

BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT

ORDINANCE 2026-2

AN ORDINANCE TO ADOPT NEW RULES AND REGULATIONS REGARDING TRANSFERS OF WATER METERS, INCLUDING A NEW PARCEL MERGER PROVISION

This ordinance repeals and replaces Ordinance No. 38 and adopts updated regulations for the transfer of water meters, including new subsection 3(e)(v) governing parcel-merger-related transfers and new subsection 3(e)(vi) governing transfers involving the sale of a meter prior to development of the receiving parcel.

THE BOARD OF DIRECTORS OF THE BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT ("BCPUD") HEREBY FINDS AND DECLARES AS FOLLOWS:

WHEREAS, the BCPUD is a public utility district empowered to provide water service within its boundaries; and

WHEREAS, the BCPUD declared a water shortage emergency in 1971 and has reaffirmed that declaration on numerous occasions; and

WHEREAS, in response to that water shortage emergency, the BCPUD adopted Resolution No. 152 in 1976 to regulate transfers of water meters between properties; and

WHEREAS, the BCPUD subsequently adopted Ordinance No. 38 in 2009 to replace Resolution No. 152 to more clearly establish the rules governing the relocation of existing water meters while preventing any increase in water use associated with such relocations; and

WHEREAS, the BCPUD amended Ordinance No. 38 in 2018 to modify subsection 3(c) regarding Reimbursement Agreements for transfers of meters to properties serving affordable housing units; and

WHEREAS, the BCPUD now finds it necessary to further refine its regulations regarding water meter transfers to address circumstances arising from parcel mergers and from the sale of transferred meters prior to development, and to clarify when former site remediation requirements and water-efficiency requirements may be waived without causing any increase in water demand.

NOW, THEREFORE, BE IT ENACTED, by the Board of Directors of the BCPUD:

SECTION 1. AUTHORITY

This ordinance is enacted pursuant to BCPUD's statutory powers and the water shortage emergency provisions of Water Code sections 350 et seq., including, but not limited to, the power to implement regulations addressing the delivery and consumption of water as provided in Water Code section 353. This ordinance is issued in the sound discretion of the BCPUD Board of Directors and shall conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation and fire protection.

SECTION 2. RESCISSION OF ORDINANCE 38

Ordinance No. 38 is hereby rescinded and replaced in full by this Ordinance.

SECTION 3. NEW REGULATIONS FOR WATER METER TRANSFERS

BCPUD finds that the following regulations governing water meter transfers are reasonable and necessary to conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation and fire protection. BCPUD finds that these regulations will allow certain transfers of water meters while not increasing the overall water demands placed on BCPUD's water supply. BCPUD finds that the following regulations will limit future water use in a manner beneficial to maintaining BCPUD's water supply. As such, BCPUD enacts the following regulations for water meter transfers:

(a) Application

Any property owner seeking to transfer a water meter from one property to another shall complete the application form available at the BCPUD office. The Board of Directors shall consider the application at the next regularly scheduled meeting of the Board following the BCPUD's receipt of a complete application.

(b) Application Fee

BCPUD shall charge an application fee to cover all costs associated with processing an application including, if necessary, costs associated with performing studies or environmental review. The application fee schedule will be kept at the BCPUD office and updated from time to time and at the discretion of the General Manager or the Board of Directors.

(c) Reimbursement Agreement

BCPUD shall require an applicant to enter a reimbursement agreement with BCPUD. The reimbursement agreement shall contractually bind the applicant to pay for all fees/costs associated with the water meter relocation; provided, however, that this obligation to pay for water meter relocation fees/costs shall not apply to transfers requested (and approved by the BCPUD Board of Directors at a duly noticed public meeting) for properties that are verified to be affordable units per the following criteria: the property is 1) managed as affordable housing by the Bolinas local nonprofit affordable-housing agency, the Bolinas Community Land Trust ("BCLT"), whether owned by BCLT or managed under contract between BCLT and the private owner; or 2) under a recorded deed restriction guaranteeing its ongoing use as affordable housing. The definition of "affordable" shall be that used by the BCLT. The waiver of time and materials costs for relocating a water meter will be for that portion of the remaining installation cost once there is a water main running under the street abutting the property. This reimbursement agreement also shall contractually bind the applicant to pay for all fees/costs associated with defending BCPUD in any litigation that challenges BCPUD's approval or denial of the application on the grounds that the application violates any local, state or federal laws. Fees/costs will include paying: all attorneys fees incurred by BCPUD to defend itself, its board members, staff and consultants, and/or the BCPUD decision at issue; and any award of damages or other monetary relief against BCPUD, including any award of fees/costs made against

BCPUD. The applicant shall not, however, be responsible for reimbursing BCPUD's fees/costs associated with defending against a lawsuit that is primarily challenging BCPUD's water service moratorium or this Ordinance – not the water meter transfer application. BCPUD staff will meet with the meter transfer applicant within 10 days of receiving service of the complaint, and BCPUD and the applicant will reach a written agreement characterizing whether the lawsuit is only against the water meter transfer application or only against the BCPUD water service moratorium, or a combination of the two – in which case the agreement will also contain a description of the sharing of fees/costs associated with defending the lawsuit. If there is no written agreement reached before the 25th day after service of the complaint, then BCPUD shall determine, at its sole discretion, whether or not to defend the lawsuit. In any event, BCPUD shall always retain 100% discretion regarding litigation strategy decisions including but not limited to: whether to defend against the action at all; whether to settle the action; and on what terms to settle.

