

Bolinas Community Public Utility District
A Regular Meeting Of The Board Of Directors
November 28, 2018 270 Elm Road, Bolinas

1. Call to Order.

7:33 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.*

No update at this time.

-- *Update on the East Tank Rehabilitation Project – See Item 10, below.*

Staff reported that the CEQA Notice of Exemption for this project is separately agendized for action by the Board later in the meeting.

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

Staff continues to work with the project engineers on a request for a sole-source purchase of the proposed replacement pump station and building enclosure.

-- *Update on the BCPUD's Fire Fuel Reduction Project.*

Battalion Chief Christy Neill from Marin County Fire inspected the project site on November 20, 2018 and authorized staff to prepare and submit the project close-out paperwork for \$150,000 in grant reimbursement funds.

-- *Update on BCPUD/BFPD Survey of Obstructions and Encroachments in the Public Rights-of-Way - Draft Letter to Customers with Fenced-In Water Meters.*

Staff presented a draft letter to customers with fenced-in water meters per the Board's direction at the October meeting. Approximately 10% of the district's water meters have been fenced in by customers, resulting in a lack of access to the district's infrastructure and significant operational and administrative problems for the district. The district tried asking affected customers to provide the district with their quarterly water meter reads for billing purposes, but very few have done so despite repeated requests, so this does not appear to be a viable solution. The staff recently appealed to the Board for guidance and the Board directed staff to prepare a letter to customers explaining the problems posed by the fences and instructing customers to relocate their fences to the property line or create a "jog" in the fence around the meter (by at least 3-feet on each side) to provide access. Discussion ensued and directors provided preliminary comments and suggested revisions. Director Comstock recommended that the letter be clear that a "jog" in the fence is not a safe harbor; in other words, the district eventually may have to require that fences be relocated entirely off of public property. Following additional discussion, the directors agreed to further review the letter and provide comments to staff prior to the next regular Board meeting in December.

--*Emergency Purchase of Replacement Generator for the Woodrat Water Treatment Plant.*

Last week the district experienced a problem with the generator serving the Woodrat Water Treatment Plant; this generator is the sole back-up power supply to the plant and is a critical piece of infrastructure. The crew was able to complete a temporary repair but a technician assessed the generator and recommended that the district replace it asap (it is original to the water treatment plant, so more than 30 years old and replacement parts generally are no longer available). The technician also recommended an emergency purchase as it is the outset of the winter season and there are only two of the recommended generators left available until the end of January 2019; staff therefore authorized the purchase subject to ratification by the Board.

V. Amoroso/L. Comstock all in favor to approve the emergency purchase of a replacement generator for the Woodrat Water Treatment Plant at a cost of \$30,275.00

Staff directed the Board's attention to the most recent quarterly water consumption data for the middle of the Mesa for the August/September/October 2018 quarter. Staff noted that water consumption was down as compared to this time last year. This is welcome news given the dry conditions this past Fall.

As reported last month, the district's drinking water had levels of total trihalomethanes in excess of the maximum contaminant levels in the most recent quarterly samples (September 2018), likely due to the extended use of water from the district's emergency reservoirs during the summer months. The district's outside consultant, Jonathan Van Bourg, made a site visit and met with staff, then sent a follow-up email (in the Board binders) with recommendations for possible next steps to correct this. Discussion ensued and the Board requested staff to arrange a meeting with Jonathan and the Board's Operations Committee in December to discuss the recommendations.

Staff attended a Board of Supervisors hearing on November 20, 2018 concerning the County of Marin's proposal to amend the Marin County Code to make clear that the state's Vehicle Code may be enforced on the non-County maintained roads in Bolinas. This was a "first reading" of the amended code and there were no objections stated at the meeting. The "second reading" is scheduled for December 4, 2018 and staff also will attend, along with the Fire Chief.

On October 24, 2018, an oak tree was planted at the district's sewer pond property in honor of former General Manager Phil Buchanan.

The Board reviewed correspondence sent and received since the last regular meeting, including a letter from Joe Mueller with the College of Marin stating that he would like to request a letter of support from the BCPUD for the College of Marin's proposed rehabilitation of the marine lab on Wharf Road, as well as correspondence from the planners for the seawall rehabilitation project at 100 Brighton Avenue indicating their intention to request the BCPUD to join as a co-applicant on the project, and a notification from Marin County Department of Public Works concerning its 2019 Road Paving Program (no roads in Bolinas are on the list).

