

Bolinas Community Public Utility District
A Regular Meeting Of The Board Of Directors
February 21, 2018 270 Elm Road, Bolinas

1. Call to Order.

7:31 p.m.

2. Roll.

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

3. Manager's Report.

-- *Update on the Terrace Avenue Bluff Stabilization Project.*

Staff did not have an update as a meeting is not yet scheduled with Supervisor Rodoni to discuss next steps for this project.

-- *Update on the East Tank Rehabilitation Project: Technical Memorandum re: Summary of Tank Anchoring Requirements, Options and Recommendation.*

Staff presented an updated schedule of pertinent dates, as well as a very well-written technical report prepared by Allan Richards of Stetson Engineers to explain the basis for the recommended seismic work on the East Tank, in response to questions raised by the Board's Operations Committee. Staff reminded the Board that ratio known as the "J factor" is critical to design the seismic work needed (or not) for a water storage tank. The J factor is the ratio of "the overturning moment resulting from the seismic forces acting on the water tank and the moment associated with the forces resisting the tank from overturning (uplifting)". A J factor of 1.54 or greater means a tank is not stable, and the BCPUD's East Tank J ratio is 1.98. The technical report assessed the option of operating the East Tank with a lower water level, but that level would need to be 11 feet, or half the existing capacity, and both tanks would need to be operated at that level because they are hydraulically connected. The report also analyzed the potential for installing an internal concrete ballast ring (rather than anchoring the tank), but the concrete ring would have to be 6 feet wide and 6 feet high, requiring 234 cubic yards of concrete or 30 truck loads, and resulting in a loss of 10% of the tank's storage capacity at an estimated cost of \$150,000, which is \$38,000 more than the estimated cost of the recommended anchoring system.

As for next steps, the next-to-final design submittal is expected on March 1st and the final design on March 13th so that the Board can approve it at the regular meeting in March. Staff currently anticipates publishing the project for bids in early April, with construction beginning during the summer and completed by the end of September. This schedule may need to be revised based on water supply conditions this summer.

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

The engineers are continuing their work; at this point, they are waiting for an updated cost on the package pump station and drawings from Gorman-Rupp that are needed for the engineers to complete their design. Per the Sewer Committee's request, the engineers requested a proposal from Vogelsang for a skid-mounted pump system; the submittal is about 10% higher in cost, does not include a building enclosure, and is less streamlined than the Gorman-Rupp proposal. Director Smith inquired whether a final specification has been determined for the psi needed for the new pumps. Staff will follow-up with the engineers and report back to director Smith. A site visit of the electrical engineer will be scheduled in the near future.

-- *Update on the Fire Fuel Reduction Project in the Eucalyptus Grove above the Resource Recovery Center: Notice of Exemption pursuant to CEQA Guidelines Section 15268.*

Staff reported that the district's biologist has determined that the presence of the drainway through the section of property to be included in the project area presents a potential for the presence of red-legged frogs, so the district will need to implement specific "avoidance measures" to ensure no impact to this species. These measures are: (1) use of hand tools only (no mechanized equipment, driving or storing of equipment); (2) work to be scheduled during August 15 – October 1; (3) conduct a survey before the project starts to confirm no species presence and again within 48 hours of project start; and (4) train personnel to identify red-legged frogs. The biologist opines that if the district commits to conduct the project in accordance with these avoidance measures, then it is "exempt" under CEQA. At this time, staff will confer with CalFire and then come back to the Board to approve the project and a CEQA Notice of Exemption.

-- Update on BCPUD/BFPD Survey of Obstructions and Encroachments in the Public Rights-of-Way on the Bolinas Mesa: Report from Joint Meeting of BCPUD/BFPD Staff.

Staff met with Bolinas Fire Protection District (“BFPD”) staff to confer about priorities for the Bolinas Mesa rights-of-way. BCPUD staff completed its survey of obstructions and encroachments on every block of the Mesa. BFPD reviewed it and identified the “phase 1” highest priority roads that should be free of encroachments and obstructions to enable people to safely evacuate the Mesa in the event of a fire or other natural disaster/emergency. Most of the rights-of-way are 40-feet in width, although the Overlook, Alder, Grove, Opal Hill, Locust, Maple and Ocean Parkway rights-of-way are 60-feet in width.

