

Bolinas Community Public Utility District
A Regular Meeting Of The Board Of Directors
June 19, 2019 270 Elm Road, Bolinas

1. Call to Order.

7:30 p.m.

2. Roll.

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

3. Manager's Report and Project Updates.

-- East Tank Rehabilitation Project: Cost Proposal for Repair of Tank Roof.

The district's contractor recently conducted a dry sand blast of the roof under containment to enable a thorough inspection of the roof condition. The installation of the containment system was delayed due to inclement weather, but ultimately completed at the beginning of June. The dry blast occurred on June 5th and the district's engineer, coating inspector, contractor and staff inspected the results. The Board binders contain photos of the roof with the areas marked that need to be patched or replaced and a "roof repair plan" prepared by the engineer. As noted on the plan, approximately 46% of the roof plates need to be replaced. The contractor is working on a cost estimate, which may involve another subcontractor; the district likely will request at least two proposals for the work. Staff thought cost proposals might be submitted in time for Board action at this meeting; unfortunately, that is not the case so this action item will be deferred to a future meeting. Currently, the contractor is blasting the interior of the tank, which is proceeding well.

-- Wastewater Pump Station Replacement Project.

The County Planning Department advised the district that a local coastal permit is required for the district's irrigation pump replacement project. Staff submitted a permit application on June 10th and a planner was assigned to process the application. At present, it appears that a Deputy Zoning Administrator hearing will be held on July 11, 2019 to consider the district's permit application.

-- Woodrat 1 Reservoir Rehabilitation Project.

Nothing to report at this time.

-- On-Site Wastewater System Repair Project (270 Elm Road).

The district's consulting engineer is working on a repair plan to submit to the County for a permit sometime this Fall.

-- BCPUD's Water Main Replacement Project (steel pipeline on the Bolinas Mesa).

Nothing to report at this time.

-- BCPUD/BFPD Survey of Obstructions and Encroachments in the Public Rights-of-Way.

The Bolinas Fire Protection District ("BFPD") has initiated a "Fire Danger Reduction Program" and is planning to publicize this program its plan throughout the community; copies of the publicity materials are in the Board binders. The materials were written by Steve Marcotte, the BFPD's "Defensible Space Coordinator". The BFPD has identified specific roads on the Mesa that will be essential for the public to use for evacuation purposes in the event of a fire or other emergency on the Mesa. BFPD prepared a map which depicts the critical County roads (Mesa, Overlook, Elm & Ocean Parkway and Alder, Maple, Cherry and Grove) and the critical non-County roads: Poplar, Alder, Evergreen, Larch, Opal/Locust. BFPD plans to mow encroaching vegetation in these rights-of-way to establish a minimum 20-foot width of accessible right-of-way.

On a related topic, the BFPD, BCPUD and Resource Recovery staff met recently to discuss concerns about whether the Resource Recovery site can handle the additional green waste likely will be generated this year from more aggressive fire fuel reduction efforts. Jeff Creque suggested it may be possible to develop a program whereby nearby farmers and ranchers accept large quantities of compost to spread on their lands, which science shows will sequester carbon. Steve Marcotte will talk with farmers and ranchers to explore whether there is interest in such a program; if so, BFPD may approach County Fire or CalFIRE for grant funds to pay for the trucking of the compost to the participating farm and ranch properties.

-- Alliance of Coastal Marin Villages.

The Alliance of Coastal Marin Villages (“ACMV”) met on May 30th to debrief after a May 9th meeting with Supervisor Rodoni; Supervisor Rodoni requested quarterly meetings with the ACMV and this was the first such meeting. Topics of discussion included how ACMV representatives can most effectively communicate back to the represented communities; the upcoming June 24th welcome reception for the new Coastal Commission North Coast District Manager, Jeannine Manna; and, the draft Residential Adaptation Guidelines prepared by Coastal Commission staff, which contain numerous problematic sections for coastal communities. ACMV representatives urged Supervisor Rodoni to request that County Planning staff coordinate with other affected coastal counties to advocate on behalf of their constituents. Supervisor Rodoni is considering forming a Working Group of stakeholders to work with County Planning staff on the Environmental Hazards chapters of the Local Coastal Plan; the Coastal Commission staff comments on the County’s draft chapters contain many of the same problematic concepts as are in the draft Residential Adaptation Guidelines. Future topics to be discussed by the ACMV and Supervisor Rodoni include the development of affordable housing in West Marin, the impacts of short-term rentals, the lack of long-term rental housing, the current price of housing (rental or purchase) and the importance of meaningful fire fuel reduction efforts.

