

## **Bolinas Community Public Utility District**

**A Regular Meeting Of The Board Of Directors**

**September 20, 2017 270 Elm Road, Bolinas**

### **1. Call to Order.**

7:34 p.m.

### **2. Roll.**

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

### **3. Manager's Report.**

*-- Update on the Terrace Avenue Bluff Stabilization Project: Proposal by LAK Associates, LLC for Professional Planning Services and Consultation for a Full Bluff Protection System.*

As mentioned last month, the Save Terrace Avenue committee met to consider a proposal by LAK Associates for professional planning services for "Phase 2", i.e., a full bluff stabilization project to preserve Terrace Avenue and related infrastructure. The planning proposal has a not-to-exceed cost of \$50,500 due to the daunting array of permits to obtain and studies to conduct. Staff noted that over \$200,000 in donated funds remain on deposit with the project's fiscal sponsor. In response to a question from the Board, staff said that the proposal contemplates that BCPUD will be the contracting entity. Director Siedman said that the County of Marin also should be a party since Terrace Avenue is a County road. Director Comstock said that a mechanism should be in place, assuming the proposal is accepted, to ensure that LAK Associates is timely paid by the fiscal sponsor. Staff agreed to reach out to the County of Marin and the fiscal sponsor and report back to the Board at the October meeting.

Director Amoroso arrived at 7:42 p.m.

*-- Update on the Wastewater Pump Station Upgrade and Pond Recirculation Project.*

Staff participated in a site visit for this project with engineers from Oswald Green Technologies and Allied Engineers at the end of August to kick-off the design phase for this project. The engineers are gathering additional data and soliciting pump proposals from suppliers. An important aspect of this project will be the improvements/upgrade to the pond recirculation system, which will enable staff to better address occasional odor issues that arise following algae blooms/die-offs. At present, levels in the ponds are low as it is nearly the end of spray season. Staff intends to complete spray season early in order to mow the disposal fields prior to the onset of the rainy season.

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

Staff is close to completing the mapping of the Mesa. To do so, staff has cut back vegetation in the rights-of-way to assess existing drainage facilities and identify problem areas. There is a serious problem with fenced-in meters as more than 10% of the meters on the Mesa have been fenced in, significantly impairing access to district infrastructure. Operations staff no longer is willing to go inside fences to read meters given the presence of surveillance cameras at some properties, among other things. Staff is coordinating with the Bolinas Fire Protection District ("BFPD") to prioritize areas where fire fuel reduction efforts are needed; Fire Chief Anita Tyrrell-Brown is very concerned about the extent of overgrowth and has obtained \$5,000 in grant assistance from CalFIRE to conduct brush removal. Director Godino commended the work and urged staff to enhance communication efforts to notify residents in advance when brush removal will be performed. In response to a comment by director Comstock, staff explained that BCPUD crews will be conducting clean-up work following the recently completed mowing.

As for water consumption, the July and August 2017 consumption data is in and consumption was down for the mid-Mesa (May/June/July) as compared to the same quarter in 2016, but up for the back of the Mesa (June, July, August) as compared to last year.

Staff directed the Board's attention to a written update the district submitted to CalFIRE concerning the fire fuel reduction project the district is planning for 2018 in the eucalyptus grove above Resource Recovery. The target project timeline is August – October 2018. Staff has asked the County of Marin to confirm that a coastal permit is not required for the project (noting that in 2011 the County determined no coastal permit was required for the fire fuel reduction project conducted on the same property).

Highway 1 remains closed to traffic per Fire Chief Kenny Stevens in Stinson Beach. Supervisor Rodoni, Kenny Stevens and Anita Tyrrell-Brown are coordinating to plan for the upcoming winter and

impacts on residents in the event Panoramic Highway is closed at any point in time. Improved signage about road closures is being planned.

Staff has been invited by the Stinson Beach County Water District (“SBCWD”) to attend a meeting on October 3<sup>rd</sup> about desalination. Although the updated version of the Marin County Local Coastal Plan prohibits desalination facilities in the Coastal Zone, the SBCWD has requested an exception for smaller scale desalination units that have minimal environmental impact, such as those used world-wide in disaster relief scenarios.

