

Marsha Campbell Recall Rebuttal

6/24/2024

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INTRODUCTION and SUMMARY

Hi! I'm Marsha Campbell. I am the subject of a recall from my position as a director on the board of Snowshoe Springs Association. I have been falsely and wrongfully accused by people who I have never met or spoken with.

When I ran for the board last year I promised to work for transparency and to serve our members by bringing my professional skills as an emeritus UC scientist with expertise in biology, hydrology, engineering, project management and community education to help the association define and address the issues with our lake and promote well-reasoned decision making. I have poured hundreds of volunteer hours into doing detailed study and assessment of how to preserve our cherished little lake on our limited budget and am acknowledged as the member with the most in-depth understanding of lake issues.

Here is a link to my technical qualifications. I prepared this document in response to several board members criticism of me that I spoke as if I was an expert on these issues, which I am.

 [MCampbell SSA skill set & supporting documentation.pdf](#)

My findings have challenged assumptions and prompted uncomfortable questions regarding the approach and financial feasibility of the lake project which have apparently threatened and offended the entrenched political personalities of our HOA, who are now making every effort to exclude, discredit and silence me--even to the extent of censure, recall and attempting to destroy my reputation in the community.

I am motivated by a passion for stewardship, to see the right things done in the right way. I am here to serve the membership, not to look important or build a legacy. I am not pushing a particular agenda. I am easy to work with and persuade when presented with documented, factual, information.

Thus far I been prevented from communicating my concerns to the membership but in the context of defending myself from these awful and false allegations you will read here a different perspective than what has been presented. Please read at least the first few pages. The remainder of the document provides more complete documentation that backs up what I am saying. Far from being the one obstructing progress, you will see that my efforts to promote transparency and move the lake project forward in positive and practical ways have often been

unnecessarily and intentionally thwarted. You will see that I have been outspoken in identifying and preventing the association from making costly mistakes. You will see how you have been misled. This recall and censure is clearly retaliatory, which is consistent with the pattern I have experienced of legitimate, important questions being met with deflection, hostility and many words that never get to the point.

I have a vision for our little community, one where members can enjoy their place in the mountains without having to deal with political drama or wondering if the people in charge know what they are doing.

I want a process where members can get as much – or as little – information as they want on what is being considered. They deserve to know the reasoning behind the decisions that are being made. I want to understand what members value (I recently submitted a draft of a member survey to the board) and make decisions based on member felt needs and interests. I love member input and want to capture great ideas from any source. Regarding the lake, I believe that a mid-course correction could make it possible to address the immediate issues cost effectively by doing our own due diligence with a collaborative technical team and spending only what the HOA actually needs and can afford.

Members now have an opportunity to choose what kind of leadership we want to have. This document is intended to provide you information to help you decide. If you have questions, feel free to email me at mcampbellsnowshoe@gmail.com.

COMMITMENT TO TRANSPARENCY AND BOARD ACTIONS TO SILENCE DISSENT

A disturbing pattern of silencing dissent

The recall petition you have received consists of many accusations, all of which are either completely false or gross misrepresentations. I challenge the authors to provide documentation...dates, incidents, dollar amounts...to validate any of their statements. There is a theme of paranoia that runs through these accusations which begs the question: Why is it so important to silence (and remove, if possible) someone who questions other board members or who might tell membership something different than what some board members want them to know?

Since joining the board, I have found that my commitment to bring transparency has constantly been thwarted. The “one voice” rule has been wrongly described and misused, especially by the president and most board members, to silence dissenting opinions and prevent me from informing members about upcoming issues that they should be aware of. Topics are discussed in closed session that need not be and I have often voiced my concerns in that regard. My insistence on accurate and unbiased board meeting minutes has been met with much resistance.

I have proposed many ways to improve information flow to members that have been rejected by this board majority such as providing non-confidential board packets to members, increasing the

300 word limit for candidate statements, and providing a summary to members regarding exactly what the Cal Fire grant for fire hardening will do and what the common areas will look like after the work is done. Months ago, I outlined a project approach that would enhance member education and engagement regarding the lake project, but it was ignored.

It should be noted that a director is REQUIRED to disclose to the members when the majority of the board is acting unlawfully or not fulfilling their fiduciary responsibilities to do their due diligence to act in the best interests of the members. This, I have come to believe, may be the case.