Staff directed the Board's attention to a "Draft Caltrans Transportation Concept Report" concerning Highway 1 which the district received a few days ago from Rhonda Kutter in Supervisor Rodoni's office. There is a very short time frame to respond as comments are due by November 30th. This report also was circulated to the other members of the "Alliance of Coastal Marin Villages" representatives and a meeting was held yesterday with Supervisor Rodoni and the representatives to discuss the report and coordinate comments. It is clear that various County departments will have a lot of comments and the Alliance will submit comments about the importance of local resident input as well as comments specific to affected communities. Staff noted that many of the report recommendations will not be well-received by local residents; for example, the report recommends eliminating the existing pullouts for slower vehicles in favor of replacing them with "visitor amenities" such as picnic tables and bathrooms. Discussion ensued about the importance of enhanced maintenance of Highway 1 (and keeping ditches and culverts cleared) and of shuttles from points along the 101 corridor to reduce the impacts of traffic and parking in the coastal area.

4. Community Expression.

Nancy Zacher asked what the impact would be on the town's water supply if there was a fire similar to the Carr fire; does the community have sufficient water to fight such a fire? Staff noted that the district has approximately 800,000 gallons in storage in its water tanks and it is available to the fire district; she reminded Nancy that the moratorium on new water connections was enacted in part to ensure a sufficient water supply in the event of a fire. Director Siedman suggested Nancy confer with the Fire Protection District; he said he formerly was a volunteer for the fire district and at that time the district conducted drills to extract water from Pine Gulch Creek and the Lagoon for fire-fighting purposes.

Al Minvielle asked if anything can be done to convince the owners of the property next to the tennis courts to remove the excess vegetation there as it seems to be a fire risk. Director Siedman said the fire district should be notified. Al next asked whether the Coastal Commission has ever undertaken an environmental impact analysis to evaluate the impact of increased tourist visitation to the beach on Bolinas' historic culture and environment. After a brief discussion, the directors suggested he raise the topic with Supervisor Rodoni.

5. BCPUD Draft Financial Statements for the Year Ended June 30, 2018 and 2017 (*Doran & Associates*).

Director Siedman said that the Board has copies of the draft financial statements and director Comstock noted that the Board also has reviewed the management comment letter; he asked if Lisa has specific items she would like to bring to the Board's attention. Lisa said that the issues identified in the management comment letter, while not "mission critical", are issues she recommends the district focus on during the upcoming fiscal year. With regard to her recommendation on fixed assets, Lisa suggested that the recommendation encompasses two things: (1) conduct an actual physical review of assets and (2) establish a policy for the frequency of fixed asset reviews, such as every 3 or 5 years, whatever the Board deems to be prudent.

Staff pointed to the net pension liability determination and Lisa confirmed that the liability increased by about \$89,000 and deferred outflows increased by about \$31,000 as well. Staff inquired about the feasibility of “paying off” this liability; Lisa said the actual cash pay-out would be much higher than the actuarially determined “net pension liability” and most districts do not have sufficient excess cash available to completely pay down their liability. Director Comstock said the Finance Committee has had extensive discussions with Lisa in prior years about this liability and concluded it would be prohibitively expensive to leave CalPERS and the district’s best course is to timely pay its current obligations and learn to live with this new line item on the financial statements.

L. Comstock/V. Amoroso all in favor to accept the financial statements as presented.

6. Bolinas Community Land Trust (“BCLT”) Coastal Permit Applications for Projects at 430 Aspen Road (renovate, expand and legalize structures on property) and for Vacant Lots on Overlook Road (construct a 1,550 sq. ft. single family residence and a detached 1,145 sq. ft. Accessory Dwelling Unit).

Director Siedman said that this is an opportunity for public comment on these two BCLT projects which were previously presented to the Board in connection with the expanded water use permit applications. Director Amoroso inquired whether either project has been changed from the original presentation to the Board. Arianne Dar said no, the projects are exactly the same as previously presented.

Janine Aroyan said that she did not see a notice about the Board meeting or this item in the Hearsay News until Monday due to the Thanksgiving holiday the week prior, and the neighbors were not specifically notified about this agenda item. She said she attended the recent BCLT membership meeting where the acquisition of the Tacherra property was announced and issues of water use were raised, but that is not on the agenda. Arianne said that neighbors were notified previously about these two projects when the expanded water use permit applications were submitted and that she is not appearing tonight on any issues concerning water for the Tacherra property.

