

**DRAFT NOT APPROVED FOR DISTRIBUTION****MINUTES OF THE LAKE MADRONE WATER DISTRICT  
BOARD OF DIRECTORS' REGULAR MEETING  
HELD ON NOVEMBER 23, 2024**

**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 Vickery cabin, 36 Forest Inn Drive, Berry Creek, California 95916. Other Directors present were Jess Vickery, Michael Camodeca and Holly Mason. Shane McCabe, District's Water System Manager/Maintenance Technician was not present. Vicki Hoggins, Recording Secretary/Administrative Assistant was present. Many Community Members were also present including: Thomas Baker, Kathy Nay, Dennis Nay, Ryan Beach, Betsy Haydon Keithcart, Kari Vickery, Rick Kester and Nancy Kester.

**APPROVAL OF AGENDA:** The Agenda was approved by unanimous consent as presented.

**APPROVAL OF MINUTES:** The minutes of the regular meeting of October 26, 2024, were presented for approval. It was moved by Director Vickery, seconded by Director Mason, and passed unanimously, to approve the minutes of the regular meeting on October 26, 2024, as corrected.

**FINANCIAL REPORT:** Director Camodeca presented the Financial Report. It was moved by Director Camodeca, seconded by Director Vickery, and passed unanimously, to approve the payment of Warrants 11158 through 11172 and EFTS totaling \$11,349.41. Deposits were \$5,006.30, \$5,000 of which is a gift from Joanne Becker for reforestation. Routine and ordinary bills on the unpaid bills report in the amount of \$4,644.35 were then presented for approval. It was moved by Director Camodeca, seconded by Director Vickery, and passed unanimously, to pay the unpaid bills in the amount of \$4,644.35. Roger Williams advised via email that the District's audit is scheduled to be completed prior to December 1, 2024, and could be submitted to the requisite agencies after that. In addition, Roger Williams sat in on a Funding Fair on November 7, 2024.

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

**A. Response to North Complex (Bear) Fire.**

- (1) Status of Disaster Relief:
  - (a) Status of FEMA Appeals:

Reimbursement of Costs: Chairman Beers contacted Jackson Minasian regarding reimbursement from FEMA for the District's administrative costs for the North Complex Fire. Jackson has contacted Robbie Larson at Cal OES several times, who has promised each time to check into it and call Jackson back, but has not followed through. Jackson has submitted costs to FEMA for Aptim (\$97,320) and Water Works Engineers (\$77,186) and Chairman Beers now has those invoices. He needs to get invoices for attorney fees. Chairman Beers talked to Scott Wagner on November 18, 2024. Scott gave Chairman Beers email addresses for Robbie Larson and Kelsie McInnis and said to send all three of them all invoices plus written justification for the District seeking reimbursement.

Legacy Projects 162636 (Water Distribution System) and 164538 (Temporary Water Supply and Repairs). Chairman Beers and Director Mason met with Tess Johnson and nine other FEMA and Cal OES members by conference call on October 28, 2024. Most of the meeting was spent answering questions about the 800 linear feet of water main that is to run from Oak Path and up Madrone Way to the Greiner's, plus the 400 linear feet of water main that is to run from the fire hydrant at the bottom of Toyon Trail and Dan McManus' building site. On November 7, 2024, Tess came up for a site visit with Chairman Beers, Director Mason and Shane McCabe. Once again, the focus was on the 800 and 400 linear feet of water main that FEMA has approved for replacement. The next meeting is December 7, 2024. FEMA wants to know exactly where, how wide and how deep the trenches are going to be. The District has to also get both a Geotechnical Survey (test the soil by drilling bore holes) and a Pedestrian Survey (to look for archeological sites). It was moved by Director Vickery, seconded by Director Camodeca, and passed unanimously, to pay up to \$2,000 for the Pedestrian Survey. It was then moved by Director Mason, seconded by Director Camodeca, and passed unanimously, to pay up to \$5,000 for the Geotechnical Survey. Director Mason will handle the Geotechnical Survey and Chairman Beers will handle the Pedestrian Survey. They will each get three bids. FEMA also wants a biologist to monitor the trenching daily. Tess also wanted to see where the rip/rap was along both the Berry Creek and Galen Creek Inlets.

