

**BOARD OF DIRECTORS**  
**Lower Lake County Waterworks District No. 1**  
**Minutes of the February 28th, 2023 Regular Meeting**

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**A. CALL TO ORDER**

The Vice Chair called the Regular Meeting of the Board of Directors to order at 3:59 P.M. in the absence of Chair Negrete. Directors Wes Baker and Jean Yanich were present, as well as recently reappointed Directors Monique Fabela and Frank McElwain who were sworn in prior to the meeting. Also present was James Kingland, General Manager, and Summer Dahlquist, Substitute Clerk of the Board. No public was present.

**B. NOMINATION AND ELECTION OF CHAIR & VICE CHAIR FOR 2023:** Director McElwain nominated Monique for the position of Chair and Wes for Vice Chair. Both Directors accepted the nominations and Director Yanich seconded. The motion passed with 4 ayes, 0 nays.

**C. APPROVE MINUTES OF THE BOARD OF DIRECTORS MEETING HELD JANUARY 24, 2023:** On a motion from Vice Chair Baker, seconded by Director Yanich, the motion passed with 4 ayes, 0 nays.

**D. FINANCIAL:**

**1. Review and Discuss the Financial Statement:** The Board was provided a check register and a Financial Statement for the month of January 2023. Director McElwain questioned the excessive amount of the payment to the State Water Resource Control Board for water system annual fees. James explained that there was an error in a report that was filed and he did not check a box that stated the District was in a disadvantaged community which would have given us a discounted rate. Director Baker asked if this could be corrected. James stated that he and Amy had both reached out to SWRCB to try to fix the issue but was told that the District had missed the deadline to make any changes. Director Baker advised that the staff write a letter to SWRCB on behalf of the Board to appeal the additional charges. The Board also inquired how this mistake could be avoided in the future. Summer suggested that staff could write up an SOP for the eAR report so that anyone filling it out in the future would have step-by-step directions to complete. The Board agreed. A motion was made by Chair Fabela to approve the financials as well as send a letter of appeal to SWRCB. The motion was seconded by Vice Chair Baker, and passed with 4 ayes, 0 nays.

**E. PUBLIC INPUT:** None.

**F. CORRESPONDENCE:** None.

**G. GENERAL MANAGER REPORT / OFFICE REPORT:**

In his Manager Report James gave an update about the tank replacement at Plant B. The tank demo has been completed and the District is waiting for the new tank to arrive and begin installation next week. He also reported that due to the severe weather the County had experienced this past week, the antenna at the office had been bent or damaged and was affecting communications and should be repaired. James assured the Board that although the District's main tank is offline there is still plenty of water, and in the event that there isn't, the District is prepared. The plan would be to temporarily tie into Konocti County Water system. Summer read the Office Report provided by Amy regarding Prop 218 and implementing door hanger and standby fees. Legal Counsel had clarified that a door hanger fee would be considered a "collection fee" and not a property related fee, therefore not subject to Prop 218 requirements. Summer also gave an update about grants. Jean requested that she receive a copy of the available grants for the District. Summer reported that she has submitted a TA (Technical Assistance) request for help with the submission of a new grant and it would take up to three weeks to hear back. The General Managers Report and Office Report were accepted on a motion by Chair Fabela, seconded by Director Yanich, with 4 ayes, 0 nays.

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**H. OLD BUSINESS:**

- 1. Dissolve All Previous Ad Hoc Committees and Appoint Ad Hoc Committees for Budget, Policies and Procedures, Capital Improvement, Rates and Charges:** Tabled.
- 2. Ballot for Independent Special District Alternate Representative on LAFCO:** The Board felt they did not have enough information on the candidates for the LAFCO election to vote. On a motion by Director Yanich, seconded by Vice Chair Baker, the Board decided to abstain from voting in the LAFCO election. The motion passed unanimously.
- 3. Consideration to Adopt Resolution 2023-01, A Resolution Amending By-Laws to Change Time of Regular Board Meetings:** Chair Fabela motioned to change the time of Regular Board meetings to 3:30 P.M. instead of 4 P.M. on the fourth Tuesday of every month. Director Yanich seconded, and the new time was approved with 4 ayes, 0 nays.
- 4. Discuss Solar:** Discussion only. No action taken.

**I. NEW BUSINESS:**

- 1. Brown Act Overview and Related Changes in the Law Effective 2023:** The Board reviewed the summary of changes made to the Brown Act that Amy provided. Vice Chair Baker advised that all of the information was in the ethics training that the Directors are required to take. Discussion only. No action taken.
- 2. Consideration to Adopt Resolution 2023-02, A Resolution Establishing Door Hanger Fees:** Chair Fabela motioned to adopt the Resolution, Vice Chair Baker seconded, and the motion passed with 4 ayes, 0 nays.
- 3. Consideration to Invite Community Development Director to Speak About Code Enforcement:** Vice Chair Baker advised the Board that he attended the Lower Lake Action Committee meeting and there was a guest speaker there that was a department head at the County. He said he would like her to come speak at the Districts next Board meeting. As the head of the planning department and code enforcement he suggested that inviting her to come speak about certain zoning laws and the use of land and development could help the District to work better together with the County to ensure the proper water use for land. This brought up Jeans inquiry about limiting customers water usage as well as the Districts ability to provide water to customers for agricultural use. Jean would like clarification from legal counsel as to whether or not the District can impose water usage per any state drought laws in effect. James advised that staff would look into the matter. On a motion by Director Yanich, seconded by Director McElwain, the Board instructed staff to reach out to invite the CDD Director to the Districts next regular board meeting. The motion passed with 4 ayes, 0 nays.

**J. CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:**

Vice Chair Baker inquired about a loan payment to USDA and asked for clarification that this loan was for the Twin Lakes subdivision (assessment district), and Summer confirmed that it was. Wes asked if the District was seeing any money from the County that came back to the District to pay for this loan. Summer advised that all of the customers within the Twin Lakes area had an imposed tax assessment on their annual property taxes and those monies were returned to the District from the County. Discussion only.

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**K. ANNOUNCEMENTS**

1. Ethics Training for Board Members
2. Next Regular Meeting to be held March 28<sup>th</sup>, 2023 at 3:30pm

**ADJOURNMENT AT 5:19 P.M.**

There being no further business, a motion for adjournment was made by Director Yanich, seconded by Vice Chair Baker, 4 ayes, 0 nays.

  
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Monique Fabela, Board Chair

  
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Attest: Amy Loren, Clerk of the Board  
Approved: March 28, 2023