

Bolinas Community Public Utility District
A Regular Meeting Of The Board Of Directors
June 15, 2016 270 Elm Road, Bolinas

1. Call to Order.

7:34 p.m.

2. Roll.

Directors Amoroso, Comstock, and Smith present; director Godino attending by telephone and director Siedman absent. Director Amoroso presiding.

3. Manager's Report.

-- Update on the Wharf Road Lift Station Pump Replacement Project.

Staff reported that there is a delay in the commencement of the project due to the unavailability of certain valves needed to isolate the pump room from the wetwell and from the force main. The contractor immediately submitted to the supplier for the valves and other parts needed for the job after it was awarded to his firm by the district at the end of April; unfortunately, the contractor was not informed until early June that the manufacturer could not meet deadline to provide the valves. The contractor resubmitted to another supplier and has been told the valves are four weeks out with no expedited delivery available. The current estimated start date for the project is sometime during the week of July 4th. The Board asked staff to check with the contractor and make sure that all possible efforts are being made to obtain the valves as soon as possible. Staff agreed to do so, and noted that staff also will be meeting with downtown residents tomorrow morning to provide an update and answer questions about the project.

Staff submitted a request to Hertz Equipment Rental for a waiver of one month's rental fee for the temporary bypass pump due to poor performance of the pump for several weeks and failure of their trouble-shooting staff to identify and resolve the cause. As a result of the pump malfunction, nearby residents and business owners had to endure prolonged periods during which the pump would run (loudly) and BCPUD staff incurred significant overtime trying to fix the problem. Staff believes the rental company should have diagnosed the cause of the problem (malfunctioning priming chamber) sooner and therefore should compensate the district for the costs incurred.

-- Update on the BCPUD Chlorine Disinfection Byproduct Reduction Project: Limited Duration Employment Agreement with Lewie Likover for FY 2016-17.

The district's consultant Jonathan Van Bourg and Lewie Likover met this week with engineers from Brelje & Race to review the documents needed for the district to formally apply for an amendment to its water treatment plant operating permit to include inline coagulation prior to filtration for the purpose of lowering chlorine disinfection byproducts. Engineers would like to review the mechanical drawings for the Woodrat Water Treatment Plant to ensure the existing walls can handle the additional load of piping for the coagulant detention time. Staff has prepared a CEQA Notice of Exemption to file with the County to reflect the fact that the project is exempt under Section 15301(b) for existing facility improvements with no expansion of use or capacity. Finally, staff reported that the district was in compliance with the maximum contaminant levels for TTHMs and HAA5s during Q2 2016.

L. Comstock/D. Smith four in favor, director Siedman absent to approve the Limited Duration Employment Agreement with Lewie Likover for FY 2016-17.

-- Update on BCPUD/BFPD Survey of Obstructions and Encroachments in the Public Rights-of-Way on the Bolinas Mesa.

Staff said that the district's survey of the Big Mesa is about to get underway in earnest. Ryan Fitzgerald will be conducting most of the field work and the staff met yesterday to plan and organize an approach for the survey. In brief, the survey will begin at Ocean Parkway and Aspen, moving south to north to document all of Aspen; then, Ryan will move to Ocean Parkway and Birch, moving south to north to document all of Birch, and so on, until the entirety of the Big Mesa is mapped. The survey is informational at this point to inform the Board in a consistent way about all of the encroachments and obstructions in the public rights-of-way as best staff can do, utilizing any known survey points, as well as power poles, meters and hydrants as reference points. Each block will be documented and staff is coordinating with the Bolinas Fire Protection District to ensure their concerns for emergency access are taken into consideration. Ryan worked on one block today and received lots of questions from residents, so staff will include another update about the survey in the next issue of the Pipeline newsletter. Finally, staff said that Ryan's time for this work will be charged on a 50-50 basis to the water and to septic/drainage enterprises since the work is related to both systems.

