

DRAFT NOT APPROVED FOR DISTRIBUTION

**MINUTES OF THE LAKE MADRONE WATER DISTRICT
BOARD OF DIRECTORS' REGULAR MEETING
HELD ON FEBRUARY 22, 2025**

PRESENT: The regular meeting of the Board of Directors of the Lake Madrone Water District was called to order by Chairman Tim Beers at 9:30 a.m. at the Patane cabin, 322 Lakeside Way, Berry Creek, California 95916. Other Directors present were Michael Camodeca, Holly Mason, Jason Patane and Elizabeth Haydon. Shane McCabe, District's Water System Manager/Maintenance Technician and Vicki Hoggins, Recording Secretary/Administrative Assistant were also present. Many Community Members were also present including: Patsy Oxford, Kathy Nay, Dennis Nay, Claudette Camodeca, Frank Camodeca, Myra Patane, Sheila Raymond, John Raymond, Kathy Adams, Chris Potts, Mike Nelson, Ryan Beach, Richard Starch, Joe Frederico and Roger Williams.

OPENING BIDS FOR 2025 LAKE SEDIMENT REMOVAL PROJECT: Chairman Beers presented the bids as follows: (1) ODIN and (2) USA DEBUSK. Copies were distributed to Board members and community members and time was given to review the bids. Two Board members, Directors Mason and Patane declared they have a conflict of interest and cannot comment or vote on the bid proposals. Discussion included the following: (1) there will be more sediment in the lake than originally estimated due to the time lapse and the District will have to notify FEMA and Cal OES well before excavation reaches 42,000 cubic yards in order to obtain approval to do more work; (2) DEBUSK has more detail in their bid; (3) ODIN's bid specifies \$31 per cubic yard; (4) DEBUSK is \$250,000 more; (5) ODIN's bid does not specify fuel costs; (6) both companies are quoting for rip rap; (7) DEBUSK has many exclusions, ODIN is giving an amount per yard and not specifying exclusions and exceptions; (8) dewatering by ODIN will be compacting the material as it is removed; and using turbidity curtains to hold back the sand that comes through while being compacted and the compacted sand will be continuously hauled out, while DEBUSK will dewater on the Pit Area with natural compression of the removed material. After discussion, it was moved by Director Camodeca, seconded by Director Haydon and passed with Chairman Beers and Directors Camodeca and Haydon voting "aye" and Directors Patane and Mason abstaining to accept the ODIN bid.

The Board declared a break in the meeting at 10:32 a.m. The meeting was called back to order by Chairman Beers at 10:44 a.m.

APPROVAL OF AGENDA: It was moved by Director Camodeca, seconded by Director Patane and passed unanimously, to approve remainder of the Agenda as presented.

APPROVAL OF MINUTES: The minutes of the regular meeting of January 25, 2025, were presented for approval. It was moved by Director Mason, seconded by Director Haydon, and passed unanimously, to approve the minutes of the regular meeting of January 25, 2025, as presented.

FINANCIAL REPORT: Roger Williams presented the Financial Report. It was moved by Director Haydon, seconded by Director Mason, and passed unanimously, **to approve the payment**

of Warrants 11204 through 11227 and EFTS totaling \$47,561.10 (after subtracting the excess payroll check to Shane in the amount of \$2,243.52). A deposit of \$1,053.50 was received from Butte County for partial payment of the District's fees and charges. Routine and ordinary bills on the unpaid bills report in the amount of \$509.41 were then presented for approval. **It was moved by Director Haydon, seconded by Director Mason, and passed unanimously, to pay the unpaid bills in the amount of \$509.51.** Roger Williams advised that the District's audit has been completed and was delivered to the Board at the meeting. Roger Williams also noted that in the Unpaid Bills Schedule handed out with the minutes was a \$20,428.00 which is the annual payment for the USDA Loan and comes out of the bank account automatically each February. Roger Williams then presented a draft 10-Year Budget for review, noting that the District's annual fees and charges are approximately \$335,000, \$82,500 which has been allocated to reserves and \$247,079 for annual operating expenses. He noted that the amount for insurance is low and after being given a corrected figure by Chairman Beers, stated that there will probably be very little or no surplus at the end of each year. The State Controller's Office requires special districts to have audits and financial transaction reports which the District has not done since the fire. The USDA also wanted an audit and updated financial information, which has now been submitted.