Fire Chief Anita Tyrrell-Brown said that when her staff originally started this project, she referred to the 1996 Traffic Plan for the Bolinas Mesa; this plan identifies “access” roads, and said they should be 18-foot minimum in width and the remaining “neighborhood” roads should be 12-foot minimum in width. Since that time, there has been a steady narrowing of the driveable width of the rights-of-way; many are only 10 feet wide or less. Also, California has seen some catastrophic urban/wildland fires in recent years. As such, current law mandates that in areas like Bolinas, an SRA area which is considered “wildland-urban interface”, requires 20-foot minimum wide roads with 10-foot vegetation clearance on either side. The BFPD cannot approve anything *less* than current law for the Bolinas Mesa rights-of-way; Anita has confirmed this with Marin County Fire.

Anita explained that the safe width of roads has to be evaluated under hypothetical fire conditions. She emphasized that *every* road is important; ideally everyone has two safe ways off the Bolinas Mesa in an emergency, but as that is not possible, she said that everyone needs to be at most 1-2 blocks from a major access road that is free of encroachments and obstructions. BFPD policy is “no new encroachments”; as such, Anita is working with residents to remove new plantings and thus far has achieved commendable compliance (requests to remove established plants have not been as successful as many seem to feel it is “unfair” for them, but not everyone else, to be asked to remove encroaching vegetation). In response to an inquiry from director Amoroso, Anita explained that the “phase 1” priority rights-of-way highlighted in yellow on the map in the Board’s books are the most important. She urged everyone to think about the fact that it is not enough to just be able to drive an engine down a road, her staff need to be able to open up the doors, pull out hoses, and so forth. In addition, fire engines need to be able to get into the Mesa while residents are evacuating, which is not currently possible. Moreover, at present, it would not be safe for fire department personnel to enter many of the roads during a major fire as it would pose too great a risk to their safety.

Director Smith said it seems like the next step is to identify BCPUD infrastructure located in the area marked in yellow by the BFPD to see where there are areas of common concern. Staff concurred, but emphasized that the community needs to understand that this is a high-priority, community resilience issue; staff also said that the BCPUD and BFPD need to do a better job of conducting education and outreach in the community to encourage buy-in and compliance. To put it bluntly, if a major fire occurs in Bolinas in the near future, the entire town most likely will burn down, and that may be irreplaceable. Residents need to understand this and cooperate and participate in clearing encroaching vegetation out of the rights-of-way so that the town has a reasonable ability to fight a major fire. It would be very difficult under the current coastal and building permit requirements -- perhaps impossible -- to rebuild the town, and there is no question the town as we know it would no longer exist. Anita added that insurance companies increasingly are dropping coverage in high risk areas and many may conclude that they are no longer willing to insure homes in Bolinas without significant reduction of risk (i.e., flammable vegetation removal), especially in such a wind-prone area. Finally, staff noted that the community’s limited water supply only enhances that risk

On that topic, the most recent 2017-18 consumption data is now available for downtown (October/November/December 2017) and for the mid Mesa (November/December/January 2018) and, for the sixth month in a row, water consumption is up. During the same six month period the prior year, the community consumed 281,700 cubic feet more than same previous six months, which is 2,107,166 gallons, or 11,577 gallons more per day. Staff noted that these amounts include customer leaks, but even taking those leaks into account, consumption has been on the rise.

Staff directed the Board’s attention to a letter from the State Water Resource Control Board (“SWRCB”) about the April 1, 2018 water license reporting deadline; a letter from the Marin County Department of Public Works (“DPW”) asking the district to notify their staff of any planned projects (public or private) in the County’s rights-of-way; and a notification from the U.S. Department of Agriculture (“USDA”)’s Rural Development office that an outstanding bond of the BCPUD’s was fully paid off in January 2018. Staff noted that the district paid off three large, outstanding loans between 2011 and 2014, reducing outstanding debt to approximately \$700,000, approximately half of which are the Clean Renewable Energy Bonds (and self-financing).