Staff will be attending another meeting of the “Working Group” convened by Senator McGuire on September 26<sup>th</sup> at the Civic Center to discuss parking/traffic and garbage issues posed by increased tourism to West Marin.

In the field, staff is relocating water meters currently located in the South Ocean Parkway right-of-way over to Vine Road near Larch to improve water pressure and enable the district to abandon the old South Ocean Parkway line.

Staff directed the Board’s attention to a letter in the binders from the California Department of Parks and Recreation concerning the Mesa Park Ballfield Irrigation and Public Restroom project; following an audit of the project, the district received a “no exceptions” finding, so the project is now closed.

Last month the BCPUD and Supervisor Rodoni sent letters to the College of Marin to underscore the interest of the Bolinas community in retaining local ownership of the college’s Wharf Road properties (i.e., the marine lab and the boat dock). Director Siedman reported that he and Ralph Camiccia attended the College of Marin Board of Trustees meeting yesterday on this topic, and considerable pressure was exerted by marine biology proponents for the college NOT to divest itself of the lab building. However, engineers hired by the college presented a number of reasons why it would be problematic to keep the facilities (including but not limited to the fact that rehabilitating the building to current standards for a marine lab would be cost-prohibitive and because of the Field Act, which prohibits the college from spending money on any kind of educational institution that sits on a seismic fault). Director Siedman argued that if the properties are dedicated to the Bolinas community, valuable uses will be possible and a committee has been formed to obtain public input about alternative uses. At this juncture, it appears that Supervisor Rodoni and the Board president are considering holding a public meeting in West Marin to get further input. Director Siedman said he does not oppose such a meeting, but wants to continue to press the College of Marin to make a decision by the end of the year and not let the issue languish further, particularly since he believes it is inevitable that the college will conclude it is legally and financially precluded from making any use of the property.

The Board reviewed correspondence received since the last regular Board meeting, including an announcement about a meeting concerning the Bolinas Lagoon North End Project on September 29<sup>th</sup> at 9:00 a.m. at Audobon Canyon Ranch and a CalPERS letter concerning GASB 68 reporting requirements.

-- *Drainage Project Manager’s Report.*

Nothing to report.

#### **4. Community Expression.**

Director Siedman noted the Board received an email from Eleanor Lyman asking the BCPUD to oppose the installation of rumble strips on Highway 1. Eleanor said that she is very concerned about the project because she lives next to the lagoon and she knows the sound will carry across the water every time a car passes over the center line. Eleanor said she contacted Supervisor Rodoni’s office and was referred to CalTrans. Director Amoroso said that the Board cannot take a position on this issue tonight as it is not on the agenda, so no Board action can be made. After a brief discussion, staff was asked to follow-up and determine if there are any meetings or other public process scheduled for community input to CalTrans on this project.

#### **5. Request for Consent to Assignment of Franchise Agreement for Solid Waste, Recycling and Green Waste between Redwood Empire Disposal, Inc. and the BCPUD to Recology Sonoma Marin, a subsidiary of Recology, Inc.**

Director Siedman reported that he and staff met with representatives from Redwood Empire Disposal and from Recology to discuss the proposed assignment of the franchise agreement. BCPUD raised concerns about keeping the same drivers, making sure recycling is not mixed with garbage, and the keeping the current dumpsters at Mesa Park for trash and recycling collected from Brighton Beach, among other things. The companies clearly stated that all terms of the written franchise agreement will be honored in full; any “informal” arrangements also can be handled with follow-up letter agreements.

Ed Farewell from Recology introduced himself as the company’s Group Manager and stated that he has been with the company for over 30 years. He said that 2020 will be the company’s 100-year

anniversary in San Francisco and the company is very excited about the opportunity to acquire the franchise and serve Bolinas. Recology is in the process of entering into a purchase agreement with The Ratto Group and hiring all of the employees. He underscored that Recology will honor all aspects of the franchise agreement with the BCPUD and said the company has a long history of working closely with the communities it serves. After further discussion, director Comstock moved to approve the request for a consent to assign the franchise agreement; in so doing, he said he would like the minutes to reflect that the district has received assurances from Recology that efforts are being made to retain all of existing employees, that all recycling practices will be carried forward and improved, and that Recology is committed to honoring informal practices (such as dumpsters at Mesa Park) via side letters – he said his motion is based on those assurances.

