbidity and other water quality indicators. High turbidity can dramatically impact the water treatment plant performance also can impact chlorine demand.

The shift operators have been using available time to attend a variety of training classes. On February 8, 2024, the BCPUD will host an ACWA/JPIA Defensive Driving training at the Firehouse, with nearby districts invited to attend. At ACWA/JPIA's suggestion, staff will develop a cell phone and vehicle backing policy and train all employees on those requirements. Following the training class, the ACWA/JPIA representative will tour district facilities.

Staff is in the process of implementing a new approach to removing azolla from the surface of the Woodrat 1 Reservoir. As mentioned last month, in past years the district did not experience a regrowth of azolla until the warmer, extended-daylight spring months, so the staff's strategy has been to remove the azolla at that time and avoid a proliferation of growth and the resulting negative impacts on water quality in the reservoir. This year, the azolla arrived much earlier – the shift operators first spotted it on the surface for the Woodrat 1 Reservoir in December. After evaluating this challenge, staff is implementing a means by which to capture azolla in a net at the outflow end of the overflow pipe, essentially allowing water flow and gravity to do the hard work. Once the azolla is captured in the net, the operators can use the backhoe to load it into a dump truck for transport off site (or elsewhere on site).

On January 1, 2024, the State Water Resources Control Board (“SWRCB”) issued a new online technical reporting rule; staff is still reviewing all of the requirements applicable to the district. On February 1st, this year’s version of the electronic Annual Report (“eAR”) will be issued by the SWRCB and it is due on April 1st. The day prior, a new Clearinghouse Annual Inventory Report (“CAIR”), which reflects the district’s annual water production and consumption data, is due.

Staff reminded the Board that it previously approved the estimate submitted by The Professional Tree Care Company to remove/trim the roadside eucalyptus trees at the district’s water tank site on Mesa Road. Staff asked the County whether or not a coastal permit would be required and this evening received an email confirmation that a coastal permit is not required. Of note, the County’s email suggests that some or all of the trees may be in the County right-of-way, in which case the hazard mitigation work would be the responsibility of the County’s Department of Public Works. Staff therefore will pursue this with the County and report back to the Board.

Georgia attended the County’s Office of Emergency Management (“OEM”)’s Operational Area (“O/A”) meeting earlier in the day. As previously reported, the County’s OEM office initiated these monthly meetings in mid-2023. The meeting earlier today was an all-day training on “Documenting Debris Removal” in connection with disaster assistance applications. A 225-page “guidance document” was distributed to all attendees.

On the sewer side of operations, as reported last month, the crew has been inspecting the collection system for sources of infiltration and inflow (“I&I”); there are increases in flows that appear to correlate with high tides and rain events. In one instance, during the recent “King Tides”, the lateral plumbing under a home on the lagoon side of Wharf Road was pulled apart by the high tides, allowing seawater to flow into the district’s sewer main and causing a huge spike in flows (an increase of approximately 30,000 gallons. As soon as tide receded, the shift operators were able to cap the lateral pending the customer’s repair of the sewer lateral, which was accomplished shortly thereafter.

- *Proposed Project re: Sewer Lateral at 79 Wharf Road.*

A recent video inspection of the Wharf Road collection system revealed a new problem at this lateral. Staff reminded the Board that the customer at this location installed a point repair last year (following an earlier video inspection that revealed a crack in the lateral under Wharf Road); district operators inspected the repair after it was installed and determined it was effective. However, the most recent video shows I&I flowing into the collection system from a different area of the lateral which is also under Wharf Road. Staff said the new point of intrusion could have been caused by either the College of Marin project (i.e., the recent hammering of sheeting pilings) or the failing County seawall and movement of the road. The shift operators report that the customer’s water meter has been affected; the road surface has moved over a portion of it, so the operators now need to remove and reset the meter. Staff underscored that sewer laterals are the responsibility of the homeowner, but said this particular lateral appears to have been damaged either by the College of Marin project or the failure of the County seawall. Staff required a repair proposal from the district’s emergency contractor, Miksis Services, Inc.; Miksis reviewed the video of the lateral and submitted a proposal for a trenchless cured-in-place repair to the point of infiltration at a cost of \$5,400. Staff requested Board guidance; ordinarily the district would not install a lateral repair but there appear to be extenuating circumstances. After a brief discussion, the Board agreed it may be the best solution for the district to pursue the repair subject to conferring with the College of Marin and/or the County about their impacts to district infrastructure and soliciting payment of the repair costs.