Staff confirmed that Janine is correct: neighbors were not separately notified about these projects a second time. Staff offered to do so and include the agenda item again on the December meeting agenda. Arianne said she would be out of town in December. Director Smith noted that these projects will be considered by the County and neighbors will be notified and able to participate and provide comments then; he emphasized that the BCPUD does not have any jurisdiction over the land use permitting for these projects. Janine said she understands this, but thought there would be an opportunity for the public to submit comments to the BCPUD about these projects and potential water use issues. Staff noted that the Board already issued the expanded water use permits for these projects and each property is limited to 2,700 cubic feet of water use per quarter.

Discussion ensued about the timing for the projects and submission of public comments to the BCPUD. Arianne said she would be fine with deferring this item to the January 2019 BCPUD Board meeting if that would be helpful and address any concerns about the opportunity for the neighbors and public to submit comments. Director Comstock asked if this would interfere with the BCLT permit timeline process and Arianne said it would not.

Janine noted that the expanded water use permit issued for these projects is 224 gallons per day and she has no objection to that amount; however, the EPA says that the average person uses 80 – 100 gallons per day. She said if 10 people live at each of these projects, the available water will be only 24 gallons per person per day. Director Siedman asked if she is suggesting the available water is inadequate for the projects and Janine said yes. Arianne said the BCLT is aware that the residents will need to live within the permitted amount of water; there will be no laundry facilities and greywater will be used for any landscape watering. Director Siedman said that the district historically does not dictate what property owners can do with their water; rather, it sets the limits and enforces them and property owners need to conduct their activities accordingly. Janine asked if the BCPUD is saying there is no minimum water use required on a per person basis; director Siedman said yes, technically that is true.

Director Comstock said that this very topic was analyzed in connection with the expanded water use permits approved for these projects. He noted that if someone came to the Board and said 100 people will live on a property at 2.24 gallons per day, the Board would have had to make a judgment call on whether that was realistic. Here, the BCLT made a reasonable proposal about the size of its projects vis-à-vis the available water supply; if the BCLT can’t make it work, the number of people will need to be reduced because the BCPUD will not grant more water. Arianne noted that there are some fair housing issues prioritized under state law and issues relating to the amount of permitted water use may need to be considered in the future to ensure a privileged community like Bolinas is able to provide affordable housing. Director Smith said that the numbers Janine cites about American average water use may be accurate overall, but in Bolinas the average water use per person is much lower as many residents are highly aware of the limited water supply. He said that he personally knows many households where the average water use is about 25 gallons per day per person; the BCLT’s Gibson House average usage is about 35 gallons per day per person. He believes the projects on Aspen and

Overlook are reasonable and feasible as long as the residents are well-educated about water use and conservation.

Director Siedman directed staff to include an item on the January 2019 Board meeting agenda and notify all neighbors for the opportunity to provide public comment on the BCLT projects.

7. Advisory Ballot Measure X – Next Steps (*proposed regulation of overnight parking on County roads in downtown Bolinas*).

Director Amoroso recused himself from discussion of this item and left the meeting room. Director Siedman said that Supervisor Rodoni asked the BCPUD to sponsor an advisory measure on the question of regulating overnight parking on the downtown streets in Bolinas to gauge the community sentiment on this topic. The results came out in favor of the advisory measure and the next step seems to be for the BCPUD to write a letter to Supervisor Rodoni with the election results and that it appears to be the desire of the community that the County move forward with implementing the proposed restrictions on overnight parking.

Director Smith said the vote was close; if 22 votes had gone the other way, the vote would have been a tie. He said that he sees a divided community on this issue, noting that the advisory measure was not the community's idea, it was Supervisor Rodoni's solution for quick action because the proposed residential parking permit system suggested by the community would take years to implement, if allowed at all. Director Smith said he favors going back to the Parking Committee recommendations and the Vehicle Habitation Committee recommendations and move forward with those. In fact, he said, the first two of the Vehicle Habitation Committee recommendations are already happening, namely, enforcing the existing laws and removing non-operable vehicles and other "storage units". Director Smith said he is concerned that if the proposed restrictions are enacted then the resident parking permit system will be further delayed.

