

Yosemite Alpine Community Services District
POB 31, Fish Camp 93623
Board Meeting Minutes of June 27, 2020

1. CALL TO ORDER. Chair Karen Green called the online ZOOM meeting to order at 10:04 am.

2. QUORUM AND INTRODUCTIONS. Roll call was performed, Chair Green - here, Frey – here, McGinty – here, Glendenning – here, Ryon – absent. Karen Glendenning declared a quorum is established at 4 board members. Those in online attendance today: Rosemary Plue, Ron Plue, Barry Green, and Brenda McGinty.

3. MINUTES OF MAY 9, 2020. Chair Green introduced the Minutes and said they were long with the inclusion of 2 letters received from 2 YACSD property owners. Minutes had been posted on the website and they were sent to property owners. **Motion:** To approve the Minutes. Motion: McGinty, 2nd; Frey, Vote: Green – yes, McGinty – yes, Frey – yes, Glendenning – yes. 4-0, Passed with Ryon absent.

4. PUBLIC FORUM. Karen Glendenning asked that the district storage building placed on her side driveway during the tank replacement project be removed. Barry Green said he would level an area by the tanks to relocate the building onto. It was decided to put it away from the access road. Replacing the power pole that was removed during the tank replacement project was discussed. Locating it away from the access road was decided. That PG&E account is currently inactive for that power line. Tim and Barry will discuss where to put the pole in the future, possibly near the new location for the storage building.

Patti Frey suggested that YACSD needs to contact the district property owners to ensure that after they do projects that they move earth that they put in a retaining wall or swales to hold back dirt, mud and water. Note will be put into next YACSD Communication on this topic. Karen Green commented that the potholes on Silvertip are getting bad again. Tim McGinty said the firm who did the patching last year said district needs to pave the whole road.

5. TREASURER’S REPORT. Patti Frey commented that it appears that by carrying an unpaid bill for a long time that someone is getting special treatment. She continued that it is unfair to other property owners to cover that person’s outstanding obligations. Karen Green said there are legal steps that can be done to get payment. Since this property is for sale it is hoped that the bill will be paid in full during escrow. **Motion:** To approve the Treasurer’s Report. Motion: Frey, 2nd: McGinty. Vote: Green - yes, Frey - yes, McGinty – yes, Glendenning - yes, Ryon - yes. 5-0, Passed.

Vice Chair Dick Ryon logged into the online meeting at 10:21 a.m.

6. WATER MASTER REPORT. Water Master Tim McGinty will be replacing meter on Well #1East. Folks are still using control house area as a toilet. It was noted that no snow play is

going on in the area. Tim continued that he will be cutting the lumber for boxes on valves at the tanks. He is getting quotes on the cement blocks and the hauling for repairs around Well #2West. Tim has been running well #1East primarily and is able to keep up with the water needs. The meter reading crew will meet at Lot #32 at 7:30 am on Sunday, June 28.

7. PUBLIC HEARING TO CONSIDER PROTESTS OF THE PROPOSED WATER SERVICE FEE FOR FISCAL YEAR 2020-21 & FISCAL YEAR 2021-22.

Chair Green read aloud the 2 Protest Letters received at the YACSD post office box. The letters were from Jeffrey and Shirley Boswell and from Dale and Rebekah Wohlgemuth. These letters will be in Appendix A of the Minutes. Karen Glendenning reported there were no Protest Letters currently at the YACSD post office box, as she had checked with the post office this morning. Karen Green reviewed the protocols needed to complete the Protest Hearing. Karen Glendenning said 24 votes were needed for a protest to be successful. A majority of lot owners would have to approve the protest. There are 46 lots in YACSD, a majority would be 24. Neither Karen Green nor Karen Glendenning received any e-mail Protest Letters. Protest Hearing failed to stop the rate adjustments.

Motion: To adopt Resolution 2020-001. Motion: Frey, 2nd: McGinty. The motion was modified and the seconder approved the modification. Vote: Green – yes, Frey – yes, McGinty – yes, Ryon – yes, Glendenning – yes. 5-0, Passed/Adopted Resolution 2020-001. This will be in Appendix B of the Minutes.

8. WOHLGEMUTH – PUBLIC RECORDS ACT REQUEST UPDATE. Chair Green reported the redacted invoices were received from Meyers Nave. All the checks and invoices to pay for any attorneys in the last 5 years were sent to Dale Wohlgemuth. Karen Green said it took an incredible amount of time to compile, review and put this PRA together within the constraints of Covid-19. Mr. Wohlgemuth reported that he sent the documents off to his attorneys.

9. ADDITION TO BYLAWS – WEBSITE REQUIRED BY CALIFORNIA STATE LAW. Following discussion this was tabled until the next meeting. Dick Ryon will continue to work on the necessary wording with Patti Frey.