Staff continues to attend the meetings of the “West Marin Working Group” chaired by Senator Mike McGuire and to participate in the meetings of the sub-group of local village representatives known as the Alliance of Coastal Marin Villages (“ACMV”). The Working Group is working to evaluate and recommend strategies to cope with the impact of increased visitation to West Marin; it has been difficult

to schedule the next meeting due to Senator McGuire's understandable focus on the post-fire efforts in Santa Rosa. Finally, the ACMV is trying to work with Caltrans to address the chronic flooding on Highway 1 in West Marin.

Staff from the BCPUD and BFPD met with the new Watch Commander for the West Marin substation in Point Reyes Station – Jim Hickey. Commander Hickey is a Novato resident and very knowledgeable about West Marin, and Bolinas in particular. He has read the Vehicle Habitation Committee recommendations and is familiar with the Downtown Parking & Traffic Plan; overall, Commander Hickey is very receptive to local concerns about parking and traffic issues downtown. He is waiting for the Board of Supervisors to clarify that the Vehicle Code is applicable to the non-County maintained roads on the Mesa before ramping up enforcement efforts downtown. He also is working to secure funds for towing non-compliant vehicles, which is very expensive.

On the wastewater side of operations, flows have remained relatively low this year, but somewhat higher than usual due to the increase in water consumption. Staff's main focus with regard to the sewer system right now is the upgrade of the irrigation pump station and facilitating the efforts of downtown residents to repair their sewer laterals.

Finally, staff reminded the Board members that the deadline to file their Forms 700 is April 1, 2018.

4. Community Expression.

None.

5. Request For Financial Relief from Quarterly Water Bill pursuant to BCPUD Resolution 553 – 54 Terrace Avenue (W. Perry).

Rudi Ferris was present on behalf of homeowner Warren Perry and submitted a written report of the leak for the Board's consideration. Director Siedman said this was a very major leak (nearly 400,000 gallons were lost) and he agrees with Rudi's recommendation that absentee homeowners should be required to install house valves to shut off water to their homes when they are not there. Rudi said this leak was "terrible" and it is imperative for homeowners to understand and use their house valves. Director Smith said that care needs to be taken if the home has a sprinkler system, but it can be done. Rudi said he and Mr. Perry are distraught about the amount of water lost in this case.

Director Smith said that in cases involving toilet leaks, the Board generally has determined that since such leaks occur inside homes, homeowners should be aware of them relatively quickly (as opposed to blind leaks underground in a yard) and it therefore has foregiven a maximum of 25% of the water loss due to such leaks. He noted that the toilet lost about 2.8 gallons per minute for the duration of the leak. Here, not only was a large amount of water lost, but the water went into the district's sewer system and therefore impacted the district's sewerage collection and treatment facility, too. Rudi said he understood; he said the situation is particularly difficult because this house has a shut-off valve but someone neglected to use it. In response to a question from the Board, staff said the bill was over \$8,000 and a 25% reduction will bring the bill to about \$5,800. Director Comstock said he supports a forgiveness of 25% of the water loss. He noted that the issue comes down to who should pay for the cost of this water loss on the water and sewer systems; the water treatment plant had to operate for several days to produce this amount of water, and the sewer system similarly had to operate for days to process it.

D. Smith/L. Comstock four in favor, Godino absent to forgive 25% of water loss due to the leak, as determined based on the average water use during the same quarter over the prior three years.

6. Coastal Permit Application (P1844) (residential addition and accessory structure); Expanded Water Use Permit Application, 210 Grove Road, Bolinas, APN#192-152-10 and 192-152-11 (T. Nemeč).

Director Siedman recused himself from consideration of this agenda item; director Amoroso presiding.

Staff said this project is to add 834.6 square feet of additional floor area to the existing residence and to legalize a 450 square foot detached accessory structure. Toby Nemeč concurred and said he does not anticipate any real increase in water use as the second unit is currently occupied and has been. He noted that the two lots in question will be merged into one lot in connection with the project. Director Comstock said the project will require a conditional permit and proposed that the Board grant either 50% over the community average use (which is 1800 cubic feet per quarter, so 50% more than that would be 2700 cubic feet per quarter), or the historical average use at this property, whichever is higher. Discussion ensued and staff noted that average water use at the property (based on district records) is 2825 cubic feet per quarter, which is approximately 1000 cubic feet over the community average. Toby said that two families of four live on the property.

