

**Bolinas Community Public Utility District**  
**A Regular Meeting Of The Board Of Directors**  
**February 20, 2019 270 Elm Road, Bolinas**

**1. Call to Order.**

7:31 p.m.

**2. Roll.**

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

**3. Manager's Report.**

*-- Update on the East Tank Rehabilitation Project.*

The district sent out letters last week to nearby property owners alerting them to the fact that the project is scheduled to start soon and offering to meet to answer any questions. So far, three property owners have responded with questions about noise and sandblasting; staff will meet with folks next week on site. Staff noted the tank will be fully enclosed/shrink wrapped during the sandblasting and coating process. Staff met this week with the contractor and the district's engineer to discuss the proposed construction schedule and assess site conditions given the recent rains; in addition, staff highlighted the modification needed to the inlet piping to improve circulation inside the tank as recommended by Jonathan Van Bourg. Assuming the project begins in March, it will be completed in June according to the construction schedule provided by the contractor.

*-- Update on the Wastewater Pump Station Upgrade and Pond Recirculation Project: See Item 11, below.*

Staff noted this item is scheduled to be discussed as item 11 on the agenda; however, staff would like to defer this item until either the next regular meeting, or to a special meeting of the Board if needed in the interim, as more time is needed to resolve outstanding engineering budget issues.

*-- Update on the BCPUD's Water Main Replacement Project.*

Staff reported that this project was discussed in detail at a recent Finance Committee meeting. As the Board is aware, the district's Five-Year Capital Improvement Plan includes "Tier 1" and "Tier 2" projects, based on staff's prioritization of the specific projects. The replacement of specific blocks of 2-inch steel water main are scheduled out in Tier 2; in recent years, some of those blocks have been "moved up" to Tier 1 projects (based on the condition of the pipe) and \$120,000 has been collected thus far and set aside to pay for that work. Staff proposed that the district issue a Request for Proposals ("RFP") from qualified engineers for the plans and specifications needed for the replacement of *all* of the steel piping in the district's distribution system. Then, the district can decide how to proceed -- i.e., all at once or in stages -- and how to finance the work. Director Comstock said that this approach will enable the district to better plan for the project and he supports the staff's recommendation. After a brief discussion, the Board directed staff to prepare a draft RFP for the Board's consideration.

*-- Update on BCPUD/BFPD Survey of Obstructions and Encroachments in the Public Rights-of-Way – See Item 7, below.*

Staff noted that representatives from the BCPUD and from the Bolinas Fire Protection District have a meeting scheduled for March 4, 2019 to continue the inter-district discussion and evaluation of the obstructions and encroachments in the public rights-of-way.

*-- Town Hall re: Impacts of Tourism in West Marin – Point Reyes Station, February 21, 2019.*

Staff reminded the Board that Senator McGuire and Supervisor Rodoni will be holding a Town Hall tomorrow evening, February 21, 2019 at the Dance Palace in Point Reyes Station. Staff has publicized the event via NextDoor and the Hearsay; in addition, other representatives from the Alliance of Coastal Marin Villages ("ACMV") have been supporting and promoting the event in their villages. Representatives from various state and federal agencies also will be present. KWMR will record the event and also make it available on their website/archives. The ACMV wants to continue as an information organization after the Town Hall on behalf of coastal communities in West Marin.

The Board reviewed the most recent quarterly water consumption data for the Back of the Mesa area for the November/December/January 2018-19 quarter which was up as compared to the same time last year. Staff noted that several leaks in this area of town at customer properties may explain the apparent increase in usage.

District staff assisted the BFPD over the President's Day holiday when a lumber truck overturned on Olema-Bolinas Road along Gospel Flats. Evidently the driver was distracted when an animal ran across the road in front of him – he veered to avoid the animal but then went into the roadside ditch and overturned. Fire Chief Anita Tyrell-Brown was very grateful to Shift Operator Andrew Spalding for his help with spill containment (the truck's oil pan was compromised and Andrew brought in booms designed to absorb any hydrocarbons).

The district received a letter from the Point Reyes National Seashore proposing to extend the terms and conditions of the district's "Special Use Permit" for the former water treatment plant; the Board had no objection to staff accepting and returning the signed proposal.

The Board reviewed the district's annual State Controller's Report, prepared by Maze & Associates. Staff met with Maze & Associates earlier this month to better understand the report, which is presented quite differently than the district's audited financial statements. Some changes were discussed to implement for next year's report and staff will update the Board if and when any decisions are made in this regard.