Director Smith cautioned that any action by staff to address current obstructions or encroachments should be deferred until the survey is complete. Director Comstock agreed, but with the exception that the Board previously directed that any *new* obstructions (or obstructions under construction) that inhibit or prevent the district's access to its infrastructure should be removed immediately. Staff said the work will proceed on that basis and noted that staff is endeavoring to deal with an obstruction under construction on the back of the Mesa (a fence that will "fence in" the district's water meter), but is receiving the same sort of "push back" from the resident that typically happens in such instances: others are encroaching, so why can't I?

With regard to water operations, staff reported that consumption was down on the back of the Mesa as compared to this time last year. In related news, the State Water Resources Control Board ("SWRCB") recently issued a new regulation replacing the mandatory percentage-based conservation requirements for urban water suppliers with a "stress based" approach requiring suppliers to act now to ensure at least a three-year supply of water to customers under drought conditions. The regulations apply to water suppliers with 3,000 connections or more (the BCPUD has 587 water connections), but the BCPUD nonetheless will keep its "heightened voluntary conservation" alert in effect, until such time as the Board directs otherwise. The SWRCB also promulgated new regulations concerning the measurement and reporting about diversions of water – required by Senate Bill 88 - and established deadlines for compliance. The district is required to comply with the new regulations since it diverts more than 100 acre feet of water per year. The district currently has equipment in place to record and measure diversions from the Arroyo Hondo Creek in compliance with the regulations, but may need to install new equipment to measure and report diversions from the reservoirs.

Staff is working with the district's counsel to prepare the districts' annual water license reports in advance of the July 1 deadline. Staff has completed the district's annual Consumer Confidence Report and it will be mailed out to customers this Friday, June 17th. Staff attended a "Meet ACWA's President" event at the North Marin Water District earlier this month and discussed issues of common concern to Marin's water districts.

In the field, the staff is completing the replacement of filters at the Woodrat Water Treatment Plant. A hydrant was replaced at the corner of Evergreen and Larch and bollards will be installed to protect it soon. In connection with the hydrant project, staff also did work to reestablish Evergreen Road as traffic had been forced over toward the hydrant due to encroaching vegetation and a dying tree. Staff removed the tree and vegetation, and resurfaced the road furthest from the hydrant with asphalt-concrete grindings. Staff also is planning to install a new valve on the water distribution system at the intersection of Dogwood and Alder and complete the abandonment of the old 4-inch steel main on Mesa Road.

On the wastewater side of operations, spray season is underway and the district has disposed of approximately half of a million gallons of wastewater thus far this year. The district will be mowing in the main spray fields after August 15th per the vegetation management protocol established several years ago with advice from biologists at PRBO.

The Board reviewed correspondence sent and received since the last regular meeting, including correspondence from Liza Crosse in Supervisor Kinsey's office about an upcoming "Visitors' Needs Assessment for West Marin" that will be focused on parking and restroom capacity.

-- Drainage Project Manager's Report.

The Board received a written report from Lewie Likover.

4. Public Hearing: Draft Fiscal Year 2016-17 District Budget.

Staff reported that a Proposition 218 notice was timely mailed to all customers with the proposed budget for FY 2016-17. The notice explains the basis for the proposed service charge increases for water (increase of \$112 per year) and sewer (increase of \$107 per year), as well as the proposed service charge decrease for septic/drainage (decrease of \$70 per year) and notifies customers about this public hearing. Notice of this public hearing also was published in the Point Reyes Light and the Hearsay News. Staff said that the district has not received any input from the public on the proposed budget or associated service charge increases. Director Amoroso inquired whether anyone was present to discuss these topics; there being no one present for that purpose, he closed the public hearing.

5. Community Expression.

Staff introduced Ken Eichstaedt, recently hired as the new General Manager of the Inverness Public Utility District, who was present in the audience.

