

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

**1. Call to Order.**

7:30 p.m.

**2. Roll.**

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

**3. Manager's Report.**

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

Staff and Anita Tyrrell-Brown, Chief of the Bolinas Fire Protection District ("BFPD"), along with Sean Kennings, professional planner with LAK Associates, met with Supervisor Dennis Rodoni at the Civic Center on March 15<sup>th</sup> to discuss next steps with regard to obtaining permits to install "Phase 2" of the Terrace Avenue Bluff Stabilization Project (i.e., the full bluff stabilization). The BCPUD has retained LAK Associates to help with this effort given the extent of the effort that will be needed to secure the necessary permits; LAK Associates will be paid by some of the funds raised by the Save Terrace Avenue committee. At the March 15<sup>th</sup> meeting, staff provided a history of the actions taken thus far to stabilize Terrace Avenue at Surfer's Overlook and also at the intersection with Overlook Road. Supervisor Rodoni suggested that the next best step will be to convene a broader meeting with additional County staff – specifically Tom Lai and Jack Leibster (Planning) and Ernest Klock (Department of Public Works) – which tentatively has been scheduled for April 19, 2018.

*-- Update on the East Tank Rehabilitation Project: 100% Design Submittal from Stetson Engineering; Authorize BCPUD Staff to Notice the Project for Bids.*

Staff is working on the final details of the design drawings, specifications and bid package and had hoped to have them ready for Board approval tonight, but additional time is needed due to the need for staff to confirm some existing underground plumbing locations for the final plan details. Staff currently plans to advertise the project in April with bids due in May and the project awarded in June for a planned Fall 2018 installation.

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

At the last meeting, director Smith inquired about the final PSI specification calculated by the engineers for the new pumps and the engineers have confirmed that the specification is 75 PSI. Director Smith said this makes sense and he would like to confer with the engineers further about one-stage vs. two-stage pumps with the goal of keeping costs as economical as possible. Staff reported that the electrical engineer made a site visit last week as part of his work to prepare the electrical specifications component of the project.

*-- Update on the Fire Fuel Reduction Project in the Eucalyptus Grove above the Resource Recovery Center.*

Staff has located sample Requests for Proposal used by other agencies for similar projects and will base the district's bid documents on these samples. The BCPUD's project will need to be performed via hand work, using chainsaws and chipping with no ground disturbing equipment, between August 15, 2018 and October 1, 2018, due to environmental constraints. The available grant fund amount of \$150,000 will be stated and bidders will be asked to submit a cost per acre amount for the work, as well as provide information about their experience and capacity to perform the work within the stated window of time. Staff plans to issue the bid documents for the project in April due to an anticipated competition for resources during the project timeframe.

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

Staff has sent our explanatory letters to customers with meters behind fences to request that they read the meters serving their properties and provide the results to the BCPUD as a temporary measure until the Board makes a comprehensive policy decision with regard to obstructions and encroachments in the public rights-of-way.

The Board reviewed the most recent water consumption data for the back Mesa for the December/January/February 2018 quarter and, for the sixth month in a row, water consumption is up. The district has received some good rainfall during March, but is still far behind last year's totals, which

were unusually high. That said, it will be important to undertake an education and outreach campaign to remind customers about the need for conservation, particularly if late Spring rains do not occur this year.

Staff submitted its February 2018 report to the State Water Resources Control Board (“SWRCB”) for the new coagulation treatment process, a copy of which is in the Board binders. Staff also finalized its year-end report to the SWRCB this week with consultant Jonathan Van Borg and it will be in the Board books next month. Staff currently is working on its water license reports and they will be finalized and submitted on-line by April 1<sup>st</sup> to the SWRCB.

Staff reported that the next meeting of the “West Marin Working Group” chaired by Senator Mike McGuire is scheduled for Monday, March 26<sup>th</sup> beginning at 10:00 a.m. at the Civic Center. Staff is serving as the Bolinas representative to the Working Group as part of the Alliance of Coastal Marin Villages (“ACMV”), working with National Park service, as well as state and local agencies to evaluate and recommend strategies to cope with the impact of increased visitation to West Marin. The ACMV met on March 1<sup>st</sup> with Jim Elias of the Marin County Bicycle Coalition for an exchange of views and a discussion of the need to cross-educate locals and visitors (driving vehicles and/or bicycles) about how to safely share the roads. The March 26<sup>th</sup> meeting is planned as a working session during which responsible agencies such as CalTrans and the County Sheriff will report on their review of the ACMV recommendations and assessment of which of the recommendations can be implemented in the near term and if a recommendation cannot be implemented, and explanation as to why.