SPECIFIC AGENDA ITEMS: (each item not to exceed 15 minutes)

A. Swearing in of New Board Members: This item was completed with Vicki Hoggins administering the Oath of Office to Jason Patane and Elizabeth A. Haydon.

B. Meeting Schedule: The proposed meeting schedule was presented to the Board. It was noted that August 24 should instead be August 23. The meeting schedule was otherwise approved as presented.

C. Forms 700 for Board Members: These are due April 1, 2025.

D. Response to North Complex (Bear) Fire.

(1) Status of Administrative Reimbursements from FEMA/Cal OES. All invoices from APTIM, Water Works and Minasian Law Firm have been forwarded to FEMA/Cal OES. Scott Risser and Scott Wagner of Cal OES are assisting the District to be reimbursed for up to \$261,781.00 (\$58,650 Aptim; \$60,783; Water Works; \$142,348 Minasian Law). The reimbursements will be for additional costs for the projects or be used toward the Cat Z administrative costs of the District (5% of total).

(2) Status of Legacy Projects.

(a) Job #4434DR-CA (February and March 2019 Severe Winter Storms).

Currently the Cal OES Disaster Closeout Unit is completing the Final Inspection Report (FIR) for this disaster and hope to have it completed as soon as next week. The District should be receiving \$1,377.00 in retention funds.

(b) Project 162636 (Water Distribution System). FEMA has agreed to pay for 800 linear feet of PVC water pipe on Madrone Way, 68 service connection laterals, various above-ground appurtenances, and 400 linear feet of PVC water pipe on Lakeside Way between Dan McManus's and Toyon Trail at a cost of approximately \$521,046. Mary Tess Johnson, who was the District's contact with FEMA is no longer with FEMA and FEMA says she did not leave her

files so they have to get up to speed on the project. It appears that FEMA will require both a Pedestrian Survey (\$4,000) and a Geotechnical Survey (\$12,250) for both sections (800 feet and 400 feet). They also want Biological Monitoring to occur daily during trenching at the 400 linear foot section.

(c) Project 164538 (Temporary Water Supply and Repairs). Currently, FEMA's Grant Portal is showing \$22,284.78 for the Scope and Cost of this Project. Chairman Beers is working with Scott Rinser at Cal OES to try to get FEMA to correct the Grant Portal to \$36,567.67.

(3) Status of Water System.

(a) Status of Water Grid Design and Replacement. The District is now part of the Safe and Affordable Funding for Equity and Resilience Program (SAFER). The State Water Board has assigned GHD to be the District's Technical Assistance Provider to assist with the Construction Financing Application as well as project duties such as engineering and environmental analysis. Madeline Howell from GHD is the Project Manager and Adam Rask from GHD is the Program Manager. The District's SAFER Project (AR 7272) site visit occurred on January 28, 2025. Chairman Beers and Shane McCabe met with GHD, Butte County Environmental Health, the State Water Resources Control Board's (SWRCB) Division of Financial Assistance. Shane did an excellent job explaining the District's water system. The first monthly LMWD SAFER Project Meeting was held on February 5. Monthly meetings will be held on the first Wednesday of each month at 3:00 p.m., except there will be no meeting in March. GHD is going to have leak detection testing done on the District's entire water grid in May or June. The Corrective Action Plan is to be completed by June 30, 2025. GHD submitted the Work Plan to the DFW on February 14. They are supposed to do a feasibility study and give the District three options.

(b) Water Delivery to Temporary Water Systems. Shane McCabe delivered 26 deliveries of water for a total of 26,000 gallons. He will post a water delivery policy on the kiosks.

