



**BOARD OF DIRECTORS
OPEN MEETING
SATURDAY, MARCH 11, 2023
AMERICAN LEGION HALL IN McCLOUD
10:00 AM**

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Please note: **words in red [or lighter gray]** are items needing attention/correction by the Board MY

A. CALL MEETING TO ORDER

The meeting was called to order at 10:05 am by Richie Fesler. Quorum was established with these BOD members attending in person: Felicia Aisthorpe, Steve Hobson, and Richie Fesler. Karen Burrigde and Uri Driscoll attended via telephone. The agenda was approved as presented by all BOD members.

B. SECRETARY REPORT

All BOD members had the opportunity to read the minutes from prior meeting dated: 1/14/23. A few minor corrections were made prior to the meeting, and all BOD members had opportunity to review the corrected minutes. Initially, the minutes were approved, but some corrections were suggested by Barb Lamb. Richie stated these were agreeable. Some discussion occurred regarding wording. Uri made a motion to approve the corrected minutes, and all 5 BOD members approved the motion.

C. FINANCIAL REPORT

Karen gave the financial report: General Checking Account: \$279,341.39, Road Improvement Account: \$153,961.66, for a total of \$433,303.05. Edward Jones account balance as of 2/24/23: \$342,967.82. Checking account activity since last meeting: checks were written for office rent, phone, administrative assistant[s] salary, and office supplies. Hitchcock Construction was paid in January \$78,173.50, February \$34,819.00 for snow removal. Kerosene heating fuel was purchased for the office: \$343.15, an annual cost. A check for Edward Jones first quarter payment was issued: \$16,800.00 for the reserve fund. In May, Karen plans to issue payment for the rest of the year in the amount of \$50,400.00 to satisfy the remaining commitment [quarters 2-4.] for the 2023 reserve fund requirement. Karen spoke with the CPA and asked him to review the books and prepare financial statements for 12/31/22. A date will be set in the near future. Copies of these financial activities/documents are available at today's meeting for interested members. No discussion regarding this information occurred.

D. CORRESPONDENCE

1. Letter From Congressman Doug LaMalfa & Discussion

Previously, Steve wrote a letter to Doug LaMalfa and it was posted on the Facebook page. The BOD has been having discussions regarding Esperanza since 2019 and the BOD thought progress was occurring until early January 2023, when the BOD was informed that was erroneous. Subsequently, a letter writing campaign was begun. Steve wrote several letters, and one was to Doug LaMalfa explaining the life-threatening problems on Esperanza Road while emphasizing that an emergency hospital trip cannot be made in less than an hour. Steve stated that LaMalfa was on the road committee because it is a federal National Forest Service [NFS] Road, and he expected more from him, but stated LaMalfa's response was "bogus." Richie said LaMalfa's response to other letters written to him about Esperanza was "cookie-cutter" and "very disappointing on lack of follow through." He read the letter to the group: the letter stated that Esperanza was being graded. Richie called the "district ranger" for the Mt. Shasta office, and was told that the Forest Service has not been in contact with LaMalfa's office. No one was able to explain anything on the grading [who, when, where...]. However, Richie said, the NFS wasn't grading the road, the POA was, and that the POA is the only ones who have graded the road since the incident began at a cost of \$27,000.

Uri stated he had been communicating with LaMalfa's staff [Brenda] and had several lengthy conversations. He feels some movement has occurred, as LaMalfa's office has become aware that the POA is aware that a process is required to get any results. In his experience, once a congressman's office becomes aware that a constituent is aware of a

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required process, they become more responsive to their concerns, because everyone knows the law requires certain steps be followed. Uri believes that through his conversations with LaMalfa's team, that *they know* we are at the point where they must pay attention to us [MSFPOA]. Further he stated that the information provided by Marsha Yates is "really valuable." Uri believes we do have LaMalfa's ear. Uri is trying to be positive in his outlook on this issue. More general discussion on this issue took place later in the meeting. Mary Ann stated that LaMalfa's letter was a form letter because she got the identical letter in reply to her letter; she added he is the chair [in charge] of the Forestry & Agriculture Committee. Richie stated that the POA has learned that despite that fact, Congressmen cannot order/direct/lead the NFS to do anything. Many comments were made by members.

A member stated that the BOD members who were attending by phone could be heard much better if an inexpensive speaker [\$25.00 or less in cost] were used; their comments were very difficult to hear. Richie stated the BOD was stretching the rules by having them attend via phone, and since there were extenuating circumstances. Richie stated that per the CA Corporations Code, BOD members are only allowed to miss 3 meetings, and the MSFPOA was stretching rules to stay within those limits because Felicia had a family emergency during the last meeting.

E. COMMITTEE REPORTS

1. ROADS COMMITTEE

Richie reported that due to a tremendous amount of snow, it is taking much time to remove it. The grader has difficulty with the powdery snow, which is what the last two snowstorms brought. Powdery snow is more likely to blow back into the road and causes difficulty with clearing driveways. However, the job is almost finished and Richie asked everyone to be patient [several times]. Steve reported that he had driven through the POA, and the best job possible is being done; the snow movers are working 24/7, but they are just out of room to put snow while clearing. He suggested that anyone with an issue can call Pam and talk to her, but to please be respectful. Steve added that the negative facebook traffic is unreasonable regarding Hitchcock's work. He stated that as there is no other company to remove the snow, we need to be respectful and nice or they may not contract with us. Berms are a fact of life when roads are plowed.

