

## **Lower Nipit Improvement District**

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

### **Minutes for 57th Annual General Meeting May 20, 2023; 10:00 AM PDT In-person meeting held at Kaleden Community Hall**

**Members Present:** Glenda Stewart-Smith, David Hetherington, Pam Mann, Bill Kresowaty, Val Windsor, Connie Bellinger, Alex Brown, Coral Brown, Dale Clark, Larry Dahlgren, Karen Dorion, Julia Jacobson, Michael Jacobson, Carolyn Jager, Harvey Jager, Reinhard Maier, Jim Mann, Noreen Minnish, Neal Moretti, Paul Oaks, Laurel Peck, Ron Roth, Dawn Sharman, Barry Shore, Lise Proulx-Shore, Darren Turnbull, Pat Walker, Robert Wilson, Sandie Wilson, George Windsor, Daina Zilans

**Guests:** Subrina Monteith (RDOS District I Director)

#### **Call to Order at 10:05 AM**

- LNID Chairperson Glenda Stewart-Smith gave a message of welcome and introduced the Board members and the chairperson for the AGM, Val Windsor.
- Chairperson summarized parliamentary procedure for the meeting

#### **1. Acceptance of Agenda**

- **Motion:** Moved by Dale Clark and seconded by Coral Brown that the agenda be accepted as circulated. Carried.

#### **2. Minutes of the 2022 AGM**

- **Motion:** Moved by Harvey Jager, seconded by Dale Clark, that the minutes of the 2022 AGM be accepted as circulated. Carried.

#### **3. Reports**

##### **a. Trustee and Water Report** – presented by Glenda Stewart-Smith. **\*(Full report was handed out at the meeting and is also available from the LNID website).**

- Thank yous to current treasurer and secretary, former President and water monitor Coral Brown, and to former trustee Sandie Wilson for her service to the LNID in the past 5 years.
- Explanation of how decision to pump or not to pump water from Lower Twin Lake (LTL) is made:
  - if there is a possibility that pumping may be necessary the LNID requests permission from provincial Water Authorization Officer (currently Ray Reilly) to pump. We need to give him a rationale and clear purpose for pumping.
  - this year that permission was received at 4:10 pm on Friday, May 19.
  - no decision on pumping has been made by the LNID at this time. Such a decision is never taken lightly.
  - the decision is based on historical data, % of normal snow pack in current year, daily lake level measurements, current capacity of lakes for new water, the conditions downstream, the projected likelihood of significant rain, and other relevant factors.
  - someone from the provincial office often comes out to inspect the lake and water levels downstream.

- part of our responsibility is to monitor water flow in creeks downstream and status of culverts along the waterway downstream through Willowbrook and Park Rill

