



DATE: SATURDAY, FEBRUARY 10, 2024
LOCATION: HOSE COMPANY BUILDING
TIME: 10:00 AM-12:00 PM
APPROVED COPY

BOARD OF DIRECTORS MEETING MINUTES 2/10/24

A. CALL MEETING TO ORDER:

1. **Establish Quorum:** Karen Burridge was absent on vacation in Texas. Felicia was on her way top the meeting as it began. She was approximately 5 minutes late. Steve Hobson, Richie Fesler and Uri Driscoll were in attendance when the meeting began. There was quorum.
2. **Approve Agenda:** Richie stated he received a Forest Service Letter he wanted to read to the group, adding an item to the correspondence and new business sections of the meeting. Otherwise, the agenda was approved as written.

B. SECRETARY REPORT:

1. **Approve Minutes from Prior Meeting:** The previous meetings minutes from December 2023 were approved without changes.

C. FINANCIAL REPORT:

1. Karen gave a report for Richie to read in her absence. In the operating/checking account as of 2/7/24: \$261,688.33; Edward Jones {EJ}/Reserve Account: \$243,524.73; totaling \$391,143.58. Major Road Repair Account: \$129,455.25. The usual office expenses were paid since the last meeting: Rent, administrative assistants, office supplies. phone. Additionally, Hitchcock Construction was paid \$37,932.25 for snow removal. The attorney was paid \$2,955.00 for December activity. NorCal Presort was paid \$2,388.28 for preparing and mailing annual disclosures, reserve study, and financial statements to members.
2. The new owner of 424 Main Street [our office's location] has informed the BOD that he wants to raise the rent. The new rent will be \$1.35 per sq. ft, creating an increase from \$500 to \$550. Richie measured the office at 390 sq. ft. rather than the 550 sq. ft. the landlord said we were renting. At first, the new rent was going to be approximately \$700., but with Richie's recalculating the space we are renting, the rent went up only \$50. Alternatives were discussed for BOD meeting locations: The Horseman's club is available if under 50 people attend the meeting and we have a member of our group who is a member of their club. The Horseman's Club was decided to be the location for the next BOD meeting in April.

D. CORRESPONDENCE:

1. **Forest Service Letter:** Acting Forest Service [FS] Ranger Ben Sundal in regard to Pilgrim Creek [PC] Road. Richie read the letter. **There is a possibility of closing PC with little notice to the public** because of bad weather causing the road edge to deteriorate. The FS has already completed some repairs. FS personnel will check on the road at least daily for condition changes, but members should anticipate an unexpected shift to using Esperanza Road exclusively. The FS will keep the POA informed. Richie has asked the office staff to post this letter on the website and facebook so that members can access the new ranger's contact information and read the letter for themselves. Richie read the contact information to members from the letter. Please read the letter on the website. Richie shared the following information from his phone call to Ben Sundal and some discussion occurred:
 - a.) The shoulder of PC continues to deteriorate. With or without traffic, this process will continue, why not leave the road open? Richie suggested ways to mitigate the ongoing damage. He suggested making it a single lane road with solar red flashing lights. 2) He gave the new ranger a briefing on Esperanza Rd. He was NOT

aware of the 100+ flat tires that occurred to POA members on Esperanza in its current condition. The potential is high that the total of flat tire incidents was actually 200 people with consideration to persons not members of the POA. Richie explained to Ben that it was not simply a matter of “opening” Esperanza by declaring it open. The road needs to be inspected for conditions because of the heavy rains and 2 feet of snow which may have made the road much worse on tires unless it is rolled again, and there will be a financial cost. Who will pay?

- b. **Richie requested that Ben Sundal that there be an immediate meeting IN PERSON of all parties affected if there is another emergency closure of PC, before the actual closure occurs.** Many options could be arranged that are far better than the road situation as it was just prior to PC re-opening.
- c. Uri suggested the FS might try to get emergency road funding. Richie agreed. Ben stated they were getting emergency funds to repair the road, **immediately**. If that occurs, hopefully the FS will repair the shoulder and the drainage to keep it from crossing the road.
- d. However, Richie says he has lost trust in the FS based on our experience in 2023 when the FS forced the POA into the use of Esperanza, forced the POA to pay \$70K to keep Esperanza usable when ultimately, they reopened Pilgrim Creek anyway, and the FS lied about the basis for the Pilgrim Creek Road closure. Richie saw a *parked* dozer in the wood near PC and he hopes they are going to use it to stop the run-off from the old creek channels.
- e. Richie stated that there was a discrepancy between the information he got from Carolyn on their last communication v. the initial communication with Ben. She stated the POA needed to pay their fair share of road costs. She did not accept that Esperanza was a public roadway and the POA was already paying their fair share through taxes and said that 75% of the use of the road was from the POA. Ben recognized the POA use and the public’s use and timber companies use of Esperanza. The timber companies get 2 extra loads per day per truck [40 trucks] out to the mill if the road is open. Additional discussion occurred but much background noise prevented it from being heard on the tape.
- f. Uri agreed that Carolyn didn’t seem to be recognizing the many others use of the road and that she unfairly attributed most of the use to the POA. He wondered how much emergency funding the FS asked for and what their plan is if they receive it. The ditch that helped channel water from mud creek is filled with sediment and cleaning that out upstream would be a tremendous help to the road. Richie mentioned that when the culvert pipes filled the FS didn’t try to remove and clear them. Steve believed that lack of action was because Carolyn was angry at the POA because of the intense advocacy from members. Richie explained that clearing the culverts is easy and effective with a Vactor truck but it wasn’t done [deliberately].
- g. Richie and Steve believe the situation was worse for the POA [prior to PC reopening] because Carolyn was angry with the POA, but the FS wasn’t. In fact, she told the POA that the FS didn’t own Esperanza, but the POA found out they did and it had a FS number. Presumably, the FS was trying to avoid responsibility pay lying and saying it wasn’t their road. Richie talked about the various tactics the FS tried to avoid financial responsibility. Now that she is retired, they hope the communication with the FS will be improved, and more honest and open. The new FS representative Ben Sundal has been invited to the April BOD meeting. Additional discussion occurred. ZIB Meetings were discussed: Zone of Increased benefit---usually at CalFire in McCloud.