L. Comstock/G. Godino all in favor to approve the request for consent to assignment of the franchise agreement from Redwood Empire Disposal, Inc. to Recology Sonoma/Marin.

**6. Q&A with Peter Pratt, Consultant to Marin County, re: Current Status of Options for Broadband Internet Service in Bolinas; *Letter of Support from the BCPUD for Inyo’s CASF Application to the California Public Utilities Commission for the Installation of Broadband Internet Service in Bolinas, Letters of Appreciation to California Legislators Opposing AB 1665.***

Peter Pratt was present to discuss the requested letter of support from the BCPUD for Inyo’s CASF application to the California Public Utilities Commission (“CPUC”) for the installation of broadband internet service in Bolinas; a draft letter is included in the Board’s binders. He noted that, regrettably, the door to public funding for rural broadband internet service likely is closing soon as a result of the lobbying effort in Sacramento in favor of AB 1665. Importantly, Senator McGuire voted against this bill, but the legislature seems to have succumbed to heavy lobbying by AT&T. He reminded the Board that Nicasio received grant funding from the CASF program and the installation of broadband internet service there is underway. It makes sense for Bolinas, a community prioritized for funding by CPUC staff, to be the next in line for grant funding. A big question has been: how does broadband internet get from Nicasio to Bolinas? It now appears that PG&E is willing to enter the game and lease its infrastructure so that fiber optic cable can be strung on its poles; as such, it increasingly looks like it will be viable to bring new fiber optic cable to Bolinas.

In response to a question from the public, director Comstock said that Muir Beach LAN currently transmits wirelessly by radio frequency from Berkeley to Muir Beach and on to Bolinas where some residents have been able to receive improved internet service. Although this is much better than AT&T’s DSL service, the technology is not as good as fiber optic – if a tree is in the way, for example, the Muir Beach LAN will not work (direct line of site is required). There also are scalability limitations, particularly as to the “middle mile” component from Berkeley to Muir Beach. Director Comstock noted that Inyo’s application will include a fiber optic middle mile installation in addition to a fiber optic local distribution system. Muir Beach LAN is aware of Inyo’s pending application and interest in bringing fiber optic cable to Bolinas and might wish to participate. If CASF funding falls through, Muir Beach LAN is a fallback option.

After further discussion, director Comstock suggested that the Board conditionally approve the draft letter presented by Peter Pratt, subject to minor changes to be made by staff subject to discussions with Inyo before the CASF application is filed. Peter Pratt said Inyo may submit its application as early as the middle of next week and that Supervisor Rodoni will be sending a letter of support for Inyo’s application on behalf of the Marin County Board of Supervisors.

L. Comstock/V. Amoroso all in favor to approve a letter for support for Inyo’s CASF application to the CPUC, subject to minor changes by staff prior to Inyo’s CASF application submittal.

Peter Pratt urged the Board to send letters for appreciation to Senator McGuire as well as Assembly Member Mark Levine for their opposition to AB 1665, as well as to Supervisor Rodoni for his leadership on this topic.

L. Comstock/V. Amoroso all in favor to send letters of appreciation to Senator McGuire, Assembly member Levine and Supervisor Rodoni.

**7. Request For Financial Relief from Quarterly Water Bill pursuant to BCPUD Resolution 553 – 41 Ocean (S. Ciani).**

Director Siedman said it appears Ms. Ciani’s water use tripled during the most recent quarter. Suzanne Ciani was present and said this was true, but due to a leak and she thanked BCPUD staff for help in locating the problem. After a brief discussion to clarify that the leak at issue was not the same location as the leak at the same property in 2016, director Smith said this is a classic blind leak and moved to reduce the bill by the amount attributable to the leak for the quarter ending in June 2017 and the quarter ending in September 2017.

D. Smith/V. Amoroso all in favor to forgive the full amount of the bill attributable to the leak, based on average water used during the same quarter over the last three years.

**8. Expanded Water Use Permit Application, APN# 190-221-20, 334 Jute Road, Bolinas (S. Rosenberg).**

After a brief discussion, the Board deferred consideration of the expanded water use permit request until there is more information about what the County of Marin approves as the scope of work for this project.