- Water Quality Testing : Shawna Willman is testing the lake bi-weekly for Sechi Disk clarity and dissolved O<sub>2</sub>. This allows us to be on a list for govt. funding of chemical testing for over a hundred different components in the lake to assess water quality. (See Trustee Report)
- Voting Rights: We sought a legal opinion this year on voting rights for owners of Aiken S Ranch properties. The opinion received states that shareholders are owners of their individual properties and should therefore have a right to vote. (See Trustee Report)
- Glenda announced that because of a recent ombudsman ruling and because we are officially a local taxing authority we must from now on send out a notice in February of each year stating that you owe a tax to the LNID. The only basis for appeal is if your name or property description is incorrect on your notice.
- Re: honoraria. Currently all positions on the LNID executive board are volunteer positions, not paid positions. The honorariums are much less expensive than if board members actually billed the LNID for all their expenses.
- Email and Freedom of Information requests: due to the recent volume of requests and the time and effort required to respond to them all the board is considering enacting a policy to charge fees for Freedom of Information (FOI) requests. These types of demands on board's time take away from the more pressing issues and business of the LNID. No proceeds of such fees ever go to the trustees who, by law, cannot take a salary from the improvement district.
- LNID Five-year Vision Plan: (See Trustees Report) Dave Hetherington elaborated and gave details of the Vision Plan for dealing with flood and drainage problems with a two-part solution which separates the problem of removal of water from Lower Twin Lake (LTL) from the problem of dealing with the overflow downstream of LTL.
  - plans for dealing with the overflow focus on returning Lot 280 (green cattle pasture between the lake and the intersection of White Lake and Twin Lake Roads) to its original wetlands status. (The natural outflow there had been filled in by a previous owner.) If we enhance that wetland it would slow down the flow downstream and also allow replenishment of our aquifer. It would be a community project, not an LNID project, relying on people becoming involved. Creation of a standing committee of interested citizens has now been proposed. A very encouraging and productive meeting was held with representatives of Nature Trust and the BC Wildlife Federation on Friday, May 19, and may include other partner agencies in the future. The RDOS has already upgraded most of the culverts in Willowbrook and along Park Rill.
  - plans for removal of water from LTL involve either a larger pump and pipe or preferably a horizontal drill and installation of a gravity feed culvert about 300 metres long.
- Re: present pumping capacity: We can only bring down the lake level 1/8" per day so we sometimes have to plan ahead and pump in late summer or fall and/or in early spring. This year Nature Trust has agreed not to open gates to release water from UTL until August, rather than the usual June 30 date.
- Water Report:
  - as of May 19, Horn Creek still had moderate water flow into UTL.
  - 1" of water is running over the spillway from UTL to Turtle Pond and is now at .7 metres.
  - LTL data logger measures at 18.22 ft. (With adjustment required we consider the actual level to be 18.6 ft which is at the tree line.)
  - over the last 24 hours there was a 1/2" rise in LTL.

- **Motion:** Glenda Stewart-Smith moved, seconded by Noreen Minnish, that the Trustees and Water Report be accepted. Carried.

#### **b. Financial Report – Treasurer Pam Mann**

- To clear up questions about a grant which Don Dobson had applied for in 2017: The LNID was not party to the grant application and did not receive or deposit any grant funds. (As discussed at 2024 AGM, the Board believed this to be a donation but it was in fact a grant.) However, we do hold status as a qualified donee and received \$14,000 in private donations in that year, along with three separate amounts from three RDOS districts totalling \$5000 (mistakenly referred to as \$4000 at the meeting). These were designated as a grant by RDOS and recorded as donations in LNID's final records. These monies and other donations were targeted towards lake monitoring system. All donations were held in a separate bank account.
- Grant Thornton agency completed our 2022 year-end financial statement. Their statement of our financials including the 2023 forecast and 2024 budget were included in package provided to each member present at the AGM and is also available from the LNID website.
- Highlights of Pam's presentation:
  - The actual revenue was \$1800 less than forecast because we refunded the taxes of 6 Aiken S Ranch members who were not able to vote in 2022 because their voting status was in question.
  - Honorarium amounts did not change however one trustee did not complete her term and therefore did not receive the final 6 month instalment.
  - license fees were as expected. Office and water monitoring expenses were paid by trustees who chose not to submit bills for their expenses.
  - suppliers of data monitoring have been changing their billing period and this has not yet been clarified.
  - Transfer to reserves was \$3000 as budgeted.
  - Grant and Thornton is sending out a big package that contains all relevant schedules and this will be available to anyone who wants more details.
- **Motion:** Moved by Pam Mann, seconded by Sandie Wilson, to accept the financials as prepared by Grant Thornton. Carried.
  - 2023 Forecast: The forecast is simply an updated 2023 budget. It's almost the same as the budget except that we had to increase funds for legal costs due to the Aiken S Ranch voting issue.
  - a bit more money has been added to the water storage and release program and a bit more to asset and liability insurance.

#### **4. New Business and Questions:**

**a. Liability:** Glenda shared a letter she received from the lawyer regarding our liability. In essence, all properties which benefit from the services (of the LNID) are responsible for all costs associated with providing the service. If an improvement district is found liable for breach of contract the cost would have to be collected from the owners of the properties within it. He also explained the Naramata Improvement District lawsuit (he defended that case) in which the Naramata ID was found in breach of contract and was held liable for damages and ultimately resulted in RDOS taking it over and paying off the settlement. However, he stressed that the case was extraordinary and not likely to be repeated.

