



**BOARD OF DIRECTORS
MEETING MINUTES
SATURDAY, JULY 15, 2023
LOCATION: HOSE COMPANY
TIME: 10:00-11:00 AM**

A. CALL MEETING TO ORDER

1. Establish Quorum

Quorum was established at 10:02 a.m. with all 5 BOD members in attendance: Richie Fesler- President; Steve Hobson- First Vice-President, Uri Driscoll- Second Vice President, Felicia Aisthorpe- Secretary, and Karen Burridge- Treasurer.

2. Approve Agenda

The agenda was approved by Steve and seconded by Uri. All BOD Voted to proceed with the agenda as written.

B. SECRETARY REPORT

Approve minutes from prior meeting

Steve made a motion to approve the minutes from the last meeting and Felicia seconded the motion. All BOD members approved the minutes by vote.

C. FINANCIAL REPORT

Karen reported \$328,109. [combined] in both checking accounts. Edward Jones account as of 6/30/23 is \$425,985. The sale of one lot in June in unit 3 [3-E-43] yielded \$45,000. The POA wrote checks for ordinary expenses: rent, personnel preference, 3 years of reserve funds based on the on-site study, attorney fees for \$4,655. for 3 months, [totaling \$6,335.00 for the year so far]. Nine lots are in litigation. As of last week, 2 office staff are working each week: Marsha Yates M-W and Nicole Monpain W-F. A member asked how much dues has not been paid by members to date. Karen will report at the next meeting how much dues by members is outstanding. Steve explained that the reserve fund is for long term maintenance costs of the POA. Some discussion occurred. Karen explained that lot sales in the past year significantly offset the amount needed for reserve account contributions. This year some reserve monies will be used for road maintenance.

D. CORRESPONDENCE

Uri explained he had some correspondence with Rachel Burkey U.S.F.S., but this did not get put on the agenda because it occurred after the agenda was set. With approval from the group, Uri will add this information to the Road Committee report.

E. COMMITTEE REPORTS

1. ROADS COMMITTEE

Pilgrim Creek Road:

Uri reported that the BOD's strategy with the USFS is "not to push too hard" but to also let them know "we are not going away" and that the POA believes that Pilgrim Creek is still a viable road. Uri went above the local ranger to Rachel Burkey who is above Carolyn Napper. He told her that at this time it would not cost much to clear Pilgrim Creek because the creek is flowing as it should. The road can be used for an emergency exit at the minimum. He explained that a fire occurred in the POA and everyone would be safer if Pilgrim Creek were available. Rachel responded via email 3-4 days ago that the USFS didn't want to open the road because "it is a risk to people." Uri stated that the forest service has still not identified specifically what that risk is. He believes that the risk assessment report issued by the USFS should include more actual risks than a boulder might roll down and bump someone's car, as the risk of that is very slim. Uri has not responded yet as he wanted to get comments from the BOD and the members. He believes Pilgrim Creek is

critical for fire fighters to have access and members to have a 2nd escape. Uri spoke to Hitchcock about an estimate for clearing only the road. The estimate is expected to be received next week.

Steve stated he wanted to make a motion that the BOD fund an official/legal *estimate* costing up to \$1000.00 for Hitchcock, focusing only on clearing the road of dirt to make it passable. The estimate can become an official document the POA can provide to the USFS. As Hitchcock will probably not get such a contract with the USFS, it can be used as a tool to further discussions, because the forest service is not providing a useful data for such a discussion. The process with USFS has stalled.

A member asked if the USFS has any liability related to Esperanza. Uri stated that the answer is unknown until an accident or legal situation arises. A discussion occurred on USFS liability: Steve stated that if the USFS did something wrong and a busload of people got killed, because they are the federal government, the most they would pay would be \$25K total.

Steve's motion: ask Hitchcock for a legal official estimate of the cost to clean off the surface of Pilgrim Creek to make it passable for cars. He is asking the BOD to authorize up to \$1K to pay the cost of the labor for the paper estimate. Steve is asking for this approval today to avoid a delay that would occur if it were put on the agenda for the next BOD meeting. Richie clarified that this is not on the agenda as an action item today. He asked for everyone's approval to bend the rule: it was given. No one objected. Karen seconded the motion. All BOD voted in favor of the motion. Applause occurred. Discussion occurred.