A member suggested the POA purchase additional equipment such as a plow or water trucks in each unit in case of emergency to assist those under contract. Richie stated the BOD had researched the cost of such an idea, and the cost of hiring operators, cost of upkeep and maintenance, liability, insurance is untenable if no profit is made, and it is beyond the cost the POA can absorb. A discussion on water tanker trucks in the POA occurred; but associated problems such as where to fill the truck and parking space need to be considered. Richie stated this idea would go beyond what the BOD is authorized to spend, and would require a member vote. He said it would require a well in each unit and additional expenses. Richie stated that the members are encouraged to water the roads as long as they let the office know they are going to do it because it is so helpful.

Environmental noises in the room on the recorder made it difficult to add additional discussion to these minutes in this section of the minutes. Mary Anne stated that costs need to be monitored so that the POA can determine if dues need to be raised per member to cover needed expenses.

2. FIRE SAFETY COMMITTEE

Uri reported he spoke to Charlie several times and he was assured that someone from the Fire Department was coming to start the engines bi-weekly to keep batteries charged; therefore the POA did not need to manage that aspect. He added that Charlie would love to set up a volunteer fire crew in the POA because it would be a tremendous asset to the POA. Charlie has much experience in training such crews. Uri will continue to network with Charlie on fire & safety related issues. Uri has attempted contact with CalFire regarding Esperanza, but they have not responded to his messages yet. No questions or discussion occurred.

3. DRC COMMITTEE

*Note: Member's whose names are not provided have been given numbers for the readers reference.**

Steve reported that Clay Skelton wanted the POA to have a special board meeting. Steve stated that Clay was turned in last year for “basically camping on his property.” Richie stated someone had turned in Clay for having an unpermitted generator shed. Clay wanted to know if the CCRs had changed in regard to the generator shed issue: Richie stated that the CCR’s have not changed. The problem was a code enforcement issue because it was related to the County Camping Ordinance. Richie stated that according to the current regulations, the situation is frustrating because many members use their property as their own private campground. Now, they cannot because of the County Ordinance. Now, members must obtain 14-day camping permit is required from the County to use their own land in that manner, unless they have a county-permitted structure on the property. Richie stated that the POA is working with Brandon Criss to try and amend that ordinance for MSFPOA: the POA is self-governing, and for 57 years has managed any potential/actual legal violations involving POA properties with the members.

Peter asked a question about CCRs: he stated that 2 years ago new CCR’s were drafted by a committee and supposed to be sent to the members. He stated that the bylaws were the appropriate place to put roles about camping trailers, because CCR’s are permanent unchangeable documents, whereas bylaws can be adjusted. Peter stated he cannot understand why the BOD hasn’t brought the CCRs and bylaws to the members to read and review to make suggestions and other comments in an organized review process and eventual vote. Peter stated it has been 2 years since the CCR’s were re-drafted; members should be able to look at the document; he saw no reason for the delay. The purpose of re-drafting the CCR’s was to bring them up to current legal code. Peter further stated that the camping issues related to the 2017 County Ordinance should be addressed/contained in the bylaws, not CCR’s, therefore there is no reason to hold up the CCR review process. He said that the BOD was “*holding the CCR revision hostage to the County Ordinance when it is actually irrelevant. The camping issue is relevant to the bylaws.*”

In reply to Peter, Richie state that the 2 new BOD members have been “brought up to speed” with the revised CCRs and 3 BOD members who disagree with aspects of the draft CCRs. The BOD wants to “make changes to the draft in favor of the membership,” therefore, until that stage is complete, the CCR draft cannot be mailed to the membership for their input. Richie stated the new draft “stripped the voting rights of the membership” and some changes need to be made by the BOD before the CCRs can be sent to the members for input. As to any new legal codes that cause the CCRs to be updated, Richie stated that those legal codes [such as CA Corporations Code, Davis-Sterling Act] supersede the CCR’s. Richie added: “When the State passes any relevant new law, the CCRs will be outdated [again], and the money spent will be wasted.” Additional discussion occurred. A member asked, “Since you are throwing out the CRR draft...” but Richie interjected: “We are not throwing them out.” The member asked: “When can the members see the draft?” And Richie stated: “When we get to it. Right now, we are swamped with Esperanza Rd.”

In additional discussion, Barb stated that the camping issue could be removed from the draft CCRs, and the process could unfold as it was planned 2 years ago. Richie stated that the camping issue is not what is holding up the process, but the “stripping of the membership’s voting rights” is a huge issue with the imposition of numerous burdensome rules that “mirror the DRC that was adopted in October of 2022.” The BOD is looking into making changes in those DRCs and that is what is holding up the CCR draft review, in addition to the camping issue. Barb made some comments and Richie stated that the POA is in compliance with the letter of the law; as long as that is true, the POA has no worries and can take time to resolve these matters.