E. **COMMITTEE REPORTS:**

- 1. **ROADS COMMITTEE:** Richie reported that the POA roads are holding up great this winter. Costs for plowing snow at approximately \$38,000 in 2024 so far. It’s estimated that it may cost up to \$70,000. for the rest of the winter, depending. Richie hopes to meet with contractors at the end of February to discuss future road projects: all roads grade and rolled, ditch lines cut, brush removed, tree removal, masticating for at

least one unit, with the other units scheduled, getting rid of large rock and new base down, and basic maintenance the POA has put off due to the other foci discussed in prior meetings. Prioritizing chip sealing on Hotlum, Widow Springs East, & Snowline must be discussed and after decisions are made must be put out for bids. Richie went with the FS to mark many hazardous trees on FS land that are making it difficult for plows to remove snow with the plan they be removed in spring [no cost to POA].

The base originally used on the roads was called shale from a pit near McCloud. This base was better than the base from Louis Rd area because it held up better; it is amazing. Discussion occurred about getting that base for POA roads. Richie said he would look into it but Hancock which has been sold to an Australian company may be the new owner. It is not known if that base from near route 89 is still available. Uri stated he would be happy to try to contact them if he was given contact info to begin with.

2. **FIRE SAFETY COMMITTEE:** Richie reported both fire engines are off line and are being stored. This is unacceptable. Someone is supposed to maintenance them weekly as needed. Uri volunteered to check into the situation. Re: Roofing on water tanks: we have materials for the repairs but the tanks are covered and snow and the project is delayed.
3. **DRC COMMITTEE:** Richie reported we need to contact the attorney because some members installed culverts that are not properly maintained and they are damaging our roadways. The culverts are blocked and water is choosing an alternative route across the roads cutting its own channels. These members have been contacted but have not been sufficiently responsive; legal action is now necessary. To remedy the blocked culverts, the POA has had the grader cut a ditch in these people's driveways so that water can continue to flow and damage is prevented as much as possible. These members have called Richie asking "What have you done to my driveway?" and his reply has been: "Look what you've been doing to our road!" The legal issue is: Can the POA remove and replace the blocked culverts that are owner's responsibility?

Some of these culverts were improperly installed but still working awhile others are blocked. They are all grandfathered in according to DRC rules at this point, but any that need replacing need to be replaced according to clearly defined DRC standards. Proper documentation needs to occur prior to any POA action for legal reasons.

A few members improperly marked their driveways for snow removal using poles that would impede the plow and cause their snow removal devices damage. Violation notices were sent. The members stated their issue: culvert damage. The culverts are improperly installed: Improper placement and too shallow. These factors can cause damage to members' personal culverts. An example of the situation is on Red Fir: the road damage is 8 inches deep. A discussion occurred about clarifying the protocol for grandfathering and *if* there is a time limit on it. Other grandfathering situation and POA responses were discussed as related to the general topic and there was some disagreement among members. Statutory rules v. DRC changes were discussed. The green fence example was cited. In the spring, the POA will have a group of volunteers to address each culvert problem and work with office staff on documentation.

Some legal advice is necessary related to future culvert plans and water flow operations for proper drainage.

This year the POA has plans to hire a contractor to clean culverts; it is possible that at the same time, **if** members wish, it **could be** planned & coordinated that members who need their culverts cleaned could arrange to have their culverts done simultaneously. Each participating member would pay the contractor directly. This is not currently organized, but it could be *if* members desire it.

4. **TECHNOLOGY – COMMUNICATION COMMITTEE:** Steve reported that he and Nicole worked to repair the message problem on the phone. It had been reverting to a message for 1995 after each blackout. The current message would be inaccessible to select. They believe it is fixed.

He also reported that the POA had to increase the number of allowed members on the website so that new members could join and have access to website payments and internet billing as well as the website information. There was a fee for that service. Richie said the website was working well.