(2) Status of Water System:

(a) Status of Water Grid Design RFP and Project. Chairman Beers and Shane McCabe had several conversations with Amanda Aguiar at Butte County Public Health Department, Environmental Health Division. Their office issued a Compliance Order for Failure to Provide a Reliable and Adequate Supply of Water Through a Pressurized System. The Compliance Order was approved by SWRCB and sent to the District on November 6, 2024. Amanda Aguiar posted it on the SWRCB website, which triggered Lake Madrone Water District to be placed on the "failing water system list". On November 15, 2024, Audrey Dyte, from the SWRCB Division of Financial Assistance contacted Chairman Beers. Chairman Beers provided Audrey Dyte with copies of the Compliance Order, the North Complex Fire Damage Technical Memorandum prepared by Water Works, Water Works proposal for consulting services to the Lake Madrone Water District for design of the Removal and Replacement of LMWD's Damaged Water Distribution System Project. On November 18, 2024, there was a telephone conference with Audrey Dyte, four other members of SWRCB, Amanda Aguiar and Scott Wagner. The following topics were discussed: (1) the North Complex Fire Damage Assessment by Water Works; (2) the 1,200 linear feet of waterline that FEMA has agreed to replace; (3) DWR's IRWM Grant; and (4) the definition of a permanent resident. They expect that Lake Madrone will be assigned a provider and that Chairman Beers will hear from them in the next week.

(b) Water Delivery to Temporary Water Systems. In October, Shane McCabe delivered 28 deliveries of water for a total of 27,500 gallons.

(3) Erosion Control (General). There is a lot of water coming down from the top of Cedar Path. The Jeffers property looks much better, but some of their rock is coming down, so they need bigger rock.

**B. Department of Water Rights IRWM Grant**. Director Mason and Richard Starch met with John Paige and Christina Beck. The State wants a quarterly report. The District can no

longer use Water Works exclusively under the Subrecipient Agreement, so any work to be done has been put out to bid. The District has to have a Work Plan done and submitted by March 2025. It was moved by Director Mason, seconded by Director Camodeca, and passed unanimously to allocate \$500 toward the publication costs of an RFP for the IRWM Grant. The Minasian Law firm can help with the getting the RFP published.

**C. FEMA Funding for 2022-23 Storm Damage.**

Project No. 747122 (Rip Rap): Both Scott Wagner and Tess Johnson are encouraging the District to continue to pursue FEMA funding for the placement of rip-rap along the Berry Creek and Galen inlets. The project was officially denied. Chairman Beers will file an appeal. He will reach out to Anderson Dragline for confirmation of the fact that they dug out rocks more than 12 inches in diameter from the creek and placed them on the sides of the inlets.

Project No. 711955 (Lake Sediment and Tree Removal): On October 28, 2024, Chairman Beers and Director Mason met with Tess Johnson and nine other FEMA and Cal OES representatives to discuss this project. Tess is hoping that both FEMA and U.S. Fish and Wildlife Service will have completed their evaluation of possible effects of the project on endangered species and historical sites by January. Tess still feels the District will be able to start the project on April 1, 2025. Chairman Beers and Director Mason will ask the four companies who submitted bids to rebid the project. They will meet with Tess again in January.

**D. February 4, 2024 Storm Recovery.** Project No. 750222: This project was obligated in October for \$35,911.41. The District is waiting to receive the funds from Cal OES, who is waiting to receive the funds from FEMA.