Director Comstock said he agrees with director Siedman that the election results should be passed on to Supervisor Rodoni; the purpose of having a ballot measure was to let the community speak to that specific proposal. It is true that Supervisor Rodoni had a role in framing the advisory measure, but he made a compelling argument that regulating overnight parking is what he would be able to get done within a reasonable time given Coastal Commission regulations and the existing enabling parking ordinance for unincorporated Marin. The issue will then go to the Board of Supervisors for decision and anyone in Bolinas, including BCPUD directors, can go and provide their input at that time. Director Comstock said the BCPUD Board did not take a position for or against the advisory measure but, having placed it on the ballot, the BCPUD Board should now forward the results to the Board of Supervisors.

Director Godino said she agrees that the Board should pass on the election results to the County. She said she, too, was struck by the close vote and the Board of Supervisors will need to evaluate that. She said that a residential parking permit system seems to be the best solution in theory, but the Board has discussed for years the problems with such a parking system under the Coastal Act and so forth; at this point, she feels the Board should move the process forward to submitting the results to the County as director Siedman proposed.

Director Siedman asked for any public comment. Maria Garrigues said that she and her neighbors on Horseshoe Hill Road were not able to vote as the advisory measure was for residents located within the jurisdictional boundaries of the BCPUD only; that said, most everyone she knows on Horseshoe Hill Road would have voted in favor of the advisory measure, so the close results may not have been as close as they appear if the vote was more widely held. Maria said she feels it is important to take this into account when analyzing the results.

Nancy Zacher said she knows 37 people with homes downtown who feel very much a part of the community but are registered to vote elsewhere; all of these people would have voted in favor of the measure. They did not switch their registration for this election given big issues where they are currently registered. Al Minvielle agreed; he said there was and is strong support for the advisory measure in the affected downtown neighborhoods and it is time for something to happen as the parking problems downtown are overwhelming and must be addressed.

Janine Aroyan said she recognizes the importance of what director Smith stated and she knows people who live in vans or trucks on Wharf Road and there needs to be a way to help those people so that their vehicles are not towed. Chuck McParland said he has lived on Brighton Avenue for the last 20 years and he believes it is clear to most folks that this will be an iterative process, but it is time for something demonstrable to happen because "time is our enemy" – without any action, a certain type of mindset gets created/entrenched and it will only be more difficult to solve the problem. Anna Gade said she favors a solution to the parking problem downtown; she said she walks the downtown streets almost every day and things are getting better with the current enforcement, but more needs to happen. Bruce Bowser agreed that the deputy sheriffs have been checking registration, citing storage vehicles and other infractions, which is making a difference; he thinks word "got out" shortly before the vote and enforcement was way up. Also, some of the trailers downtown have been moved; however, Bruce said the problem simply will return if there are no restrictions on overnight parking in place. Chuck McParland said that many of the

long-term parkers do not respect the town; they come in with their \$150,000 RVs and spend the week parked in front of his house with no concern about the people living in the nearby homes. Nancy Zacher agreed that many coming to town and living in their cars show no respect to the town at all – they leave drug paraphernalia and cigarettes on the street and their behavior poses a fire threat to the town.

Director Siedman said that when the BCPUD puts an advisory measure on the ballot, the vote is limited to residents registered to vote in the district unless the BCPUD requests otherwise (i.e., to include the residents of the fire district), which it did not do in this case. As far as how people would vote who own homes downtown but are registered elsewhere, he said people have to make a choice where to register per the voter registration rules. With regard to the results, the BCPUD held the election and results are in and he believes the BCPUD's obligation now is to complete the process it agreed to undertake and submit the results to the Board of Supervisors.

L. Comstock/G. Godino four in favor, director Amoroso abstaining to send a letter to Supervisor Rodoni conveying the results of the November election on Measure X with a statement indicating that a majority of the community appears to favor moving forward with the proposed restrictions on overnight parking.

Director Smith said he would like the BCPUD's letter to include a statement that the community will continue to try and move forward with a residential permit parking system; the Board had no objection.

8. Proposed County of Marin Ordinance to Make the Vehicle Code Applicable to identified Non-County Maintained or Private Roads Open for Public Use in Bolinas.

