

Question Regarding Insurance Coverage on Lake Petit Dam

Created - 10-Sep 06:19pm By - David Hopkins
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David Hopkins

I have the following questions regarding the Lake Petit Dam:

- (1) Does the POA have insurance coverage on the Dam for a) issues of liability regarding failure b) issues of repair or property damage? c) Mitigation Requirements? etc... d) What are the coverage amounts by category?
- (2) Is there a "Rider" or any specific clause (i.e. an Earthen Dam Clause) within our Insurance Policy that specifically addresses the POA's requirements or responsibilities regarding maintenance or regulatory compliance in regards to the Lake Petit Dam?
- (3) Is the Lake Petit Dam covered under a National Flood Insurance Program (NIFP) policy?
- (4) Who is our Insurance Provider for any policies that cover issues related to the Lake Petit Dam?
- (5) Is our Insurance Provider aware of the fact that neither the Big Canoe POA, nor their Engineer of Record has been legally filing the required Inspection Reports for several years now? Are they aware of our non-compliance regarding the annual testing of the lower lake drain?
- (6) Has the POA consulted with their legal counsel regarding the possibility that in the event of a catastrophic failure, or liability causing event with the Dam, that the Insurance Company may have a loophole in which they could deny claims due to the POA's history of regulatory and maintenance non-compliance?
- (7) Has the POA received pre-approval from our insurance company regarding any specific areas of non-compliance?

16-Sep 04:25pm - Scott Auer replied



Scott Auer

Dear Mr. Hopkins:

Thank you for your inquiry regarding the Big Canoe Property Owners Association, Inc. (“Association”) pertaining to the Lake Petit Dam. The Association is fully and properly insured with regard to this Common Area Property. The Association denies your untrue and completely unfounded allegations that the Association or its Engineering expert vendors have not complied with the law regarding inspections or any other legal requirements under Georgia law, and the Association hereby demands that you cease and desist from promulgating such false accusations. The Association’s Board of Directors will provide a full report to all of the Association’s Members regarding the Association’s activities related to the Lake Petit Dam (and regarding all other aspects of the Association’s affairs) at its next Annual Meeting of the Members. The Association’s Board hopes that you will be in attendance at this meeting. The remaining questions in your inquiry essentially are tantamount to a request to review certain of the Association’s contracts which are not documents that Members of the Association are entitled to review and inspect generally per the Association’s Bylaws nor per the Georgia Nonprofit Corporation Code. As such, no further response is warranted at this time.

Sincerely,

Scott Auer,
General Manager