The petition claims that I have harassed or abused members, which is an outright falsehood. What I have done is insist on legality and fiscal responsibility. Phrases like “we can’t do that, it’s illegal” or highlighting cost-effective, smart alternatives have been mischaracterized as harassment. Expressing concern over mismanagement does not constitute abuse; it is my duty as a board member.

Illegal Censure Proceedings

Spearheaded by Rob Hart and Paul Clem, the board voted 5 to 1 in closed session on May 18 to forbid me from speaking during board meetings for the remainder of my term, except to make or vote on motions. This illegal action was based on false evidence, improper procedure, and a misunderstanding of what a censure means. (full story below)

I checked with an attorney who works in HOA law. This person was referred by the Adams Stirling law firm who maintains a website which is often referenced for Davis Stirling Act information. Her opinion on this action by the board and the misuse of the “one voice” concept can be found in this link: [2024-05-29 Opinion Ltr re SSA actions.pdf](#)

REBUTTAL TO CCC, VENDOR, AND LAKE ACCUSATIONS

I am being falsely blamed for the delay of the CCC work.

The recall petition inaccurately alleges that I am responsible for delaying the CCC work, despite the fact that it was the board's failure to obtain necessary permits that caused the delay. Last fall I told the board in writing that the area where the work was planned is a wetland and requires special consideration or risk lawsuits and/or fines. They then checked the contract and found that the association was indeed responsible for obtaining necessary permits or exemptions prior to doing the work. No one had done this, THAT is the reason the work was stopped. However, several months later, Rob Hart misled the board by falsely accusing me of instigating lawsuits and this false story was spread to the members. (full CCC story below)

Clearing up the “vendor” issue. As a director I am required to do my own due diligence. I arranged for a team of engineers who specialize in small earthen dams to look at the lake and do some engineering calculations for us at no charge. They were people I had worked with extensively during my career with UC, and they are neither a vendor nor a regulatory agency. I wanted a second opinion since I was excluded from receiving information from the conversations with the various engineers being interviewed, and what little I was able to glean seemed biased.

The information I received was indeed a different perspective from what was being said up to that point and has proven to be accurate and very helpful, suggesting a much simpler project that would potentially save the association hundreds of thousands of dollars. Everything I learned I have documented and shared with the board, and it has been provided to the contracted engineers. Links to the NRCS report and my summary are here:


 [Snowshoe Lake Visit Remarks by NRCS.pdf](#)

I am not responsible for lake project delays. The lake project is progressing at a pace that is normal for a project of this magnitude conducted by an HOA. Since the votes concerning the project have been 5 to 2, how could I possibly have slowed things down?

I have objected to some planned board actions in order to protect the membership from the consequences of poor decisions.

Examples where I have voiced objections are:

I objected to the plan to cut the trees on the dam and berm without properly backfilling the entire root area. On a small dam, tree roots extend all the way from one side to the other, and if the tree is cut down, the roots decompose or shrink and conduits may form for water to flow through, compromising the integrity of the structure. Here is the document I provided to the board on that topic:

 [Consequences of Cutting Trees on the Dam & Berm.pdf](#)

I voted against the request for proposals for the lake project, the acceptance of the lake engineering contract, and the approval of the total lake project budget of \$303,000 not because I am not in favor of doing needed repairs on the lake but because the approach and language were not technically appropriate or fiscally responsible and was not protective of the process or the best interests of the members. (Explanation of dissenting lake votes below)

I was adamant about ensuring that the contract for the lake engineering protected the association by including language that allows us to not be obligated to pay for studies and designs that we find we don't need, if the full extent of the work originally contemplated is found to be unnecessary, as may be the case. In this I was only partially successful.


I opposed the approval of the lake project budget (\$303,000), because it potentially allowed Rob Hart to spend over half our reserves without board input.

I am wholeheartedly committed to protecting the lake and doing cost-effective necessary maintenance and upgrades. The accusations against me appear to stem from a misperception that I am trying to thwart the board from making progress on things long neglected regarding the lake. This is absolutely not true. I am in full agreement that there is work that needs to be done to maintain the lake and to ensure that it remains our treasure for decades to come. But the right things need to be done in the right way. To this end I have contributed hundreds of hours to study,

map, document, and analyze the issues regarding the lake. Those closest to the project from a technical standpoint agree that I have the best understanding of the lake issues and what needs to be done to correct them of any member involved in this project. And now that we are beginning to get feedback from our contracted engineers, the technical information I have provided as a board member and lake committee member is being validated.