(d) Policy

This ordinance is intended to clarify the standards and processes governing requests to transfer water meters. BCPUD seeks to revise the water meter transfer regulations in a manner that focuses BCPUD's consideration of requests to transfer a water meter on the issue of maintaining or limiting historic water use associated with the meter – without considering other municipal subject matters, except to confirm with applicable agencies that the applicant is complying with all relevant local, state and federal laws, including but not limited to the Bolinas Community Plan.

(e) Standards for Approving a Water Meter Transfer

Water meter transfers must meet the following standards in order to be considered for approval by the BCPUD Board of Directors:

(i) Permit Requirement

Any and all development at the site to which the water meter is proposed to transfer shall be subject to the coastal, building and/or use permit requirements imposed by the County of Marin, Coastal Commission and the BCPUD.

(ii) Former Site Remediation

Applicant must remove all plumbing relating to water service at the former site from which the meter is transferred, as well as all structures; in addition, if applicable, the septic system at the former site must be decommissioned by a licensed septic professional.

(iii) Recorded Covenant Limiting Water Use

Prior to final approval of a water meter transfer, the applicant will prepare, execute and record with the Marin County Recorder's Office, a covenant running with the land that limits water use on the property to quantity and on the terms set forth in the limited water use permit. BCPUD shall be provided the opportunity to review and approve the form and content of the covenant.

(iv) Water Efficient Appliances; Low Flow Fixtures; No Automatic Irrigation

Applicant shall install only water efficient appliances and low-flow plumbing fixtures at the new site and shall provide documented evidence of compliance with this provision to the BCPUD. Automated outdoor irrigation systems are not permitted at the new site unless the applicant demonstrates to the satisfaction of the BCPUD that the system is not connected to the BCPUD water system and is instead connected to a rainwater catchment tank or other non-BCPUD water source.

(v) Parcel Merger Exception to Former Site Remediation

Notwithstanding subsection (ii), when a water meter transfer request is associated with a County-approved parcel merger recorded pursuant to the Subdivision Map Act, the Board of Directors may waive the plumbing removal, structure removal, and septic decommissioning requirements for the parcel(s) being consolidated, provided all of the following conditions are met:

1. Pre-Merger Meter Status

Each parcel included in the merger possessed an active, BCPUD-recognized water meter service connection immediately prior to the merger.

2. Meter Assignment Identification

The applicant identifies, to the satisfaction of BCPUD, which meter(s) will remain assigned to the merged parcel and which meter(s) are proposed for transfer.

3. No Increase in Water Use on Merged Parcel

BCPUD determines that water demand on the merged parcel will not be expected to increase as a result of the merger and meter reassignment. If necessary to ensure no increase in water demand, the Board shall require issuance of a Limited Water Use Permit under Resolution 173, as amended.

4. Receiving Parcel Requirements Still Apply

All requirements applicable to the receiving parcel under this ordinance remain in effect, including recorded covenants, permit compliance, installation of water-efficient fixtures, and irrigation limitations.

If the Board makes the foregoing findings, it may, in its sole discretion, waive some or all demolition, plumbing removal, and septic decommissioning obligations applicable to the merged parcel(s).

(vi) Sale of Meter Exception to Water Efficient Appliance and Irrigation Requirements

Notwithstanding subsection (iv), when the applicant proposes to sell the transferred water meter prior to undertaking any development on the receiving parcel, and therefore cannot feasibly control compliance with subsection (iv), the Board of Directors may waive subsection (iv) as applied to the applicant, subject to the following conditions:

1. Deferred Compliance Requirement

Prior to activation of water service to the receiving parcel, the subsequent owner or developer shall comply with all requirements of subsection (iv),

including installation of water-efficient fixtures and prohibition of automated irrigation systems connected to BCPUD water.

2. Recorded Covenant

As a condition of approving the transfer, the applicant shall record a covenant, in a form approved by BCPUD, requiring any future owner of the receiving parcel to comply with subsection (iv) prior to service activation.

3. No Increase in Water Demand

The BCPUD demonstrates that the transfer and sale, standing alone, will not be expected to increase systemwide water use. If necessary to ensure no increase in water demand, the Board may require issuance of a Limited Water Use Permit under Resolution 173, as amended.

Under these conditions, the Board may waive subsection (iv) only with respect to the applicant, without waiving future compliance obligations tied to activation or use of the meter.

SECTION 4. EFFECTIVE DATE AND SUNSET

This ordinance shall take effect **on the 17th day of June 2026**. This ordinance shall not have a sunset date.

SECTION 5. SEVERABILITY CLAUSE

If any provision of this resolution is found to be illegal, unconstitutional or unenforceable for any reason whatsoever, that provision shall be severed from the remaining provisions of this resolution, which shall remain in full force and effect.

PASSED AND ADOPTED

This **20th day of May 2026**, following a first reading at the April 15, 2026 Regular Meeting by the following vote:

AYES: SIEDMAN, GODINO, ALEXANDER GREEN, MCELROY, WALKER

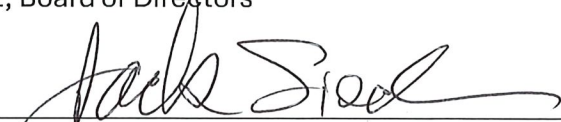
NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

President, Board of Directors

ATTEST:



Secretary