On the wastewater side of operations, flows have remained relatively low into the collection system so far this year. Staff’s main focus concerning the sewer system right now is the upgrade of the irrigation pump station and assisting the efforts of downtown residents to repair their sewer laterals. Three of the six damaged laterals identified during a recent video of the collection system have been repaired by the responsible homeowners via a trenchless technology. One problematic lateral is of unknown ownership and appears to be long-abandoned; it will be capped at district expense pending the identification of the responsible property owner as otherwise it is contributing significant I&I into the district collection main.

The Board reviewed correspondence sent and received since the last regular meeting, including a notification from the County of Marin about the upcoming election on November 6, 2018. The BCPUD will be holding an election this year as the terms of directors Comstock, Godino and Siedman otherwise expire. For the first time, staff will need to deal with approving a new boundary map for the district in light of the recent annexation of the parcel at 276 Mesa Road. The Board also reviewed copies of the district’s letter to the California Public Utilities Commission in support of Inyo Networks application for grant funding to install broadband internet in Bolinas, as well as the district’s letter to Supervisor Rodoni with the recommendation of the Board’s Vehicle Habitation Committee.

Staff noted that Supervisor Rodoni held “office hours” at the Bolinas Community Center on March 16<sup>th</sup> from 2:00 p.m. – 4:00 p.m. and it was very well attended. The principle topics of concern were: regulation of short-term rentals, speed limits on Horseshoe Hill Road, vehicle habitation on Brighton Avenue, and affordable housing. Staff and Fire Chief Anita Tyrrell-Brown then accompanied Supervisor Rodoni on a tour of Surfer’s Overlook and the repair site at Terrace Avenue/Overlook Road in anticipation of the April 19<sup>th</sup> meeting about the full bluff stabilization project.

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

None.

#### **5. Request to Remove Hazardous Trees in/near abandoned County right-of-way (Ocean Parkway near Cherry Road) (C. Quay).**

Caren Quay said she has three questions. First, did the Board receive the email with the map of her property at 252 Ocean Parkway? She explained that Ocean Parkway runs in front of her property and is apparently 100 feet wide; two Douglas fir trees are in the right-of-way, which is no longer maintained by the County of Marin. Second, does the Board have any objection to her removal of the trees and, if not, is there anyone else she should check with before removing them? Third, an arborist estimates a cost of \$2,000 to remove the dead trees and Ms. Quay would like to know if any financial assistance from the BCPUD is available.

After a brief discussion, the Board indicated there it has no objection to the removal of these trees. Ms. Quay said she spoke with the County and was told that since Ocean Parkway is a road the County no longer maintains, the County has no objection to private property owners removing the trees. Finally, the Board stated that the district does not have any responsibility for this right-of-way and does not have any infrastructure threatened by the trees, so it is not willing to contribute financially to the project.

#### **6. Application for Expanded Water Use Permit – 41 Wharf Road (L. Monroe for Smiley’s Saloon).**

Leila Monroe explained that she has pulled together the water use data available to her for Smiley's Saloon and put together a spreadsheet which she distributed to the Board members. Each of the plumbing fixtures planned for her project and their estimated usage is plotted. The largest additional use she anticipates is from a new big sink and dishwasher; however, she also will be updating existing appliances with more water-efficient models. The footprint of the building will not change, other than to dig out an area under an existing deck for a mechanical room. Also, although she is not required to install sprinklers as a condition of her permit for the project, she would like to do so for safety reasons; she said she would love any guidance available from the BCPUD on this component. Staff explained that the district does not get involved in recommending types of systems, but defers to a contractor and/or its subcontractor and then recommends the size of meter needed to accommodate the system.

Discussion ensued about the expanded water use permit process and basis for calculating the maximum quarterly water use. Director Amoroso said that maximum additional amount of water to be allowed per BCPUD Resolution 173 is 500 cubic feet per month, or 1,500 cubic feet per quarter. Director Comstock concurred and said the appropriate calculation is the historical use at the property over the last year, plus 1,500 cubic feet per quarter. Director Smith explained that what this means is that Smiley's would be allowed to use an additional 125 gallons of water per day. Staff further explained that in the most recent year, the business used an average of 9,750 cubic feet per quarter (or 810 gallons per day) and, as director Smith noted, under BCPUD Resolution 173, the Board can approve an additional 125 gallons per day.

V. Amoroso/L. Comstock all in favor to approve an expanded water use permit for Smiley's Saloon with a maximum quarterly limit of 1500 cubic feet more than the current annual average quarterly use (based on the most recent completed year).