Links to some of the technical documents I have written are here. These were provided to the engineers.

 [TECHNICAL background lake v23-11-19 rev 231208.pdf](#)

 [History of the West Side of Lake Snowshoe 24-04-10.pdf](#)

This work that I have done has been in the background. Others have presented my work to the membership without acknowledging its source and I have been prohibited from sharing it directly. One example would be the Property Condition Assessment document, much of which was my work. (more on this below, in lake history)

My approach to the lake project, as a board member and a lake committee member before that, has always been to do the hard work of understanding all aspects of a complex system and thinking through all the interconnections and details, as I have done throughout my entire career. I do not shoot from the hip and just “do something”, or make things up because it sounds right, or rush the process, skipping steps and setting up unintended negative consequences.

This approach has been misunderstood as “obstructionist” because I have found and written about many critical misunderstandings concerning

- the regulations that govern our lake and associated wetlands
- how the water flows around and through the lake and its interaction with the landscape around it
- the hydrology of the springs and seeps
- the deficiencies of the Condor report on which the project is based
- how our spillway functions or should function
- how to properly conduct a project of this size and complexity, and
- the financial ability of our association to take on a project of the magnitude that the board majority envisions.

The board has committed to spend up to \$303K of our savings (out of a total of about 560K) on comprehensive studies and design, leaving insufficient funds to do any significant repairs, with the intent that future boards would be obligated to address these issues, even though at the current dues rate our income minus expenses allows us to only save about \$60K per year. (additional financial information below)

Rob Hart solicited a letter from our HOA attorney that affirms we don’t need a member vote to do the project as described because the work is for repairs only and involves no capital improvements, and, per the 3/6/2024 email from the president: “we have the reserves to do the work without any special assessments”. This letter, which is posted on the association website, is misleading to the membership, because neither of these assertions are true. (full story below)

I would be in breach of my fiduciary responsibilities if I had not brought these issues to the attention of the board and insist that members' funds be spent sensibly and transparently. I have found no evidence that the general approach of spending much of our savings on an engineering package deal vs starting with just the minimum studies recommended by the Condor report (as is normally done) was ever discussed by the board, and the lake committee was intentionally disbanded to prevent us from having input into the project approach.

It is my observation and experience that the lake project has been hindered by leadership that does not have the technical background to know what questions to ask, understand the answers and accurately convey the information to the people with the expertise to work with the information. This is our current situation. Not having a technical background is not in itself a problem; attacking and discrediting (as some board members do) and shutting out elected board members that do have the expertise is huge problem and disrespects the members that voted them in for this very reason. It is critical especially at this stage of the project that we work with accurate information, and it is a continuing frustration to see opinions and assumptions being stated as facts without any basis or documentation of the source of the information. Some of these are vital details that impact outcomes. The lake council has been helpful to an extent but is not as robust and engaged as is needed at this time because most members do not have an in-depth, hands on, familiarity with the lake and its nuances, and there is no one who can provide input on biological aspects. Tim (a civil engineer) and I have both asked to be on a technical team where we can have access to the same conversations and information as our peers on the lake council, but board leadership will not allow it. When I asked why not during a board meeting, I was told by director Ross Bryan "because we don't want you, get over it".

The flow of information has now been set up so that we do not get the information from the engineers until after the council has commented on it, which prevents our input from being seen and reacted to by the council prior to their comments being forwarded to the engineers.

I am accustomed to working in collaborative teams where experts with differing expertise and experience ping off of each other to develop creative solutions and avoid unintended consequences. I have promoted this kind of technical team for our lake project but have been told that is not possible for political reasons. While the current structure may (or may not) result in a workable outcome, our members are needlessly robbed of the benefits of this kind of teamwork and collaboration that will produce the best possible outcome.


I do believe there is a path forward that can make the essential repairs within a reasonable time frame and budget, but it does not look like the one proposed in the request for proposals and contract. Instead, I believe a more prudent approach would be to choose a pressing issue that we can afford to actually fix and focus our resources on that and get only general advice on the others. That way we are not paying for unnecessary studies or designs we won't immediately build, and we allow future boards to budget for and address the less pressing issues as they see fit.