**9. BCPUD Comments on California Coastal Commission Residential Adaptation Policy Guidance: *Interpretive Guidelines for Addressing Sea Level Rise in Local Coastal Programs* (Comment Period Closes September 29, 2017).**

Staff presented an overview of a proposed comment letter opposing the Coastal Commission Staff's Residential Adaptation Policy Guidance: Interpretive Guidelines for Addressing Sea Level Rise in Local Coastal Programs on the grounds that the guidance document is not consistent with/supported by the text of the Coastal Act and will place enormous, undue burdens on coastal residents seeking to maintain their properties.

V. Amoroso/D. Smith all in favor to approve BCPUD comments on the California Coastal Commission Residential Adaptation Policy Guidance: Interpretive Guidelines for Addressing Sea Level Rise in Local Coastal Programs.

**10. Revision to BCPUD Policies re: Water Meter Transfers and Installation Costs As Applicable to Affordable Housing Projects.**

The Board deferred this agenda item to the October meeting.

**11. Water Supply Update.**

Director Smith reported that he is working to develop data and hopes to have this work completed by next month.

**12. Volunteer Committee Reports.**

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

-- *Downtown Parking & Traffic Committee*: *Request for BCPUD staff assistance*. Bruce Bowsper said the committee met the previous Monday, which was its first meeting since May 2017. Bruce said it has been very hard to achieve a quorum of the committee over the summer, although the consensus is that parking was as bad this past summer as anyone has ever seen it. For various personal reasons, key committee members are needing to resign from the committee and Bruce approached BCPUD staff for guidance. Staff agrees that it can be very difficult for volunteer committees to maintain momentum and suggested it may be time to submit the plan as revised thus far by the committee – along with the committee's excellent survey – to the Coastal Commission staff for input. Discussion ensued about past and current efforts to address the parking crisis downtown and the new Coastal Commission staff who seem receptive to some amount of parking regulation to maintain public safety and increase public access. The directors noted that enforcement of the plan will be critical – without enforcement, the plan will be virtually worthless. Staff said that communities all up and down the coast are facing similar issues and pressure from tourism, so Coastal Commission staff now realize that parking plans are not ruses to “keep out the public” but rather genuine efforts to maintain public health and safety. Director Comstock expressed concern about tasking district staff with too much work unrelated to the district's core operations. After further discussion, staff agreed to meet with Bruce and roadmap next steps to finalize a revised plan for submission to the County/Coastal Commission.

-- *Resource Recovery*: Nothing to report.

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

-- *Land Stewardship Committee*: Director Amoroso reported that the committee is scheduled to meeting this Friday at 3:00 p.m.

-- *Internet Access Committee*: See above.

--*Vehicle Habitation*: The Board received a copy of the minutes of the August 15, 2017 committee meeting.

**13. Other Business.**

a. Board Committee Reports.

-- *Finance*: Nothing to report.

-- *Legal: Request for Legal Advice re: Expanded Water Use Permit Maximum Quarterly Water Use Determination*. Director Comstock raised this topic as he is troubled that the Board's application of the expanded water use permit process to determine maximum quarterly water use amounts actually penalizes those who conserve water. Discussion ensued, and director Smith said he shares director Comstock's concerns and would like to advocate for a fairer, more consistent approach. Director Amoroso said that the approach is set forth in Resolution 173 (the "moratorium resolution") and has served the district well for decades. Directors Comstock and Smith agreed to prepare a proposal for the Board's consideration to revised the maximum quarterly water use determination process.

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

-- *Operations*: Director Smith said he believes that the district's drinking water tastes noticeably better as a result of the coagulation project, that the chlorine residual is much tighter, and that the project overall seems to be a fantastic success.

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

-- *Personnel*: Nothing to report.

-- *Sewer*: Nothing to report.

b. Minutes of the August 16, 2017 regular Board meeting.

Directors Amoroso, Comstock and Godino offered clarifying revisions to the draft minutes of the August 2017 Board meeting.

V. Amoroso/D. Smith                      all in favor                      to approve the minutes of the August 16, 2017 regular Board meeting, as amended.

c. Warrants.

L. Comstock/G. Godino                      all in favor                      to approve the warrant list.

d. Scheduling of Next Meeting(s):

October 18, 2017 at 7:30 p.m.

**14. Adjournment.**

10:59 p.m.