#### **7. Proposed Modifications to Procedures for Determining Expanded Water Use Permit Maximum Quarterly Water Use Allotments: *Amends BCPUD Resolution 173.***

Director Smith said the modifications he has proposed would set a formula for water use approved for permit applicants as follows: the highest of (1) the community average water use, plus 50% or (2) the historical average water use at the property, with discretion reserved to the Board to approve a different amount in cases where this formula would result in a hardship or reduction of services to the Bolinas community.

Discussion ensued; director Amoroso said he made some calculations to try to understand the proposal and it appears that as many as half of the district's customers could be impacted. For example, he said, if a customer historically uses 2,700 cubic feet of water per quarter or more, they would be limited under the new proposal (if they apply for an expanded water use permit) to a limit of their existing usage, whereas under the existing rule they could request up to 50% more water, or 1500 cubic feet more water per quarter, whichever is less. He distributed information to the Board with a list of all customers in order of their consumption, minus the 99 customers that currently have expanded water use permits: 79 customers use more than 2,700 cubic feet per quarter, 146 customers use between 1800 – 2700 cubic feet per quarter, and the remaining customers use less. So, director Amoroso said, the total number of customers affected by the proposed policy modification could be 225 customers (146 + 79), which is close to half of the customers who would not receive as much water under an expanded water use permit with the proposed modifications in effect. Director Amoroso said he thinks the proposal makes things overly complicated and would have a potentially negative impact on many customers.

Director Smith said the main goal of the proposed modifications is to "put a lid on the high users". Director Siedman said that director Amoroso's statistics seem to support the need for a policy to better cap potential high water use. Director Comstock emphasized that the current policy essentially punishes customers who conserve water and rewards those who do not conserve, which is counter-productive from a water conservation standpoint. He said it also is inequitable to punish those who conserve and pointed out the Board attempted to deal with this at least in part when it enacted BCPUD Resolution 627. After further discussion, director Smith offered several clarifying revisions to the proposed modifications which have been incorporated into the text of a new BCPUD Resolution 655, a draft of which is in the Board binders, and an Exhibit A to that new resolution, which would constitute a new paragraph 6 for BCPUD Resolution 173. Discussion ensued about setting a fixed baseline for the community average water use, rather than re-assessing the amount each year as that could result in a creep upward of water limits. Director Godino said the district has sufficient water, at least right now, to sustain existing consumption and she would prefer to see a specific amount stated. Staff suggested the Board select the community average consumption as of January 1, 2017, which is 1,800 cubic feet per quarter, and the Board concurred.

L. Comstock/D. Smith four in favor, director Amoroso opposed to approve BCPUD Resolution 655 and its Exhibit A, to amend Paragraph 6 of BCPUD Resolution 173, as modified..

#### **8. California Coastal Commission Residential Adaptation Policy Guidance: Interpretive Guidelines for Addressing Sea Level Rise in Local Coastal Programs (March 2018 – Revised).**

Staff included this item on the agenda to afford the Board the opportunity to comment on a revised draft of the Coastal Commission staff's "Residential Adaptation Policy Guidance" – this guidance originally was issued last Fall and the BCPUD submitted comments in September 2017. In those comments, the BCPUD urged the Coastal Commission *not* to adopt the guidance and instead limit its review of Local Coastal Plans ("LCPs") as per the Coastal Act, to an "administrative determination" of whether the LCP complies with the Coastal Act. Instead, Coastal Commission staff are reaching far beyond their delegated authority and attempting to substantively alter the LCPs issued by individual counties when they seek to update and/or amend their LCPs as demonstrated by the current stand-off between Marin County and Coastal Commission staff. The Coastal Commission staff has issued two sets of "guidelines" in recent years – the sea-level rise guidelines in 2015 and the draft residential adaptation guidelines in 2017 – and now assert the LCPs must be required to conform to those guidelines, even though such guidelines are *not* regulations and do not have the force of law. While it is commendable that Coastal Commission staff have an interest in the impact of climate change on the California coast, the approach of attempting to regulate activities in the Coastal Zone by administrative guidelines rather than legislatively is not appropriate public policy. Discussion ensued about the potential impact of the guidelines on residents in the Coastal Zone, which essentially mandates "managed retreat" from the coast. Director Comstock said the Coastal Commission staff completely glosses over the real life impact of such a mandate (with no remedy or financial assistance discussed) on coastal communities.

