

**Yosemite Alpine Community Services District  
P. O. Box 31, Fish Camp, CA 93623**

**Board Minutes of October 14, 2018**

**CALL TO ORDER.** Chair Dick Ryon called the meeting to order at 10:04 a.m. in the Tenaya Lodge.

**INTRODUCTIONS OF BOARD AND PUBLIC.** Self-introductions were performed. Board in attendance: Dick Ryon, Karen Green Patti Frey, Karen Glendenning. Darlene Swenson is excused. The public here today: Grant Mitchell, Donn Harter, Bob Keller, Stan Muscio, Tim McGinty, Martha Patterson, Dale Wohlgeomuth, Doris Ryon and Barry Green.

**PUBLIC COMMENTS FOR ITEMS NOT ON TODAY'S AGENDA.** Karen Glendenning reported that the post office has recently been painted. Tim McGinty asked who to contact about potholes on Forest Drive. Karen Gl. said to contact Mike Healy, Public Works Director, and Miles Menetrey, Dist. 5 supervisor. Donn Harter reported he repaired the corner of Egan Way and Forest Drive. He was thanked for his efforts. Dick Ryon thanked Donn for all of his volunteerism in and for Fish Camp. Stan Muscio asked about potholes on Silvertip Lane, Black Pine Way and Fish Camp Lane.

**APPROVAL OF MINUTES OF AUG. 11 REGULAR MEETING AND AUG. 19, 2018 SPECIAL MEETING.**

**Motion:** To approve the Minutes of August 11, 2018. Motion: Frey, 2<sup>nd</sup>: Green, 4-0, Passed, with Swenson excused.

Karen Glendenning reported that some of the copies of these Minutes have the incorrect date on the top, should be August 19, 2018. **Motion:** To approve the Special Meeting Minutes as corrected. Motion: Green, 2<sup>nd</sup>: Frey, 4-0, Passed, with Swenson excused.

**TREASURER'S REPORT OF OCTOBER 14, 2018.** Karen Glendenning withdrew the Treasurer's Report as incomplete. **Motion:** to table report. Motion: Frey, 2<sup>nd</sup> Green, 4-0, Passed, with Swenson excused.

**CLOSED SESSION.** Chair Ryon reported he moved this item forward to make it easier for Paul Giuntini to call in. He is unable to make the meeting today. Board will discuss 2 lawsuits: 1. Against the Silvertip project. Board is working on settling out of court. Worked on Framework for Settlement in public at July and August meetings; 2. Boswell's lawsuit, an outgrowth of Small Claims Suit from the breakage of the water line on 6.21.17. Small Claims suit was dropped against Boswell, Loveland and Sikora.

Patti Frey recommended the Agenda be rearranged to hear the comments from Dale Wohlgeomuth regarding Item #17. All agreed to rearrange the Agenda.

**QUALIFICATIONS OF BOARD MEMBERS.** Dale Wohlgeomuth gave a n overview of his qualifications and background in his life journey to Fish Camp and today. Dale has questions about the California Voter Requirements and how a person can only claim to have one (1) domicile. He and Tim McGinty have spoken with Keith Williams, County Tax Collector and Registrar of Voters, regarding domiciles of YACSD board members. Dale and Tim have met with Supervisor Menetrey on this topic also. Said County Counsel told Supervisor Menetrey not to attend YACSD meeting. Dale stated that the county is looking at who can legally serve on the YACSD board. Dale continued that the Board of Supervisors met with a

county counsel last Tuesday to discuss YACSD. He was asked if it was Steve Dahlem. Dale replied, no it was a lady.

Attorney Martha Patterson, for client Dale Wohlgemuth, asked for the YACSD Public Records Act requested documents. She said today is ten (10) days. Karen Green replied that YACSD is required to respond to her within ten (10) days, which it has, twice. Karen Glendenning said Tuesday, Oct. 16, 2018 at 1:00 pm in the Cul de sac of Forest Drive that documents would be available for her to view. This is a public place that the district owns. The district does not have an office.

Dale passed out copies of People vs. Alarcon article which challenged the residency of a candidate. Candidate had not lived in the claimed domicile for over a year. Dale stated that to legally register to vote in the area this must be your domicile.

Attorney Patterson continued there are exceptions to rule: serving in the military, college students, family lives at home and construction worker travels to jobs.

Dale commented that YACSD never contacted Paul Giuntini after the project was proposed. Dick said he wrote a proposal to Mr. Giuntini and received no reply. Karen Glendenning agreed with Dale, that YACSD did not talk to Giuntini. She said that Jack Hoover, Gene Glendenning and herself met with Ron Coleman, vice president of PacificUS REG and project proponent at the Airport Holiday Inn in Sept or Oct of 1999. Karen reported that PacificUS would give YACSD \$100,000 to get our wells out of the meadow, with no guarantee of finding water and that YACSD would have to come out in favor of the Silvertip project. Karen commented that not being an attorney, she felt that was either a bribe or extortion. The action proposed by Mr. Coleman was found not to be in the best interest of YACSD.

Dick commented that it took filing a lawsuit to get PacificUS to communicate with YACSD.

Karen Green asked for Dale's final goal in his current efforts. Dale said the county would step in if the YACSD board members were found to be illegal. Karen Green stated, that if the YACSD board is illegal then that would further slowdown the Silvertip project progress.

Dale said he contemplated suing the District over the snow removal charge on his annual bill. He questioned several portions of the annual YACSD bill. He wants definition of the terms used on the bill. He said he asked the county about Brown Act violations. Dale left the room at 11:22 am for water, even with a water station at the back of the room.

