



**BOARD OF DIRECTORS  
OPEN MEETING DATE:  
SATURDAY, MAY 27, 2023  
LOCATION: HOSE COMPANY  
TIME: 10:00 AM**

**A. CALL MEETING TO ORDER**

**1. Establish Quorum**

All 5 BOD directors were present: Felicia Aisthorpe, Richie Fesler, Steve Hobson, Karen Burrigge, and Uri Driscoll.

**2. Approve Agenda**

Steve made a motion to approve the agenda. Karen seconded the motion.

**B. SECRETARY REPORT**

**1. Approve minutes from prior meeting**

Made a motion to approve the draft minutes from the previous BOD meeting. It was seconded by Steve.

**C. FINANCIAL REPORT**

**1. Monthly performance to budget cash, positions, accounts receivable, expenses by vendor**

Karen reported that the checking account/general balance is \$143,199.83 and the road improvement fund/reserve account balance is: \$153,962. for a total of \$297,161.49. In Edward Jones the balance is \$418,583. The biggest expenditure since the last meeting was to Hitchcock Construction for March & April snow removal \$123,575. On Esperanza (blade & roll) \$4,398 and in March Hitchcock removed snow at the office totaling \$613.00. Other costs included office expenses such as phone, rent, and administrative assistant. Officers & Directors Insurance was paid: \$1948.00, the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> quarter payment for Edward Jones Reserve Fund was paid: \$50,400 completing the scheduled payments. The total snowplowing for this year [to date] is: \$233,154.50 (2023 budget \$72,936). Costs paid for Esperanza [to date] are: \$7,811.00.

**2. Properties Sold**

No properties sold this year to date, but one property is in escrow. Karen is consulting with the attorney on 7 other lots in process of acquisition. At this point a member [#1] asked a question about Air Bnb's in the POA; she stated that there is a lot that is being rented as bare land for monthly camping @85.00. Richie replied that the 2 real estate agents who list the POA properties convey all the rules to prospective buyers, and that is part of the representation. Richie said that he gets many phone calls about Bnb's and at this time the POA doesn't allow Bnb's. This member asked if the BOD discovers that a Bnb is operating, does the BOD send them a letter saying it is not allowed. Richie replied that he is waiting for an answer from the attorney who will update the BOD on many recent changes in the law about vacation rentals/Air Bnb's. Once the attorney responds, the BOD can proceed in regard to the list of lots they have been notified about that may or do have such rentals on them by sending out "letters of infraction." He stated the step the POA has taken is to "contact county code enforcement and giving them a detailed report of what is going on."

Steve asked "What reference are you going to use to block an Air Bnb; it's not in the *bylaws*." The member stated "no businesses are allowed--with them advertising it, it's a business." Steve stated "they aren't advertising it in the subdivision" and the member said "No, they are advertising it online, which is worse." Richie stated that the BOD doesn't have enough information to discuss this, and when they do, it will be put on the agenda so that "a healthy discussion" can take place with the members. Barb Lamb stated that in 2021 when she was part of the BOD, a discussion took place with the attorney who said that "rentals must be for a period of 30 days or longer" and that Air Bnb's/short term rentals are uniformly treated as "not residential income" therefore, therefore they are "commercial activity and prohibited by Article 3 section 11 of the CCR's." She read verbatim from a section from a document written by the POA attorney including a

statement that the owner of the lot is responsible for the actions of any renter including Air Bnb renters. Barb stated she is aware of 2 Air Bnb's operating in the POA now, and Richie interjected that we have more than that. Barb stated that she has 3 letters sent by the attorney to owners renting Air Bnb's, notifying them of this law. Barb stated that she is bringing up this issue because she used to be on the BOD and many people continue to contact her because she was on the BOD for so many years and they are comfortable with talking to her. She promised to bring up the issue for them and get it in the minutes. Barb stated it is still illegal as a commercial activity unless there have been changes in the law, like resolutions.

Steve cautioned Barb to be very careful with the term "commercial activity" because he sees 6 people in the POA who have businesses such as construction. Steve stated he looked up the "commercial" in the CCR's and it isn't section 11; it's section 14. "You used a wrong reference" he said. Barb stated she just read the quote from the attorney, it wasn't her words. The attorney sent letters to members telling them they had to cease and desist or they would be fined. She warned that the BOD and the Association could get into trouble for not consistently enforcing the law, or for not properly wording legal issues such as with the growers. The discussion seemed to get heated, and Richie stated "This is enough. This is not on the agenda. We have reached out to our attorney. Case law has come up since 2021 and this Board feels we need to tread lightly until we have a definitive from the attorney before we move forward. It is a very important discussion and when we have something from the attorney we will discuss it." Steve said "We know it's an active problem and we are working on it."