5. **EVENT PLANNER COMMITTEE:** Felicia stated that the next meeting is scheduled for April 20. She would like to have a “Spring Fling” event after Easter with games. Steve stated he felt the POA lost its camaraderie the last few years, and that the BOD wants this to improve. Therefore, these events are being planned. Hopefully, these events will bring people together so that everyone meets their neighbors, and gets to know each other better, and more people will attend and participate in the BOD meetings. Richie echoed Steve’s comments stating he wants to have a more active community among members. Steve suggested additional PR for events to increase attendance, and Richie said the event was posted 2 months prior to that day in multiple places. A member suggested a general reusable banner [from Wonderland] be purchased and placed outside the meeting place or POA entrance between trees so that everyone can become aware of an upcoming event. This idea was well-received and others will act on the idea.

Converting the Hose Company Building into a meeting hall was discussed. Related to the discussion of the use of the building, Richie stated that the POA’s Volunteer Fire Department is not functioning anymore, and it should be discussed.

6. **LEGAL COMMITTEE:** Karen Burridge, committee leader, was absent, however Richie made a report. He repeated that there are a few legal questions under discussion and will be referred to the attorney. He stated that the BOD has not had an election at the annual meeting; therefore, the current BOD needs to learn the proper procedures. More discussion in “New Business.” Karen will review this issue and some accounts receivable questions with Tom [the attorney] on 2/22/24 at the office. Nicole Monpain is considering being the Inspector of Elections and will need to attend the meeting if the appointment is certain.

F. **OLD BUSINESS:**

No report.

G. **NEW BUSINESS:**

1. **Election Update:** Richie stated that the ballots will not be mailed out as was done in previous years, and follow the instructions/policies that are in the bylaws. This election will be conducted in person. At the annual meeting. Timelines will remain the same---as in all previous years---for posting candidates, statement publishing, and opportunities for candidates to meet the membership. Discussion occurred, with Steve stating that it seems to him that ‘in-person’ rules disenfranchises members who live at a great distance. The latter is NOT the current Board’s purpose.

Richie said he has no idea how a quorum can be established under the rules the POA needs to follow for the upcoming election; that is part of the purpose of the meeting with the attorney. Richie prefers a mail-in election, but apparently it is not possible due to new laws. The last few elections were mail in because of a court order related to Covid that Tom obtained. He added that the POA is going to need to learn about proxy voting and many other procedures.

Richie encouraged everyone to spread the word far and wide that members are wanted as BOD candidates. Uri asked if we could get legal permission for mail-in ballots. Richie stated it wasn’t possible. Is it possible to change the by-laws? Do we have enough time to amend them prior to the upcoming election? asked Uri. Richie stated the process was at least a one year procedure.

A majority of members of the 791 lots must vote in the election to have a quorum and be valid, NOT a percentage of people attending the meeting. A report on the outcome of the meeting with the attorney will be forthcoming at the next meeting. A mailing will occur soon asking for candidates; it will be mailed to all members.

H. PUBLIC COMMENT PERIOD- limited to 3 minutes - action may not be taken on issues presented, unless authorized by a majority of the Board, but may be placed on the next meeting's agenda. The Board meeting is to discuss corporate business and will be conducted as such. Members are encouraged to participate in the Public Comment Period and may, after being properly recognized, be allowed comment during Board deliberations at the option of the Chair. Emotional outbursts which disrupt the proceedings will cause the Chair, at his or her sole discretion, to recess the Board meeting, clear the room and reconvene the meeting with only those members not party to the disruption. PLEASE BE COURTEOUS.

Some discussion occurred involving the pledge of allegiance and [unrelated] volunteers for cleanup costs, burn piles & reimbursement costs but it was not loud enough to hear, therefore this writer cannot summarize it. Additional discussion occurred involving rewarding and cost-tracking volunteers on POA projects.

Road Signs: Richie found the good contact info for ordering needed signs. Steve will post them on trees so they don't fall over. Discussion of signs needed was discussed.

Richie wants to invite 2 people who know grant processes to the next meeting. Possibly the 19th at Steve's house for dinner.

At the last BOD meeting at the Horseman's Lodge, a few of their members came in to the POA meeting, which is not allowed [POA is member's only]. This is an issue when considering the meeting place for the next meeting. Uri was not certain he could have a "closed" meeting there. Steve said it was okay to deal with any such situation in the moment. Other meeting places were discussed, especially in regard to committee meetings.

I. NEXT MEETING:

1. **Type:** Regular Board Meeting
2. **Location:** The Horseman's or TBA
3. **Date & Time:** 4/20/24 10 am with executive meeting afterward

J. ADJOURNMENT OF REGULAR MEETING

1. **Motion to adjourn:**
Steve motioned to adjourn the meeting, and everyone seconded.

EXECUTIVE MEETING: No Executive Meeting Today

CERTIFIED BY: MSFPOA SECRETARY

TRANSCRIBED BY: Marsha Yates

2/20/24

**Richie Fesler,
President, MSFPOA**