-- *Hazardous Tree Removal/Reduction Proposal for 270 Elm Road (Trees on East Side of Nymph Road).*

Staff presented an estimate of \$8,400 from Pacific Slope to perform tree removal and trimming work to eliminate the hazards posed by the dead and diseased cypress and eucalyptus trees adjacent to Jute Road on the west side of the BCPUD property at 270 Elm Road.

Director Comstock said since the trees are on BCPUD property he agrees the BCPUD should take responsibility for removing any hazards; however, he would like the Board to discuss whether the BCPUD should continue to contribute to hazardous tree work in the public rights-of-way if trees do not pose a danger to the district’s infrastructure. Director Siedman directed staff to schedule the topic for a future Board meeting.

L. Comstock/D. Smith four in favor, director Godino absent to accept the Pacific Slope estimate of \$8,400 to perform specific tree removal and trimming work to eliminate hazards posed by dead and diseased trees on BCPUD property.

With regard to general water operations, staff directed the Board’s attention to the most recent water consumption data, which indicates that consumption was very low on the back of the Mesa during the most recent quarter, likely due to the prolonged Spring rains.

Staff attended a “funding fair” hosted by numerous state agencies in Clearlake on May 22nd. There is a lot of loan funding available from these agencies, but very little grant funding. The funding fair was very helpful as source of information about other services available to water districts from entities such as the California Rural Water Association. For example, the BCPUD may be eligible for technical assistance at no cost for the work needed to be eligible for certain grant funding (such as develop specific plans or reports).

Staff directed the Board’s attention to the current status of the implementation of Measure X — the downtown Bolinas overnight parking restrictions -- and enforcement thereof. The BCPUD received correspondence from downtown residents with concerns about the County’s planned interpretation of the definition of a “pickup” in this measure. Measure X as drafted would prohibit overnight parking between 11 pm and 5 am on Brighton, Park and Wharf roads *except* for motorcycles, automobiles and pickup trucks. The downtown residents note that California Vehicle Code Section 471 defines “pickup truck” as:

“a motor truck with a manufacturer’s gross vehicle weight rating of less than 11,500 pounds, an unladen weight of less than 8,001 pounds, and which is equipped with an open box-type bed not exceeding 9 feet in length. “Pickup truck” does not include a motor vehicle otherwise meeting the above definition that is equipped with a bed-mounted storage compartment unit commonly called a “utility body”.

Accordingly, the downtown residents asked the BCPUD for a statement in support of an interpretation of Section 471 as meaning that camper shells or other enclosures affixed to pickup trucks fall within the meaning of “bed-mounted storage compartment units” such that pickup trucks with camper shells or other affixed enclosures would not be allowed to park overnight on the downtown streets when Measure X is implemented. Staff told the downtown residents the district needed to first check with the County to ask how the Sheriff’s Office plans to enforce Measure X. Supervisor Rodoni very recently responded and it appears County Counsel has determined that “utility body” in Section 471 means only those utility bed liners/storage boxes built into trucks by contractors and *not* other kinds of compartments or affixed enclosures such as camper shells. Staff noted that this information came in after the deadline to finalize the agenda for the Board meeting so there is no action item before the Board; that said, the downtown residents may present a request to the Board for action at the July meeting.

Staff directed to the Board's attention to a letter to the College of Marin from Jack Siedman following the public meeting hosted in Bolinas on May 1, 2019 at the Firehouse Public Meeting Room; that meeting was held to update the community on the status of the College's efforts to rehabilitate the Bolinas Field Station on Wharf Road. At that meeting, the College of Marin agreed to consider community input on the design of a new building; however, a rumor subsequently surfaced that the College of Marin was proceeding with the design and permitting process without further public consultation. Jack therefore sent a letter to urge the College president to involve the community in the proposed design (and not submit the plans to the County for permits until the plans were vetted by the community) as this would minimize the possibility of serious opposition during the permit process. The College president responded stating that the College welcomes the opportunity to return to Bolinas and share the design plans; the district then asked for copies of the design plans and said it would follow-up with comments and suggested dates for another meeting.

