

Wed 3/8/2023 11:25 PM

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Current GM Report

To: Sylvia Hacaj, Ann Danforth, Alexandria Aquino-Fike, Cassandra Duggan, Sarah Gough, David Aranda

CC: Lynelle

Dear Board Directors, Legal Counsel, and Interim GM:

I read the GM report on your website for this Thursday's meeting and I want to comment on one item:

"There is a concerning safety issue on the Ardmore Path that has been brought to my attention. I believe I have worked out a solution in getting the area repaired, with the County, the District and a property owner sharing in the cost of \$2,700 and no party accepting responsibility for the path itself."

I would like to point out that the district has no jurisdiction over this path, or any of the paths, and so spending tax payer money on this is wrong. While the amount does fall within the GM's spending authority, that authority is only meant for items that do fall under the district's jurisdiction. If the board wishes to take responsibility for one or more paths you should put an item on an agenda, and decide at a public meeting. The GM spending authority is not meant to be an end run around proper governance.

As for disclaiming responsibility, acts create responsibility, and just saying after the fact you have no responsibility is meaningless. In the past the district has been sued, and had to pay out, just for expressing a desire to take ownership of the paths. Spending money on repairing the path certainly will put the district in legal jeopardy if someone were to fall and hurt themselves on that path. So not only does this action spend district money on something unrelated to the charter of the district, it opens the district up to potential liability which would cost even more money.

You may or may not know that the paths are already under the jurisdiction of Zone 21 in the County Landscaping and Lighting District AD 1979-3 (LL-2). This is probably how the county can justify spending money on the path. The homeowner is also taking a risk (I believe a previous homeowner was held liable and had to pay money to settle a lawsuit related to a path), but if they want to go ahead that's their decision. However I also don't think the district should be involved in something that is potentially unwise for an individual homeowner.

In short I object to the GM spending money on something unrelated to the district's jurisdiction, especially with no vote from the board. If the board votes to allow this on a properly noticed agenda item then I still would object, but at least the decision would be done in the light of day. But the district has never accepted ownership or responsibility of any path, and thus has no business spending money on one.

Sincerely,

Chris Deppe