Board members were recently asked to provide their personal vision for how the lake restoration project should be prioritized. I outlined my version of a path forward that has the potential to perform the most critical work and stay within budget. Obviously the document and approach will be modified as new information becomes available from the engineers but thus far their findings confirm that my approach could be feasible.

A few of my guiding principles are to

- Minimize unnecessary engineer costs so that more funds are available for construction
- Abandon false beliefs about the lake's history, hydrology, or operations
- Not pursue far-fetched safety issues
- Not overbuild to a regulatory standard we don't need to meet
- Consider creative solutions rather than doggedly hold on to preconceptions of what a dam or lake should look like.

My guiding principles for my approach are here:

 [Guiding principles to stay within budget v 24-04-16.pdf](#)

My personal approach to the lake and prioritized vision can be found here:

 [MCampbell Lake Priority summary v 24-04-16.pdf](#)

In the supporting material below, you will find additional documentation of how my efforts to bring a rational and well researched approach to the lake project and other issues have been unwelcome and deliberately thwarted, culminating in this recall and illegal censure. We are just a little homeowners' association in the mountains, and what motivates such deceptive, manipulative, spiteful and vindictive behavior is incomprehensible to me. I don't deserve the treatment I have received. I have been told that there are others before me that have been forced out in a similar manner. I ran for the board out of a hard-wired motivation for stewardship, not ego, power trips or the need for accolades. I have sacrificed a great deal to volunteer to serve our SSA community, despite many other opportunities to accomplish significant things in retirement. I am choosing to continue to bring sensible, well studied, professional representation for our members despite the pressures from the entrenched political structure that are trying to force me out.

SUPPORTING DOCUMENTATION AND MORE COMPLETE BACKSTORIES

An illegal attempt to silence me

At the most recent board meeting on 5-18-24, in closed session, Rob Hart, backed by Paul Clem, spearheaded an illegal action to ban me from speaking during board meetings for almost a year.

Evidence presented to support this action was mainly a single Facebook private message thread made to a single person on 3-22-24 in which I responded to a question as to why Rob Hart was being recalled. I was not aware that this person was feeding my responses directly to Rob in real time. Everything I said in that private message thread about Rob and my experience on the board was factual and counsel has confirmed it was not defamatory. Directors do have the right to

campaign and voice their factual opinions as members. The petition for my recall seems to have been initiated at about that time.

The established procedures for a censure, which includes fact finding by a team, checking with legal counsel and private discussion with the individual, were not followed. Had this been done, it would have been obvious that “censure” in this context does not mean “silence”. The “proceedings” at the 5/18 meeting consisted mainly of Paul referencing conversations and emails, which were not provided, claiming they were offensive and defamatory enough as to warrant legal action against me. They are not defamatory. They are thoughtful analysis of how projects are being conducted, and advocating for more effective structure and process, transparency, and sound technical, financial, and legal foundation.

I was given very little opportunity to rebut these accusations. Rob read a written motion forbidding me to speak at board meetings until July 2026, the remainder of my term, (to be revisited in March of 2025), except to make or vote on motions. This was passed 5 to 1 (Tim Johnston dissenting) despite my saying that this would prevent me from doing my legally mandated duty as an elected official to contribute board discussions. It was agreed that the “censure” would stand but not be enforced until confirmed with legal counsel.

CCC Backstory: Not what you were told

Regarding the CCC issue, there is more to the story than what is being disclosed. Yes, I did point out to the board, in writing, that the area west of the lake is a wetland and that any work we need to do must be done properly. I never said I would sue, nor did I tell others to do so. I did say that we could be fined, or that the lake restoration project could be negatively impacted, which is true.

Months later, Rob told the board at the 01-20-24 meeting that the reason the CCC work was postponed was because I had threatened to sue. I said this was not true. In the draft minutes it was recorded as saying that I had encouraged others to sue, which I have not done. It was also recorded that the area is not a wetlands. This is not true, as was verified by the SOA engineers on 4/20/24. These minutes were approved at the 3/16/24 meeting. During open session Rob reaffirmed his assertion that I was behind a threatened lawsuit that prompted the delay of CCC work, and I again said I did not do that. The minutes have recently (4/25/24) been modified and these assertions have been removed. Regardless, the story in the community is that I caused the delay, as evidenced by the inside information published in the recall document.