Steve stated that a Freedom of Information Act [FOIA] request has been filed with the federal government [USFS and the Department of Transportation] by a private person to obtain any and all documents related to Pilgrim Creek and Esperanza Road. That process is ongoing. The \$250.00 cost of that filing will be discussed later, as it was paid for privately and is not on the agenda today. Uri stated it is ridiculous that Pilgrim Creek is not open; Steve stated that the temporary closure has been extended to 2025 by the USFS.

CHIP SEALING: One bid was received. Volunteers are needed to mark areas in the 29 miles of road that need addressing including drainage, culverts, rock on roads, washboarded. Steve asked members to send a note through the website---it will come to Richie or himself---telling the road committee what the major problems are. Richie stated it would be better if that email went through the office with the BOD cc'd, so that the office can compile the information.

AIR BnB's

Becky brought up the issue of Air BnB's operating in the POA. The BOD stated that this is a County of Siskiyou County issue; if a BnB is reported to the BOD, they report it to Siskiyou County. A member stated that it was not permitted in the CCR's under the commercial business clause. Steve stated that was not enforceable because if the POA uses that clause against the BnB's, then it will also need to be enforced related to a handful of contractors operating from their residences in the POA. Richie stated that the attorney has been consulted and asked to provide a comprehensive report on what powers the BOD has and what *the definition of commercial activity means* as stated in the CCR's. He also asked: Are these two types of 'commercial activities' the same? Is the term referring to any business? Is an undue burden placed on the homeowner who is not allowed to operate a home business? The BOD is waiting for this report from the attorney to decide an appropriate response.

It was also stated by members that rentals need to be 31+ days to be legal in the POA. Richie clarified that the 2020-2021 resolution of the BOD states 30 days or more. The attorney did say [in reply to this point] that the short-term rentals/Air BnB's are renting their properties "from 5-32 days", with payment for days actually used at the close of the contract, which results in them legally operating. Richie stated that there are many very gray areas related to interpretations of this clause and the POA must tread lightly for legal reasons.

Uri interjected that BnB's must be registered with Siskiyou County. If they receive a complaint or questions about a property that is not permitted as a BnB, they will have to do onsite inspection for code violations.

This regulation will supply needed response to most BnB's. He added that once the attorney's report is in POA hands, additional legal decisions and policies can be made. In the meantime, anyone suspected of operating Air BnB should be reported to Siskiyou County. The POA's first course of action will be to contact the County when they are notified of a BnB operating in the POA. The County has law enforcement that will evaluate each situation. Richie reported that numerous stipulations are required for an Air BnB to operate in Siskiyou County, and that the 2 instances of Air BnB's reported in the POA were not remotely in compliance. However, members must officially make a report to the Board for the Board to respond.

At this point, another member stated the discussion was straying too far from the agenda and the Road Committee report, and he wanted to return to it. The BOD agreed.

Richie is waiting for someone to report to him from the sign committee how many and which signs are needed so that the BOD can proceed with the project. Richie also stated that members can be more hands on: if a stop sign is missing a bolt, get a tool and a bolt and repair it. If "you" run over the same pothole everyday, bring a shovel and get some rock from the side of the road and fill it. Everyone can be a volunteer.

SIGNAGE:

"Wildfire Evacuation Route" signage was discussed: they are placed on the roads without any regard to where a fire actually has begun: in reality, these signs may direct people into a fire, rather than away from it, and they may not realize unless they are full time residents. This is a big issue. These signs were placed with good intentions approximately 2 years ago. One member offered to take those signs down. That member was advised to contact Dan Lamb and join that group.

FIRE EVACUAATION ROUTES:

Another member stated that the County was supposed to be in charge of creating official fire evacuation routes and asked if we received any. The Board stated that it was supposed to be on the agenda at the recent USFS meeting, but was not discussed. Doug LaMalfa's office was supposed to present this information, but it was only presented verbally: "when evacuating," they said, "stay on the paved roads." This detailed information is supposed to be available to the public and a member said he would try to locate it and get a copy.

2. FIRE SAFETY COMMITTEE

Brandon Criss was introduced as a County Board of Supervisor's member. Uri asked for details as to cause and acres burned of the recent fire on Esperanza. Two members said it was started by an illegal campfire. Others said there were two cars in the area for seven days with the campfire. Steve stated "it is not illegal to camp out there." Uri and others stated it was USFS land. Reportedly Charlie at the Fire Department stated it was a campfire. Others stated the fire was 2/10 of an acre. It was put out very quickly.

The CalFire lean-to's over the pump station and tanks in the POA were lost [fell down] as they were apparently constructed of 2x4's.