(4) Erosion Control. The primary problem is Edith Farrell's lots which are losing trees, root balls and dirt in alarming amounts. Lakeside Way has been blocked several times and a Cal Fire truck was unable to get through. Wes North and Shane McCabe have been removing the trees and shoving the dirt to the side of the road. Edith is paying Wes North. Shane is keeping track of his time and has 11 hours so far dedicated to this work. There is no erosion control on these lots and that needs to be addressed.

The Butte County Local Hazard Mitigation Plan (LAMP) has been accepted by FEMA. The District is a part of the plan and now has many more opportunities to receive grants. One of the areas that Chairman Beers listed that needed to be done was replacement of the Green Bridge. Chairman Beers sent a nice thank you letter to Susan Jeffery for the erosion control work done on their property.

E. Department of Water Rights IRWM Grant. Director Mason and Richard Starch are waiting for a decision as to whether a portion of these funds can be allocated to correct the sanitary seal or evaluate and determine what is needed on the Galen Well. DWR wants a budget prepared for this year assuming that a portion of the funds cannot allocated to the Galen Well.

F. FEMA Funding for 2022-23 Storm Damage.

Project No. 711955 (Lake Sediment and Tree Removal): Project 711955 passed through FEMA EHP Review on Wednesday February 12. By February 24, Chairman Beers will put the accepted contractor bid and all the other invoices for this project into the FEMA Grant Portal plus forward them to Lisa Holland and Jocelyn Grandads at FEMA. Since this project is now considered a large project, it will have to be approved/obligated by Congress, so it will take time to become obligated. The District will need to have an Encroachment Permit with Butte County to put safety signs on Highway 162. The Permit cost is \$348.00. It was moved by Director Camodeca, seconded by Director Patane, and passed unanimously to pursue an Encroachment Permit with Butte County for this purpose.

Project No. 747122 (Rip Rap): On February 11, Chairman Beers received an email from Cal OES stating they don't support the District's appeal of this project. Chairman Beers will ask the contractor doing the lake cleanout to stack the rocks they pull out as the District's evidence of the placement of rip rap along the Berry Creek and Galen Creek Inlets and potentially submit a second appeal.

G. February 4, 2024 Storm Recovery. Project No. 750222: All paperwork has been completed and turned in to both FEMA and Cal OES. It may take several months for the District to receive the \$35,911.41 that has been obligated for this project.

H. Property Owner Responsibility for Trees in Gap Area. Chairman Beers explained that no one owns the roads at Lake Madrone. The County and the developer (Mansfield) abandoned them. The area between the property line and the road is called the "Gap Area", which no one owns as well. District Counsel, Paul Minasian, wrote a letter to the District several years ago that as the property owner receives the benefit of the Gap Area (for example, driveways cross the Gap Area and the property owner is responsible for the trees in the Gap Area and must pay to remove them when they fall. Regarding personal injury liability, if a tree is healthy and falls down, there is no liability to a person who is injured, rather the injured person's insurance would cover it. Clarence Williams wants a written policy of the District to be sent to all landowners.

GENERAL AGENDA ITEMS:

A. Letters & Communications: Director Camodeca noted the communications received by the Board since the last meeting have been posted to the District's website and physical copies will be retained pursuant to the District's document retention policy. One item of note is Item 33, a Public Records Act Request. It was moved by Haydon, seconded by Director Camodeca and passed unanimously, to have District Counsel's office respond to the P.A. Other items were:

(1) The District received a Nitrate Monitoring Violation from Butte County Environmental Health. The District is now "noncompliant" and must take several steps required by law, including notice to all water users.

(2) Illegal Camping is occurring on the Maiolica property. He has a tent and a porta potty on site. The County closed their case on this issue because "there is no evidence that camping is occurring". If the District can provide pictures of him spending the night with date and time stamps included, they will revisit the issue.

B. Maintenance Report and Materials Needed by District: Shane McCabe presented the Maintenance Report covering the period from January 26, 2025 through February 22, 2025.