- *Update on the BCPUD’s Pedestrian/Bicycle Path Project.*

Staff reported that a Status Report for the project was submitted to California State Parks (the funding agency) on December 29, 2023. On January 4, 2024, staff had a site meeting with the engineering surveyor from BFK Engineers to confirm the existing path route.

With regard to SB 1383, the new statewide organics diversion law (which requires that all food waste be diverted out of landfill), staff reminded the Board that a new law – SB 613 -- was passed in the last legislative session effective January 1, 2024 and may provide an opportunity for the BCPUD to reapply for a waiver/exemption from the SB 1383 requirements. Staff prepared a draft waiver application and sent it to Recology for review and input. The next step will be to formally submit it to CalRecycle.

Staff reported last month that on November 16, 2023, the County's Deputy Zoning Administrator approved the County's application for a coastal permit to implement the resident permit parking plan and associated parking restrictions in downtown Bolinas. There were no local appeals of the DZA decision, so the County sent a "Final Local Action Notice" to the California Coastal Commission ("CCC") and the CCC appeal period was scheduled to start on December 11, 2023 and end on December 26, 2023. However, CCC staff found a technical problem with the County's submission and the County is working to satisfy the CCC concerns. Meanwhile, the appeal period has been suspended and will not restart until a revised Final Local Action Notice is accepted by the CCC.

- *BCPUD's Jurisdictional Profile in the Updated Marin County Multi-Jurisdictional Local Hazard Mitigation Plan.*

Staff reported the district's jurisdictional profile (an annex to the draft update of the Marin County Multi-Jurisdictional Local Hazard Mitigation Plan or "LHMP") is under review by California Office of Emergency Services ("CalOES"), along with the County's updated LHMP.

Staff announced that Toxic Away Day in Bolinas has been scheduled for February 17, 2024 at the parking lot at Mesa Park.

The Board reviewed correspondence sent and received by the district since the last regular meeting, including a letter sent by the district to Veronica Pearson, planner at Marin County Parks, concerning the community's on-going traffic concerns about the reconfigured intersection of Highway 1 and Olema-Bolinas Road as part of the Bolinas Wye Wetlands Restoration Project. Veronica responded and said the Marin County Parks is working with CalTrans to ensure compliance and to discuss the community's concerns about traffic safety.

The Board reviewed a letter of support submitted by the district for a grant application submitted by the Bolinas Fire Protection District to CalFire for a Wildfire Prevention Grant to conduct hazardous fuels reduction work in the eucalyptus grove on BCPUD property, as well as an email from Jonna Alexander Green with the Bolinas Eucalyptus Project ("BEP"). Jonna's email attaches updated documents pertaining to BEP's project scope, goals, and budgeting and notes the BEP has retained an additional scientist, Stu Weiss of Creekside Science, to assist with monarch habitat/roosting issues.

Staff notified Marin County Parks that the lowest two stairs of the pathway from the parking lot to Agate Beach were washed out in recent super high tide-related storms and Marin County Parks intends to follow-up with a repair. Staff also notified Marin County Parks that the garbage cans at the end of Wharf Road have been washed away; staff suggested Marin County Parks may be able to service them, since Brighton/Wharf beaches are County beaches, in the same way they service the garbage cans at Agate Beach parking lot. Alternatively, staff said the district may be able to negotiate with Recology to service those cans in connection with the pending discussion about Recology's extraordinary rate increase request.

- *Alliance of Coastal Marin Villages:*

Staff reported that the Marin County Board of Supervisors adopted a new Short Term Rental ("STR") ordinance with a cap of 1,200 units, which was much higher than recommended by the West Marin local

housing advocacy group. Staff noted that per California law, accessory dwelling units (“ADU’s”) built after 2020 cannot be used as STRs.

Staff directed the Board’s attention to an article submitted to the district by Ken Masterton regarding a new lawsuit against the California Coastal Commission (“CCC”). The article states that in 2016, severe storms in Half Moon Bay caused bluffs to collapse in front of a townhouse complex. The townhouse owners applied for and received emergency permits from the CCC to install riprap on the shoreline to protect against further wave erosion; they then applied to the CCC for a coastal permit to build a 257-foot concrete seawall. The CCC staff recommended approval of the seawall permit application because the project as proposed also would protect the Coastal Trail and a city sewer line; the townhouse owners also agreed to install park benches, signs and bike racks and a staircase to improve public access as part of the project. Notwithstanding the staff recommendation to approve the permit application, the CCC approved only a 50-foot section of seawall in front of an adjacent 4-unit building (not the townhouses) and also instructed the applicants to remove the riprap that had been installed on the shoreline in front of the townhouses per the emergency coastal permit the CCC had issued.