Four full time members of the POA completed the Fire Department training for volunteers in McCloud, including Chris Farley. As a result, these 4 volunteers are trained to operate the POA's fire trucks to assist if a fire occurs in the POA, until the McCloud Fire Dept./CalFire arrives. Richie was very happy about this news and to share it with everyone. He thanked Chris and asked him to talk about the training. These 4 volunteers will be certified in the next month: Cory Teschner, Chris Farley, Scott Cassell, and Eric ____ . Some of the training, including FEMA is online. They will be authorized to respond quickly with the POA fire engines. More volunteers are encouraged. McCloud Community Services District pays for the training.

3. DRC COMMITTEE

Richie reported conferring with one owner who requested permission to put in a culvert. The permit was approved.

4. TECHNOLOGY – COMMUNICATION COMMITTEE

Steve reported trying to keep the website as up to date as possible for someone who is not good at it. He said he posted a flier for the picnic on the facebook page, but could not find the post. He posted it on the webpage, but it was in an unreadable format. He stated that the requirement is to post on the door to the office and the kiosk, but apologized anyway for not getting it on the internet. Steve reported that he has been telling people that the meetings are not going to be on zoom “because it is a pain in the ass, and our internet isn’t that good.” Richie explained that the POA would ‘be required to pay for the POA to have enough zoom seats for all 791 lots, possibly more if we offered zoom. Since that would be very expensive, we are not offering it at all. A sound system would be required, which the POA does not have. A moderator and proper computer system would be required, which the POA does not have.’ “It would be way too much money and a burden to do that” he said. Previously, the Board offered a zoom alternative for 100 people, but “technically, by law, we can’t do that,” he said. Steve stated that “one computer illiterate person can waste the whole meeting time getting connected.” Richie stated that when he worked for the town of McCloud, he investigated the zoom alternative, and it would have cost 10K+ to use zoom, and it would cost the POA more, because MSFPOA is bigger than the town of McCloud.

5. EVENT PLANNER COMMITTEE:

Felicia was thanked heartily for putting together the picnic. She gave credit to James, Chris and the BOD for their assistance. Felicia stated she would like to plan a fall picnic and Steve asked for volunteers.

6. LEGAL COMMITTEE

Karen did not report any additional matters other than the lot that sold, 3-E-43 and the attorney report [related to short term rentals/BnB’s] that is expected soon. A member reported that the County may not approve BnB’s on private roads because there is no County snow removal; it is not decided yet.

F. OLD BUSINESS

1. ELECTION UPDATE

Richie reported that the mandatory Pre-Ballot Election Notice should be arriving via USPS soon to each member. Discussion occurred regarding a meet and greet for the new candidates. The BOD cannot be involved in that legally. 7 candidates are running.

Nicole Monpain is the Inspector of Elections and will be counting the ballots. She is tallying votes based on a member list created 7/1/23, starting the week of 9/18/23. Richie will schedule a meeting about the outcome after the first week of deer season. Richie stated Nicole will use a triple check system to ensure correct counting. A member asked if members who are not current on their dues can vote in the election; Richie replied that the new Davis-Sterling laws permit that. Members not on the membership list by 7/1/23 are not eligible to vote in this election. Approximately 3 quiet members who want to watch the counting of ballots may do so in the office. The estimated cost of hiring someone in the inspector of elections role was estimated at \$8K; using Nicole costs much less. Anyone who wants to recount the ballots or contest can do so. The voting rules will accompany the ballots with a self addressed envelope will come to members.

The 2 candidates with the most votes will serve the longest term. The remaining 3 candidates elected will only serve 1 year terms, and the staggered election schedule will resume for the next election. Additional discussion occurred.

2. ESPERANZA

Prep work on Esperanza has begun: recutting the drainage, the USFS put in the culvert pipes, and the USFS is starting their rocking project on 7/17/23 Monday. 3 inch minus facerock will go down 6 inches deep. It will be rolled and compacted. Mark stated that equals 11,000 yards, 80 truck loads a day for 10 days from a hardrock quarry off Hwy 97. Apparently, the USFS is 160K over budget on this project already. Steve recommended that everyone with business in town do it tomorrow, and stay off Esperanza as much as possible to let the work proceed more safely and quickly. The POA is paying the contractor designated by the USFS [63K] for labor while the USFS is paying for the material. More detailed discussion occurred about these numbers. **Hitchcock is rolling the rock.**

Richie reported that the USFS has put a request for \$3.5 million dollars in for their 2025 budget for paving Esperanza Road. However, this must be approved by U.S. Congress. The road is still class 2. Much more discussion occurred. Richie is hopeful that the quote that the BOD will get from Hitchcock for clearing Pilgrim Creek Road will morph into a second option for Congress to consider when the bill is in the Appropriations Committee hearing and may get approval as a less expensive choice.