**E. Vacancy on Board of Directors.** Director Williams has resigned from the Board. Chairman Vickery's resignation from the Board takes effect at the end of this meeting. Jason Patane has submitted a letter of interest to be appointed to fill one of the vacant positions on the Board of Directors. It was moved by Director Camodeca, seconded by Director Vickery, and passed unanimously, to appoint Jason Patane to fill Roger Williams' seat on the Board of Directors. Director Williams' term runs from 2023-2027, so since the vacancy occurred in the first half of Director Williams' term, Jason will serve until the first Friday in December 2025 without an election. He will have to run for election in 2025 to continue to stay on the Board.

**F. Donation of 20-Acre Parcel to District.** Last year, the Greiners (Roxinne Kolbuke) donated 20 acres to the District. They held back on another 20-acre parcel until all the family members agreed to gift it to the District. Chairman Beers will ask Leah to send them a check for \$1.00.

**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. Other items were:

(1) Director Mason has received the letters prepared by District Counsel, Aidan Wallace. One letter has been sent to Reed Rankin telling him that he is not authorized to tell

anyone that water can be taken from Lake Madrone except in an emergency situation (to battle an active fire). Another letter is to go to Siller Brothers. After discussion, it was moved by Director Mason, seconded by Director Vickery and passed unanimously, that pursuant to AB460, Lake Madrone will bill Siller Brothers for a total of \$5,000, \$2,500 (for one acre-foot of water) and \$2,500 for reimbursement of attorneys' fees, that this will be put in the letter and sent to Sillers Brothers.

(2) PG&E has supplied Easement Deeds to the District to apply to the areas where they have already placed infrastructure. One Easement Deed is for \$950 for trenching along Galen Ridge Road. The other is \$500 for Kiddie Beach. It was moved by Director Vickery, seconded by Director Camodeca, and passed unanimously to authorize the Chairman and Secretary to execute the Easement Deeds.

**B. Maintenance Report and Materials Needed by District:** Director Vickery presented the Shane McCabe's Maintenance Report covering the period from October 27 through November 23, 2024. Water System: September water production was 179,796 gallons, all from Star Well, an average of 5,780 gallons per day. Water Tender Delivery total for October 2024 was 27,500 gallons (28 deliveries). Line loss was 4,913 gallons per day. The main line to 20 Fir Path was abandoned after the fire and the owner is now requesting a 2-inch main from Madrone Way to the edge of the property. The tank level sensor failed in Tank 3. A new one costs about \$600. Tank 2 is driving the command of the system while the sensor in Tank 3 is out. It was moved by Director Vickery, seconded by Director Mason, and passed unanimously, to authorize the purchase of a new sensor for Tank 3 at an approximate cost of \$600. PFAS samples were taken at Star and Galen Wells for analysis. 240 Lakeside Way (Casillas/Smith) needs to set a curb stop and valve box. Shane called the contractor. Additional items include the following: (1) creating and submitting truck and water tender maintenance/accident log to Butte County Environmental Health; (2) ordering 4 6" pvc caps from Ferguson for winterization of aboveground pipes, installing winterization caps on hose bibs at the ball park; and (3) assisting with replacement of the pump at 105 Old Mill (Carrillo). He asks that water deliveries be requested no later than Wednesday. Lake/Creeks: The lake level was 1970.62 feet on October 1, 2024 and 1970.42 feet on October 31, for a decrease of 0.2 feet. Rainfall for October was 1.75 inches. November rainfall to date is more than 3.65 inches. January 1, 2024 through October 31, 2024 is 48.85 inches and July 1, 2024 through October 31, 2024 was 3.55 inches. Butte County Public Works performed vegetation management on the downhill side of the Dam. Shane has completed the vegetation management on the upstream side of the Dam. Gates/Fencing: 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: All remaining trees needing to be removed on District property have been dropped. Three burn piles have been burned around the Lake thanks to Dennis Nay. A berry bush on the bank of Galen Creek next to the green garage was removed. Shane and Wes dropped the pine tree next to the White Bridge on the Galen Creek side that had a lean and root ball separation from the dirt. Shane will burn the slash in the spring. It was moved by Director Vickery, seconded by Director Mason, and passed unanimously, to pay Wes North up to \$350 to remove the logs. The burn pile is now 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. Volunteer burn pile supervisors are needed. Roads: Steve Zurilgen will pave the trench where they put in their waterline. Shane cleaned out the ditches on the Haul Road. 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: Shane attended the Environmental Review with Tess Johnson. The number of toilets for the winter is down to one (the handicap toilet on Ski Beach).