Another member asked what voting rights Richie was referring to. Richie explained that currently, a 75% majority of members voting is needed to make changes. “They want to drop that number to 51% ...**present** that voted,” he said. A member asked who is “they”? and Richie explained that was the previous Board who drafted the new [draft] CCRs with the attorney. Richie stated that the current Board wants to ensure that more members have input to the draft CCRs before the draft can be brought to the members as a whole for input and discussion. He stated the previous Board’s committee met on Tuesdays at 10 a.m. which did not allow for as much member input as he wanted to give because no one could attend. Richie stated his plan is to hold open Board meetings to focus on the CCRs to get much more member involvement. He stated that while he was able to attend a majority of the CCR committee meetings [the group that produced the “Draft CCRs” under discussion] the vast majority of the POA members could not attend. Saturday

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meetings would offer a greater opportunity to members across the country. Barb stated that the meetings were held on Tuesdays because an attorney had to be present, it was much more cost effective to not pay him for work on a Saturday, if he was even available. She stated the members had ample notice of the meetings so that they could attend. Richie piggybacked on her comments, and said that the attorney will not be required when the BOD is able to continue review of the CCRs, because the phase of the project for which an attorney was required is complete. Steve stated that each draft of the draft CCRs will cost 3-5K to mail to all the members, therefore, the BOD wants to send as few drafts as is possible, by having it as perfect as it can be on the first mailing. Mike stated that he was hearing that the draft CCR issues “must be tabled so that the current BOD can focus on Esperanza” which is likened to a “bottleneck” right now. Richie stated that this is not the case. Steve stated that the current draft CCRs have been reviewed by the BOD, and were not approved; at least 3 BOD members don’t agree with the changes in the draft. The BOD as a group hasn’t had time to meet and discuss it. Steve reminded the group that the BOD were all volunteers.

Mike asked how members of the group [not part of the BOD] could assist by stepping up and participating. Steve said they cannot without a BOD member in the group, and that hasn’t been realistically possible due to situations & circumstances such as weather. Mike asked if the BOD could delegate some responsibility for the things they don’t have time for. Richie stated that was not the process the BOD decided to use: the BOD will make the draft, have the office secretary type it, and then the members as a whole will see the draft. A member stated that when the DRC committee was formed, involvement from the membership was requested and only 5 members responded. He then asked, how will you get more input than we did? Richie replied: the members can then have input in the open BOD meetings, and respond by email/phone calls to the office which will be relayed to the BOD.

Steve stated that an additional concern regarding the CCR’s is: Currently, using the old CCRs from the 1966, the POA may be able to grandfather in their camping periods of 4-6 months for members. However, if the CCRs are revised, a new version would not pre-date the County’s 2017 camping ordinance. This aspect of the issue is problematic and careful action needs to be taken by the BOD. Additional discussion occurred with input from many members.

Member #3* clarified: CCR’s state the things that owners CANNOT do. An attorney was present at the revision/draft meeting because the verbiage must be correct and supported by all relevant codes of law. Further, he disagreed with Richie & Steve who stated the POA was better off with the old CCRs from the 1960’s because they are out of alignment with the law. Also, he clarified the Bylaws are the rules defining what members CAN do---the POA has the authority to change these, for example, in case of emergency or other reason. Steve pointed out that according to Member #3’s reasoning, if the attorney who was present when the draft CCRs were created were doing his job, the adjustment to the camping aspect of the rules would not be in the CCRs. Further, the old but current CCRs do not expire. Steve reiterated that the BOD does not want to pay to send out many versions of the CCRs to members because it will be very expensive. Becky stated that if the BOD wants comments via email or phone call about the proposed CCRs, they have to be sent something to comment upon. With no knowledge of the draft under discussion they cannot comment intelligently on aspects of them. She suggested that the document be sent to all members via email for input, even if the BOD only has approximately 300 email addresses. Then, [she proposed] the BOD can schedule open discussions with members in committee meetings on the topic. Richie replied that the current draft will not be sent in the current form, and only after the changes the BOD wants in the new draft CCRs are in the draft, will the members see it when it is sent to all of them. A heated disagreement ensued, and Steve stated: “If you don’t want us on the Board, vote us off.”

Uri clarified: “I am hearing 2 different things about the CCRs being in compliance v. out of compliance with the law.” He also stated that it makes sense that if no changes to the CCRs are made, the current CCRs “roll over” into a new timeframe and remain current. This was confirmed by Steve and Richie. Next, Uri asked who is on the DRC Committee, and Richie stated that Steve is the chair of the committee with Rebecca on the committee and other members who are involved but not named... Steve stated that the CCRs don’t really have anything to do with the DRC Committee but it was addressed by that committee because of a question from a member. The discussion became heated with members talking over each other, and at one point Felicia stated: “One at a time.”

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Uri proposed that since the DRCs were not on the agenda, that the topic be placed on the next meeting's agenda, so that the meeting could focus on today's agenda: Uri made a motion that occur, because it seemed to him that the members wanted to see movement on this issue. Further [he motioned], that appropriate people be assigned a task to give the members an update at the meeting. Steve stated the BOD needed to table the issue. Richie asked if there were a motion as outlined by Uri. Steve stated that he did not want to make such a motion. Karen made the motion, Steve seconded the motion, and those in favor were: Steve, Richie, Uri voted no. Felicia's and Karen's vote was unintelligible on the voice recorder. However, Richie stated 3 votes against the motion defeated the motion and "it was tabled." Steve reviewed the votes, and Felicia voted yes, in favor of the motion. Karen's vote was not understandable on the tape, but Steve stated that she had voted no.

4. TECHNOLOGY – COMMUNICATION COMMITTEE

Steve began by stating: "I must have been neglectful because I thought I changed the board members, but I will go back and look at it again." He stated he is working on a request from MaryAnne so that members can email about Esperanza's condition. He stated that everyone present needs to be sending out personal letters to the politicians defining their individual problems with Esperanza. ...He stated that he could not put the minutes from the last meeting up on the website until they were approved, and they were only recently approved causing a delay. ...He reported that the website was able to take dues payments from members. Richie stated that Steve was "getting up to speed with the new email capability on the website." Further, Richie stated that Marsha is incorporating "'that within her day' and the emails are not being overlooked." [Note from Marsha--Presumably "that" means emails sent by members onto the website] but if that is what "that" means, it is not accurate. Marsha is not monitoring the website emails because she has not been asked to do so. She only monitors the office email at msfpoa.ofcsec@gmail.com. Months ago, Marsha recommended that a note be placed on the website asking members to write to the office email address for a quicker reply. Emails from the website could not be forwarded because [months ago] the website did not have that automatic capability. Marsha does not have time to answer emails from 2 websites. Each email would have to be forwarded individually by cutting and pasting. Richie stated during this meeting that they had been able to add himself and Steve [as a contact] to the website emails sent in by members, so that both of them automatically get those emails sent to them from the website when the emails arrive in the office. ←Marsha is not sure what that means.