10. NEW FORMAT FOR ANNUAL BILL. Chair Green introduced the format for the annual bill. New categories and wording have been added. Karen Glendenning reports that she puts several years of water usage on each bill for customer's comparison of usage.

11. SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY (SDRMA). Chair Green reported that the District's insurance increased by 27% this year. The reason for the increase is the catastrophic losses due to fires in the last several years. The insurance covers E&O, Infrastructure, General Liability and Property Losses. YACSD received credits from a questionnaire completed by Chair Green and from several classes taken by board members. YACSD will pay the increased premium in July 2020.

12. BOARD OPENING(S) AVAILABLE. Chair Green reported there will be 3 positions on the board up for election in November. Dick Ryon is not running for re-election. Karen Green and Karen Glendenning's positions are up for re-election. Candidates must make an appointment

with Mariposa County Elections between July 17 and August 7 to file for office in person. Candidates must be registered to vote within the boundaries of YACSD to file for office.

13. ITEMS BY DIRECTORS. Dick Ryon raised the possibility of replacing the aging YACSD water meters with remotely read meters. Karen Glendenning reported that the costs of \$5.00 per meter per month in addition to the annual software fee required to receive the data is cost prohibitive. It would add at least \$60 per meter to the annual bill for each property with a meter. It was agreed that YACSD should look into a program of replacing the meters in the next 2 year budget cycle.

14. NEXT MEETING. Saturday, September 12, 2020 at 10:00 am will be the next meeting. In complying with Social Distancing rules, Karen Glendenning will check on the availability and cost of the Pavilion at the Tenaya Lodge for the meeting. Holding the meeting via ZOOM on the same date is also being considered.

15. ADJOURNMENT. Meeting was adjourned at 11:43 am. **Motion:** To adjourn. Motion: Frey, 2nd: Ryon. Roll call: Green – yes, Frey – yes, McGinty - yes, Ryon – yes, Glendenning – yes. 5-0, Passed.

Respectfully submitted,

Karen Glendenning
YACSD Secretary

Attachments:

Appendix A: Protest Letter from Jeffrey and Shirley Boswell, Lot #2

Protest Letter from Dale and Rebekah Wohlgemuth, Lot #44

Appendix B: YACSD Resolution 2020-001.

PROTEST RESPONSE to Yosemite Alpine Community Service District in connection with public hearing scheduled for June 27, 2020, at the Tenaya Lodge, Fish Camp, CA., opposing the imposition of the Water Service Fee proposal to the District's customers.

1. The undersigned is/are the owners of lots within the YACSD.

2. The APN and/or street address of my/out lot is:

7726 FISHCAMP LANE

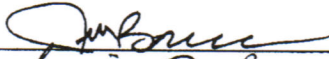

3. I/We have signed this protest and have mailed it to the YACSD at P. O. Box 31, Fish Camp, CA 93623, per the NOTICE OF PUBLIC HEARING FY 2020-2021 and FY 2021-2022 WATER SERVICE FEE document mailed to the undersigned on or about May 12, 2020, from Fresno, CA.

The undersigned(s) protest the imposition of the Water Service Fee for reasons which include but are not necessarily limited to the following:

- a. The Board appears to have been collecting monies from customers for snow removal and other expenses that were duplicative of assessments we paid to the County Assessor's Office for the same expenses which we believe probably should not have been assessed by the District when the County Assessor had already been collecting them and paying the District to remove snow. It may have been double taxation.
- b. In the NOTICE mentioned above, bullet point # 2 explains that the District incurred debt which the WATER SERVICE FEE is intended to repay, "to ensure perpetual water rights to the District's water supply" which seems to be inconsistent with prior explanations and information that the debt was incurred to pay almost \$300,000 in legal fees the District spent in a California Environmental Quality Act-based suit against the County and a developer fighting the Silver Tip Hotel project, which suit the District apparently lost.
- c. We understand that the District then apparently pledged or borrowed against the District's assets (tanks, wells, pipelines, assessment proceeds, etc.) from the Umpqua Bank to pay those legal fees without full disclosure to its customers as to the nature of that borrowing, the purpose for the litigation and without our consent, as District customers. Until we understand these financial

transactions more thoroughly, we feel that we must protest the imposition of this WATER SERVICE FEE that pays for obligations that we don't yet fully understand.

Respectfully submitted and signed below, with names printed below the signature line(s)



(print name here Jeffrey G. Boswell) (print name here Shirley J Boswell)

Date: June 14, 2020

June 14, 2020

Jeff & Shirley Boswell 2

3823 W. FLR AVE

FRESNO, CA 93711

YACSD

P.O. Box

Fish C.