The crew has been very busy in the field due to the rain events of this month, particularly last week's storm during which the district recorded more than five inches of rain. The rainfall total for February thus far is 10.5 inches; as of January 31<sup>st</sup>, the district had received 18.1 inches, so the cumulative total for the rain year thus far is 28.6 inches. Extensive rains present operational issues for the water system, such as the need to raise the lower dam in advance of storm events, monitor turbidity at the plant, and shut off the plant as needed. In addition, the sewer system experienced significant I&I (infiltration and inflow) during the big storms, with over 200,000 gallons transferred from the lift station to the treatment ponds in one 24-hour period (typical flows are closer to 40,000 – 50,000 gallons per day). Staff is investigating the possible sources, pulling manholes, and smoke-testing properties to determine where the infiltration is occurring. The problem appears to be on Wharf Road as this is where the flows into the sewer collection main are surging. With regard to drainage work, the crew is checking on all ditches and unplugging culverts to help maintain the efficacy of these systems and assist residents in reducing flooding in their yards.

Some minor repair work has been done to the office building to extend the life of the existing windows by applying epoxy and new coats of paint at a cost of approximately \$4,000.

A resident of Wharf Road near the College of Marin's Biology Lab attended a recent meeting at the College of Marin Board of Trustees and a copy of her report on that meeting is included in the Board books. This meeting appears to have been more about the process of moving forward with a possible rehabilitation of the building rather than about actual plans for the site. Another meeting on the topic of the Biology Lab is planned for April.

Finally, staff directed the Board's attention to letters sent to customers with grease traps stating that staff will be conducting inspections of the traps in the near future to ensure they are properly maintained and not contributing excessive "fats, oils and grease" or "FOG" into the sewer.

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

None.

#### **5. Request for Financial Relief from Quarterly Water Bill pursuant to BCPUD Resolution 553 – 42 Cresecent (G. Evans).**

Geoff Evans was present and said he discovered a leak in an old PVC line under the driveway at this home. He installed the line twenty years ago, about 15-18 inches below the surface in a slab. He explained that he had no idea the leak occurred as there was no surfacing of water; he was shocked when he received his water bill. Director Smith said the water use records for the property indicate his water use went up quite a bit over the last year. Geoff concurred and said he was watering as he had an event at the home and was trying to get some plants established; he said he is not contesting those bills. Director Smith said this seems to be a classic "blind leak". Geoff said he capped the old pipe and ran a completely new water line, so he is sure he has resolved the leak.

D. Smith/L. Comstock                      four in favor, director Godino absent                      to forgive the amount of the bill attributable to the leak based on the historical records for water usage during the same quarter for the past three years.

#### **6. Request for BCPUD to Join as Co-Applicant for a Coastal Permit to Rehabilitate the Seawall at 100 Brighton Avenue, Bolinas. (S. McCabe, project planner).**

Staff spoke with the planners working on behalf of the property owner on this project about the two design issues raised by the Board following last month's meeting concerning the slope of the pedestrian

ramp and the repair of the boat ramp. The planners are evaluating these issues (they were not aware of the discussions between the Board and the previous planners on these points) and whether including these design features would help the project permit application, or not. As such, the planners requested that the Board defer this item to a future meeting.

Director Smith referred to an email from Bruce Bowser noting that the handrail at the top of the steps to the seawall is in bad condition; after a brief discussion, staff was asked to check with Bruce and request permission to forward his email to the planners.

**7. BCPUD Letter to Customers with Fenced-In Water Meters and Water Service Lines: *BCPUD Needs Access to its Water System Infrastructure, Please Relocate Your Fence or Construct a “Jog” To Provide Access to the BCPUD for Repair, Maintenance and Meter Reading.***

As directed by the Board during the January 2019 regular meeting, staff sent out a letter to customers to let them know that the Board has not yet made any decisions about relocating fences and/or creating “jogs”; rather, the Board will take more time to evaluate the issues, solicit public input, and conduct outreach and education. Since that time, several customers have contacted the district about building a “jog” in their fence; another customer voluntarily moved her fence much closer to the property line, thereby “unfencing” the district’s water main; and another customer provided a survey showing that while his fence is not on his property line, the district’s water meter is approximately three feet inside the property line (note: staff previously has stated that the district will relocate any meter shown to be improperly located on private property into the public right-of-way). Staff is working on a map that will depict the location of fenced-in meters and other infrastructure relative to the planned steel water main replacement project.