A member #4* stated he wanted to be on the DRC committee. Richie said "Sure" and Steve said the committee hadn't had anything to do other than the "Clay thing." Member #5* asked if the BOD was still doing zoom meetings. Richie said no, that was only occurring to approve the meeting minutes every 30 days but it was essentially cumbersome. Richie stated that per the CA Corporations Code and Davis-Sterling, if the BOD has a draft of the meeting minutes within 30 days, it can be made available to members but finalized at the next regular BOD meeting. As a result, the need for "constant" BOD meetings has been eliminated. Steve said "this time, the minutes didn't get done till later." Richie said that the members could ask for the minutes to be mailed or emailed to them after they are available, and Steve is working on getting the minutes posted on the website. In regard to zoom meetings, Richie stated that "if the need arises" zoom meetings will be posted and occur but there were requirements: 10 day notice to members, a physical location for those who didn't have zoom capability to participate from. Barb clarified aspects of the zoom meetings. A question arose as to whether members would be charged if the minutes were sent by mail, and it was not clear to Marsha what the outcome was.

5. EVENT PLANNER COMMITTEE

Uri reported that his wife [Chris] is the mover and shaker on this committee. She has nothing to report. She asked if there were a past committee chairperson she could speak to about the history of the committee. Richie stated that Gail Martin and Barb Lamb were the previous contact persons. He added that Felicia expressed interest in this committee as the BOD chair, and perhaps Uri could focus on other responsibilities. More discussion later on this issue was suggested. MaryAnne stated that there was scheduled a social time for members after the meeting.

6. LEGAL COMMITTEE

Richie reported that the Board went to the attorney on one issue since the last meeting: the upcoming election and what procedures and policies should be followed. He stated that "it wasn't done quite right" for the last election because there were no candidates, therefore there was no election. Optimally, the staggering of the board seats and members

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are designed to be voted in at 2 or 3 year intervals. Richie added that because there was no election, and to reestablish the staggering of the board seat expirations at 2 and 3 year intervals, that for the upcoming election *all 5 seats must be up for election in 2023*. Richie stated that this is the advice from the POA attorney per the CA Corporations Code. Therefore, the 2 BOD members receiving the most votes will serve a 2-year term and the remaining 3 candidates will serve a one-year term. Richie stated there would be more information coming later.

Peter stated that he would like to see this legal advice from the attorney in writing. Further, he added that he thought Richie [and the BOD] was throwing out the pertinent section of the Bylaws. Additionally, he stated that when no one runs in an election, the same group are “vetted” in for an additional 2 year term. He stated that “this year, you [Richie] and Steve and one of the new Board members are up for re-election. In 2024, according to the bylaws of the MSFPOA, the other two board members, including Karen, seats are up for election.” He then inquired as to “what gives you the right to supersede the bylaws?” Peter stated the BOD is supposed to protect the Bylaws and CCRs and “do things by the book.” He restated his desire to see this in writing from the attorney because it is contrary to the Bylaws and CCRs. Richie stated that “just like the CCRs and the legal terminology,” that portion of the Bylaws is outdated; therefore, the law supersedes. Peter asked Richie to show him the law, and Richie said he would. Peter then asked, “What if nobody runs?” Steve said, “we will provide you with what the attorney said, and if you want to challenge that, hire an attorney and do that.” Peter said, “I’m not challenging, I just want to see what the attorney said in writing.” Steve replied, “We said we’d do that,” and Uri affirmed.

Steve then said the Board had also contacted the attorney over Esperanza. Additional exchanges occurred on the topic and Richie said, “if it happens that nobody runs, then in 2024 another election will take place wherein all 5 seats will be up for election.” That will occur every year until there is no Board of Directors. Barb then stated that what Richie was saying that the attorney stated is not what he told her after the 2022 election. Richie replied “We’ll email the same information to you” [that they are emailing to Peter]. Barb stated the attorney told her that since it was a “failed election” two seats would roll over to the next year [2024]. She stated that electing new Board members for all 5 seats at the same time would be “catastrophic for the MSFPOA.” Richie agreed that this is not “ideal” and stated that those were also the attorney’s words. Steve said to Barb: “We have no doubt that what he [the attorney] told you is what he told you; did you get it in writing? ... We have a follow up email saying what we have to do.” Additional discussion occurred with Barb and Steve not disagreeing that it is not ideal and they did not like the situation. He said “if you got this in writing, which you are really good at, we’d like to see that.” Uri agreed. She said she would find it and email it to the office to be relayed to the BOD. Peter asked about the **letter from the attorney** and was told: “our secretary can email it you.” (Question: What is it you want Marsha to mail to Peter?)