Attorney Patterson continued with comments regarding if the YACSD qualify as registered voters. She commented on the Compton Water board, she said it is a corrupt water board in Los Angeles.

Dale returned at 11:23. He stated that ignorance is not a defense. He commented that on Nov. 6 a new board will be elected. Karen Green stated that there are 2 seats up for election at this time. Attorney Patterson said that when the terms come up, we should consider if domicile qualifies board to run. She said there aren't enough registered voters to make a decision and that the county would take over the district.

Dale said the July 3, 2018 meeting announcement commented about a "malcontent" among the homeowners. He self-identified himself as the "malcontent" in district's notice.

Chair Ryon said he had been in contact with Keith Williams, MPA Registrar of Voters, to come and present at the next YACSD meeting regarding eligibility to run for office.

Dick declared his Fish Camp home as his domicile.

Dale said Keith Williams had reassessed his position.

Patti Frey asked Dale if he was an agent for Giuntini. Dale stated, "I am not."

Patti said the bottom line is:

1. Convey to us that we are illegally convened.
2. Sign the document.

Dale said he is, "just conveying the message."

Attorney Patterson said there is no allegation as to convening illegally. Criminal court would decide if board perjured themselves. She said the Grand Jury will look at the legal fees. She asked if the District has a legal attorney. Patti replied, "Yes."

Karen Green stated that there are water systems in the North County area of Coulterville and Greeley Hill that are going to raise rates from \$25.50 per month to \$65.00 per month in 2020. Having an administrator or county run the system will cost the rate payers more money. She cited Kassy Chauhan, regional administrator with Drinking Water Division, as saying that CSDs have a hard time, rural in nature, and that if someone comes in to run the system they will charge more money.

Doris Ryon stated that ministers of the gospel are peace makers and much respected. You are not a peacemaker. She asked him to lower his volume.

Dale said there are other ways to run a business. Patterson said not everyone wants to pay legal fees.

Karen Green asked, "Where is everyone else?"

Doris said that you (Dale) said we are trying to kill the project. She said we are not trying to kill the project, but to keep access to water, not trying to kill, but to preserve.

Barry Green said there have been many meetings where giving up the legal battle was discussed. He said the board is trying to make sure you have the ability to turn water on.

Karen Glendenning asked Dale to finish paying his bill that was due in September 2018. Dale said he would happily pay his bill when this is resolved.

Patti Frey said to Dale that you are angry. You came late to the party. You brought in your attorney for free legal advice. The District is working to get the wells protected.

**BREAK.** The meeting was recessed at 12:10 pm for a five minute break.

**REOPENED MEETING.** Dick reconvened the meeting at 12:20 pm.

Bob Keller asked for clarification on the intention of item #8.

8. Update on Settlement with Palm Springs Resort 309. Dick replied that on the 25<sup>th</sup> of this month the court will hold a hearing. The board will discuss this item in closed session, then report out afterward.

Dick said items 8 & 9 will be discussed in closed session. The meeting will reopen and tell what conclusions were found. Bob Keller asked if litigation is part of the settlement. Dick said we want to avoid litigation and to get the items signed.

Dick asked the folks to adjourn to the lobby so the board may go into closed session.

**CLOSED SESSION.** The board went into closed session at 12:25 pm.

**REPORT OUT OF CLOSED SESSION.** Chair Ryon reopened the meeting at 2:03 pm. He reported the board discussed the pending litigation on October 15 and determined we are ready. We reviewed the settlement documents; we have some items that need to be fine-tuned. Including receiving referenced exhibits that were exhibits referenced in the Agreement and that we have not seen them, so we can't sign off. The board is unwilling to burden chair with the sole responsibility of signing.

**Motion:** Defer Agenda items 10, 11, 12, 13, 14, 15, and 16 until a future meeting. Motion: Frey, 2<sup>nd</sup>: Green, 4-0, Passed, with Swenson excused.

**BAD TASTING WATER REPORT.** Following up on Tim McGinty's report of bad tasting water, samples were taken from his home and at the tanks in September. Tests showed the water is safe to drink. During the summer the Ferguson Fire and its smoke kept many out of Fish Camp as did the closing of Yosemite. The water stagnated in the tanks. 10' of water, roughly 60,000 gallons was given to crews working on the BAER area for the Ferguson File. This was done as opposed to just dumping water down the ditch. The tanks were refilled and the flavor of the water improved.

At the last FCPAC meeting, Donn Harter reported that aeration may help with the taste. Karen Glendenning had suggested at the FCPAC meeting that the money the MPA Water Agency was proposing to spend for water tank(s) at Fish Camp be used to aerate the Fish Camp Mutual water tanks and the YACSD water tanks. Since Fish Camp Mutual generously provides water to the new station.

It was suggested that one tank be taken off line during the winter. It was suggested that the tanks be lowered to the 2/3 level for use in the winter time, back to the original levels prior to the new tanks. Kassy Chauhan, state water board contact, will be contacted for suggestions.

**NEXT MEETING DATES.** Board set Sat. Nov. 17, 2018 at 10:00 a.m. for the next meeting. Meeting was moved to Sunday, Nov. 18, 2018 as there was no room at the Tenaya Lodge for the YACSD meeting. Plans are to approve the Settlement with Palm Springs Village, if all is in order. Sat. January 12, 2019 at 1:00 p.m. was set for the following meeting. Still confirming dates with the Tenaya Lodge.

**ADJOURNMENT.** Meeting was adjourned at 2:24 pm. Motion: Frey, 2<sup>nd</sup>: Green 4-0, Passed, with Swenson excused.

Respectfully submitted,

Karen Glendenning  
YACSD Secretary