#### D. CORRESPONDENCE

There was no correspondence to report.

#### E. COMMITTEE REPORTS

##### 1. ROADS COMMITTEE

Richie stated that a tremendous amount of money was spent on snow plowing this year, so the POA road work is not going to be as robust as hoped. He stated that Bruce and anyone else on the committee will be evaluating and detailing out what needs to be addressed immediately. Some grading and rocking will have to be resulting from a wet winter such as on Red Fir and Fumerole. Trees and drainage issues need to be addressed. The big plans to eliminate "marble rock" on Echo and Ridge will not be the first priority. Richie hopes to get at least one of the chip sealed roads re-chip sealed. Due to many factors, it will probably be Widow Springs West. Whether or not reserve funds can be used for chip sealing and how that affects the budget, whether those funds need to be replaced, needs further review. Reserve funds could be helpful if the BOD can access them, but not if the BOD has to replace the funds in the account. The BOD is placing \$67,000 in the reserve fund this year. Esperanza Road is a separate discussion for later on in the agenda today.

Linda asked about road signs needing repair or replacement as they are missing or bent. Richie stated that the POA will need volunteers with their own tools to assist with this project, and someone will need to take charge of the project. Dan volunteered to lead the project and at least one member volunteered to assist. Signs needed were discussed.

##### 2. FIRE SAFETY COMMITTEE

Uri stated he had contact with LaMalfa's office and the Forest Service at the Forest Service meeting, but he did not have much to report. In regard to emergency escape exits, Uri reported the CalFire chief Larry Turnman has identified a "simple" but complicated escape route. Larry Turnman will be conveying the route to Uri soon. Esperanza is it, but everyone should use a paved road. Larry stated that because so many members are summer folks and may not know the route or the roads, they can just "follow the paved road and get to safety." However, the POA has few paved roads and members will probably get lost in the wilderness if they cannot use Esperanza. **Esperanza is the first choice for exit in an emergency, and Pilgrim Creek to Harris Spring and Bartle Rd. is the 2<sup>nd</sup> choice. It has been stressed that members should not use Military Pass Road [Route 31] during an emergency.** Emergency personnel will be present directing traffic in an emergency, so everyone should listen to them. Larry will be moving into a new

position and a meeting will be scheduled for his replacement to be familiarized with the POA's issues, concerns, and its members. Uri asked how many members would be interested in an APP being developed to show them, on their phones, the proper escape route in an emergency. Other discussion occurred. Members were encouraged to network across committees with each other.

### **3. DRC COMMITTEE**

Two permit requests were submitted to the committee, but they both withdrew their requests. Becky explained why she denied permits. Dan reported he wanted to have a meeting at the office with the Committee on issues of tree removal, culverts, and fencing. He wants standards in black & white for members. Richie said Dan only needs to ask Marsha in the office to email a stack of papers in the cubby to him. Becky asked if everyone agreed no solid fencing was permitted in the POA. Steve stated the regulations say fences must be made of wood. Pet fences are allowed. Becky said a solid wood perimeter fence is not supposed to be allowed, there is one in unit 2. This lot with the [green] fence is being sold. Steve said it has already been addressed, but since it was allowed by previous Boards for 15 years, a new BOD can't make new owners remove the fence. Discussion occurred. Steve volunteered to work with Dan after he gets the documents from the office so Dan has guidance on the rules.

### **4. TECHNOLOGY – COMMUNICATION COMMITTEE**

Steve reported that he had no news. He was away for a few weeks. He made corrections to the website and updated the BOD names. He reported other updates need to happen. Discussion occurred as to how to work together better.

### **5. EVENT PLANNER COMMITTEE:**

Richie reported that the annual picnic is Saturday July 15th. He asked Barb if she is willing to assist Felicia in planning related events. Barb said she had much information about what was ordered/purchased last year and she would assist that way and also ask local businesses and members for donations. Steve suggested getting donations for door prizes as was done last year. More veggies burgers need to be ordered than last year. Brainstorming occurred. A cleanup party was suggested for the common area. Approximately 75 people attended last year.