13623

Re: Protest opposing Water

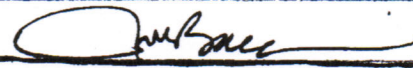
Service fee for 7726

Fishcamp Lane, Fish Camp CA

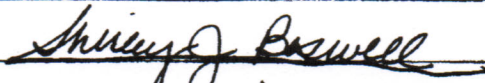
Dear YACSD Board

The undersigned property owners hereby oppose and submit written protest to the Water Service Fee pursuant to the notice mailed to us on 12 May 2020.

By



Jeffrey G. Boswell, trustee



Shirley J. Boswell, trustee

To the YACSD Board,

June 8, 2020

Concerning the proposed budget from the YACSD board for 2020-2021, it is to be rejected on legal grounds. Despite the arguments sent out in a fairly recent letter to the home owners in our district, our attorneys have repeatedly pointed out the errors in the way this board has handled the nature of the law suits, conveyance and other issues.

Your letter states that the board was within it rights according to the law that the district had the right to pursue legal recourse against the County and the developers of the Silver Tip Project. Your letter goes on to state that your right to pursue litigation need not come up before the homeowners for approval, that the power is vested in the District's board. AND while the District can pursue litigation efforts under the law, the California Supreme Court opened the door for the the constituents of the District to hold the board accountable for its actions and expenditures as the court went on to say that the law does not allow a district to encumber its constituents without accountability.

Further, your letter goes on to state that all documents surrounding the conveyance were created in accordance with the laws of California and are legally approved by your attorney Woodruff, attorney Reyes representing the CSDA and with the bank representative Trevor Mael. Again as our attorneys have so aptly pointed out, you have legally binding agreements in place; BUT, in those documents the legal language implies that by signing them, the YACSD board is in full compliance with **all State and Federal laws** ... obviously overlooking the fact that you have homeowners that you are accountable to for their approval of such under 218 ... since you are encumbering debt not approved by them.

WE have every piece of documentation, letters and such as requested by the Public Records Act that this board provided for the year 2018 in which these documents were signed. A timeline of all documentation for that period shows no public record of intent by this board to convey our districts assets to a bank to the constituents of the YACSD for their perusal nor approval. There was no vote by the homeowners for such ever taken. This is a clear violation of the law under 218. There wasn't even the option to send in a letter of protest put out by this board including any language concerning the conveyance agreement. IF it even exists, none of us have ever seen it. Our attorneys have made it clear, the way this entire conveyance has been handled from start to finish has not been handled properly from a legal perspective. All attempts to have the board's legal counsel provide legal citation for the board's actions in this regard has only shown the board is incapable or unwilling to provide such documentation. Since the conveyance is embedded into the proposed budget, we must reject it in its entirety.

Dale & Rebekah Wohlgemuth
7703 Forest Drive
Fish Camp, CA 93623
Lot 44

RESOLUTION NO. 2020-001

A Resolution of the Board of Directors of the
Yosemite Alpine Community Services District (YACSD)
Fish Camp, California

Adopting the Water Service Fee for Fiscal Years 2020-2021 and 2021-2022

Whereas, the Board of Directors of the Yosemite Alpine Community Services District, YACSD, has reviewed the financial needs of the District for Fiscal Years 2020-2021 and 2021-2022, and

Whereas, the Directors of YACSD have adopted the proposed Water Service and Fee for Fiscal Years 2020-2021 and 2021-2022, and

Whereas, all property owners in the District were notified of the Water Service Fee for Fiscal Years 2020-2021 and 2021-2022 more than 45 days in advance of the protest hearing held on June 27, 2020, and

Whereas, the Directors held a protest hearing for the Water Service Fee at the public noticed meeting of June 27, 2020, and

Whereas, less than a majority of property owners protested the Water Service Fee,

Now Therefore Be It Resolved, that the following Water Service Fee is adopted:

Charges for FY 2020-2021 and FY 2021-2022

	<u>House</u>	<u>Vacant Lot</u>
Administration and Overhead Charge	\$267	\$89
Water Supply Acquisition-Debt Service	\$280	\$93
Fixed Service Charge	\$598	\$199
Total Water Service Fee	\$1145	\$381
Consumption based charge for water per 1,000 gallons:		
FY 2020-2021 \$7.50	FY 2021-2022	\$8.04

This resolution shall take effect immediately.

PASSED AND ADOPTED this 27th day of June, 2020, at a public noticed meeting, by the following vote:

AYES: Green, Frey, McGinty, Ryon, Glendenning

NOES: None

EXCUSED: None

ABSTENTION: None

Attest: _____

Karen Green, YACSD Chair