L. Comstock/D. Smith three in favor, director Godino absent and director Siedman abstaining to approve a conditional expanded water use permit with a maximum quarterly water use of 2,825 cubic feet.

7. Agreement Regarding Transfer of Water Service Connection from 135 Rosewood Road to 276 Mesa Road; Covenant and Agreement Limiting Water Use (B. Drury).

Director Siedman returned to preside over the meeting. Staff called Brad Drury, owner of 276 Mesa Road and 135 Rosewood Road, to participate in the meeting. Director Siedman said this item is for the Board to consider an agreement regarding the transfer of a water meter from 135 Rosewood Road to 276 Mesa Road, subject to a covenant limiting water use which shall be recorded against the property located at 276 Mesa Road. Per the terms of the agreement and covenant, water use at 276 Mesa Road will be limited to 2,700 cubic feet per quarter.

Director Siedman told Mr. Drury that the Board has reviewed the draft agreement and covenant. Staff confirmed that the district's attorney has reviewed the documents, as well. Mr. Drury confirmed he has reviewed the documents, as has his attorney, and he is comfortable with the terms of both documents.

L. Comstock/D. Smith four in favor, director Godino absent to approve the terms of the Agreement regarding Transfer of Water Service Connection from 135 Rosewood Road to 276 Mesa Road.

L. Comstock/V. Amoroso four in favor, director Godino absent to approve the terms of the covenant limiting water use at 276 Mesa Road to 2,700 cubic feet per quarter.

8. Request from Inyo Networks for a Letter of Support from the BCPUD to the California Public Utilities Commission Pertaining to an Objection filed by Horizon Cable TV to the Inyo Networks' Application for CASF Grant Funding to Install Broadband Internet in Bolinas.

Robert Volker, Secretary of Inyo Networks, Leighton Hills, President of Muir Beach LAN and Peter Pratt, Consultant to Marin County for broadband internet, all introduced themselves to the Board. Rob Volker thanked the Board for its previous letter of support for Inyo's CASF grant application to install broadband internet service in Bolinas. Inyo currently is installing broadband internet in Nicasio with CASF funding. Inyo became aware that Bolinas is underserved and made the decision late in 2017 to submit another CASF grant application. As part of the grant application process, the California Public Utilities Commission ("CPUC") provides an opportunity for comment. Other providers are only allowed to comment if they already are serving the proposed area; however, Inyo is not aware of any service provided by Horizon Cable anywhere within the proposed Bolinas project area. Inyo has not seen a copy of Horizon Cable's comment, but CPUC advised that a letter from the local community would be helpful.

Director Smith said he called Horizon Cable in the past and was told that the company does not serve Bolinas; to his knowledge, the company has never served anyone in Bolinas. Peter Pratt said that Horizon Cable asserted at a meeting this morning at the County that they used to be under contract with Wander Cable to maintain its cable system in Bolinas for two years, but there is no evidence Horizon Cable was or is providing internet service here. Director Comstock said that the BCPUD's Internet Access Committee reached out to all internet service providers in the region, including Horizon Cable, and company representatives attended some committee meetings and a Board meeting. During those meetings, Horizon Cable expressed its interest in serving Bolinas via an underground bore from Seadrift in Stinson Beach, under the Bolinas Lagoon channel. Director Comstock said that was more than a year ago and, as far as he knows, no permit applications have been filed by Horizon Cable for such a project.

Leighton Hills said that the Muir Beach LAN serves Muir Beach and, since his participation in the Internet Access committee and BCPUD Board meetings, now serves approximately 120 homes in Bolinas. Director Comstock said he is very frustrated that Horizon Cable evidently is trying to block the Inyo Networks CASF grant application as there does not seem to be any chance the company could deploy broadband internet service in Bolinas in any reasonable amount of time. He commended Muir Beach LAN for exploring ways to work with Inyo Networks to provide broadband internet service in Bolinas, and he would have hoped that Horizon Cable would have done the same.

