



P.O. Box 706 • Stinson Beach • California • 94970
www.stinsonbeachvillage.com

June 5, 2013

To: Jamie Sutton

From: Michael Matthews, Lead Coordinator, Stinson Beach Village Association

Re: Your request to the Stinson Beach Village Association Board in your e-mail of May 31

Jamie---I write at the direction and on behalf of the Board in response to your request for the Association's active participation in your efforts to create a pedestrian and bicycle path off of Highway 1 and through the Village from Calle del Arroyo to Calle del Mar.

In an earlier request you asked the SBVA to consider becoming the "proponent" for your project so to assist you in obtaining the cooperation of the GGNRA. Mike Mathews' January 30 e-mail to you responded to that request with the following explanation:

"Let me remind you that the SBVA is not a sponsor or proponent for the project, but rather serves as forum to allow you and any interested parties to learn about, comment on and track your efforts. Ultimately, your project is likely to be a project for the affected homeowners, GGNRA, CalTrans or some combination of all three, but it is not an activity in which the SBVA is involved as an entity or other party..... As much as individuals may support the project, it is beyond our charter to become actively involved in a project like this one."

The following day I sent you another e-mail on this subject, explaining the Board's view that "actively advancing an improvement in town is beyond our authority."

Notwithstanding those explanations, your May 31 e-mail again seeks SBVA's active involvement, this time requesting the Board's assistance of you in a presentation urging the two homeowners affected by your proposal to allow the path to cross through their properties: (quoting your e-mail):

[There is a CA Law that gives land owners protection from any liability.]
Please contact me so that we can talk about how you can help present this idea to these property owners. [Cell below]
This is about the public will and public desire to have this path and making the argument to these 2 landowner[s], with me.

Jamie, this request goes far beyond your earlier request that we "support" your project as a proponent--- a request we refused because, as we wrote you, even such a seemingly modest involvement would be beyond our charter. This request asks us to join you in trying to "persuade" the homeowners to grant the property rights needed for

your project. As part of that persuasion, you apparently wish us to join you in assuring these owners that some unstated "CA Law" would protect them from "any liability".

The Board must refuse your requested assistance in persuading the affected homeowners; not merely for the reason, as stated above, that it is beyond our charter, but also, because our doing so would be abusive of the Association's role in the Village and of our fiduciary duties as Board members.

In addition, the Board also must refuse your requested assistance in assuring the affected homeowners, or representing to them, that they would be immunized or indemnified from liability by California law if they permitted the proposed path to cross their property. In our view, doing so would be giving legal advice, which California law prohibits us from doing, and could expose us and the Association to liability, perhaps both civil as well as criminal.

We regret the bluntness of our responses, but felt it necessary to avoid any misunderstanding of our position and role.

Very truly yours,

Mike Matthews