The real story as to why the CCC was postponed is that after I warned the board about possible negative repercussions, Rob and Michelle checked the contract (which he presumably signed) and found that we were indeed responsible to obtain any necessary permits, and nobody had even looked into that. THAT is the real reason the work was postponed. Rob personally told me that after the work was halted he checked and was told that we don't need a permit, but he could not tell me who said that nor if they had authority to make that determination. As of this writing, it is my understanding that the CCC has been rescheduled but we still do not have either the permits or found an official agency to sign off that we don't need one. It has been confirmed,

however, that the area does meet the criteria for a wetland and all that I have been saying regarding the many nuances that need to be taken into consideration before work can be done.

My pointing this out potentially saved the association from fines that could easily eclipse any savings from having the CCC do the work.

The need for a permit aside, as part of the lake restoration project we have budgeted \$45,000 for studies. We will soon be under the scrutiny of several agencies that regulate wetlands. They do not look favorably on people who disturb study sites prior to doing the studies, and we may need their good will going forward on the lake project.

I do agree that the area could use some tidying up and it does look like the aspen seedlings are getting way too abundant. However, anything we do needs to be done with skilled advice. For example, it is illegal to cut an elderberry and we have them in that area. I am told there are carnivorous plants and other species that require special attention. Last fall I arranged to get training for myself and others to be more knowledgeable in how to appropriately manage these areas but have not yet followed through with it since I have not been allowed to have any input into these decisions although I do hold advanced degrees in biology and soils and 40 years professional experience.

Contrary to what some have said, the down trees are not blocking drainage in that area. I believe that an understanding can be worked out with CalFire, considering that this is a wetlands study site. Because of the risk of fines and ill will (at best) of agencies who we may need to have favor with on the lake project, it is my opinion, and that of other professionals, that this work should wait until the studies are completed and we are in a position to do it properly.

Here is what I wrote to the board concerning this last fall:

"I also want to go on record and reiterate my concern about disturbing our westside wetlands when we are aware that environmental studies may need to be done there. I've seen people get in a lot of trouble for doing this from powerful agencies that readily pass out harsh penalties. I really don't want to see our association get on the wrong side of them. I am NOT saying that no work should be done there to clean out excess down wood etc.. But it needs to be done with great care and educated thoughtfulness. Since we cannot claim that we are unaware that these are protected sensitive areas, we need to be especially careful so as to not incur liability to our organization.

...I have arranged to get more specific training from an NRCS biologist to give me a better understanding of the nuances of the local ecosystems so that I can help our association oversee how these very complex decisions are being handled. For example, I just found out that it is illegal to cut down an elderberry plant. I am doing my best to get up to speed but if indeed it is only our manager who is allowed to make these kinds of decisions, it behooves the board to provide her with a specific, informed metric to use and/or we need to reconsider if it is a fair expectation."

Explanation of Dissenting Lake Project Votes

A review of the minutes will reveal that I voted no on nearly all of the major lake restoration motions. Here is why I voted as I did:

My dissenting votes on the lake project contract are not because of opposition to restoring the lake but because the contracts were not protective of the membership.

1. The original request for proposals (RFP) was approved by the previous board. An amended request for proposals was sent to the firms without first obtaining board approval. I voted no on approving this because the amended proposal contained an unrealistic timeline and the scope of work and contained language that, among other things, called for draining the west side wetlands which I knew to be both prohibitively expensive, unnecessary, and probably futile. My assessments are thus far proving to be accurate. The RFP was based on erroneous assumptions taken from the Condor report and called for a “complete package” for an entire comprehensive project, when all we really needed was some relatively inexpensive preliminary studies and then see where to go from there. We do not have enough funds to do the complete package engineering and also do any significant on-the-ground repairs.
2. The second vote was for choosing an engineering firm. I actually voted yes on this one based on the recommendation of one of the council members, even though I was not given enough information to properly do my own vetting. It was recorded in the minutes as a no vote, however.
3. The third vote was to approve the contract. I voted no because the contract did not contain standard language for an exploratory engineering contract that makes it straightforward to end or pause the contract if it becomes apparent that we did not need or could not afford the contracted studies and designs. Throughout the selection and contract negotiation process I was vocal and insistent that there be language in the contract that would allow us some flexibility to not do studies and designs that we don’t need. I was only partially successful.
4. I voted against approving a lake budget of \$302,789, more than half of our entire common area reserves. This budget included studies and engineering that we may not need. Approving the entire budget at once potentially gives the president the ability to control and direct the project without board involvement, and I see indications that this is already occurring. The budget should have been phased, requiring board approval for each major expenditure. This budget was approved 5 to 2.