F. OLD BUSINESS

1. Esperanza

Steve began by reporting that Esperanza was a problem since before October 2019 when they joined the Board. They have consistently been working on it [Esperanza] since 10/2019. He summarized: MSFPOA was led to believe/ told the Forest Service was working on it. In January, everything “hit the wall” when the POA found out “the FS wasn’t doing anything with it. When I found that out, I suggested people start writing emails because that is basically the only avenue we have.” Richie and Uri are talking to LaMalfa’s *staff*, and we are talking to Brandon Criss. Michael has written a couple of lengthy emails to Carolyn citing the same things the BOD had already found out. He stated “we worked avenues in what to do with Pilgrim Creek to Esperanza, and there are a lot of people involved in this mess.” Steve stated: “Some members are saying that we are the ones paying to maintain Esperanza. Yes, we are. If you don’t want us to, that’s fine. If we weren’t by spending 5-7K each time we touch that road, you’d be driving on a way-worse road. As far as we are concerned, the FS hasn’t touched it since October of 2019.” Uri is involved in speaking with the other users of the road including the logging companies, snowmobilers, and another POA-like group, trying to talk to the others who are involved intelligently to try to effect change.” He added that since it is winter, there is nothing the POA can do to improve the road. It was graded January 21, 2023, and the next week it was in just as bad shape as the week before the grading because of the freeze and thaw cycle. Steve stated that the BOD including himself are very

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frustrated and are limiting their personal travel on Esperanza. He stated that he had provided everyone the contact information of who to complain to and stated that “the squeaky wheel gets the grease.”

Steve explained that each member can review their deed and see that their deeded road access is Esperanza, not Pilgrim Creek Rd. Pilgrim Creek was put in much much later than Esperanza; Esperanza is the POA’s designated access road. The POA thought that the maintenance the FS was doing for Pilgrim Creek was transferred to Esperanza, but that is not the case. MSFPOA’s Board talks to the FS regularly about the condition of Esperanza, but the POA has no control over what the FS does. The BOD wants to make Esperanza better for the members, so they try to effect that, but the POA’s options are limited. The BOD had monies set aside for chip sealing Esperanza last year, and instead [now] the POA is having to use some of that money for maintenance. The FS snowplows Esperanza, not the POA, but the POA pays the bill. The POA cannot tell the FS what to do.

Steve stated the BOD thinks it would be better to reopen Pilgrim Creek Road, but even if that were to happen the POA would still need Esperanza due to weather. “The FS doesn’t want to hear anything about Pilgrim Creek; they have abandoned that road.” “The BOD talks to Brandon Criss, Doug LaMalfa, and Caroline weekly and,” Steve stated, “he does not know what else the BOD can do.” Steve reported that the BOD is doing a lot behind the scenes, even if they haven’t reported it all to the members [yet], but it is the best they can do. Steve continued: “The biggest thing that has helped the BOD so far is what Marsha dug up: That perhaps the FS didn’t do the closure of Pilgrim Creek properly; and we are working that avenue now.”

Uri spoke next: He spoke to Doug LaMalfa’s office [Brenda Hanes?] a couple of times and had some very nice conversations. He was told they cannot tell the FS what to do. LaMalfa’s office has been influential enough to get a meeting/series of meetings with the FS. He is grateful to all those who have written letters so far, and he is hopeful. However, they have learned much from Marsha’s legal research. There are specific administrative processes involved in maintaining Esperanza and in the Pilgrim Creek Rd’s closure. “We are [basically]” he said, going to get the FS to follow the required procedures/the law.” While the outcome is unpredictable, Uri is hopeful and looks forward to pursuing this in a respectful way: He is amazed at what everyone has accomplished so far.

Richie explained: In work with Brenda, the POA was able to secure a meeting with the FS Region 5, which includes McCloud and they are ultimately in charge of the decision making process. The meeting will include the head engineer, including all who have a vote in decisions and control monies. *He added that a barrier the POA is facing is: they are behaving as if we are a private subdivision asking the federal government to pave a road for us. That is not true. That perception needs to be reframed:* MSFPOA is the most organized, vocal group affected by Esperanza. They have been working on a coalition of local tribes who have sacred lands accessed by Esperanza, timber companies, and trying to involve people from a large recreation organization to say: ‘a class 2 road to a class 4 road creates limited access. We cannot get our vehicles through.’ The POA is trying to get a representative from each group to come with them to the meeting to speak with one big voice asking the FS to pave the road. The timber companies [Sierra Pacific Industries, Amble, Black Fox] do not want Esperanza Road, but were forced to use it because it was what the FS authorized for them. They may be able to advocate for the FS to reopen Pilgrim Creek. Another barrier is that the FS is doing a reevaluation of the cost sharing related to Esperanza. On the original deed, Hancock, Cambell, and SBI are the original timber companies listed: Hancock no longer has land beyond Pilgrim Creek Rd. They are against Esperanza as the main route. Cambell is renegotiating the entire Shasta-Trinity Forest roads. Esperanza is only 2.9 miles of many miles of road in their area of focus within the forest and their negotiations are not complete. Hancock, Cambell and Black Fox have negotiated an agreement with the FS related to use of Esperanza: if the FS will grant them their original rights from Pilgrim Creek and transfer them over to Esperanza in deed-form, they are agreeable. The problem is that the FS no longer issues written deeds for roads. Now they are considered “public roads” even though they are FS roads and everybody has access to them; therefore, the timber companies are not getting what they want, negotiations continue, and have not concluded regarding how the timber companies are going to contribute on Esperanza. Richie stated it is frustrating because only our members dollars are being used. A member stated that one fully loaded logging truck does as much damage as 8,000 passenger vehicles. Richie stated that the logging companies have at least 5

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alternative routes [to Esperanza] *and are using them*, which is frustrating for our goals and budget. Currently, the FS has no logging contracts, so no monies are coming in from that avenue.