Jim Marcus said that he would like to discuss his meter and the unusual situation at his property. He said that the meter serving his property is located 17 feet from the edge of Maple Road, whereas the meter serving his neighbor across the street is only 11 feet from the edge of the road – so, he said, there is an inconsistency in where the meters are located vis-à-vis the road. Also, he said, when he built his fence, which is 12 feet away from the edge of Maple Road, he followed the fence lines of his neighbors. Director Smith explained that the road is not necessarily located perfectly in the center of the public right-of-way; what is important is where the property lines are. Jim said he built an architectural fence with a separate entrance to access his property to a fenced-in storage area, and the water meter is in that area, so the district staff would not be bothered by anyone or anything if they enter through his fence to read his meter.

Director Siedman inquired whether Jim is asking not to be required to relocate his fence or create a jog because he feels the district staff can safely go in through the fence to read the meter; Jim said yes. Director Amoroso said that if staff has to go behind a fence, then two staff members should go and the district should charge extra for that. Jim Marcus said he would not agree with such a charge as his property is totally safe to enter through the designated gate with a separate entrance to an internally fenced-in area and two people are not necessary. Jim said he understands why the staff does not want to go through most fences; some are posted, “warning do not enter, dog may bite”, etc. and such signs inspire fear. He said the district staff knows where dangerous dogs are and can deal with those properties differently. Director Amoroso noted that people own different dogs over time.

Jim said that other service providers such as AT&T, PG&E and UPS enter his gate with no problem. He said the BCPUD should not make a blanket decision for everyone and threaten to shut off water as that is arbitrary overreach; in his case, he has a safe property for people to enter. People known to have aggressive dogs can be required to restrain them when the meter is read, he said. Jim said there has been no guideline on this topic for 50 years and the town is about individuality – now, the BCPUD is going to disrupt people’s lives just for the sake of reading a meter. To ask people to spend \$1,000 to put a jog in their fence is arbitrary, he said.

Director Comstock thanked Jim for coming to the meeting to discuss this topic; the Board wants the community to engage on this issue. From the district’s point of view, the problems posed by fenced-in meters are more far-reaching than meter reading. First, he explained, unless the district is mistaken as to where the meter was installed, then Jim’s fence is not on the property line; if the district is mistaken, the district will move the meter at the district’s cost. However, if the district is not mistaken and the meter was properly installed in the public rights-of-way, then Jim’s fence is *not* on the property line – in fact, it is in the public right-of-way. Director Comstock said the rights-of-way and their widths are specified on the subdivision map – most are either 40 or 60 feet wide and nearly all utilities are located in the rights-of-way. PG&E, however, installs its meters on people’s homes and so they have no choice but to enter onto private property to read their meters; in contrast, the BCPUD’s water meters are all in the public rights-of-way, as are the water mains, service lines, hydrants, etc. Staff has explained that it needs unimpeded access to the district infrastructure for a variety of operational reasons; as such, said director Comstock, it seems reasonable that the BCPUD should insist on access to the public’s infrastructure, which is located within the public rights-of-way, on a consistent basis.

Director Comstock noted that many people have done what Jim did; namely, they followed the lines of their neighbor's fences when they built their fences, in many cases not realizing the fences were in the public rights-of-way. He said the Board does not want to be unreasonable, but he does not think it is unreasonable for the district to have unimpeded access to the public's infrastructure on a consistent basis. Jim said he suspects that renters are going to see their rent raised for property owners to build jogs in their fences "just in case" the BCPUD needs access. He said the Board is considering policies without thinking about the impact on people; this is an expensive town to live in, and some people won't be able to pay their mortgage or other bills if they have to pay a thousand dollars to change their fences. He suggested that unless there is a "real reason" why staff cannot walk through a gate, he doesn't understand why access needs to be unimpeded – staff has access to the infrastructure if they walk through the gates.

Director Smith said that the Board is under pressure from the crew to address the fences because of uncomfortable situations they encounter inside people's fences. He said he sympathizes with this; the Board has been wrestling with this for months and how to solve the problem with minimal disruption for people. He noted that this is not just about access to meters, but also the need to maintain the public rights-of-way for public safety reasons such as evacuation in the event of a fire or other disaster. He said it is regrettable that the situation has not been addressed before now; the encroachments are getting worse and worse and now pose a real threat to public safety. People come in and say their situation is different and they should have an exception, so it becomes very difficult for the district if a consistent approach is not implemented.