Lake Project Financing


The entire lake project was conceived and sent out to bid and a contract signed without there ever having been any financial analysis of what we could afford to pay. Nor was there an effort made to prioritize the most important aspects of the project, instead, the plan was to study everything and create a comprehensive design that will address every conceivable issue. This would be okay if

funds were unlimited. I did a financial analysis since no one else had done one, mainly relying on figures that were published in the Presidents letter in February 2024 and the Lake restoration webpage. It's easy math.

As of summer 2024, we have \$559K (K=thousand) in common area reserves. We have allocated \$303K for the engineering budget. That leaves at most \$256K for construction as of this fall, assuming we spend everything we have in our savings on the lake. Our SSA annual income is projected to be \$411,600. Our operating expenses are \$342,500. \$69K is potentially what we can save but \$10K has to be put into mandated USDA reserves for the water system so realistically we can only save \$59K each year. \$256K doesn't buy much construction and it will take a long time to save up more.

In the words of one of the lake council members "the SSA's financial wherewithal to take on large projects (>\$500,000) is "marginal" at best" and goes on to caution against paying for a design that cannot be reasonably implemented due to lack of funding.

More complete financing projections here:

 [Lake funding summary v 24-04-10.pdf](#)

Attorney Letter Stating that a Member Vote is Not Necessary

Because I and others had questioned the legality of doing the lake project without a member vote, Rob obtained a letter from the HOA attorney saying that we do not need a vote of the membership to spend our reserve money on the lake restoration project. This letter is posted on the association website. The attorney was given the Condor report that listed several projects to be done such as restoring the west side drainage, tree removal (which triggers dam reconstruction) and erosion repair (emphasis mine):

*"Condor Report makes the following recommendations: 1. Perform a hydrology and hydraulics study; 2. **Improve drainage bypass facilities around the lake**; 3. Repair Dam Embankment erosion; and 4. Perform vegetation contract. None of the recommendation work contemplated in the Condor Report would be considered a new improvement that does not already exist and would instead be considered maintenance and repair measures to the existence lake. Thus, the membership voting requirements of Bylaws section 8.02(a) does not apply.*

Recommendation: *While membership approval is not required, we would recommend involving the membership in the repair process and explaining that **the Association has the funds to make these repairs** and no special assessment of the members is being contemplated at this time."*


The west side drainage never existed and to install it would be a capital improvement. Each one of items 2, 3, or 4 could easily exceed the total amount we have in our reserves for construction alone, not including engineering. We do NOT have the funds to complete the restoration project as stated. This letter to the membership is false and misleading to the membership and is an example of the kind of issues I raise and why it is important to most other board members that I am removed. It is just one of many instances where the wrong information is given to professionals and/or the wrong questions are asked, resulting in skewed or erroneous advice.

Minutes Changed so that Engineering Work Could be Started Before a Contract in Place

An engineering firm was selected in the fall of 2023. There was a great desire to start the engineer survey work before bad weather. Knowing that crafting a contract would take a long time, I proposed and the board made a motion that passed, to do a small, immediate, interim contract for the preliminary studies only so that work could begin prior to winter, because I knew a contract of this magnitude would take a considerable amount of time to negotiate. This was removed from the minutes and replaced with the statement that we agreed that work would start immediately. Which it did. WITHOUT A CONTRACT. The repercussions of this may not yet be fully realized since it is unclear if the right measurements were taken and if we are paying for tree mapping etc. that may not have a practical use.