Staff noted that the revised guidelines were issued on March 6, 2018 with a 30-day comment period. On March 15<sup>th</sup>, the Coastal Commission staff held a webinar and they said they would be posting a "detailed 90-page response" to the public comments received on the initial draft guidance, but as of today's date, that response has not been posted. The main themes of the public comments seem to be as follows: (1) confusion about the intent of guidance – does it have the force of law; (2) questions about the permissibility of shoreline protection structures because the guidance seems to state that such protection may only be undertaken to protect "existing structures", which the Coastal Commission staff now says are *only* structures that existed when the Coastal Act was enacted in 1976; (3) questions about the new concept of "redevelopment" (which will require extensive permitting) and what it means vs. repair/maintenance activities that historically have been exempt from permit requirements; (4) confusion about the proposed mitigation measures; (5) questions relating to the public trust doctrine and extensive discussion about the implications of that doctrine for property owners (i.e., moving mean tide line determinations as sea level rises); and (6) the concept of managed retreat and the significant cost implications thereof.

Staff has reached out to planners at the County of Marin to inquire whether the district can be of help by providing further comments, but hasn't heard back yet. Comments are due on April 5, 2018 if the deadline is not extended. Staff therefore may request a special meeting of the Board to approve comments prior to the April 5<sup>th</sup> deadline, if the County indicates it would be helpful to do so.

## **9. Water Supply Update.**

Don Smith said he is checking the test results on a monthly basis and noted that the conductivity ticked up again in March even though there is no irrigation occurring yet this season at the ballfields.

## **10. 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*: Nothing to report.

-- *Internet Access Committee*: Director Comstock said there have been no further developments since the last report – the California Public Utilities Commission has not said what it intends to do in response to the objection submitted by Horizon Cable to Inyo Networks grant application for the Bolinas broadband internet project.

-- *Vehicle Habitation*: Nothing to report.

## **11. Other Business.**

a. Board Committee Reports.

-- *Finance*: Update on FY 2018-19 Draft Budget; Minutes of the March 13, 2018 Committee Meeting.

Director Comstock noted that there is a memo from staff in the binders about a difference of opinion between him and director Amoroso concerning a proposed increase in the annual service charge for water. Overall, the Five-Year Capital Improvement Plan is the “driver” of the budget in that the district needs to have a plan to secure the funds needed for the various capital projects set forth in that plan. The committee evaluated the average amount of funds needed annually to install, at a minimum, the “Tier 1” projects contained in the plan. Director Comstock said he believes the district also should begin to plan for the installation of at least a portion of the “Tier 2” water projects; for example, half of those projects in the next five years. In order to have the funds available to install the identified Tier 1 projects and half of the Tier 2 projects in the next five years, annual water service charges will need to be increased as the district presently does not have sufficient revenue coming in – this upcoming fiscal year, for example, the district is planning to use some of its reserves to make up the shortfall. Overall, the district should be raising about \$340,000 in revenue for water system capital improvement projects, but it is raising closer to \$300,000. Director Comstock suggested that the district begin to close this gap by raising the annual service charge for water by 2 points over the 2.9% rate of inflation (or 4.9%), rather than the 1 point currently included in the draft budget (3.9%), which will result in approximately \$7,000 more in water revenues.

Director Amoroso said he does not believe the Tier 2 projects are sufficiently compelling at this time to warrant more aggressive increases in annual service charges. Director Comstock said he agrees insofar as the sewer service charge is concerned, but he believes that the Tier 2 projects on the water side of operations (primarily water main replacement projects) are needed and the district should begin planning for them by collecting and setting aside funds.

Director Godino said that the projects eventually need to be done and are likely to only get more expensive as time goes by, so it would be prudent for the district to plan and install its projects as quickly as it can. Director Smith said he favors having a consistent rate increase in order to “smooth out” the impact on customers; he suggested a consistent 2% or 3% per year. Director Comstock concurred with a gradual approach, but said the district really needs to exceed the rate of inflation with its rate increases, as the rate of inflation just keeps the district even with inflation when in fact it needs to raise additional funds. After further discussion, director Siedman, Godino and Smith all expressed support for Director Comstock’s proposed additional 1% increase to the annual service charge for water.

Approval of the Committee’s March 13, 2018 meeting minutes was deferred to the next Finance Committee meeting.

-- *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 February 21, 2018 regular Board meeting; minutes of the February 28, 2018 special Board meeting.

Directors Amoroso, Comstock, Godino and Smith all offered clarifying revisions to the minutes of the February 21, 2018 regular Board meeting.

L. Comstock/D. Smith	all in favor	to approve the minutes of the February 21, 2018 regular Board meeting, as clarified.
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L. Comstock/D. Smith	all in favor	to approve the minutes of the February 28, 2018 special Board meeting.
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- c. Warrants.

L. Comstock/D. Smith	all in favor	to approve the warrant list.
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- d. Scheduling of Next Meeting(s):

April 18, 2018 at 7:30 p.m.

**12. Adjournment.**

9:57 p.m.