At the last meeting, the Board discussed reviving efforts to stabilize Terrace Avenue at Surfers Overlook. Staff sent an email to Assistant Director Ernest Klock on May 28, 2019, with photos of the bluff below the road at Surfer's Overlook which seem to indicate a potential compromise of the County's relatively recent road-level retaining wall repair; the email also inquires about a possible vegetation management strategy to protect the bluff face and slow erosion.. As of today, staff has not received a response.

Concerns have surfaced in town as to whether Recology Sonoma/Marin is mixing trash and recycling. The company insists it is not doing so and that it has express policies in place to prohibit the mixing of trash and recycling; the company said that from time to time, customers are unaware that the company trucks have a divided bin that allows the drivers to collect trash and recycling at the same time (and deposit them into the correct side of the divided bin). However, a resident took a video that appears to show a driver placing trash and recycling in the same bin (i.e., mixing) inside one of the small trucks used in Bolinas, so the company is conducting an internal investigation of this incident.

The district last month issued a Request for Proposal for audit services beginning with the 2019-20 fiscal year. The deadline to submit proposals is July 10th and staff will include an item on the Board's July 17th meeting agenda to consider the proposals. Staff reminded the Board that the district is not dissatisfied in any way with its current auditor; rather, a change in the accounting standards require that the district work with a different auditor beginning with the next fiscal year.

4. Public Hearing: Draft Fiscal Year 2019-20 District Budget.

Director Siedman opened the public hearing and explained that this is an opportunity for the public to comment on the draft budget; the Board will consider public input at this meeting but will not act to adopt the budget until the regularly scheduled meeting in July 2019. Staff commented that the district followed the Proposition 218 process to notify customers about the proposed 5% increases to the annual water and sewer service charges and no protests were submitted. Staff noted one change to the proposed budget since the Proposition 218 notice was issued: the district needs to replenish the hazardous tree designated fund with \$18,000, which can be funded by an increase in the district's expected share of property tax revenues allocated by the County, so no change in the 5% proposed service charge increase will be needed. The Board had no objection. There was no public comment on the draft budget so the hearing was concluded.

5. Community Expression.

None.

6. Request for Financial Relief from Quarterly Water Bill pursuant to BCPUD Resolution 553 – 311 Daffodil Road (L. Ludlow).

Llewellyn Ludlow was present to say that the leak occurred when he was on vacation; his nephew had planned to stay at the house while he was away, but he wasn't able to do so because of a sudden family illness. It turns out that a hose bib was left on with a water fixture attached to it that eventually "blew off" from the pressure. This happened in the middle of winter when it was quite rainy so it was not detected for a while; a neighbor eventually saw water flowing on the road and called the BCPUD.

Director Comstock said this was clearly an inadvertent water loss, but it was a huge water loss, more than twenty-times the normal water use at this property (approximately 200,000 gallons). As such, the district's water treatment plant had to operate for three days just to process the water that was lost as a result of this incident. To his mind, he said, the question is to what extent the community should pay for this vs. the responsible customer. Director Comstock said he's been willing to fully forgive smaller similar leaks, but said that once a leak results in a water loss of more than 100,000 gallons, he believes the property owner should be required to take some responsibility. Llewellyn said he understood.

Director Smith agreed the district must charge something for this water loss. That said, \$4,000 is much more than is reasonable for this customer to pay given how conservative he usually is with his water use and given his clear remorse. Director Smith said that the amount to be paid should be something between no relief and full relief; the district wants to convey to its customers that a lot of care should be taken if folks are going to be away from their properties for a month or more. He evaluated two options: the Board could forgive the amount charged at the highest water rate of \$18/cubic feet, which would reduce the bill to \$540; or, the Board could forgive an amount reasonably determined to be the cost of producing the water, which would reduce the bill to \$941. Director Smith therefore recommended reducing the bill to an amount in between \$540 and \$941. After further discussion, directors Comstock and Smith suggested the Board reduce the bill by 75% of the amount attributable to the leak, which would reduce the bill to approximately \$630. Staff commented that one factor in favor of “leniency” is the time of year that the leak occurred: it occurred during the winter rainy season when demand was very low, so the leak did not negatively impact the district’s ability to produce water for its customers.