6. Request for Financial Relief from Quarterly Water Bill pursuant to BCPUD Resolution 553 – 420 Overlook Road (N. Sweet).

Director Smith said that he has given a lot of thought to this request for financial relief. The customer inadvertently mis-set a timer on an irrigation system which seems excusable, but it caused a large water loss and the district's governing resolution in such cases, Resolution 553, prohibits financial relief for water losses caused by malfunctioning irrigation systems. Although the homeowner was out of town when the water loss occurred, she responsibly hired a housesitter – however, it seems the housesitter did not hear the water running or otherwise notice the situation in the yard. Director Smith is inclined to grant some relief, but not more than 50% as he believes the homeowner should have better trained the housesitter and also because the homeowner typically uses quite a lot of water (albeit to raise vegetables for Food for Families); for the year prior to the quarter in which the leak occurred, the average daily use was 2.5 times the average Bolinas customer usage. He asked whether the district is allowed to grant relief given Resolution 533 or does the Board first need to modify the resolution? He said it seems like this is an unusual case that demonstrates the need for flexibility in the application of the rules..

Director Comstock said he believes the Board can make an exception in this case, but the question is: should it do so? He said he agrees with much of what director Smith says and noted this applicant is on a fixed income and devotes her garden vegetables to Food for Families, which is a commendable public service. The bill resulting from the water loss is a huge financial penalty; on the other hand, this customer does use far more than the community average amount of water. He suggested this might be an opportune time to talk with this customer about how she is using her irrigation system and whether she may be able to reduce her regular water use. Director Smith said he would be happy to meet with her and try to help; he suggested that any relief granted be conditioned on such a meeting and the customer's agreement with water use reduction suggestions.

D. Smith/ L. Comstock four in favor, director Siedman absent to excuse 50% of the amount of the quarterly water bill attributable to the leak based on the historical average water use at this property during the same quarter during the last three years, contingent on the customer (and her gardener responsible for the irrigation system) meeting with district representatives and agreeing to any identified water use reduction measures.

Director Smith asked staff to include an item on the July meeting agenda to consider a proposed revision to Resolution 533 that he would like to suggest for the Board's consideration.

7. King Coastal Permit and Well Drilling Application – 350 Lauff Ranch Road, Bolinas.

Alethea Patton was present on behalf of the applicant and explained that a couple of years ago, the applicant put her house on the market and after a couple of weeks someone complained to the County that a swimming pool on the property was illegal. The applicant was red-tagged for the pool, but it subsequently was determined that the pool was permitted in 1968. However, two structures that were permitted for other uses had been changed to a second unit and a guest house without permits; as such, the County is requiring the applicant to legalize the change of use, install a new septic system, and have the drinking water well on the property evaluated. As it turns out, the well tested fine for water quality, but is shallower than well standards permit today, so the County is requiring a new well. After extensive exploration on the property, given site constraints and the presence of Pine Gulch Creek, the only location for the new well (far enough away from the creek and septic system) is less than 100 feet from the closest property line.

Director Amoroso commented that the BCPUD included this item on its agenda and provided notice to neighbors per the Well Permitting Agreement with the County to allow local residents to come express any concerns or objections they may have; he noted that the property in question is not within the jurisdictional boundary of the BCPUD. Alethea said that Star Route Farms is the closest neighbor and he knows about the proposed well site, which is only about 5-feet from the farm property. She noted that there will be a public hearing at the County for the coastal permit at some point in the future and all neighbors will be notified of that hearing, as well. Director Smith expressed concern that all neighbors understand that the location of a well less than 100-feet from a property line can impact the location of a future septic system on the neighboring property. Director Comstock noted that none of the neighbors are present to comment on this topic. Director Smith proposed that the district write to the County and advise that no one attended the BCPUD hearing on this matter, but the district recommends that neighbors be advised about the implications for siting future septic systems if the well is installed where proposed (and he asked staff to copy the neighbors on this communication).