Richie explained: *The Closure of Pilgrim Creek was an emergency order of the FS. For the FS, taking monies from Pilgrim Creek's maintenance and transferring them to Esperanza is not possible. Their plan is to eventually re-open Pilgrim Creek from 89 to the Mudcreek bridge.* Thus, the monies allocated by the FS to Pilgrim Creek must stay allocated for it so that when the FS is ready to reopen ¼ mile of Pilgrim Creek, the money is available. The money set aside for Pilgrim Creek is "maintenance" monies for potholes, brushing, tree removal, 10 year chip seal. Esperanza is a major capital project: 1 million dollars at least. There is no money there.

Last summer the POA received a letter from the FS saying they were going to change the classification of Esperanza Road from class 2 to class 4. Since the MSFPOA's open meeting in January, that change has been approved and is waiting finalization. However, that person is not signing the final approval because the money does not exist to maintain Esperanza as a class 4 road.

Last Thursday, the MSFPOA was approached by the Forest Service stating that they has come up with \$100,000. To spend on Esperanza. They asked the POA if they [the FS] provides the rock, can the POA provide the labor costs?" Richie stated he wanted to see the engineer's plans, because if we are going to be contributing POA money at that magnitude he wants to know: 1) is proper drainage going to be put in? 2) will a proper base be put down on the road ---a binder--- to hold it together? Or is the plan to take rock from the lowest bidder [as is required for government contracts] and put it on the road as is? The POA does not want to spend members' monies this way. Richie hasn't received these answers yet from the NFS; he was told the question had to be relayed to the engineer to get answers. After much study of these issues, Richie stated he would like to ask the Forest Service for three items: Richie stated, based on prior experience with Mud Creek: "if we have \$200,000. for road work, that is more than enough to **reopen Pilgrim Creek Road.**" He continued, "We would love to have Pilgrim Creek Road back, and would love to contribute our money" [to that project] as our portion of cost-shared maintenance. The POA can benefit from **seasonal use of Pilgrim Creek Road** when the flows are at their least: fall through beginning of spring: that would alleviate the disaster of Esperanza where a dirt/gravel road is built on top of native soil. Problems with Esperanza include: no drainage, large scale flooding, no place to put snow when it is plowed, continuous wash boarding and pot holes. Seasonal use of Pilgrim Creek would alleviate the latter. Third and lastly, **the POA wants Esperanza paved and reclassified as a level 4 road and maintained at level 4.** If the POA is having monthly meetings with a coalition about the road[s], then the POA can hold the NFS accountable for their agreements. "Just throwing down rock and paying for the labor, that's just totally unacceptable," Richie said.

Steve added that if some rock were dumped in the middle of Esperanza and one lane made, at a cost of \$30-40,000., the "repair" would only last 2-3 months. Richie stated: ""When the POA reached out to contractors regarding this idea, the BOD was told: "*we can make money on this, but please don't waste your money on this.*"" He added, "the contractors don't want to touch Esperanza of the saturation of the road and because it is only going to make them look bad."

Uri suggested that he be allowed to make a motion, it be amended and then voted upon, and that the BOD hear from the members. Steve asked to be allowed to continue the committee report. Uri apologized, saying he did not realize the report was incomplete. Steve asked **Mike [need last name please, unintelligible on tape]** to add his comments. Mike stated that 'in the discussions he has been privy to, an important factor is that Esperanza is a level 2 road, specifically for high clearance vehicles. This designation keeps being reiterated and is why the NFS constructed it as they did. There was no planning or effort to consider what condition the road would be in after the next rainstorm.' Mike was told that "she" **[Carolyn?]** told her higher ups at the USDA in Washington D.C. that Esperanza's classification needed to be changed to level 4, and she was told "absolutely not." He continued, "the moment the road classification includes passenger cars, they have to do something to upgrade the road." Mike feels a new tactic is required because that is a formidable wall. He stated this would be his plan: Get the USDA to state that Pilgrim Creek is permanently closed and

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the new road designated as a replacement is definitively Esperanza. The evidence would be a) gating Pilgrim Creek, b) highway 89 signage directing traffic including passenger cars to Esperanza. The POA needs to make that point to whoever the acting bureaucrats in Washington D.C. are.

Another argument has been that the POA was originally built with route 89 access via Esperanza. Pilgrim Creek was established as an access route later. Because of Pilgrim Creek, owner/members started building permanent homes in the subdivision, changing the character and makeup of the 'neighborhood.' Mike views the communications as stating that because of that history, the POA must use Esperanza and that is why the POA is receiving communications via the chain of command that Esperanza at level 2 is the decision.

Mike also suggested a FEMA-grant stating that the situation is being caused by a natural disaster, which could help with Esperanza. MaryAnne Locke stated she talked to **them [the 211 people?]** a week ago on this point and had a "very nice conversation." She outlined all the dangers to the FEMA people and referred to Paradise. She said she was trying to think of "out of the box" solutions, such as grants. Richie added: because the road isn't ours, we don't qualify for any grants, and the federal government [USDA/NFS] is ineligible for FEMA grants. The County would be eligible, IF they owned the road. The County will not take over the road. Mike continued: "What if Washington never says YES to reclassifying Esperanza? What is the next step?" Richie stated: We are working on that. Mike suggested getting a "improvement district" created, which would then create bonds for road improvement. A municipal bond takes the cost of project now and spreads the cost out over 50 years of payment that could be paid for through taxes and timber revenue. He also suggested fire mitigation projects in Mt. Shasta Forest: setbacks for fire mitigation. The big trees in the way of creating set backs for fire mitigation could be transformed into revenue for Esperanza if taken to the mill.