Water System: January water production was 268,044 gallons, 267,844 of which was from Star Well, and 200 gallons from Galen Well, for an average of 8,647 gallons per day. Water Tender Delivery total for January 2025 was 26,000 gallons (26 deliveries). Line loss was 7,807 gallons per day. 20 Fir Path is requesting a 2-inch main from Madrone Way to the edge of the property which was abandoned after the fire. The District is waiting to put in that line until construction is started. The tank level sensor failed in Tank 3. This will be deferred because the District has two working tank level sensors. Shane needs to repair a 2-inch drain line on the Panorama Tank (felled tree damage). Shane found that transits gaskets cost \$1,000 each and instead he located a substitute gasket for \$100. Pace Labs prepared the 2024 Consumer Confidence Report (CAR). The ear is an annual report that has been prepared by the District's Water Treatment Operator. However, it was not done for 2023 and not submitted until last month (more financial information is required now). In the meantime, the 2024 ear is now due. It was moved by Director Mason, seconded by Director Camodeca and passed unanimously, to spend up to \$2,500 to have North State Water Treatment Services prepare the 2024 ear. Director Haydon, Dennis Nay and Shane McCabe will follow up if North State Water Treatment cannot do the ear for no more than \$2,500. The Non-Lead Line Report Statement needs to be posted on the Kiosks. A copy will be in the District truck.

Lake/Creeks: The lake level was 1970.62 feet on January 1, 2025 and 1970.62 feet on January 31, 2025, for no change. Rainfall for January 2025 was 3.1 inches. February rainfall to date is 16.95 inches. January 1, 2025 through January 31, 2025 is 3.1 inches and July 1, 2024 through January 31, 2025 was 40.2 inches. The annual dam inspection has been rescheduled to Spring.

Gates/Fencing: The fence at Panorama was damaged by a falling tree. The quote to repair it is \$1,400. Shane McCabe and Chairman Beers believe they can repair it for approximately \$200 in materials. **ON MAY 1, 2025, THE DISTRICT WILL BE CHANGING THE PIN PAD NUMBER ON THE GATES AND WILL NO LONGER GIVE IT TO LANDOWNERS IN ORDER TO KEEP IT FROM BEING MISUSED. IT WILL ONLY BE GIVEN TO REGULAR VENDORS SUCH AS BEN'S TOILETS AND THE GARBAGE COMPANY. LANDOWNERS WILL HAVE TO GET CLICKERS TO GIVE TO THEIR VENDORS OR MEET THEM AT THE GATES.** The clicker numbers will not be changed. Two gate cards have been given to landowners. Gate cards are not for sale.

Landscaping/Trees: A Doug Fir from District property fell across Bernice Owczarzak's property and has now been removed. A downed oak tree was removed from Panorama Road. An oak tree from Edith Farrell's property fell across Lakeside Way, as well as multiple trees, root balls and mud during a mudslide. Shane spent 11 hours assisting Wes North and Bill Fox during the cleanup. A Madrone fell on District property next to the Conex boxes (Cookout Crew) and has been cleaned up. An oak tree across Sylvan Way was cleaned up. Brooke Elliot has confirmed that they will removed the downed trees on District property in front of Frances Pinnock's property. Clarence Williams has paid Wes North for the downed pine tree that fell in the windstorm that went across Galen Inlet. The burn pile is still open. Please text Shane with the date, time and volume estimates before dropping off any material at the burn pile. **DO NOT PUT ANYTHING ON THE ACTIVE BURN PILE UNLESS APPROVED BY SHANE.** Thank you to Dennis Nay for being

the “Burning Man”. Volunteer burn pile supervisors are still needed.

Roads: Mudslides happened two times on Lakeside Way from Edith Farrell’s property.

Equipment: The Board has already approved the replacement of the windshield, new rear shocks and replacement of lower ball joints in the District truck.