Director Siedman noted that the staff requested that the Board take action to remove obstructions preventing access to the district's infrastructure for operational reasons, not for the purpose of disrupting people's lives in an arbitrary manner. Jim said he understands the district is considering several ways of dealing with the situation, but he said a lot of people are not going to be happy about moving their fences or their plantings; he said the BCPUD is a utility district and the staff's job is to read the meters, that is what the town is paying BCPUD to do, so they should enter through gates to do so. Director Comstock agreed that the staff's job is to read the district's meters, but said that it is the property owner's responsibility to make sure that any structures they build are on their property and not in the rights-of-way where they then impede staff's ability to do its work; if it costs \$1,000 to relocate a structure, that should not be BCPUD's financial responsibility, he said. Director Comstock reiterated that if the BCPUD is wrong about where the district's meters are located (i.e., a particular meter is not in the right-of-way but rather on private property), as has been said many times, the BCPUD will relocate that meter at the district's expense. Jim said again that many meters are inconsistently placed vis-à-vis the roads. Director Comstock said the roads are *within* the rights-of-way – the issue is not where the meter is relative to pavement (or road edge), but whether the meters are relative to/within the surveyed rights-of-way, and most if not all meters are located on the edge of the mapped rights-of-way. BCPUD did not intentionally place any meters on private property; that said, mistakes may have been made, and if so the BCPUD will make it right. Director Comstock said he disagrees with Jim's suggestion that the BCPUD is being unreasonable and costing people money unnecessarily.

After further discussion, Jim said he appreciates the goal of consistency, but the BCPUD should deal with problems where problems are; some properties pose dangers (i.e., aggressive dogs) to BCPUD staff and others do not present such dangers. Staff noted that the Board is assessing obstructions and encroachments in the rights-of-way *comprehensively* -- and not on a case-by-case basis -- precisely because in the past, persons individually asked to remove obstructions point immediately to others with obstructions in the rights-of-way and assert the district is unfairly targeting their property. Jim said he appreciates this explanation and the opportunity for his point of view to be heard by the Board and staff; he said he wished more people were present to be part of this constructive discussion.

Jim then suggested that staff could move the meters outside of people's fences so that the appearance of the fence does not have to be altered/impaired. Director Amoroso asked who should pay for this? Jim said it may be less expensive than any fence alteration. Director Comstock said the Board needs to decide from a policy standpoint where it stands on this issue: does the Board agree that the district needs unimpeded access to its infrastructure?

Staff recommended that the crew be directed to read the meters behind fences (with two employees to avoid privacy/other issues) at this point in time, pending a resolution of the topic because the data is needed for billing purposes – estimated meter reads are not ideal and customers simply are not capable of consistently and timely providing the information. Director Comstock voiced concern that the crew may conclude that the Board does not support their concerns; other directors disagreed, saying the crew knows the Board is wrestling with a difficult and unpopular issue. Staff agreed and said the crew will be willing to do this on an interim basis to alleviate the billing problems for Belle. Director Amoroso suggested that customers with meters behind fences could be charged \$50 for the extra labor costs of having two crew members read their meter; however, other directors disagreed.

Director Comstock said he believes the district's goal should be to have access to its infrastructure; it will take time and it will not be easy. The longer this goes on, he said, the more objections the district will hear. He urged the Board to insist upon steady and visible progress. He suggested that the BCPUD reach out more comprehensively to the community on this topic, educate the broader public and develop

support for the proposition that the BCPUD needs access to its infrastructure. Ultimately, he said, the BFPD will need to take the lead on the importance of removing encroachments from the rights-of-way for emergency access purposes.

Director Smith said he is looking for a way forward that is as painless as possible. He outlined a path as follows: (1) work with people to remove obstructions voluntarily, (2) focus on properties with fenced-in meters on the streets where the water mains are scheduled to be replaced and alert those properties sooner rather than later so that they have plenty of time to remove their obstructions before the work starts, (3) identify where emergency access is critical and focus on the removal of obstructions and encroachments, and (4) take enforcement action. He said the district should not allow any drainage ditches to be installed in the “wrong” places within the rights-of-way, meaning too far into the middle of the right-of-way because fences are in the wrong places. Director Comstock said he would like the district to receive legal advice as to what the district’s options are with regard to enforcement if people refuse to relocate their fences or remove other obstructions at the district’s request. Director Smith said he would like to identify intermediate enforcement measures short of threatening to shut off someone’s water. The Board directed staff to continue work on the map depicting the location of the fenced-in meters and also to report on any customers who voluntarily relocate/create jogs in their fences.

#### **8. BCPUD Request for Proposals for Audit Services for the Fiscal Year Ending June 30, 2020.**

L. Comstock/V. Amoroso four in favor, director Godino absent to authorize staff to issue a request for proposal for audit services for the fiscal year ending June 30, 2020.