D. Smith/L. Comstock: four in favor, director Godino absent to forgive the amount of the bill attributable to the leak by 75% as determined by the historical water use at this property during the same quarter during the last three years.

7. Right-of-Way Permit Application: Install Parking Area on the East Side of the Mistle Right-of-Way Across from 311 Mistle (E. Bonsey).

Ed Bonsey said that five generations of his family have used their cabin on Mistle Road since it was purchased in 1950; he is 90 years old, his wife is nearly 89, and his youngest grandchild is a few months old. He explained that they never have had adequate parking; for many years, when he and his wife came to spend a month or two at their cabin, they would park on the lower side of the house which is at a distinct angle. He said he is “getting a little old” for that and would like to install a parking area for three cars on the opposite side of the street, across from the cabin.

Director Smith noted that Paul Krohn, the project engineer, presented plans to the Board last month showing that the project is entirely within the right-of-way; at that time, the Board asked Paul to make sure the BFPD did not have any objection to the project and that neighbors were informed and had no objections. He noted Paul has done so and he thinks the project should proceed. Staff reported that neighboring property owner Michael Moss called the district to express his strong support for the project. Staff also sent a notice to the owner of the undeveloped parcel directly adjacent to Mistle Road on the opposite side of the Bonsey’s cabin and received no response or objection.

L. Comstock/D. Smith four in favor, director Godino absent approving the permit application on the condition it is installed consistent with the drawings submitted by the Bonsey’s engineer because this project is within the right-of-way, consistent with the approved use of the right-of-way, and no objections have been received by any neighboring property owners.

8. Request to “Live Stream” the Regular Monthly Meetings of the BCPUD Board of Directors (M. Rafferty).

Michael Rafferty would like the Board to allow him to “live stream” the regular monthly meetings of the Board with an audio and/or visual feed via Periscope; his preference would be to include a visual feed. Michael recalls when the meetings of the Board were broadcast via “Radio Free Bolinas” until the FCC intervened. Michael intended to give a demonstration of the technology, but ran into a technical glitch involving a 7-second delay that he is working to resolve. Discussion ensued, with general support for the proposal expressed by the Board, but concerns also were voiced as to whether this would place Bolinas further “out there” on the world map to the detriment of the community given all the tourism and associated issues with which the town is grappling. Michael said he would look into whether it is possible to set up a private or subscription-based live stream.

9. Request to Renew Existing Agricultural Lease at BCPUD “Sewer Pond Property” (Lee Dodd and Melissa Wood).

Lee Dodd (aka “Kanoa”) said that the members of the BCPUD’s Land Stewardship Committee have requested a delay of the renewal of his agricultural lease and he objects to the delay. He said he and Melissa have operated in good standing for ten years and have never been contacted by this committee about any concerns. Kanoa met with BCPUD staff to revise and update the lease to, among other things, eliminate provisions concerning guard dogs and food crops, which appear to be the committee members’ main concerns. Kanoa said one member of the committee has proposed a lengthy list of possible revisions which he does not think are germane given the ten years of continuous operation without incident. He requested the Board approve the lease renewal tonight so that he can proceed with planned seasonal improvements to better fence-in an expanded pasture area.

Director Siedman said the main objection of the Committee seems to be a lack of notice and opportunity for the Committee to review and comment on the lease. Discussion ensued and director Comstock said that he thinks the Committee has a legitimate claim that it did not receive sufficient notice

to comment on the lease renewal and he recommends deferral to the next meeting. He emphasized that he is not suggesting the lease be delegated to the Committee to negotiate; rather, he recommends the Committee be granted time to review the lease and come to the next meeting to state if they have any issues. Kanoa said he is concerned the renewal process will drag out for months if it enters into a Committee process and he will lose the opportunity to make seasonal improvements; he suggested the Board approve the lease renewal tonight, subject to future addendum if the Board deems such appropriate after receiving the comments of the Committee.

