**Yosemite Alpine Community Services District**

 **Draft Board Minutes of January 19, 2020**

**Call to Order**. Chair Karen Green called the meeting to order at 1:07 pm in the Tenaya Lodge.

**Introductions, Quorum.** Board members in attendance today: Tim McGinty, Dick Ryon, Karen Green and Karen Glendenning. Patti Frey is in transit. A quorum is established. Public in attendance today: Doris Ryon, Barry Green and Brenda McGinty.

**Minutes of October 5, 2019 and Special Meeting of November 2, 2019.** Regular Meeting of October 5, 2019. **Motion:** to accept the Minutes of October 5, 2019. Motion: Ryon, 2nd: Green, 4-0 Approved, with Frey absent.

Special Meeting of November 2, 2019. **Motion:** to accept the Minutes of Special Meeting of November 2, 2019. Motion: McGinty, 2nd: Ryon, 4-0 Approved, with Frey absent.

**Public Forum.** Karen Glendenning reported that at the recent Fish Camp Planning Advisory Council Meeting phone numbers were given to contact the Sheriff’s office and the CHP office for people to report inappropriate the snow play activity. Please call the Mariposa County Sheriff’s Office, non-emergency number 209.966.3615. Please call for parking issues the CHP, non-emergency number 209.356.2900.

Tim McGinty reported that Margaret Rolfe asked for law enforcement help to look at trespassing, defecation around the pump house, and debris left behind by the snow play people. Tim stated that he took a county health department person around and she took pictures of people and the effects/debris of the people. He reported that the “Snow Play 2 Miles” ahead sign has been installed just south of the entrance to Fish Camp along northbound Highway 41.

Member Patti Frey arrived at the meeting at 1: 15 pm.

**Treasurer’s Report.** Chair Green tabled the report to the next meeting after errors were found on the report. Karen Glendenning will update and present the Treasurer’s report at the next board meeting.

**Election of Officers of the Board.**

Chair position. **Motion:** Nominate Karen Green as Chair. Motion: Frey, 2nd: Glendenning. Approved 4-0, with Green abstaining.

Vice Chair position. **Motion**: Nominate Dick Ryon as Vice Chair. Motion: Frey, 2nd: Glendenning. Approved, 4 – 0, with Ryon abstaining.

Secretary/Treasurer position. **Motion:** Nominate Karen Glendenning as Secretary/Treasurer. Motion: Frey, 2nd: Green. Approved 4-0, with Glendenning abstaining.

**Water Master Report**. Tim McGinty gave a Power Point presentation of what he has done since taking over in November. He has trimmed the trees around the freshly repainted control house. He has built covers over the sampling ports on the water tanks, spray painted the well pipes under the well head covers, installed new insulation and pipe wrap around the well pipes under the well head covers, and installed new locks and new keys for the control house.

Repairs that still need to be accomplished: install new meter on Well #1 East, sand bag around casing for Well #2 West, insulation under well head cover for Well #1 East.

**Motion:** To authorize $1000.00 (one thousand dollars) in expenditures in improvement issues. Motion: Frey, 2nd: Green, 5-0, Passed.

**Well #2West Repair.** Chair Green reported that CA Fish and Wildlife (F&W) had approved the submitted paperwork done by YACSD (Karen Green). Although a Lake and Streambed Alteration Agreement is needed, the F&W did not have time to complete one. By law, the YACSD is allowed to complete the project during the time asked for by the district on the application. An email will be sent shortly to explore moving action dates, since this is a low water year to date.

**New Well Funding.** Chair Green is exploring funding sources to help pay for the drilling of a new well. In the spring, Chair Green will contact David Giuntini, Silvertip project contact for Palm Springs Village 309, LLC., regarding the development plans for the Silvertip project for this year.

**Letter to YACSD Homeowners.** In response to an email from Dale Wohlgemuth in October, YACSD contacted the District’s legal counsel who helped develop a response letter to Mr. Wohlgemuth. Mr. Wohlgemuth’s email, Chair Green’s response letter and the Public Notice that was sent during the budget development for FY 2018-19 and FY 2019-2020, were sent to all YACSD property owners. Chair Green received 2 emails, one from an appreciative property owner and one from another property owner requesting legal citations that guide the district’s actions while developing the budgets. Both emails were read aloud at the meeting. Chair Green will contact the district’s legal counsel regarding the statements made in the second email and what steps should be taken by the district.

**DIG ALERT Dial 811**. Tabled to next meeting.

**Hydrant Locks.** Tabled to next meeting.

**Policy Manual.** Tabled to next meeting**.**

**Budgets 2020-2021 & 2021-2022**. Chair Karen Green commented that YACSD had a strong feeling of community originally, but this feeling has appeared to have changed in some of the YACSD property owners. The YACSD board is going to move forward and will work to regain that feeling. Chair Green stated that she has been working with Dick Ryon to develop the budgets for FY 2020-21 and 2021-2022. The board is looking at not charging separate fees for Snow Removal and Road Maintenance to the rate payers. Tim McGinty asked if YACSD could use the Mariposa County property tax money to offset snow removal. Karen Green responded that YACSD can use the County property tax money however it sees fit. Karen Green investigated the cost of snow removal over the past 11 years. The highest amount was $9000 during the heavy winter of 2011, the average for the 11-year period was $3000. Discussion was held about paying down the loan quicker and how to accomplish that action. Discussion was held about the need for the Public Notice in the Mariposa Gazette. Discussion was held regarding keeping some fees and charging all property owners a Service Charge for some services. Chair Green and Dick Ryon will continue to work on the numbers and present the proposed budget at the next meeting. Karen Green will have the proposed budget reviewed by legal counsel to ensure that all is in order. She plans to have the budgets finalized and adopted at the next board meeting.