Miscellaneous: Goats are now grazing at Lake Madrone. The District no longer has to take the remedial action that was previously discussed (chopping trees and spraying). The District has given permission for the people handling the goats to use water for personal use.

C. Permits, Administrative Orders and Grants Research:

Permits: Nothing to report.

Administrative Orders: Nothing to report because no work has occurred that has to be documented to the EPA.

Grants Research: The bridge financing offered by the Rural Community Assistance Corporation (RCAC) will be pursued.

D. Community Reports:

1. Fire Protection:

Berry Creek Community Council. Members of the Berry Creek Community Council have invited members of the Lake Madrone community to join in projects and community events, including monthly meetings at the Berry Creek Community Church. Terri Brown agreed to serve as a leader with the Butte County Fire Safe Council. Mutual efforts will focus on the three-year Fire Wise plan for Berry Creek and installing display signs for public information.

2. Star Well Emergency Power. CalFire Chief Tim Cason has been notified of the concern regarding the District’s fire hydrants running dry if there is no power to the pump at Star well. Amanda Herrington, Community Outreach Specialist with PG&E, will look into support for a transfer generator and propane tank to run the Star Well during emergencies and power outages. PG&E has never been asked this question and Amanda believes it warrants a conversation and site visit.

3. Doom the Broom. Lauren de Terra will enlist volunteer support from Chico State and local agencies to assist with removal of Scotch broom throughout the Berry Creek area. The District will need to determine a few possible dates to coordinate with the Berry Creek Community Council.

4. Resource Conservation District. The District has many acres with standing burned trees. David Mitchell, Butte County Prescribed Burn Association Coordinator at the Butte County Resource Conservation District, agreed to visit and examine these areas to see if prescribed

fire would be a good option for management. Shane, David and Director Haydon plan to meet with RCD personnel to discuss possible liability and implementation strategies.

5. Goat Grazing Fuel Reduction Project. Chad Porter of the Butte County Fire Safe Council noted the progress of this project. The original plan was for the goats to graze, then volunteers would clip and weed-eat the remaining brush, and then an herbicide would be sprayed. Chad consulted with a highly qualified forester and presented a change to the plan. After the goats complete the grazing phase, the District will select and prune the trees it wants to prune and shape, typically Madrone and black oak. Conifers will not be sprayed. The remaining brush, such as scotch broom and manzanita will be destroyed through spraying and using the hack and squirt process for 8-foot or taller brush. In four to five months, Spring of 2026, dead vegetation can be cut with chainsaws and lay on the ground, without stump sprouts. The District will select the dominant trees with appropriate spacing.

2. Website/Newsletter: Kathy Nay will be sending out a newsletter in March to report on holiday plans. July 4th activities will occur on July 5. Memorial Work Day will occur on May 25, and lunch will be provided for the workers. She will put something in regarding the fact that the keypad number will no longer be given out as of May 1, 2025, except to recurring providers such as the garbage company and propane suppliers.

3. No Bear Garbage Club: Shane McCabe reported that annual fees are now due, \$150 for part-timers and \$300 for full-timers. The beginning balance was \$9,215. Fees paid in February were \$369 and \$1,025 was received. The new balance is \$9,871.

PUBLIC PARTICIPATION: Directors Patane and Haydon were thanked for joining the Board.

TOPICS FOR NEXT MEETING, PLACE, DATE AND TIME: The next meeting of the Board of Directors of the Lake Madrone Water District will be a regular meeting to be held on March 22, 2025, at 9:30 a.m. at the Beers cabin located at 18 Forest Inn Drive, Berry Creek, California 95916. Topics will include (1) responses to North Complex (Bear) Fire, (2) DWR - IRWM Grant, (3) FEMA Funding 2022-23 Storm Damage, (4) February 4, 2024 Storm Recovery, and (5) filing of Forms 700 by Board members.

ADJOURN: There being no further business to come before the Board, the meeting was adjourned at 12:47 p.m.

Respectfully submitted,

VICKI L. HOGGINS, Recording Secretary

HOLLY S. MASON, District Secretary