

ITEM 2 a

MINUTES OF THE TUSCAN WATER DISTRICT

Regular Board Meeting of Wednesday, October 16, 2024; 9:00 a.m.

Chico State University Farm, 311 Nicholas C Schouten Lane, Room 104, Chico, CA 95928

MEETING MINUTES

The meeting was called to order at 9:00 a.m.

Item 1 – Roll Call:

- Board members present: Rich McGowan, Steve Koehnen, Rayme Antonowich, Brian Mori, Craig Knight, Andrew Mendonca, Jim Paiva, Bill Chance, Todd Turley
- Board members absent: None.
- Public Present: Tovey Giezentanner, Joe Hughes, Emily Alma, Danny Kerns

Item 2 – Meeting Minutes

- Action Requested: Approve
- Board Comment: Bill Chance asked a question about the assessment escalator rate.
- Public Comment: None.
- Board Action: Mori Motion, Knight Second, 9-0 approve.

Item 3 – Finances

- Action Requested: Approve
- Board Comment: None
- Public Comment: None
- Board Action: Chance Motion, Paiva Second, 9-0 approve.

Item 4 – Prop 218

- Staff provided an update on the Engineer's Report
- Actions Requested:
 - Accept and Approve the Final Engineer's Report which outlines the proposed assessment and its associated financial impacts, which are key components in moving forward with the Proposition 218 process.
 - Set a Public Hearing (January 15, 2025 at 9:00 a.m.), allowing for public comment on the proposed assessment.
 - Authorize the Mailing of Ballots for the Proposition 218 election to property owners within the District, ensuring adequate time for ballot return prior to the Public Hearing.
 - Direct staff, in collaboration with legal and consultants, to finalize the ballot materials.
- Board Comment:
 - Todd provided a suggested revision to the technical support language, which was accepted.
 - Todd asked questions about disclosure and pending legislation. Joe provided feedback and context regarding the pending legislation. Joe explained that we've adequately complied with existing law re: disclosure and notification periods.

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- Board Discussion re: protest election and the similarities and differences between this and other elections. In this case, if a majority of the ballots cast oppose the measure, the Prop 218 process will not succeed.
- Bill Chance provided general commentary on the need for the measure. To summarize, Bill's conclusion was that this fee is a necessary evil. Several board members concurred.
- Rich added that the formation of TWD will end up being a great benefit for the County. Todd echoed Rich's comment and added, "It's a long time coming."
- Public Comment:
 - Emily Alma requested that the envelope contain language to say, "this is important – open and vote." Staff showed her the approved outgoing envelope, which already contains similar messaging.
- Board Action: Motion to Approve all 4 Requested Actions by Rayme Antonowich, Seconded by Steve Koehnen. Motion passed 9-0.

Item 5 – RCRD Support Letter

- Staff provided an overview of the issue and draft language.
- Action Requested: Direct staff to continue discussions with the Rock Creek Reclamation District Board and authorize the submission of a support letter, if requested by the RCRD Board, to the California Department of Fish and Wildlife for the expedited review of RCRD's Stream Bed Alteration Permit.
- Board Comment: None
- Public Comment: None
- Board Action: Rayme Antonowich Motion, Andrew Mendonca Second. Motion passed 9-0.

Item 6 – Board Member Items

- Several board members asked questions related to the following question, "Are TWD Board members allowed to advocate for the Prop 218 measure, and if so, what are the boundaries they must follow to ensure compliance?"

Below is a quick response to this question:

- **Public Funds Restriction:** Under California law, public agencies are prohibited from using public funds to advocate for or against ballot measures, including Prop 218 measures. However, the agency can use public resources to provide neutral and factual information about the measure.
- **Personal Advocacy:** Board members, as private citizens, are allowed to advocate for the measure, but they must do so using their own time and resources. They cannot use public funds, agency resources, or their official capacity to promote or oppose the measure.
- **Board Discussions:** During official meetings, board members can discuss the measure, provide factual information, and explain its implications to the community. However, advocacy during meetings must be carefully framed to avoid any perception of improper use of public resources.
- **Transparency:** It is essential for board members to clearly distinguish between their personal opinions and their official capacity when urging support for the measure.