### **6. LEGAL COMMITTEE**

The committee reached out to the attorney re: 7 lots in litigation and Bnb issues and is waiting for a return call. Some discussion occurred.

## **OLD BUSINESS**

### **1. ELECTION UPDATE**

Yesterday was the deadline. As of yesterday, only 2 members applied for Board seats. The current BOD will have to figure out how to proceed, possibly with the attorney's assistance if there are not enough candidates.

### **2. FOREST SERVICE MEETING UPDATE RE: ROADS {Esperanza/Pilgrim Creek}**

Richie thanked Melissa and Mark, for voluntarily compiling a tremendous amount of information about Forest Service responsibilities, technical information, and legal information that has been *very helpful* towards solving the Esperanza/Pilgrim Creek Road problem. A meeting took place in May with the Forest Service, CalFire, the MSFPOA, Doug LaMalfa's Office, Brandon Criss, and the timer companies including Sierra Pacific.

Uri reported that a formal process must occur for the closure of Pilgrim Creek Road. While The Forest Service [FS] has been trying to claim that has occurred, Uri stated that "closure" has a legal definition which hasn't been met yet. Currently it is under "emergency closure" which is not a permanent closure: a NEPA process needs to occur that has not happened yet. All of the [social, environmental, etc.] impacts related to closing Pilgrim Creek has not yet been sufficiently assessed. Uri spoke to Doug LaMalfa's office

and spoke with Brenda Hanes, who has been very very helpful in questioning the FS on what is the cost of closing Pilgrim Creek. Once the cost is determined, the FS must start reviewing the many serious impacts.

The FS talked about having done many studies of Mud Creek, but also kept saying they were inconclusive. Uri pointed out that the inconclusive studies were being used to make conclusions. The sediment flows need further analysis for many reasons. Pilgrim Creek is a class 4 paved Road and so far there is no plan to lift the emergency closure. Uri asked what is the maximum time an emergency closure can be designated, and there was no answer [yet]. They will continue to pursue an answer to that question. LaMalfa's office [Brenda] is pushing the FS for an answer to the cost of permanently closing Pilgrim Creek. No cost analysis has been done. The FS is claiming that the public is in danger from the mud flows, and is keeping the road closed on that basis. The question was raised: how does that danger compare to trapping people from the road closure during a forest fire? And, there was no answer to that question. A risk analysis needs to be done, and would be part of a NEPA process to permanently close Pilgrim Creek. Any NEPA process would have to include at least 3 options: Uri's best guess is--- 1) permanently closing and decommissioning the road including pulling out the bridge, 2) partially opening it with gates [at both ends] that can be opened during an emergency, 3) or reopening it and rechanneling Mud Creek.

In regard to emergency funding for federally owned roads [ERFO], Pilgrim Creek was built using ERFO funds with NCR Pacific contributing some funds for 1 million dollars. Such a project includes required obligations **which may include maintenance**. Theoretically, ERFO funds could be used to reopen Pilgrim Creek. There is policy and procedure requirements that are still active in regard to the bridge and research is ongoing to discover more information.

One of the FS personnel at the meeting blurted out that Esperanza is not owned by the FS. Her statement supported an odd discovery made by members: the FS does not have Esperanza listed on their list of roads they own. Afterward, the POA did receive an email stating they owned Esperanza. The significance of this discrepancy is unknown. MSFPOA wasn't invited to the meeting to determine our cost share of using Esperanza. A co-op of the major land owners including 3 major timber companies who utilized Pilgrim Creek used to contribute to the cost share agreement for that road, but when they were told to use Esperanza, that agreement did not transfer over. Now, the situation is different for the timber companies and they must contribute yearly and apply for a "use permit." Richie stated that the monies contributed by MSFPOA, do not get spent directly on Esperanza, they go into a giant fund and the FS uses that money on all their roads and redistributes it at their discretion. The FS stated that they only get 130K for all their roads in the Shasta Trinity Forest. Richie said that the POA and LaMalfa's office are working with the FS to use the monies contributed for Esperanza ONLY on Esperanza directly.