The question was raised, in the context of our present activities, if we pump and cause damage downstream would property owners be held responsible. The answer is yes, only if we are found to have been negligent. It was also pointed out, however, that since permission to pump comes from the provincial ministry it is their obligation to ensure no damage downstream. The letter states it is LNID's

obligation to monitor downstream conditions but does not state that we would be responsible for damages.

Re: having a metre on the pump to know exactly how much water we're pumping in order to avoid liability, Glenda responded that she received assurances from Ray Reilly (Water Authorization Officer) that providing them with the lake water levels was sufficient information on which to base their decisions, as long as we exercise reasonable caution and monitor downstream.

Coral Brown, who collects our water level data daily and reports those weekly to the province, pointed out that flooding beyond White Lake (for example at Willowbrook or Sportsman's Bowl) would be very difficult to attribute just to LTL since there are creeks of several different origins bringing water to those locations.

**b. Discussion re Going Forward:**

- Glenda presented the viewpoint that the board is at a crossroads, feeling overwhelmed with the many serious tasks before them while at the same time dealing with a high number of Freedom of Information (FOI) requests and frequent weekly, and even daily emails.
- Members in attendance offered various possible solutions from automatic email responses, to charging for FOI requests, and hiring short term help for specific tasks or projects.
- From that discussion a motion emerged to amend our budget with a new line item to provide for such an expenditure (\*See following section on Proposed Budget)

**c. Proposed Budget – Pam Mann, Treasurer**

- Pam informed us that the accounting software she uses costs \$600/yr so if she retires from accounting at home she would have to charge that cost to the LNID at some future point.
- Proposed tax increase per property from \$300 to \$400 would increase revenue by \$6800/yr.
- Honorariums will remain unchanged.
- We anticipate a small increase in accounting fees.
- Legal fees: we are budgeting \$5000 in anticipation of the need for legal opinions as we move forward with our vision plan for drainage, as well as \$1000 for permits.
- Hydro pump will increase to \$1000.
- We are budgeting for purchase and installation of a backup pump. If not installed we at least have it ready to go as a form of due diligence on our part.
- Beginning in 2024, we intend to transfer \$4000/yr into reserves, up from \$3000.
- Discussion followed on whether we should increase taxes from \$300 to \$400 in order to put aside more money for upcoming equipment and infrastructure and for our required portion of any future grants that we might apply for thus spreading the cost over more years and more taxpayers. And if so, should the amount of increase be \$100 or something less. It will be up to the trustees to make that decision in the coming weeks.
- **Motion:** Moved by Dale Clark, seconded by Noreen Minnish, that we amend the budget by adding a line item of a one-time expenditure of \$500 to create a special purpose fund for the reviewing, organization, and filing of LNID archives.
- **Motion to amend:** Moved by Sandie Wilson, seconded by Julia Jacobson, to amend the previous motion by increasing the amount to \$2000. Carried.
- **Vote on amended motion:** Carried.

## 5. Next AGM

- **Motion:** Moved by Noreen Minnish, seconded by Daina Zilans, that the next AGM be held on **Saturday, May 18.** Carried.

## 6. Trustee Election

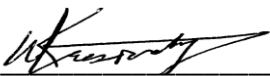
- **Motion:** Dale Clark moved, seconded by Jim Mann, that Karen Dorion and Larry Dahlgren be our scrutineers charged with counting the ballots. Carried.
- Each candidate was given an initial 3 minutes to speak followed by a 20 minute question period in which candidates were given 2 minutes to repond to each question posed by audience members.
- **Election result:** Noreen Minnish will be the new trustee to fill a one year term on the board.

## 7. Adjournment

- **Motion:** Moved by Neal Moretti, seconded by Dale Clark, to adjourn the meeting. Carried.
- Meeting adjourned at 12:21 pm.

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Glenda Stewart-Smith, LNID Chair



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William Kresowaty, LNID secretary

## APPENDIXES