Branson Criss stated that all the politicians on the Esperanza issue are supportive and working to arrive at a positive solution. He also reported that the State has begun assuming that if someone is growing Marijuana without being a legal business in CA, they are evading taxes, which is a felony, and is fining growers \$5K per day. He stated that the MSFPOA is a model for removing growers to the rest of the state. 12 plants are allowed per property for personal use.

G. NEW BUSINESS

1. DISCUSSION/POSSIBLE ACTION RE: CHIP SEAL, CRACK SEAL, & PAVING/ASPHALT CONTRACT WITH ADVANTAGE PAVING

Richie reported that the company he received an estimate from was only able to return it this morning 7/15/23. The single chipped sealed roads are deteriorating rapidly and need repair. Everything needs crack sealing. The asphalt repairs on everything needs doing. The entrance road chip sealing can be delayed 1 year. It applies to asphalt repairs and crack sealing all paved roads in the POA. He asked if all BOD members were able to read it. Initially the estimate was approximately \$201,000. Uri had not read the proposal so he read while Richie summarized the information to the members present. Chip sealing includes: Pilgrim Creek from the entrance to the marquis, the corner of Hotlum up 4 lots, Widow Springs West, upper section of Summit View, and Widow Springs and Snowline. All of last years repairs held up through the winter beautifully. Karen stated that the POA has \$214K in a money market account we can utilize.

Estimated shoulder and pot hole repair estimates are: \$33K crack sealing \$48,400., chip seal for Winton Way \$59,000., top and bottom sections of snowline \$30,832., Hotlum \$9,870. These prices will cost more next year if these are delayed. Richie read additional figures to the group.

The BOD discussed many projects. This quote will result in having one road chip sealed per year thereafter. In the years to come, the road repairs will be more moderately spaced in time. Uri stated he spoke to Amos at the McCloud Community Services district about damage to the road assertively but tactfully. They plan to bring in some large pipe and redo the Elk Springs line. Originally, they planned to use POA roads for access. The POA does not want their heavy trucks tearing up the roads we will just have repaired. Amos stated they may be able to enter their project area through a back road instead. The POA cannot accommodate the Service District's work schedule which has a September timeline. However, their project may not happen this year. More discussion occurred.

The membership discussion included: Mark stated "do it now or pay more next year." He stated his business costs have gone up as much as 50% this year for septic work. Plastic pipe is up 150% in 18 months. Another said do more this year so we will be better prepared for next years' weather. Other members agreed.

Steve made a motion to spend the \$210K and do all the roads Richie mentioned as mentioned. Uri seconded. All BOD voted in favor.

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.

Chris Farley introduced himself. Melissa was unable to attend and do the same. Chris stated he was withdrawing his nomination, and that he was only running because he thought the current BOD members were withdrawing. He said that since they were running and doing such a good job, he didn't need to run. Instead, Chris stated, he is going to focus on the volunteer firefighting. Richie and others supported his decision because firefighting is a critical aspect of life in the POA.

Another member expressed gratitude to the BOD for working hard and being so prepared for meetings. Another member wanted to know who had the key to a gate at the end of Widow Springs in case it is needed for a fire escape route. Richie said the gate belongs to Sierra Pacific Industries. McCloud Community Service District has a key. Richie was unsure if the gate was open and unlocked for fire season. He stated that another gate off Lava is locked. Snowline and Summit is also locked. MSFPOA has no control over that. Uri will check with SBI [Nick] to see what the status of it.

If anyone sees a fire, call 911, not an office number.

Additional questions were asked and answered. The office is a good source of answers for members between meetings.

I. NEXT MEETING

1. **Type:** Regular Board Meeting
2. **Location:** Hose Company
3. **Date & Time:** Sept 30, 10 a.m.

J. ADJOURNMENT OF REGULAR MEETING

1. Motion to adjourn

The motion was made by Stave and seconded by Richie.

The motion was carried with all voting in favor of ending the meeting. The picnic began.

NO EXECUTIVE MEETING TODAY

CERTIFIED BY: MSFPOA SECRETARY
TRANSCRIBED BY: Marsha Yates 7/24/23

**Richie Fesler,
President, MSFPOA**