

Lakeside Park Association

Meeting Minutes

March 16, 2022 – 5:30pm

LPA Office, 4077 Pine Blvd, South Lake Tahoe, CA 96150

Participants Attending Remotely: Andy Engelhardt, Chet Pipkin, Craig Elliott, Rick Lehr, John Paoluccio, Judi Goddard, Warren Rowe, Jason Crawford

Approval of Agenda: Chet moved, Rick 2nd - Unanimous. Andy commented one correction under Other Board Member Report section where it says, “Select Election Committee” the Bylaws say, “Appoint Election Committee”.

Approval of January 11, 2022, Meeting Minutes: Rick motioned, Chet 2nd - Unanimous

OPEN SESSION

MARINA REPORT

Jason plans to get the guys rolling toward the middle of or end of April. Looking at water levels from the water master, the water level is hopefully going to come up about another foot which should put us close to where we started last year. He has been trying to get a welder out to get an idea what it would cost to put new brackets in, so they can raise and lower the steel sheeting. Andy asked if the sidewalk that was repaired is still holding up and Jason said it looks like it is holding up great. Rick asked about the Water Taxi possible limitations due to lake level. Jason it will not be running due to water being too shallow. Andy asked about building repairs such as the bathrooms. Jason said he replaced the toilet last year in the men’s room. Once it warms up looking to do some epoxy or something on the floors as well as some painting. John recommended holding off on reinstalling the bubble curtain if water levels are low. However, suggested purchasing the hose due to continued price increases and store it. John said he would discuss further with Judi.

WATER COMPANY REPORT

Nakia was not able to attend the meeting, Judi read her report. All 14 signatures needed for the Utility Easement Deed for the Stateline Extension project have been received and will be recorded. Nothing significant to report currently for capital expenditures or operationally as far as distribution and maintenance updates. Water production has a four percent decrease from the previous month. Jana, our new employee, is working out well. Andy advised he sent Nakia a copy of the TRPA request for proposal that they’ve sent out to test the herbicides used in the keys and as part of that RFP, it described how they’re going to further test in the lake for presence of herbicides. Nakia is going to contact the TRPA and ask if they will provide LPA Water Company with one of the sensors that they were planning to use, and have it installed in our water supply so that we can verify the presence or no presence of herbicides.

MANAGEMENT REPORT

Judi reported all accounts are current except for the on-going delinquent account which would be discussed further in closed session. The March/Aril billing was sent out. The audit is ongoing with additional information and documentation being provided to the auditors. Thanks was given to Craig for his assistance with yearend adjustments. The audit itself is scheduled for the week of March 21-25th. Chet thanked Judi and Craig again for all their work.

BEACH/OPERATIONS ASSISTANT REPORT

Warren advised a new POS system has been ordered called Fran POS [Franchise Point of Sale]. For the 4th of July Warren recommended staying with the 200 general public cap (if decided to allow general public) and no sunset pricing for that day with pricing recommendation of \$30 for adult an \$20 for children. Andy asked if we have applied to the city to close the streets for the event as done in the past. Warren responded not yet. Chet offered to work with Warren on the permit process. A meeting has been scheduled with both event planners, staff and three board members (Andy, Chet & Rick). Neither company wants exclusivity as part of the agreement. Warren stated the only sticking point is that both feel it

would be most beneficial to all if the agreement was on a percentage partnership. Andy stated a percentage of their business is not what we asked for.

TREASURER REPORT

Chet thanked Judi in investing time and effort to learn accounting in a deeper way and preparing for the audit. Chet also thanked Craig. From a results view, we're off to an adequate start. Cash has been utilized for some of the larger capex projects that we did over the last year but we're very close to budget in almost every way on a cost basis, year over year as well. The subcommittee did great work with our one member who is delinquent.

OTHER BOARD MEMBER REPORTS

Appointment of the Election Committee. Andy appointed John and Rick, both accepted. Discussion of what date the annual meeting should be held. Saturday July 2nd was the date selected.

Andy appointed a committee to decide by the April board meeting the future of the restaurant. Rick agreed a decision needed to be made. One area of concern is that we do not compete with any of the restaurants in the association. Andy appointed Judi, Chet and John as the sub-committee.

Craig stated the ethics meeting (training course) got him thinking about what we [the board members] are doing in context of our Articles of Incorporation and bylaws. The biggest change is the fact that the State of California has denied us our non-profit application. The argument that is in the attorney letter where he quotes code section 7140 no longer applies because we are no longer a non-profit mutual benefit corporation in the eyes of California. Rick asked if we were a nonprofit from the federal standpoint? Craig replied we are currently as a 501(c)(4). Chet agreed that benefit comes in all different ways and that he feels for Craig with the parking and crowds and would be delighted to work with him to address and mitigate these issues. Chet went on to say in his opinion what LPA is doing doesn't violate the purpose, mission and the cause of a nonprofit organization to charge for some things as an element of the total work of the organization. It's a board call, and the board has made that call. Craig stated he believes that there is a difference of opinion on what the articles of incorporation are directing. Chet stated that he has studied the articles and bylaws and his own interpretation of where things stand is different from Craig's. Andy stated we appreciate differences of opinion and that he believed everything this board does is ethical. He mentioned how Craig brought up legal vs. ethical and we have a legal opinion that is validated by an attorney that what we are doing is within the bounds of what the articles and bylaws say. The board took a vote last summer and approved doing what we're doing today with the beach passes. He went on to say that the ethics training we all took, notes that one of the critical roles of a board member is to offer opinions like you're doing. We all have different opinions but once a board decision is made, it's to stand behind that decision and I hope you can do that. I wanted this to be brought up tonight. I want you to have your ability to address the board and in the long run, they voted. Craig replied that the thing that changed is that we had a definitive answer that we are no longer a nonprofit in the state of California and that makes a big difference when you read the requirements to be a 501 (c)(4) federal, we do not qualify. Andy replied that our attorney says we are a nonprofit because we are not paying out money of profit return to the members. Rick added we are only using the funds we're receiving to benefit the membership by means of being able to reduce their water rate and keep and maintain the beach for them to enjoy. Craig then questioned the association using residential areas as a parking lot to generate profits, to financially benefit the association. Andy mentioned the Marina's efforts with the city for mitigating parking at the Marina and the city's response that a proposal be provided. Andy added if we make it all permit parking there are still people coming and where are they going to park? Chet expressed he feels optimistic we can find ways to attack the parking topic. Craig thanked everyone for their time and input. Rick motioned to adjourn, and John seconded.

CLOSED SESSION

Next Scheduled Meeting: April 20th

Meeting Adjourned: unanimous

Meeting Adjourned at 7:20 pm