Refusal of the Board to Address Spillway Safety Issues

The main safety concern cited by the Condor report is that spillway capacity was probably compromised because it had been modified with a valve so that it cannot be opened to full capacity in an emergency. I brought this to the attention of the board at the November meeting and presented calculations from NRCS engineers that showed that only 15 CFS of the designed capacity of 100 CFS could be accommodated. At the 11-18-23 meeting, the board voted to temporarily remove the boards for the winter to meet safety requirements. However, shortly afterwards some board members decided that was too much trouble (although I had offered to spearhead getting new, easy to remove boards) and the minutes were changed from a yes vote to a no vote. I brought this up again at the January meeting and the board voted to not restore the spillway capacity. Having the spillway open at full capacity would have likely brought us into compliance with the standards appropriate for our pond and potentially eliminate the spillway and bypass issues identified by the Condor report, saving hundreds of thousands of dollars. While it is true that the current system has been working well for many years, it's like saying that it's okay to take the seatbelts out of the car since they've never been needed. It is inexplicable that a board so concerned about safety would choose to not make a relatively easy fix but is willing to spend hundreds of thousands of member money to address questionable and overblown "safety" issues funds without member input.

 [Spillway background information and calculations.pdf](#)

Rob Hart Thwarts Plans for Preliminary No-Cost Lakebed Sampling

This spring, the closing of the lower lake valve so that the lake could fill was delayed so that the engineers see the lake empty when they came to see the site and meet the board on April 20, 2024. Also, the valve needed a temporary fix to minimize leakage, and that repair was scheduled for just after the meeting at the site, and that team would close the valve when they finished. Tim Johnston and I had brought equipment for conducting a preliminary sampling of the muck at the

bottom of the lake at that same time immediately after the meeting. Our objective was to estimate the depth and composition so that we would have some idea of how much material we would be dealing with and what could be done with it as we are exploring if removing it is a beneficial, feasible and cost effective option. Both Tim (board member and civil engineer) and I are professionals who are highly qualified to do this preliminary characterization at no cost to the association, and potentially saving us up to a year of time since it is difficult to make decisions without this information and it is difficult to do the sampling when the lake is full but straightforward when the lake is empty. Because both of us had driven up specifically for the meeting and needed to head right back (my drive is over 10 hours each way), doing the sampling at any other time was not an option.

But when I arrived for the lake meeting, Rob told me that he had already closed the valve and the lake was filling. He angrily told me that only the engineers could take samples. If we were to proceed with muck removal, they would indeed do the regulatory sampling, this preliminary information would be for our own use only and this had been made clear on the board email discussion about this.

Because of Rob's unnecessary action to close the valve several hours early, we were unable to do the sampling we had planned, the valve repairs had to be done underwater, and the engineers did not see the lake completely empty. It was apparent to me from Rob's words and demeanor that he had intentionally closed the valve prematurely to prevent us from doing the sampling.

I have seen this spiteful behavior on many occasions, ranging from parking his ATV in wildflower beds after asking him not to, to refusing to allow me on the lake technical committee. This recall attempt with its paranoid and false accusations based on insider knowledge of board issues seems to be a continuation of this pattern which does not prioritize and protect the best interests of the membership.

Lake Project History and My Contributions to the Lake Committee

During the past Board's tenure, in response to a long term neglect of the lake by previous boards, an engineer's report was commissioned based on a single walk around of the engineer with Rob and Michelle. This report identified some safety issues especially concerning the inadequacy of the spillway and the presence of trees on the dam. Rob appointed Paul Clem to head up a project to address this neglect.

As a nod to "member input" a lake committee was formed in July of 2022. I was on that committee, and we were not allowed to discuss our work with the members. The first questions I asked were "what is the problem with the lake?" No one could give me a clear answer, but instead kept pointing at the Condor report as the basis of what needed to be done.

I was uncomfortable with the conclusions of the Condor report because they did not acknowledge that our dam is far too small to be regulated like the other subdivision lakes in the area and as such an inappropriate standard (1000 year storm) was being used for us to meet. It

also assumed that there was bypass drainage on the west side of the lake that needed to be restored in order to meet this inappropriate standard. The Condor report (and other engineers) did identify that modifications to the spillway had reduced its capacity. The primary recommendation of that report was to do a basic hydrology and hydraulic study as a starting point to confirm what issues we actually have.