Richie and Uri liked Mike's ideas: Uri suggested a document be created with ideas and useful contacts because so many people have done so much work on these problems. A bullet point summary the POA's representatives could utilize would be very important at the upcoming meeting with the NFS. While every idea might not be viable in the end, it is important to have a record of them for team review as solutions are discussed.

Richie stated that the POA had extended an opportunity to various contractors [Hitchcock], who knew they were not going to get a contract/ get paid, to create a bid for the work to build a complete paved road with drainage "from the bottom up" and what it would cost to clear Mud Creek from Pilgrim Creek and redirect it back to its original channel so that when the POA goes to the NFS meeting the POA is prepared. Regarding climate change, Richie feels the federal government is holding to their narrative that Mud Creek will never stop melting and it will always behave as it has recently and as it has for the last 150 years. He said the BOD needs to be told because it is apples and oranges and they need to inform the membership how they came up with this decision. No one has explained the justification for the NFS decisions to this date.

Richie stated: the NFS has their engineering report, CEQUA, and all the environmental reports completed. They are well aware of what the traffic use is, the number of passenger vehicles and weights, and what it needs to be built to. Again, they are not doing anything with it. Uri asked if these reports are available for the public. Richie stated the POA is going to ask for the engineers' report. The BOD wants to see in writing that the NFS acknowledges the use of that road instead of making the POA responsible because that is "nonsense."

Regarding the future, *if the POA is left hanging to handle the road problem*, Richie stated that there are a lot of other players involved: Wilderness Estates, several property owners of large privately owned parcels, the timber companies. An unnamed member spoke and mentioned the bond idea and improvement district idea. Richie said he will speak with Brandon Criss about that and he stated: "Brandon Criss will be attending at these ongoing Forest Service Region 5 meetings and I will speak to him" [about whether the County would be willing to take on the project if funding came from a bond rather than out of the County budget.] Richie continued, "in the event that the NFS does absolutely nothing this year, the POA still needs to maintain the road by grading and rolling it so that the members passenger cars can get

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through. The best plan the BOD has designed to this point is: build a base for the road so that incorporate the large leechrock into that road to create a more solid foundation---*but to not do that immediately*. He proposed waiting until the rain so that it doesn't get "graded out because once you displace that, you've just un-done everything you did." The downside to that is if that **leechrock isn't capped---everytime** the grader comes through ripping and moving it, it is undone. It will take 70 transfer loads to accomplish that, which is roughly \$25K in material and an additional \$20K in labor. Then, the *next year*, another plan can be devised. This plan would mean that the road gets built in sections, each year another section is completed and it is, eventually, piecemealed together. The POA may be stuck building the road we need, so that lots can be sold. However, Richie added, no one wants to see the project done in that way. At this point the POA has roughly \$95,000 of \$100,000 set aside for Esperanza work.

A discussion occurred on whether it was better for the POA to provide material, rather than labor, to prevent the NFS from using inferior materials. The dust on the road was related to this question and several contractors/material suppliers were mentioned. Steve stated that if the NFS is going to use "junk rock" that doesn't solve these problems, then "the BOD isn't going to contribute the POA's money to such a project or help them." "We want something better for the membership," he added, "What they did before was just throwing money down the toilet."

General Discussion/Questions from members:

1. Terry asked a general question about the type of rock and the process which would be used to roll and crown the road.
2. Chuck asked what options there will be for members even if the project is approved by all the governmental and political factions and work begins. Richie stated CalTrans can "redirect traffic on the side," use of signalmen and traffic controllers, or use Bilgelow or Cattlecamp Rd. Steve stated he asked the NFS if Pilgrim Creek could be used as a temporary route during the construction phase and it was "shot right down" as an option.
3. Peter clarified how times the NFS has rocked Esperanza, and the BOD stated they did it once before the present board was empowered. The POA has done the maintenance on Esperanza since; the FNS has done nothing since October 2019.
4. Louis asked a question about rock from Louie Road, and Steve said it would cost 2x the money.
5. Chris talked about the materials the NFS uses. Difficult to hear due to environmental noises. Richie stated that this is why the BOD wants to see the engineers report so that the POA can hold the NFS accountable to use the proper materials.
6. Unnamed member stated: 'what is happening now is speculation. The NFS does not want to reclass that road, wants to leave it as class 2, so they don't have to do anything. Steve stated "We have been told the upgrading [of Esperanza] has been approved at the local level. It hasn't got approved up." He added that "soon there will be a meeting with some of BOD, Brandon Criss, and the NFS, and hopefully a representative from Doug LaMalfa's office, and there will be discussion about that." Richie stated that "Steve had it backwards: the classification change has come from the top down. As of March 2nd, 2023, it is sitting at the local district ranger's office, unsigned. In that office, they have no idea how they are going to maintain that or where the funds will come from." It has taken 1 year to get to this point.
7. Another member, Kris made comments that were hard to hear: Richie stated "Yes, the federal government does not qualify for that money." In answer, Richie stated that if one looks at the maps, there are numerous massive culverts, viaducts, and other means built as a channel for Mud Creek to direct the flow. None of those have been maintained and have "slowly been forgotten about." From route 89 these massive culverts are still visible: they were the channel before Hearst and others changed the direction of Mud Creek. Richie added there is a "reoccurring hands-off approach by the NFS" visible on numerous [named] roads across Shasta-Trinity National Forest. "When one little thing goes wrong, the NFS shuts down an area...When the same thing happens affecting the timber companies, they get their road fixed so they can do business...Something is not right there," Richie said.
8. Chuck asked if the POA was going to seek to get reimbursed for monies we have already spent on Esperanza. Richie said it was not going to happen. He explained the road use agreement, and that since the POA has acted to maintain the class of Esperanza at a higher level than it is rated [so members can use it], no, because the POA is

