

**Minutes: Lake Canyon Mutual Water Company
Special Board Meeting**

Tuesday, April 28, 2020 7:00 p.m.

Held via Zoom Audio and/or Video Conference

lakecanyonmwc@gmail.com <http://www.lakecanyon.com/> 408-834-7745 (message)

PUBLIC FORUM: Any member of the public may address and ask questions of the Board relating to any matter within the Board's jurisdiction, if the matter is not on the agenda or pending before the Board.

Call to Order / Start Zoom Meeting for remote meeting access: 7:00 p.m.

Roll Call: Casey Farrand, Jim DiZoglio, Mindi Porebski, Rebecca Cabral, Susan Ady

Also in attendance: Bud Everts, Phil Abel, Barbara Abel, Terry Truong, Erick Sturm, Kirk Epperly, Kenji Morita, Wais Achak, Liia Sarjakoski, John Lipka, Brad Bell, Stacey Johnson, Don Kirk, Ben Oberg, Debby Cunningham

Rebecca calls the meeting to order at 7:05pm

Business

1. Comcast proposal

- a. Legal Counsel: Had a meeting today with our legal counsel
- b. Outcome background: LCMWC is focused on water and roads, and the company has not extended beyond that much historically
- c. Legal recommendation to not get deeply involved in the Comcast proposal, meaning:
 - i. LCMWC cannot act like a bank and provide loans
 - ii. LCMWC cannot levy a special assessment for this
 - iii. LCMWC cannot have folks pre-pay water bills to finance this, as those are to be used for water and roads
 - iv. LCMWC cannot use water company money for this unless the water company would benefit financially as a business
 1. For example, if the LCMWC wanted to input funds due to the fact that the long-term plan for 19605 Manzanita Drive is to possibly sell it as a single family home property, assuming we go forward with the plan to get on San Jose water
 2. Let's say the property is worth \$600k, it might be 10% higher (estimate from real estate professional) if it has broadband
- d. Legal recommendation that we can use our bank account to accumulate funds and turn into one single check for Comcast, that is OK
 - i. We zeroed out our savings account so it is ready to act as a very easily trackable account for this escrow purpose
- e. Can the water board help with comms or other parts of the project?
 - i. Suggestion that the best way forward is to organize a committee

outside of the water board

- f. Has the water board gotten backlash on this?
 - i. The water board is concerned with the legal implications
 - ii. The water board is also constrained by the Brown Act which makes fast action difficult
- g. Can the water board change the articles of incorporation to do something like this?
 - i. It would be a very long and costly process
 - ii. There are new codes that more tightly govern mutual water companies, so there will be restrictions on what
- h. Do we have to pay for repairs to Comcast infrastructure?
 - i. Comcast owns and maintains the infrastructure
- i. Do we have to pay more if the construction costs end up higher than the proposal?
 - i. Something for the internet committee to look into
- j. Concerns around invoicing
 - i. Concern that invoicing, even for a penny may not be appropriate
 - ii. How to provide ways for people who don't use paper checks?
- k. Status of collection
 - i. We have collected \$12,925
- l. Escrow account funds will be returned if this project is not fully funded
- m. Community collection box to be put at the front of the canyon (e.g. green notice box at Laurel and Beardsley)
- n. Internet Committee being created to take this project forward**
 - i. Several folks have expressed interest to Casey already
 - ii. Cannot include all of the current board members due to Brown Act
 - 1. No more than two board members would be advisable
 - iii. Community members that want to join the committee should email farrand.casey@gmail.com**
 - iv. Any prepared comms, posters, FAQs, etc. to be delivered to Casey

Jim moves to stop all work on the Comcast proposal after receiving guidance from lawyers. We recommend Internet community committee to use our savings account as escrow

Casey seconds

Motion passes 4-0

Question for the board to investigate: What is needed for the LCMWC to make a donation to another organization?

Question for the board to investigate: Should the LCMWC board property at the treatment plant pay in as a property?

Recommend an additional meeting to address this

- 2. Billing changes: COVID-19 policies regarding due dates and late fees
 - a. We had already moved the due date for the March billing and removed

- any late fees
- b. Bud researched other utilities and what their policies are, and came up with this [new policy](#):
- i. Disconnections for non-payment has been suspended
 1. Services will not be discontinued if you keep current on their account for subsequent billing periods
 - ii. Payment arrangements can be made by calling or emailing LCMWC
 1. Arrangements could include extension of time, deferred payments, or alternative payment schedule
 - iii. Alternative arrangements are agreed between LCMWC and the resident

Thank you to David Cabral for fixing the electrical outlets at the Treatment Plant!

Mindi motions to approve Bud's COVID-19 alternative billing plan
Motion passes 4-0

Review Meeting Minutes

Susan makes a motion to approve the minutes
Jim seconds
Motion passes 4-0

Set next meeting agenda items:

Special Meeting Tuesday, May 5, 2020 7:00 p.m.

1. If the LCMWC wants to input funds towards the Comcast proposal as a property owner of 19605 Manzanita Drive
2. Update on unimproved lot charges

Re-confirm next meeting agenda items:

Tuesday, May 19, 2020 7:00 p.m.

1. Update on unimproved lot charges
2. Laurel Curve safety improvement project
3. Plan for Lake Canyon shed update
4. Hardship policy, including leak adjustments
5. Capital Improvement plan & rate study
6. Earthquake and fire emergency evacuation plan
7. Conversations with San Jose water on hookup next steps
8. Updates on Comcast
9. Request for 19388 Beardsley

Adjourn

Rebecca moves to adjourn the meeting at 8:52p