D. Smith/L. Comstock four in favor, director Siedman absent to approve a letter to the County stating that no one attended the meeting to address the topic of the well drilling application and requesting that the County specifically inform neighboring property owners about the implications posed by allowing a well to be installed less than 100-feet from all property lines on the neighboring property owners ability to install new septic systems on their property.

8. Segal Variance and Tidelands Permit, APN # 193-082-07, 105 Wharf Road (to raise existing structure).

Director Smith said that he attempted to “eyeball” the current height of the home above grade, if “grade” is the existing road, and it seems to be about 15 feet high; the application states that the homeowner would like to raise the structure to 32 feet above grade, which seems far too high and would set a bad precedent. He noted that there appears to be some amount of storage below the house which may be motivating the proposal to raise it, but if the storage area is eliminated, there might not be any need to raise the structure; he requested that this comment be conveyed to the County. Director Amoroso says it is not clear whether the project implicates water use; he said the applicant should be required to submit an expanded water use permit and come in and explain the project to the Board. Director Comstock said the application states that no floor area is to be added as part of the project, but if the structure is raised, it would be possible to add livable space, thereby potentially implicating water use.

D. Smith/L. Comstock four in favor, director Siedman absent to approve a letter to the County expressing concern about the precedent set by approving a variance to allow a structure height of 32 feet and conveying director Smith’s comment about removing the storage area to resolve the flooding issue rather than approving the height variance.

The Board also directed staff to write a letter to the applicant about the requirement to submit an expanded water use permit application for the Board’s consideration.

9. Master Improvement Plan (Phase 1) for the BCPUD Wastewater Treatment and Disposal System (B. Green, Oswald Green Technologies, Inc. and R. Dawyot, Allied Engineers, Inc.)

Director Smith said he would like to explore with the engineers whether there are opportunities for any cost-savings in connection with their recommendations, particularly with regard to the new irrigation pump station. Director Comstock concurred. After a brief discussion, the Board directed staff to include an item on a future meeting agenda to comprehensively discuss the report after all directors have had a chance to read it thoroughly and director Smith is able to confer with the engineers.

10. Water Supply Update.

Staff is in the process of contacting well drillers to install a monitor well in the vicinity of the Wharf and Brighton intersection. In addition, the district is undertaking increased water quality sampling to monitor for total dissolved solids and specific conductance at other groundwater points downtown. These steps are being taken to try and track whether there are any changes to these water quality results which would suggest seawater intrusion may be occurring as a result of the pumping at the irrigation well at the Resource Recovery site.

11. Volunteer Committee Reports.

-- *Bolinas Lagoon Advisory Committee*: Nothing to report.

-- *Downtown Parking & Traffic Committee: Appointment of Leila Monroe*. Director Amoroso said Leila Monroe would be a great addition to the committee because she is a lawyer with experience in Coastal Commission matters. Director Comstock noted that Eleanor Lyman also has expressed interest in joining the committee; director Amoroso said the Board cannot vote on Eleanor’s request as it arrived too late to include on the agenda. Director Comstock cautioned that the committee is concerned about getting too big and unworkable. Evie Wilhelm was present for the committee and concurred with this concern. She said that seven to nine members would be ideal for the committee. After some discussion, it was noted that since some of the original committee members have dropped off, with Leila the committee now will have seven members. Director Godino urged that the Board not add new committee members on an ongoing basis as a lot of time will be lost trying to get new members up to speed; those who would like to join the committee in the future are always welcome to participate as members of the public and provide input and assistance. Director Comstock said he favors acting on recommendations from the committee in the future as to who they would like to have join the committee to ensure that the committee will get committed members to work on this challenging topic.

Director Smith suggested that Eleanor be asked to attend a committee meeting and confer with the members about joining before the Board takes action on the request.

D. Smith/L. Comstock four in favor, director Siedman absent to appoint Leila Monroe to the Downtown Parking & Traffic Committee.

