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Public Comment on March 9 Agenda

To: Ann Danforth; Lynelle Lewis

The March 9, 2023 General Manager report states with respect to the Ardmore Path that he believes he has “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.” The KPPCSD does not own and has no jurisdiction on any the paths. As such, the General Manager has no authority to spend District funds on any agreement to repair any path. The expenditure of District funds could be challenged as a gift of public funds and could result in the General Manager being responsible to reimburse the District from his personal funds. Likewise, Board Directors that agree to the use of any District funds to repair the path could also be liable to reimburse the District from their personal funds.

There is a separate but very significant issue of potential future liability to the District for any injury on the paths. A few years ago, a woman sued the District and others for her injuries when she fell on a path on a rainy dark night in December. The District was named a defendant solely because several years earlier the paths had been on the District’s agenda solely as a discussion item. The District settled the matter to avoid costs of further litigation. If the District now engages in repairing a path, there would be a stronger argument that it is responsible for the upkeep and repair of the paths notwithstanding an agreement in which “no party accept[s] responsibility for the path itself.”

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