Director Siedman said that the topic of enforcing the Vehicle Code on the unpaved roads in Bolinas arose because the deputy sheriffs concluded recently that they did not have adequate authority to do so; as such, the proposed ordinance will explicitly extend this authority to all of the specifically named roads. Director Siedman said that all property owners in Bolinas were sent a notice about the proposed ordinance and an upcoming hearing at the Board of Supervisors. Staff confirmed that this item is on the agenda to help the County with education and outreach to the community; staff reported that a property owner on Xylo Road noted that this road was not listed and staff agreed to convey this to the County. In response to questions, director Siedman said that the Sheriff's Office has stated that enforcement will be on a complaint basis, not by deputies patrolling the unpaved roads. The Board directed staff to let the County know the matter was discussed at this meeting and no opposition to the proposed ordinance was expressed.

9. Adjustment to Solid Waste Disposal Service Rates per Section 3 of the Franchise Agreement between Recology Sonoma Marin and the BCPUD.

Director Comstock moved that the Board approve the rate adjustment because the proposal is consistent with the rate-setting formula previously approved by the Board (following a Proposition 218 notification process to the community) when it extended the franchise agreement.

L. Comstock/D. Smith all in favor to approve the proposed adjustment to the Solid Waste Disposal Service Rates per Section 3 of the Franchise Agreement.

10. Notice of Categorical Exemption pursuant to the California Environmental Quality Act ("CEQA"), Cl. 1, Section 15301 (maintenance of existing facilities; rehabilitation for public health and safety) for the BCPUD's East Tank Rehabilitation Project.

Staff said the Board approved this project and awarded a contract at the October 2018 meeting. Staff met with the contractor to discuss the likely schedule for the project. The project scope is to rehabilitate an existing water storage tank and install certain public safety improvements; it therefore is categorically exempt under CEQA for those reasons.

D. Smith/L. Comstock all in favor to approve the Notice of Categorical Exemption pursuant to CEQA, Cl. 1, Section 15301 for the reasons stated in the accompanying Notice.

11. Water Supply Update.

Director Smith reported that conductivity in the most recent samples from the irrigation well at the Resource Recovery Center did not continue to rise as it had last month, so that is good news.

12. Volunteer Committee Reports:

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

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

-- *Resource Recovery*: Staff directed the Board's attention to correspondence from the County's Department of Public Works approving the location of the finished compost pile.

-- *West Marin Mosquito Control Coordinating Council*: Director Godino reported that the Council's annual meeting was held recently in Point Reyes Station. At this meeting, the Marin/Sonoma Mosquito & Vector Control District presented its data for 2018 on mosquito treatment activity in Bolinas. Director Godino noted that the Council plans to write a letter commending the outreach efforts of the current field technician as the rate of treatment activity is down considerably as a result of her efforts.

-- *Land Stewardship Committee*: Nothing to report.

-- *Internet Access Committee*: Director Comstock presented photographs taken during a site visit to the Nicasio broadband installation. The current projection is that installation of the Bolinas project will begin in February 2019. Unfortunately, at this time most of the properties on Horseshoe Hill Road are not included in the service area due to a technical issue recently identified by California Public Utilities Commission staff. However, that does not preclude those property owners from contacting Inyo directly for service. Also, director Comstock said there may be a "work around" as a result of regulations set to take effect in the new year; he emphasized that the BCPUD is not giving up on its efforts to extend broadband internet service to residents on Horseshoe Hill Road.

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

13. Other Business.

a. Board Committee Reports.

-- *Finance: FY 2018-19 First Quarter Financial Statements*. The Board received the first quarter financial statements and staff reported that a meeting will be held on Friday with the district's outside bookkeeping firm to go over the first quarter results.

-- *Legal*: Nothing to report.

-- *Mesa Septic, Flood Control and Roads*: Director Godino complimented the crew for recent drainage work performed on Birch Road between Mesa Road and Larch.

-- *Operations*: Nothing to report.

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

-- *Personnel*: Nothing to report.

-- *Sewer*: Nothing to report.

b. Minutes of the October 17, 2018 regular Board meeting.

Director Comstock offered clarifying revisions to the draft minutes of the October 17, 2018 regular Board meeting.

D. Smith/G. Godino all in favor to approve the minutes of the October 17, 2018 regular Board meeting, as clarified.

c. Warrants.

L. Comstock/D. Smith all in favor to approve the warrant list.

d. Scheduling of Next Meeting(s):

December 19, 2018 at 7:30 p.m.

17. Adjournment.

10:09 p.m.