**Next Meeting Date.** The board has set Sunday, March 1, 2020, at 10:00 am for the next meeting. It will be held in the Tenaya Lodge of Fish Camp. Karen Glendenning will check with the Tenaya Lodge for the availability of rooms.

**Adjournment. Motion:** to adjourn. Motion: Frey, 2nd: Glendenning, Approved, 5-0. Meeting was adjourned at 3:53 pm.

Respectfully submitted,

Karen Glendenning

YACSD Secretary

Attachments:

1st email read aloud 20200119

2nd email read aloud 20200119

First email read aloud by Chair Green at the YACSD board meeting on Sunday, January 19, 2020.

Your recent communication

To KarenGlendenning, KarenGreen, PattiFrey, RichardRyon, TimMcGinty

Many thanks for the mailed information that I received today. I want you to know that you have my full support on these matters. I know your role on the board can be a thankless task; I for one fully appreciate all that you do for our community & I do not subscribe to this ridiculous action being initiated by Dale.

Best

Second email read aloud by Chair Green at the YACSD board meeting on Sunday, January 19, 2020.

---------- Original Message ----------
From: XXXX
To: Karen Green

Date: January 18, 2020 at 10:43 AM
Subject: Regarding your meeting Sun

Karen,

Being a Sunday, I cannot make it to the meeting.  But since I cannot make it, I thought I would drop a few excerpts from 4 attorneys that either represent other larger districts, The Jarvis Org that actually wrote and interpreted 218 (who we have been in active communication with), CA Legislative Analyst Office, CA League of Cities, and other attorneys (a rather long list actually).  Since I am not an attorney and neither are you or anyone on your board, I thought you could use a little outside influence in interpreting the law.  Its not my job to educate you in the law and all I can do is reiterate what the attorneys and organizations have given us.  Since that last letter went out, it is clear that from our perspective, you folks are clearly clueless to what the law requires.  According to State law, I am told that when ever a public board is legally challenged in any of its actions, that board is required to respond by citing a clear legal understanding and code that allows them to take such actions.  To date, there has never been a clear legal citation ever given in writing from the board or their legal representative on any such action relating to the conveyance or utility billing.  Interestingly, the only serious citation given by this board was placed on a board resolution YACSD 2018-003 at the bottom of the first page quoting Senate Bill 450, chapter 625.  The amazing aspect of this is that it could not possibly have been written by a competent attorney or reviewed by one.  The citation quoted, altered and added to is strictly in reference to public agencies in the establishment of government bonds.  Now why that is there is perplexing as well illegal.  We showed this to an attorney versed in public bonds establishment.  What we do have apparently, is a criminal intent to deceive according to that attorney as that Senate Bill has no correlation, connection to the resolution printed above.   Combine this with with Ryon’s agreement with what I presented at the beginning of the last board meeting, we now have a criminal case(s) both Federal and State. Again, I am not an attorney, reiterating from the attorneys themselves.  Now the excerpts in response to your letter……..from knowledgeable attorneys:

Karen’s (Green’s) letter is misleading   She characterizes the transaction as a loan.  That is a fabrication.  It was a sale of all assets to the bank (aka "conveyance") followed by a repurchase agreement.   That violates the law for a special district.

 Proposition 218 has very stringent requirements for how a special district raises new taxes and/or new assessments and/or new fees. But most importantly: (1) regarding new taxes (depending on the situation) a majority or 2/3 of all voters must agree (after appropriate written notice to each parcel owner and a proper public hearing); (2) the same is true with respect to new assessments, which requires a majority vote which can be weighted in proportion of the assessment liability of the voter; (3) and regarding new fees that are property related, again a majority or 2/3 of the electorate of the agency must support the assessment and sometimes the votes should be weighted in proportion of the fee liability. From what you have said, one might guess that these matters were not properly handled, particularly with respect to the public meeting laws for notice and public hearing meetings when your water system is going to be collateralized to secure a bank loan, which I assume the district hopes to pay with increased fees that may not have been properly noticed in writing, considered at a public hearing and then properly balloted among the land owners.

 In reviewing the letter from your district Chair, it is hard to imagine a legal precedent allowed under Prop 218 and other California Statutes that would allow a district to convey its assets for legal fees; cover the expenses of the legal firm or representative in creating or advising in the conveyance agreement, and at the same time not place into consideration the approval of the parcel owners within the district.  No such provision exists. It is illegal to do so.  It is true a district may make conveyances as in your situation providing the approval of the parcel owners is put into consideration.  There are many things wrong here.  Since 218 requires that your board and legal representative prove or satisfy state legal justification for their actions, perhaps you might have their legal representative justify the board’s actions in writing, citing the state code that makes such allowances.  We know of none.  It would be interesting to see what they come up with.

*Prior to Proposition 218, the courts allowed local agencies significant flexibility in determining fee or charge amounts. In lawsuits challenging fees or charges, the challenger generally had the burden to show that they were not legal. However, Proposition 218 shifted the burden of demonstrating compliance to the local agency in any lawsuit challenging a property-related fee or charge. In any legal action contesting the validity of a property-related fee or charge, the burden is on the local agency to demonstrate compliance with the procedures and requirements applicable to property-related fees and charges. This change in the law makes it significantly easier for taxpayers to win a legal challenge involving a property-related fee or charge under Proposition 218.*

SO Karen, the attorneys, and others of us need you to prove your case through actual legal citation for the conveyance, the way you do you billing etc.  We expect to see in writing the actual code or laws that have allowed this board to act in the manner you have….. as for us moving legally on these matters, don’t be fooled, time is on our side and for good reason.

 XXXX