**C. Permits, Administrative Orders and Grants Research:**

Permits: District Counsel's office filed the annual water right reports with SWRCB and the annual fees for same are now due and have been given to Leah Janowski to pay.

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

Grants Research: There were two Funding Fairs, one on November 7 was attended by Roger Williams and another on November 13 was attended by Chairman Beers. Multiple state agencies presented information about various grants, loans, and bridge financing they offer. On November 19, Roger Williams and Chairman Beers compared notes and decided that the bridge financing offered by the Rural Community Assistance Corporation (RCAC) might be the best option for the District. The California Infrastructure and Development Bank (I Bank) and the United States Department of Agriculture (USDA) also could be good possibilities for loans. Roger is going to check into the RCAC Bridge Financing Loan for the District's three large projects.

It was moved by Director Vickery, seconded by Director Camodeca, and passed unanimously, to assign Roger Williams to assist the District's Bookkeeper, Leah Janowski, and do the monthly financial reports for the Board.

**D. Community Reports:**

1. Fire Protection: Chairman Beers has had several conversations with Chad Porter from the Fire Safe Council. If the District agrees to do the followup work, the Fire Safe Council will have 112 acres grazed by goats at a value of \$50,000. The Fire Safe Council wants the work to be done between February and May of 2025. They have enough electrical fence to do one acre at a time. Inside the fence will be 500 to 1,000 goats, plus guard dogs and herding dogs. They will have a trailer onsite for the herders. A water source for the goats is needed. The followup work is to use weed eaters and loppers to cut, lop and scatter the stems and vines that the goats don't eat. This needs to be done after the goats move off a section and before regrowth occurs. In the Fall of 2025, the Butte County Fire Safe Council will have the 112 acres sprayed to hopefully prevent the grazed plants from coming back.

2. Website/Newsletter: Kathy Nay had nothing to report.

3. No Bear Garbage Club: As Shane McCabe was not present, there was no report for this month.

**PUBLIC PARTICIPATION:** Betsy Hayden Keithcart reported that the directory is completed in draft in Google Docs and that people can make comments, but not change the document. Betsy is also she is working with Chairman Beers regarding Fire Protection. She is head of the Berry Creek Pod of the Butte County Fire Safe Council and has completed the report that needs to be done to get the Firewise USA certification (which lowers fire insurance costs for landowners) renewed. She needs cubic yards and volunteer hours to get matching funds. The annual Wildfire Safety Summit for Butte County will be held December 4, 2024.

**CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957:** The Board adjourned into Closed Session at 11:20 a.m. to discuss employee/independent contractor performance.

**REPORT FROM CLOSED SESSION:** The Board reconvened in Open Session at 11:25 a.m. and reported that they thanked Shane McCabe, Vicki Hoggins and Leah Janowski for working very hard and beyond what they had been hired/contracted to do. The Board decided to given bonuses rather than a cost of living increase this year. It was moved by Director Vickery, seconded by Director Mason, and passed unanimously, to give bonuses in the amount of \$3,000 for Shane, \$2,000 for Vicki and \$1,000 for Leah.

**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 January 25, 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, (5) vacancies on Board of Directors, (6) election of officers for 2025, (7) meeting schedule for 2025; and (8) Forms 700 for Directors due April 1, 2025.

**ADJOURN:** There being no further business to come before the Board, it was moved by Director Beers, seconded by Director Vickery, and passed unanimously, to adjourn the meeting at 11:30 a.m.

Respectfully submitted,

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**VICKI L. HOGGINS, Recording Secretary**

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**HOLLY S. MASON, District Secretary**