

Lower Nipit Improvement District

Letters Patent 1965.
160 Twin Lake Rd.,
Kaleden V0H1K0

Minutes for 56th Annual General Meeting 10:00 am

July 16, 2022

In-person meeting held at Kaleden Community Hall

Present: Glenda Stewart-Smith, Reinhard Maier, Sandie Wilson, Pam Mann, Bill Kresowaty, Coral Brown, Noreen Minnish, Regan Mostat, Paul Oaks, Rosemary Oaks, Nora Walker, Pat Walker, Brian Wilman, Shawna Wilman, Bob Wilson, George Windsor, Val Windsor, Daina Zilans, Jerry Choma, Nicole Hippe, Alex Brown, Karen Dorian, Brad Turnbull, Laurel Peck, Kari Arthur, Bruce Catellier, Glenna Choma, David Hetherington, Julia Jacobson, Michael Jacobson, Carolyn Jager, Harvey Jager, Jim Mann.

Call to order at 10:01am

- LNID President Glenda Stewart-Smith gave a message of welcome and introduced the Board members and the chairperson for the AGM Val Windsor.
- **Agenda** – Moved by Noreen Minish and seconded by Dave Hetherington to accept agenda as circulated. **Motion carried.**

Minutes of the 2021 AGM

- **Motion:** Moved by Michael Jacobson and seconded by Julia Jacobson to accept the Minutes of the 2021 AGM as circulated. Motion carried

Reports

- Glenda Stewart-Smith presented the **Trustee and Water Report**
Summary highlights: Glenda first thanked the following people:
 - Reinhard Maier who served as Trustee for the past term.
 - Val Windsor for chairing our AGM again this year
 - Coral Brown who collects data and does the water reports every month.
 - Shawna Wilman who has taken over the water testing for us and has been doing the clarity and dissolved oxygen tests twice a month. This will allow us to access government funding for chemical analysis of our lake in 2023.
 - Provincial hydrologist Don Dobson, who has done detailed reports on our entire waterway and served in an advisory capacity for LNID for a number of years has recently passed away and will be a great loss to us.
- The new data monitor had to be repaired this year.
- Eastview culvert was blocked this spring and needed to be cleared.
- LNID pump was tested and is in working order.

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- Nature Trust opened their gate at Upper Twin Lake early this year which allowed the lake to come up significantly though actual inflow to the upper lake was below normal.
 - The lake is now at 16.3 ft and has begun its summer contraction due to evaporation, seepage, and use.
 - Conversion of LNID to an RDOS Service Area was rejected by the RDOS due to the lack of a model for flood mitigation service area, lack of qualified staff, and concerns about liability. This means we can't access infrastructure grants through the RDOS and cannot apply directly to the provincial government for infrastructure grants. (Although we would still be eligible to apply for other types of grants.)
 - Re: use of electric motors. Glenda gave a short history of how the LNID, as the original requestors of the motor restriction, have come to be responsible for ensuring that new regulations about electric motor size for this lake, as well as information on enforcement, are properly communicated to the local population with postings and signage. We have now fulfilled all requirements.
 - In light of the RDOS rejection of conversion, the LNID has had an ongoing discussion of possible options for going forward and these were summarized in the Trustee Report which was sent to all LNID members prior to AGM. We will be further discussing these options later in this meeting.

- *Note: **See APPENDIX 1** for full Trustee Report.

- Financial Report presented by **Pam Mann**, Treasurer .
 - The Financial Report was audited by accountant Grant Thornton and sent by email to all LNID members prior to the AGM. Pam briefly summarized the report and took questions afterward.
 - The report shows revenues in 2021 of \$20,985.25, total expenses of \$11,327, leaving us a surplus of \$9657.85, of which \$3000 was put into Reserve Fund as required by statute.
 - **Motion** to accept Financial Report as presented moved by Pam Mann and seconded by George Windsor. Carried.
 - *Note: **See APPENDIX 2** for financial report.

Ongoing Business:

- **Conversion to RDOS Service Area:** Already discussed by Glenda in her Trustee's Report.

New Business & Questions

- **Discussion re: going forward – Options:** Glenda gave a brief background on the research and ongoing discussions by herself and the Board about the various options for how we can move forward in light of the RDOS rejection of conversion. Question and answer sessions followed each of the options presented.
 - 1) Allowing the LNID to “go dormant”: The provincial ministry advises against this because the board would then be held to be “negligent” in its duties. Therefore, the board will not support this option.