Further discussion ensued, and director Smith inquired whether any of the issues raised thus far in emails from the Committee members would be problematic for Kanoa. Kanoa noted that some of the suggestions seem very burdensome, such as trying to define “sustainability” in terms of the number of goats on site, requiring reports, allowing on-site visitations, and so forth. He said he feels he provides a community service to the BCPUD by helping maintain the property (which previously had a lot of trash, fire fuels and campers) and there has never been a problem under the existing lease. Kanoa said he has no problem talking with the Committee members to ensure their concerns are addressed, but he objects to adding burdensome and restrictive provisions to a lease that has worked very well as written.

Director Amoroso said he has no objection to renewing the lease, but wants to extend the courtesy to the Committee members to consider their comments and concerns. Kanoa asked if the Board is willing to make a statement of intent to finalize the lease at the next meeting. After a brief discussion, the Board members said they anticipate making a decision on the lease at the July meeting after considering the Committee (and any other) comments and making any adjustments to the lease the Board deems necessary at that time. The Board directed staff to provide a copy of the lease (as revised by staff) to the Committee members and request their comments in advance of the July 17th meeting for the Board’s consideration.

10. Resolution 665: Granting Director Grace Godino Permission to be Absent.

D. Smith/L. Comstock four in favor, director Godino absent approving Resolution 665,
granting director Godino permission to be absent.

11. Water Supply Update.

Director Smith said the key information in the data collected thus far is that the conductivity levels in the irrigation well went back down again this year as they did last year during the rainy season (when Mesa Park is not using well water to irrigate the ballfields), which is very reassuring as it indicates that seawater intrusion is not incurring at this time.

12. Volunteer Committee Reports:

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

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

-- *Resource Recovery*: Mike Aitken reports that a replacement loader will be needed at the site in the relatively near future.

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

-- *Land Stewardship Committee*: The Board received the minutes of the most recent Land Stewardship Committee meeting.

-- *Internet Access Committee*: Director Comstock commented that Horizon Cable is continuing to put hardware on poles in Bolinas. He said he has no update at this time from Inyo or Muir Beach LAN with regard to their fiber-optic cable installation schedule for Bolinas. In response to a question from director Smith, director Comstock said that Inyo has a two-year deadline under the CPUC grant to install the project, which is subject to extension if progress is being made on the project.

13. Other Business.

a. Board Committee Reports.

-- *Finance: Engagement letter from Doran & Associates for FY 2018-19 Audit; Third Quarter Financial Statements for FY 2018-19; Updated Status of Reserves Spreadsheet.*

L. Comstock/V. Amoroso four in favor, director Godino absent to approve the
engagement letter from Doran & Associates for the FY 2018-19 audit.

The Board received the district’s financial statements for the third quarter of the 2018-19 fiscal year. The Board also received the updated “status of reserves” spreadsheet and staff presented the current

fiscal year reserve account status. Director Comstock said this spreadsheet is a critical worksheet for the Finance Committee to use to ensure the district is tracking money collected and spent over more than one fiscal year (and, in some cases, several fiscal years) on capital improvement projects.

-- *Legal*: Nothing to report.

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

-- *Operations*: Nothing to report.

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

-- *Personnel*: Staff reported that consideration of the Memorandum of Understanding re: Compensation and Benefits between the BCPUD Board and employees will be on the July 2019 Board meeting agenda.

-- *Sewer*: Nothing to report.

b. Minutes of the May 15, 2019 regular Board meeting.

Directors Smith offered clarifying revisions to the minutes of the May 15, 2019 regular Board meeting.

L. Comstock/D. Smith four in favor, director Godino absent to approve the minutes of the May 15, 2019 regular Board meeting, as clarified.

c. Warrants.

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

d. Scheduling of Next Meeting(s):

July 17, 2019 at 7:30 p.m.

14. Adjournment.

9:38 p.m.