Director Godino left the meeting.

-- *Resource Recovery: Memorandum of Understanding between the BCPUD, Bolinas Fire Protection District, Stinson Beach County Water District and Stinson Beach Fire Protection District Concerning Payment of Permit Costs for the Resource Recovery Center*.

Staff requested approval by the Board of a Memorandum of Understanding between the BCPUD, the BFPD, the Stinson Beach County Water District and Stinson Beach Fire Protection District concerning

the payment of permit costs for the Resource Recovery Center (“RRC”). Each of the districts has agreed to contribute up to \$5,000 toward the cost of obtaining after-the-fact permits for the work done to restore the peripheral drainage ditch at the RRC site.

L. Comstock/D. Smith three in favor; directors Godino and Siedman absent to approve the Memorandum of Understanding re: the Payment of Permit Costs for the Resource Recovery Center.

Staff reported that a quarterly site inspection recently occurred at the RRC site and a violation was issued for alleged noncompliance with 50-foot setbacks from the peripheral ditch (e.g., compost and/or greenwaste located closer than 50 feet to the peripheral ditch). Staff noted that the purpose of the setbacks is the protection of water quality, but during the dry season there is no water in the ditch to protect, so it seems reasonable to interpret the setbacks as applicable during the rainy season and not the dry season. The County has agreed to consider this requested interpretation, but the district has not yet heard back from the County with a final decision.

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

-- *Land Stewardship Committee: Exercise of Option to Renew Lease on Sewer Pond Lands – Mickey Murch*.

Mickey Murch was present to affirm his decision to exercise the option in his lease agreement with the district to renew his lease for an additional five-year term. Staff confirmed that no action by the Board is needed as the matter is nondiscretionary; there is a five-year renewal of the lease on the same terms and conditions (as amended) upon Mickey’s exercise of the option. Mickey said the Land Stewardship Committee is not opposed to the continuation of his lease as long as there is no expansion of use. Director Smith inquired about the path to Parcel C near the Sun Pond and whether improvements to that path can be made during the renewal term of the lease for the benefit of people who walk the lands. Mickey said that he has some ideas in mind as to how the path can be improved, by smoothing out the grade and resurfacing the path with more stable material and putting down some eucalyptus logs to keep the material in place and also to separate the walking path from the tractor grade; he will contribute this improvement as an “in kind” contribution

12. Other Business.

a. Board Committee Reports.

-- *Finance: Engagement Letter from Doran & Associates for FY 2015-16 Audit*.

L. Comstock/D. Smith three in favor, directors Godino and Siedman absent to approve the engagement letter from Doran & Associates for the FY 2015-16 audit.

Staff reported that the district has carried over income from the septic/drainage enterprise for a number of years and staff therefore will be asking the Board at an upcoming meeting to transfer the accrued net income to the septic/drainage reserve account on deposit with the County of Marin. Staff is in the process of preparing an accounting of the accrued net income for the Board’s review. Staff anticipates that the amount of accrued net income to be transferred is approximately \$150,000.

-- *Legal*: Nothing to report.

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

-- *Operations*: Nothing to report.

-- *Park and Recreation*: Nothing to report.

-- *Personnel*: Nothing to report.

-- *Sewer*: Nothing to report.

b. Minutes of the May 18, 2016 regular Board meeting.

Director Amoroso offered clarifying revisions to the draft minutes of the May 18, 2016 regular meeting.

L. Comstock/D. Smith three in favor, directors Godino and Siedman absent to approve the minutes of the May 18, 2016 regular meeting, as amended.

c. Warrants.

Director Amoroso inquired whether the warrant list is accurate as the listed date range for the warrants seems incomplete; staff agreed to review the list and resubmit it for Board consideration at the July meeting.

d. Scheduling of Next Meeting(s):

July 20, 2016 at 7:30 p.m.

13. Adjournment.

10:22 p.m.