Discussion ensued about the points to make in a letter from the BCPUD to the CPUC. Staff was directed to prepare a letter referencing Horizon Cable's apparent opposition to Inyo Networks' CASF grant application, incorporating three points made by Inyo Networks in its letter to the BCPUD requesting a letter of support, and expressing the district's strong continued support for Inyo's application. Director Smith said the letter also should state that it is the BCPUD's understanding that the permit requirements for boring under the channel of the Bolinas Lagoon are extremely difficult, it not impossible, to meet and will take many years given the number of agencies involved.

L. Comstock/D. Smith four in favor, director Godino absent to send a letter of support for Inyo Networks' CASF grant application to install broadband internet service in Bolinas,

referencing the three points made in a letter from Inyo Networks to the BCPUD requesting the district's support, and the difficulty of ever obtaining permits to bore under the channel to the Bolinas Lagoon.

9. Recommendations for Action – BCPUD's Vehicle Habitation Committee. (*Transmittal of Recommendations to Supervisor Rodoni*).

Staff reported that the district posted the Vehicle Habitation Committee recommendations on its website and on NextDoor, the BCPUD Board has included an item on its agenda for public comment on the recommendations at its past two meetings, and staff recommends the district now formally transmit the recommendations to Supervisor Rodoni. Director Siedman suggested the district include a cover letter reminding Supervisor Rodoni that he asked the BCPUD to create such a committee to formulate recommendations about the vehicle habitation situation in downtown Bolinas. Director Amoroso expressed his continued concern about enforcement of the 72-hour parking rule and the potential impact thereof on local residents without off-street parking. Discussion ensued about the text of the recommendations and efforts made to protect local residents by coordinating with the "resident only" parking zones included in the Downtown Parking & Traffic Plan.

D. Smith/V. Amoroso four in favor, director Godino absent to approve transmittal of the Recommendations for Action of the BCPUD's Vehicle Habitation Committee, with a cover letter, to Supervisor Rodoni.

10. BCPUD Resolution 553: *Discuss Potential Revisions to Resolution 553 in Cases of Extreme Water Loss.*

Director Comstock proposed that the BCPUD not foregive more than a 25% reduction in a quarterly water bill in cases of extreme water loss; he proposes to define "extreme water loss" as 15,000 cubic feet of water, or more (which is equivalent to 100,000 gallons or more). He said his proposal is based on the cost to the district to collect, treat and distribute large amounts of water. Should the BCPUD require all customers to pay this cost, or the responsible property owner, even where the water loss is unintentional?

Discussion ensued about water loss that is unintentional. Director Amoroso said some leaks are truly unknowable, whereas others are knowable with reasonable diligence; does director Comstock propose that his approach apply even to large water losses that were not detectable by the property owner until he/she receives the quarterly water bill. Director Smith said this worried him; a leak of 15,000 cubic feet is approximately 1 gallon per minute over a quarter year, and such a leak could persist underground for months without detection. He said perhaps this is a situation in which the Board should exercise its discretion, especially if extreme financial hardship would result from limiting forgiveness to 25% of the amount of the water loss. Director Comstock reminded the Board again that any cost not paid by the responsible property owner essentially then would be borne by all of the district's customers.

Staff said the original intent of Resolution 553 was to remove discretion from the hands of staff and place responsibility on the Board, at a public meeting, to make decisions about financial relief from high water bills due to leaks in a manner consistent with the terms of the resolution to ensure no favoritism, among other things. The resolution requires the Board to determine whether a property owner acted responsibly or negligently; it also provides latitude for the Board to make decisions on a case-by-case basis, guided by its previous decisions.

After additional discussion, director Siedman said it appears to be the consensus of the Board that there is sufficient flexibility in Resolution 533 as written to enable the Board to limit the relief afforded to property owners who experience massive leaks, so that no revisions to the resolution are needed at this time.