At my initiation and insistence, the lake committee began to identify potential issues with the lake in an orderly fashion, and out of the Property Condition Assessment (PCA) was developed. Much of the work that went into this document was mine, including all the maps, nearly all the photos and massive revisions of the text for accuracy, organization, and clarity. Despite all the time and painstaking study that I put into the PCA, my name was removed even from the acknowledgements.

In the process of studying the lake, I mapped and documented how the water flowed into and out of the lake and did a preliminary watershed study. I arranged for professional engineering assistance at no cost to the association to calculate the adequacy of our spillway and provide other invaluable information. I looked up the geology of the area and wrote on why we have springs...and possibly why there is and always will be seepage in the bottom of the lake and berms. From this and other thorough studies I determined that the safety issues being used to justify some of the most expensive aspects of the proposed projects were exaggerated.

The lake committee was not allowed to have input into any decisions on what the next steps should be regarding what to do about the issues brought up in the PCA. Instead, the Condor report was used as a basis for a request for proposals to do everything that the Condor report identified, even though the report contained false assumptions, such as restoring drainage that never existed and draining the west side spring fed wetlands, which is unnecessary and prohibitively expensive because they are environmentally protected.

The agenda of the current board regarding the lake has been to develop a comprehensive set of plans detailing what should be done about every aspect of the lake, including the engineering to remedy each of these things. Because these are “safety” or “maintenance” issues, then it doesn’t need to go to any sort of review, input or vote by the membership even though the engineering alone could take half or our reserves, leaving inadequate funds to actually make significant repairs. The majority on the board want to push this through while they are still on the board so that it cannot be undone by future boards. If safety issues are identified by this report, then future boards will be obligated to find money to remedy these issues. Our income is only about \$60K more than our expenses, so dues increases and/or assessments are inevitable with this approach.

My comprehensive and thorough approach to studying the issues with the lake and our ability to fund this agenda has challenged the significance of the purported safety issues and the need for an accelerated schedule to accommodate getting the project done on the original compressed timeline. This is why there is such a concerted and irrational effort being made to get rid of me. While there definitely is maintenance work that needs to be done on the lake, these decisions need to be made with the member’s best interests and input in mind, transparently, with the

oversight of an engaged, unbiased, technically competent, collaborative team and not a couple people's personal project using other people's money.

REBUTTAL TO ABUSE AND COMMUNICATION ACCUSATIONS

In response to the statement that **board meetings are acrimonious** I would agree that the conduct of some board members is shameful. It is my policy to respond to their disrespect amicably and professionally. The board is not, however, dysfunctional in the sense that decisions are not made. It is the duty of board members to do their own due diligence and to publicly discuss and debate issues so that membership knows why decisions are made. With my background in project management and technical aspects of the lake and more, I do at times bring a perspective that has not yet been considered by others on the board. In other venues, this would be considered a good thing. The author(s) of this petition implies that dissent is intolerable and must be expunged.

The **harassment and abuse accusations are completely false**. There was a single incident where I was having a conversation with a board member at his cabin in which I told him emphatically that I did not trust him. This was not intended to offend, but to inform, yet this incident was told to others who subsequently spun this into the absurd harassment fabrications in the recall petition. I have asked vital, detailed questions on important topics in a calm voice that have triggered hostile responses. I have never yelled at, harassed, or otherwise abused any member.

I am not the instigator of Rob Hart's recall overtly or covertly. I have stated this publicly and privately to him and others many times. I did not sign his recall petition and I was surprised that it was taking place. The person who has initiated the recall will confirm that I am not involved.

I have not posted anonymously on Facebook, nor have I provided information for others to post. The person who did post anonymously has come forward to claim authorship. It is recommended that board members not post on social media to avoid their personal opinions being taken as speaking for the board. At one point I did consider posting anonymously as a means of provide members with the lake financial information I derived from previously published documents but did not do so.

I have only posted on Facebook to respond to recall accusations against me. Otherwise, **I have not made any significant Facebook posts** since shortly after I joined the board nor have there been any mailings from me.

Until this recall, I have not asked for personal information so I can contact members. All the board members know who has asked for the mailing lists and know that it was not me. At the time I did not know the people who requested the list. All members are entitled to ask for the list for legitimate reasons, such as to send out campaign information. I had not previously sought this list but have now asked for it in the context of this recall, as I am entitled to do.