Steve shared that he has a friend that is a "soil-scientist" that worked for the FS when they put in the culverts. He and the engineer for the road were at Steve's house the other day: some discussions occurred, including reopening Pilgrim Creek if the mud flow can be cleaned up and 2 gates installed. Then, if a hazard develops, it can be closed. Meanwhile, work can continue on Esperanza. Another potential solution was discussed: reusing the surface off Pilgrim Creek on Esperanza. However, Carolyn Napper did not like this idea and she outranks the soil scientist and engineer. The FS has not been forthcoming with all data MSFPOA asked for and doesn't provide wholly accurate information to the POA unless strongarmed into it, which makes the study of these road issues more difficult. Steve feels that if the trees in Mud Creek were cut out of the channel it would make Pilgrim Creek Road usable again and eliminate some issues. It has been reported that the creek is flowing as it should under the Pilgrim Creek bridge. Richie stated a comprehensive cost analysis is needed and Congressman LaMalfa's office is "holding the FS feet to the fire" to ensure that is completed. Steve reported that he has information stating the timber companies would prefer to keep Esperanza rocked, not paved, because it is cheaper to maintain.

Uri continued his report of the FS Meeting: 1) There was lukewarm discussion that the County of Siskiyou might be willing to take over ownership of Esperanza Rd. Brandon Criss stated it might be possible **if** it was brought up to a class 4 paved road. 2) The CalFire evacuation plan directs evacuees to stay on paved road,

but Esperanza is not paved. The current plan calls for members to be sent into the wilderness in a fire emergency, which is bad. Part of the problem is that the “Players” are not willing to identify who the “Decisionmakers” are in all of these issues. Pilgrim Creek is a shorter, dust free evacuation route. 3) The POA has been asking the FS for the actual contract that resulted in creation of the Pilgrim Creek bridge because it would detail the FS subsequent obligations, and include the NEPA document that would show how and what the FS can do to the Mud Creek channel to maintain it under the bridge, but that document has not been forthcoming.

Melissa Chandon stated that the “Wetlands Report” states that it is the FS responsibility to maintain the Mud Creek channel under Pilgrim Creek bridge, and that is not something the FS can walk away from: The FS is not abiding by their own policy. Uri stated that if anything is going to be done, it will be through Doug LaMalfa’s office, so everyone should write letters to him thanking him for his support. He is the chairman of the USDA Committee in Congress and the Transportation Committee. LaMalfa is VERY against closing roads. Melissa asked her contact in LaMalfa’s office to request the Pilgrim Creek Bridge Contract, and she has not yet been able to get it. Melissa suggested filing a Freedom of Information Act [FOIA] request because it is the POA’s legal right to view the contract. Richie stated the POA also requested the bridge contract through LaMalfa’s office, and the POA is giving the players time to follow through. He suggested that Melissa’s organization should complete the FOIA request if the POA is unable to get a copy in a timely manner. Melissa stated that getting a copy might enable the POA to prove that the FS is in violation of the terms of the grant that built the bridge. Steve stated half of the bridge funding was paid for by SPI and half by ERFO funds. Steve suggested that SPI might provide the contract, if asked.

Jerry brought up an issue that was indecipherable on the tape. Steve recapped the history of the POA’s advocacy regarding these roads. Uri stated that all the letters written by members helped make progress. Discussion occurred. Questions were answered. Richie acknowledged that the POA is a major user of Esperanza. Richie explained that the rock the FS has ordered is going to be better, coming from the Yreka pit: 3 inch minus. Use permits, finances, the best use of monies were discussed. Esperanza is a public road. Member input occurred. The POA’s legal access to the subdivision is Esperanza at this time.

Melissa talked about the POA’s legal right for 2 roads in and out of the POA under SB 99. She read the Pilgrim Creek hydrology report and stated she believes the FS will discover it is cheaper to repair Pilgrim Creek Road than to actually remove the bridge and permanently close the road. She stated that the FS hydrologist stated in the report that Pilgrim Creek is forecast to get less and less water flow. She also read the 2022 climate change report, and that backs up the hydrology report. Therefore, she does not believe that the POA should EVER give up on reopening Pilgrim Creek. The BOD agreed with her and stated they are *far from* giving up on Pilgrim Creek. Property values and loss of services due to the condition of Esperanza were discussed. Timelines were discussed. Special assessments and a bond created by the county added to taxes were discussed as funding sources.