#### **9. BCPUD Comments on Caltrans Draft State Route 1 North Transportation Concept Report (TCR)**

The Board reviewed a draft comment letter prepared by staff, which borrows heavily from the letter previously submitted by the Alliance of Coastal Marin Villages but which is focused on the issues in the report specific to “Segment B”, which is the section of Highway 1 between Muir Beach and Bolinas. Director Smith questioned the identification of Bolinas as a “tourist town” to justify road improvement along Highway 1; rather than link road improvements to encourage visitor access, which is not part of Caltrans’ mission statement, he said the report should focus on reducing flooding, adding pullouts for safer roads, reducing pollution by encouraging increased bus service, and so forth because these actions improve public safety and road conditions. Staff explained that this language in the Caltrans report most likely is in response to comments or input from the California Coastal Commission staff. Director Smith acknowledged this; he suggested the report also consider options focused on improving drainage around the lagoon and planning for sea level rise by raising the road in this location. He also said the BCPUD should emphasize that pullouts are safety features, not “scenic outlooks” that warrant “visitor amenities”.

V. Amoroso/L. Comstock four in favor, director Godino absent to authorize staff to submit a comment letter from the district consistent with the Board’s comments

#### **10. BCPUD Resolution 663: Amending BCPUD Resolutions, Rules, Policies and Procedures to Refer to “Expanded Water Use Permits” Henceforth as “Limited Water Use Permits”.**

L. Comstock/D. Smith three in favor, director Amoroso abstaining, director Godino absent to approve BCPUD Resolution 663.

Director Comstock asked staff to publish an article in the Hearsay and on Nextdoor that the purpose of this change in terminology is to eliminate confusion and make clear that these permits are part of the district’s on-going effort to enforce the moratorium.

#### **11. BCPUD Resolution 664: Waiving the Competitive Bid Process and Authorizing a Sole Source Purchase of an Integrated Pump Station.**

Staff requested the Board defer this item until a future meeting based on new information received from the district’s engineers.

#### **12. Water Supply Update.**

Director Smith said the latest data reflects that the irrigation well site is doing better this year than last year. There appears to be a considerable lag between the conductivity levels and the dry season; it takes a while (two to three months) for the conductivity to go up after a period of extended pumping.

#### **13. 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 reported that Peter Pratt is no longer working for the County of Marin and Leighton Hills has advised that the grant-funded project with Inyo Networks should be starting soon.

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

**14. Other Business.**

a. Board Committee Reports.

-- *Finance: Update on FY 2019-20 Draft Budget; Minutes of the February 15, 2018 Committee Meeting; Proposed Engagement Letter from Maze & Associates for FY 2019 Bookkeeping Services.*

L. Comstock/V. Amoroso four in favor, director Godino absent to approve the engagement letter from Maze & Associates for fiscal year 2019 bookkeeping services.

With regard to the minutes of the February 15, 2019 Finance Committee meeting, director Comstock suggested that paragraph 2 of item 3 be revised to make clear that the district’s overall reserves as reported do not include the “operating reserves”, meaning the operating account at Bank of Marin. Director Amoroso corrected a typo in the draft minutes.

L. Comstock/V. Amoroso four in favor, director Godino absent to approve the minutes of the February 15, 2019 Finance Committee, as amended.

-- *Legal*: Nothing to report.

-- *Mesa Septic, Flood Control and Roads*: Director Siedman reported that a valve lid seems to have been exposed above road level on Evergreen Road near Mesa, probably due to the recent rains.

-- *Operations*: Nothing to report.

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

-- *Personnel*: Director Comstock expressed concern about housing for district employees, noting that at least two of the employees do not have secure housing. He asked if it might be possible to convert the second floor of the lab building at 101 Mesa Road for use by employees on call. Director Comstock said he is worried the district will lose staff due to the tight/expensive housing market. Discussion ensued about the status of the efforts of the Bolinas Community Land Trust to provide affordable housing, and steps the school district is taking to secure housing for teachers.

-- *Sewer*: Nothing to report.

b. Minutes of the January 16, 2019 regular Board meeting.

All of the directors offered clarifying revisions to the draft minutes of the January 16, 2019 regular Board meeting.

L. Comstock/D. Smith four in favor, director Godino absent to approve the minutes of the January 16, 2019 regular Board meeting, as clarified.

c. Warrants.

L. Comstock/V. Amoroso four in favor, director Godino absent to approve the warrant list.

d. Scheduling of Next Meeting(s):

March 20, 2019 at 7:30 p.m.

**14. Adjournment.**

10:26 p.m.