11. Water Supply Update.

Director Smith directed the Board's attention to graphs he prepared which show the interrelationship between a reduction in water usage (via the irrigation well) at Mesa Park and the conductivity levels in the well samples. He noted that the numbers are still quite small at this point, but the conductivity levels may be an "early warning" sign of seawater intrusion. Director Amoroso said the results indicate that the monitoring well at Olema-Bolinas Road isn't really providing any useful data. Director Smith said that the district's consulting hydrogeologist felt the two wells likely are hydraulically connected and that the shallow monitoring well should give us useful information, but unfortunately that does not seem to be the case. However, it is very interesting to note that the water table in the monitoring well is much higher than the irrigation well and stays high even without meaningful rain this winter, which begs the question: where is that water coming from?

12. Volunteer Committee Reports.

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

-- *Downtown Parking & Traffic Committee*: Nothing to report.

-- *Resource Recovery*: Nothing to report.

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

-- *Land Stewardship Committee*: Director Smith obtained a proposal for a resurfacing of the pedestrian bicycle path on the BCPUD's sewer pond property for approximately \$500,000. He said the surfacing material was used in the upgrade of the path between the Agate Beach parking lot to the beach; it is applied 6-feet wide and 1-foot deep, and then compacted to 6-inches, with drainage "lenses" installed, as well, to eliminate boggy patches. The contractor submitting the proposal spent years perfecting the surfacing material and it seems to be the best alternative to paving, but at \$14 per square foot, it is more expensive than asphalt, which is \$10 per square foot. The committee is still waiting for a proposal from Lunny Paving for asphalt surfacing of the path.

-- *Internet Access Committee*: Nothing further to report.

--*Vehicle Habitation*: Nothing further to report.

13. Other Business.

a. Board Committee Reports.

-- *Finance: Third Quarter Financial Reports for FY 2017-18; Update on FY 2018-19 Draft Budget; Minutes of the February 13, 2018 Committee Meeting; Proposed Engagement Letter from Maze & Associates for FY 2017-18.*

Staff said that the agenda mistakenly references "third" quarter reports when, in fact, the second quarter reports should have been listed. The reports are still under development and therefore will not be presented tonight, but rather at the next meeting. As for the draft budget, the committee is considering a cost-of-living level increase to the annual charges for water and sewer service of just under 4% each to cover inflation as well as increased pension costs (to cover the unfunded liability payments now assessed by CalPERS); also, the district likely will use reserves to pay for the higher-than-budgeted estimated cost of the East Tank Rehabilitation project. Staff also presented a memo confirming that the district was in compliance with its Financial Reserve Policy at fiscal year-end on June 30, 2017.

The Board reviewed the minutes of the February 13, 2018 Finance Committee meeting. Directors Amoroso and Comstock offered clarifying revisions to the draft minutes.

L. Comstock/V. Amoroso four in favor, director Godino absent to approve the draft minutes of the February 13, 2018 Finance Committee meeting.

Staff presented an engagement letter from Maze & Associates, the district's outside bookkeeping firm, to increase its charges. Staff reviewed the proposed increases and recommends that the district counter with its own proposal holding back on any increase to the monthly charges until such time as the monthly reconciliations are provided on a timely basis, condition any increase to the quarterly charges on an in-person meeting after the close of each quarter, and clarify that the increases apply only prospectively. After further discussion, the Board directed staff to negotiate further with Maze & Associates and bring a revised proposal back to the Board.

-- *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 January 17, 2018 regular Board meeting; minutes of the January 30, 2018 special Board meeting.

Directors Amoroso and Comstock offered clarifying revisions to the draft minutes of the January 17, 2018 regular Board meeting.

L. Comstock/D. Smith four in favor, director Godino absent to approve the minutes of the January 17, 2018 Board meeting, as clarified.

L.Comstock/D. Smith four in favor, director Godino absent to approve the minutes of the January 30, 2018 special Board meeting
c. Warrants.

Deferred to the next Board meeting.

d. Scheduling of Next Meeting(s):

There will be a special meeting of the Board on February 28, 2018 at 11:00 a.m. and the next regular meeting of the Board will be March 21, 2018 at 7:30 p.m.

15. Adjournment.

10:02 p.m.