Uri asked for feedback regarding Vestra Enterprises that does the type of work that would be involved in re-opening Pilgrim Creek. An estimate could be obtained to reopen Pilgrim Creek. Their estimate could be helpful in negotiations with the FS as a second opinion to debunk the FS presentation of work needed. For now, the POA is focusing on getting the FS to do what they will agree to on Esperanza because the FS will not agree to do anything on Pilgrim Creek at this time. LaMalfa’s office supplied this information because it could be helpful and suggested the POA might want to use it.

Discussion occurred about lots that are nearing/in foreclosure. Members were updated about collection procedures when lots are sold in tax auction.

New speed limit signs need to be ordered for the POA, but the Board hasn’t had time yet to work on the issue.

### 3. **DISCUSSION ON THE SEVERITY OF LAST WINTER.**

Steve reported that due to many complaints about snowplowing last winter, he wanted it on the agenda so he could report to everyone that the Hitchcocks did everything possible to plow the roads as efficiently as possible. They had a plow followed by 2 snowblowers when road clearing. Steve Maloney counted 33 feet at his house throughout the winter. Berms are a fact of life throughout the USA when snowplowing. The roads held up well but many signs are damaged and this will take time and money to repair. Steve praised the Hitchcock's for doing an awesome job. Persons with jobs can talk to the Hitchcocks about being on a priority list. Steve puts it on facebook when the plow goes by his house; this helps others gauge when they might expect the plow. The plow does the main roads first, secondary second, and those who live here full time get a little more priority. Much discussion occurred.

## **1. NEW BUSINESS**

### **a. DISCUSSION/POSSIBLE ACTION AND VOTE ON FUNDING ESPERANZA ROAD ROCK INSTALLATION**

Board discussion occurred about the rocking of Esperanza by the Forest Service. Hitchcock is ready to drop what they are doing and start immediately on the project. The BOD discussed that the money needed from the MSFPOA is approximately \$39,000.00, but they want to vote on and approve a cost not to exceed \$50,000. That way, if the cost goes over slightly the project will not be held up waiting for another BOD meeting to approve additional monies. Two contracts are being discussed: 1) the actual purchase of rock and delivery of it for the job, 2) the completion of the road repair using the material from the latter contract. It is estimated that at least 7 days will be needed for the construction. The number of trucks will be determined and that will affect how long the project takes. Steve recommended his plan: buy groceries before the project begins and stay home while it's going on. Members will be notified by sign boards [like last time]. The POA office will be notified when work is about to begin. Delays will be long but roads will be open.

Members had opportunity to discuss the project. The BOD proposed to fund Hitchcock construction in the amount not to exceed \$50K for the installation of rock on Esperanza Road in conjunction with the Forest Service's overall plan. Steve made the motion, and it was seconded by Uri. All BOD members voted in favor.

### **b. CONTINUED DROUGHT AND WELL ISSUES**

Brian, Mike's and Robin's wells are dry. The red house near Steve is thought to be dry. Other members are having issues. Discussion occurred. Robin mentioned Diamond Drilling in Redding and Enlow are drilling new wells are \$100. per foot. They will not go through the existing casing. McCoy from Ft. Jones will send a camera down the shaft to see a better picture of the problem [\$250. Plus travel time]. He will go through the well and use a smaller casing which is a lot cheaper. Darryl Scot who used to work for Aquarius is in business for himself and will repair wells--- \$85.00 to sound a well and find out how deep it is. Steve brought this up because if a group of folks had issues to be worked on at the same time, the cost might be less and the work could be done sooner. Well work is booked out at 2 years at this time. Discussion occurred. The town of McCloud is rationing water at this time: it is unknown how soon this winter's snow will make it to everyone's wells.

- 2. 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.**

Medical Emergency helicopter service was discussed. Anyone with information should contact Marsha in the office.

Bruce is on clean up of the Hose Company for the picnic. Co-ordinate with him!

## **3. NEXT MEETING**

- a. Type: Regular Board Meeting**
- b. Location:** During the Annual Picnic at the Hose Company, brief like last year, approximately 30 minutes.  
**Date & Time:** July 15, 2023 10AM.

**4. ADJOURNMENT OF REGULAR MEETING**

- a. Motion to adjourn was made by Steve and seconded by Karen. All voted in favor. Adjourned at 12:37 pm.

CERTIFIED BY: MSFPOA SECRETARY

TRANSCRIBED BY: Marsha Yates 1/19/23

**Richie Fesler,  
President, MSFPOA**