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- 2) Transfer everything over to “a society”: In discussions with the ministry LNID was informed that there is no guarantee that LNID assets and rights would be transferred to such a society. This would mean loss of the right to tax revenues and loss of protections against liability which we now have unless acting in a willfully negligent or illegal manner.
 - 3) Dissolution: Again in discussions with the ministry and based on the precedent set in 1996 when the LNID first passed its taxation bylaw and began pumping operations, the ultimate conclusion remains that dissolution can only occur in the rare instance when the provincial cabinet decides that the objectives of the improvement district are no longer feasible and the provision of its services no longer viable. If the LNID dissolved it would no longer be entitled to funding and we would no longer have any say.
 - 4) Stay with the “status quo”: The LNID would continue to monitor water quality in both high and low water years and maintain and operate our own pumping equipment with permission from the provincial government. At this point our equipment is not sufficient to prevent a flood if water flowed in at velocities similar to that of 1996-99 and 2017-18. Questions and comments from some members expressed the position that the LNID does not have the capability and expertise to save some members from flooding and those members need to look at their own flood protection measures. This would still leave open the question of pollution of the lake by flood debris and contamination of the water from septic systems and other contaminants on shore.
 - 5) Going ahead with a flood mitigation project sometime in future: Things could look different 5 or 6 years down the road. RDOS is still looking at possibility of bringing in the whole waterway from Horn Creek to Park Rill to Sportsman’s Bowl as part of its Service Area. Perhaps the LNID could look at changing its Letters Patent. Perhaps we could look at other flood outlet alternatives that would be effective but smaller and less costly than what was proposed in the ECORA report. Perhaps we could look at grants from other sources. The LNID is open to and looking for good ideas and concrete suggestions from the public that we can consider as a solution to our dilemma. A major obstacle to this option is how to afford the kind of expertise and professional time it would take to design a viable solution.
 - 6) Upper Twin Lake (Horn Lake) option: Nature Trust was approached about the idea of increasing the size of the dam in order to store more water in Upper Twin Lake during high runoff years. Nature Trust would not agree to any such plan unless the LNID accepted all liability with regards to the dam and any damage caused by any such construction. Construction of a proper dam would also be prohibitively expensive.
 - 7) * “A vision and a plan”: This “option” or suggestion arose from the discussion on all the above options and the overall problem being faced by the LNID. It comes from the members and seems to have general support: that the board or some possible

subcommittee of members come back to the membership with a vision that addresses the problem in the long term.

- **Proposed Budget – Pam Mann, Treasurer**
 - Pam presented 2 possible budgets that the board is considering and asked for feedback.
 - One budget leaves the tax at \$300 per property which basically covers our expenses and normal operations.
 - The second budget would raise the tax to \$500 per property in order to build up some funds to finance a long term solution to our lake issues.
 - The two budgets are basically identical except the second would allow some more money for permits and office expenses with most of the extra revenue to be put aside in Reserves for future works.
 - The question for the board to decide is whether the LNID should raise taxes before it actually has a detailed vision or plan in place or whether such a rise in taxes would be required first in order to help prepare a properly researched, properly vetted, sound action plan for solving these complex issues.
 - In an informal poll by a show of hands, support for either of the two budgets was about equal.
 - **Motion:** Moved by Pam, seconded by Noreen Minnish to accept the two budgets as presented, with the understanding that the board will decide on which budget to implement. Carried.

Trustee Election

- There were 2 candidates to fill the post of Trustee for the next 3 year term: Dave Hetherington and Pat Walker. Each candidate named a scrutineer to observe the vote count by the Returning Officer (Glenda). Each candidate was given up to 3 minutes to speak to the AGM.
- **Motion:** Moved by Nora Walker, seconded by Rosemary Oaks to accept Jim Mann and Laurel Peck as scrutineers. Carried.
- After the vote count was concluded, Dave Hetherington was declared the new Trustee.

Next AGM: Saturday, May 20, 2023 at 10am.


- **Motion:** Moved by Noreen Minnish, seconded by Rosemary Oaks, that the next AGM be set for Saturday, May 20, 2023. Carried.

Adjournment at 10:58 am.

- Moved by Rosemary Oaks, seconded by Glenda Stewart-Smith that the meeting adjourn.
Carried.

Glenda Stewart-Smith
Chairperson

July 23, 2022
Date



William Kresowaty
Secretary/Treasurer

July 23, 2022
Date

Any questions can be directed to one of the following:

Glenda Stewart-Smith, chairperson 604-275-0564
email: dominothedog@mac.com

Sandie Wilson, trustee 250-497-5119
email: sbwilson@me.com

William Kresowaty, Secretary 306-845-9447
Email: bkresowaty@yahoo.ca

Mandate of the LNID

We are a Land Improvement District (not an Irrigation District) “to divert or impound water to protect property, to facilitate development of a park or to reclaim or drain land for similar purposes”. We are a stewardship group of the Twin Lake. We monitor and check the Horn Creek waterway for debris/blockages, record lake levels, do clarity tests, and take a water sample for a biannual lake water analysis to Caro Lab in Kelowna. We have a members list, and history of the area. We provide some water education – “Protect our water. aquifer and watershed”. We are concerned about water quality and quantity. We communicate with RDOS and different Ministries as necessary – MoE, MoFLNRO, MoCSCD, MoTI and OBWB . We attend relevant meetings and respond to decisions which affect us.

The LNID has 2 diversion water licenses. The 1973 Botham Report gives a history and describes a cooperative system for some control of the Twin Lakes Waterway.

FYI **“Water Stewardship” branch** is responsible for Ground Water Protection Regulations. They also have well data available online: Twin Lakes monitoring wells # 403 ID 34383 (256 ft. to bedrock with static level at 120 ft) and Horn Lake south well is # 404 ID 34382 (113ft. deep to bedrock with static level at 80 ft pumped at 10 US gpm with 6 inch pipe).

<https://a100.gov.bc.ca/pub/wells/public/indexreports.jsp>

The Ministry of Environment, now called Forests Lands and Natural Resources also enforce the following regulation (available online at bclaws.ca)

The Water Protection Act,

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96484_01

Protects British Columbia's water resources by:

- Re-confirms the ownership of surface water and groundwater in the Province
- “The Province owns the water in British Columbia and has the proprietary right to ensure its protection and sustainable use. The Water Protection Act reconfirms that surface water and groundwater are one, and always have been vested in the Crown, except in so far as private rights have been established.”

APPENDIX 1 : Trustee Report for LNID AGM 2022

APPENDIX 2 : Treasurer’s Report – LNID Financials for 2022 AGM