The townhouse homeowners sued the CCC and prevailed in San Mateo County Superior Court. The court found the CCC failed to balance the need to protect the environment with private property rights in denying the permit for the seawall, noting the Coastal Act says the CCC “shall” issue permits for seawalls and other shoreline protective devices to protect “existing structures”. The CCC had determined that structures must be “existing” as of 1977 when the Coastal Act was enacted in order to benefit from that language when it denied the permit; in this case, the adjacent 4-unit building was built in 1972, but the townhouses were built in 1984. In what the article described as a “blistering ruling”, the San Mateo County Superior Court judge wrote that if the Coastal Act were interpreted in such a manner, everything built after 1976 should be allowed to fall into the sea and be destroyed, which would be an “erroneous and unreasonable” misreading of state law. The CCC has appealed the trial court decision.

5. Proposed Amendment to BCPUD Resolution 655 to Require Applicants for Short-Term Rental Licenses for Properties in BCPUD’s Jurisdiction to Apply for a Limited Water Use Permit.

The district is evaluating a potential amendment to BCPUD Resolution 655 but there is nothing to present at this meeting.

6. Election of BCPUD Board Officers/Committee Assignments.

G. Godino/A. Alexander Green four in favor, director McElroy not voting to approve the existing slate of Board officers and Committee assignments for 2024.

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

Staff presented a copy of the quitclaim deed for the property at 270 Elm Road which has been signed, notarized and recorded; as such, the property should now be in the name of the BCPUD rather than one of its predecessor entities (the Bolinas Beach Public Utility District). Staff sent a conformed copy to CSW/Stuber Stroeh (surveyors) who will now finalize the Record of Survey.

The district is following up with Wilscott regarding a portable office unit space for BCPUD staff and gathering information about costs, furniture and equipment packages; this information will be presented to the Board for consideration at a future meeting.

8. Volunteer Committee Reports:

-- *Resident Permit Parking Plan Committee:* Nothing further to report.

-- *Resource Recovery:* Nothing to report.

-- *Land Stewardship Committee*: Nothing to report

9. Other Business.

a. Board Committee Reports.

Finance: Update on Audit of FY 2022-23 Financial Statements; Budget Schedule for the BCPUD's FY 2024-25 Budget.

Staff reported that the audit of the district's FY 2022-23 financial statements is still underway.

The Finance Committee members reviewed the proposed schedule for the BCPUD's FY 2024-25 budget. Staff pointed out that the schedule includes a special meeting in early July for the Board to adopt the final budget so that the district can timely provide the approved budget resolution to the County in connection with the property tax and service charge assessment process. Staff recommended the Board consider a revised schedule next year whereby the budget hearing is planned for May and budget adoption takes place in June.

G. Godino/A. Alexander Green four in favor, director McElroy not voting to approve the budget schedule for the BCPUD's FY 2024-25 budget.

- *Legal*: Nothing to report.
- *Mesa Septic, Flood Control and Roads*: Nothing to report.
- *Water and Sewer Operations*: Nothing further to report.
- *Personnel*: Nothing to report.

b. Minutes of the December 27, 2023 Regular Board Meeting.

Director McElroy inquired if there is any update on the Canyon Road project. Staff said the next step is for the district review cost information to be provided by Nute Engineering about a similar project underway in San Rafael. Staff also plans to attend a webinar later this month about a potential funding program hosted by the County; one of the Canyon Road residents alerted staff to this opportunity.

A. Alexander Green/ K. Walker four in favor, director McElroy not voting to approve the minutes of the December 27, 2023 regular Board meeting.

c. Warrants.

In response to questions from the Board, staff explained the reasons for several of the larger warrants issued since the last meeting. Staff reminded the Board that a large number of warrants typically are issued by the district in that late December after the receipt of the first distribution of annual service charge revenue collected by the County in connection with the property tax/assessment process.

K. Walker/G. Godino four in favor, director McElroy not voting to approve the warrant list.

d. Scheduling of Next Meeting(s):

Several directors announced that they will not be in the district on February 21st (the third Wednesday of the month) due to school holidays and other plans; the Board therefore agreed to schedule the next meeting for the following week.

February 28, 2023 at 7:30 p.m.

10. Adjournment.

9:33 p.m.