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9. acting voluntarily. However, when the time to contribute the POA's cost share arrives, the POA will "get a break" on their expected contribution. The BOD plans to get this caveat in writing before going forward on any project.
10. Sam asked why the NFS isn't responsible for the access section of Esperanza that the POA needs. She stated that in the past, before Pilgrim Creek was closed, the NFS plowed Pilgrim Creek. "Why don't they do that now," she asked. Richie stated that the NFS does plow Esperanza under certain weather conditions, and he explained in more detail. Richie stated that this year, because of all the snowstorms, the NFS plowed all the time.

Next, Sam talked about all the damage to her vehicles and her physical body resulting from driving Esperanza. Richie agreed it is a big problem. Everyone is having the front ends aligned, and/or shocks on their vehicles replaced. In regard to a particular ditch on Esperanza near route 89, Steve stated that section was owned by CalTrans, not the NFS. Steve stated that is another aspect to the problem: Which section of Esperanza is CalTrans's responsibility, in feet? **Richie stated that CalTrans will not issue a decision to improve their road.** She stated all parties need to work together to get this problem with Esperanza resolved. She has not seen it this bad in 10 years.

11. Chris talked about getting a grant. Much of this discussion was hard for the typist to hear.
12. Jim thanked the BOD for their work.
13. Michael stated he was a contactor in Seattle and learned a lot about drainage. He shared a story about how a town was flooded because gravel and run off filled a creek. The government watched, because there is a federal law that says the when a creek changes course, the government can't change it back. He thinks this is what the NFS is doing related to Esperanza. Because his apartment building was flooding and his investment was in danger, he [Michael] went and changed the course of the creek himself. He believes \$10K would reroute Mud Creek under the bridge. Richie agreed, saying "they've done it in the past, and he [Richie] has done it twice with the blessing of the NFS and the Department of Fish & Game...You are right" he said.
14. Terry asked if there was going to be POA money to work on roads [within the POA] and he mentioned some roads including Fumerole. Richie said yes, some roads are going to be widened. Some smaller roads will be worked on to open them up. Some discussion occurred about materials from different providers. Additional discussion occurred about procedures and priorities. Steve mentioned that the POA plans to start such work sooner than last year, if the snow ever leaves. Widow Springs West is in dire need of a chip seal. Some reserve monies may be used.
15. Pat expresses strong emotions about the situation, stating unintelligible particulars [due to background noise on tape] and said, "How can they do **that?**" Steve stated Marsha did some research on that, and we are going to bring that [**unclear what "that" is**] up when we have our meeting."
16. Uri stated that for the snowmobile Park, the NFS is still directing people [via their website] to go down Pilgrim Creek Road to access the Park.

Uri made a motion to have Marsha develop some bullet points for the group meeting with the NFS utilizing the memberships' comments today, the BOD's report today, the BOD's research, and her research for the BOD to use to devise a strategy for that meeting. Steve seconded the motion. Those in favor were: Richie, Steve, Uri. Someone [**Felicia?**] added something unclear about photos of the bullet points, and Uri agreed. ***NOTE: Someone needs to bring Marsha more into the loop in order for her to accomplish this task, and someone needs to request what is wanted so that the assignment is clear. It's been 3 weeks since this motion passed and no one has mentioned it as an assignment to Marsha.***

G. NEW BUSINESS

1. **Board Position Appointment [Secretary]**

Felicia joined the BOD in January, but wasn't at the first meeting and could not accept her appointment. Richie made a motion to appoint Felicia as the BOD Secretary. She accepted the appointment. Steve seconded the motion. All voted in favor with no "noes."

Richie invited Uri to step down from Event Committee Chair, and suggested Felicia could take over with Chris assisting. Uri Agreed to this change for himself and Chris.

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2. 2023 Elections

In the next few weeks the membership will get all the proper information in accordance with Corporations Code and Davis-Sterling and Bylaws of the POA, with timeframes and dates. Also, the responsibilities of the BOD and those members wishing to run for BOD seats will be stated clearly. Richie is encouraging “a lot” of people to run so that there is as much community involvement as possible so that the system will work as designed decades ago.

Uri stated he was proud to be part of the BOD and is impressed with the work all the members are doing.

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

No one had an issue to bring up.

I. NEXT MEETING

1. Type: Regular Board Meeting [open]

The next meeting is May 27th, 2023 on Memorial Day Weekend.

Location: To be Decided & Announced

2. Hose Company [tentatively] 10AM-12 noon.

J. ADJOURNMENT OF REGULAR MEETING

1. Motion to adjourn

Richie made a motion to adjourn the meeting, Steve seconded, and everyone voted in favor with no nays.

CERTIFIED BY: MSFPOA SECRETARY

TRANSCRIBED BY: Marsha Yates 4/6/23

EXECUTIVE SESSION AT 1:00 PM MSFPOA OFFICE

A. Call executive meeting to order (President)

B. OLD BUSINESS

C. NEW BUSINESS

D. ADJOURNMENT OF EXECUTIVE MEETING

**Richie Fesler,
President, MSFPOA**