

## A Long-Tailed Cat In a Room Filled With Rockers

By Judie Lewis, Editor

The month of January and into February have been very disappointing for those who have been hoping for positive changes for Kala Point.

January 14 saw a hearing that wasn't. In the first place, the hearing concerned an issue that could have been worked out by the neighbors involved talking to each other. What a novel idea - neighborliness! However, since the issue had been heard by a committee and referred to the Board for a hearing, a decision should have been made. Instead, the hearing ended without a decision. Neither party thinks there was resolution.

Then we come to the "Trafalgar Train Wreck." This one is the messiest of all!! We will be having new neighbors coming from Texas when the new home currently being built on Trafalgar is finished. This should be a time of happiness, welcoming nice new folks to Kala Point. However, due to some inept work on the part of the Architectural Committee, (AC) this situation will probably prove to be anything but happy.

Starting from the beginning, the property on which the new home is being built was presented in the real estate ads as "one of the last view properties in Kala Point." There was a reason. Because the uphill side of Trafalgar is not very elevated from the downhill side, the downhill properties have always been restricted to a roof elevation that extends only 10' above the street elevation. This was to preserve the view from the homes on the other side of Trafalgar, which were also restricted in height to preserve the views of residents on the next uphill street. The couple from Texas got home plans together and submitted

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## The Straw Hat... a real KP story...

By Nova Skeeter

We moved to Kala Point in August '88. That was a very warm summer. Our little Cocker Spaniel, Morgan and I used to walk the beach every day. It was her custom to dash off ahead of me, down to the point. One day as I watched her she put on her breaks by a large pile of logs. She seemed to be creeping toward the pile. I wondered if she was seeing a dead animal behind one of the logs? To my amazement when I got to her location I was also taken back. Between the logs was a man taking a sun bath.

. Not unusual you say.... Not so.... this guy was completely naked. He had his clothes rolled up as a pillow for his head. My first thought was, "wow.... Morgan don't jump in the middle of him and wake him up." She was an obedience trained dog, and I gave her the hand signal to come to me and we backed away as quietly.

In those days we attended the Pot Luck dinners. When I told the story about our FIND at the next dinner to a group of the gals we knew

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## Swiftly Speaking

### A voice of Reason

By Judie Lewis, Editor

There have been many meetings of late. Some were Board meetings, some were seminars on KP issues, and some were appeal hearings.

Plus, a new group called the Kala Point Owners (KPO) is organizing to attempt some changes in KP. This group has met twice. In all the time I have been living in Kala Point, I never observed anyone behave in a rude and uncivilized manner in a meeting until now.

At the January 24 meeting for the KPO, a number of Kala Point residents showed up who have decided that Jay Garthwaite, the organizer of KPO is the devil incarnate. There was little doubt that the group showed up with their fists clenched. Two men got up in the meeting, shouting and storming out the door. Jay also got hot under the collar with such vituperous assaults on him. Few could handle it any better.

One could justifiably say that those who have joined to achieve some changes through KPO have very strong feelings about what has happened to them here in KP. However, one could also say that the "old guard" harbors as much

anger as their power is challenged.

The fact is, there are two extremes. While each side looks at the other and lays blame, they need to look in the mirror and recognize the "blame" within themselves. Over the last year, some here in KP have been vilified to the point that they were in tears. In a discussion with a KP resident, this point was made in regard to a specific person. The respondent said, "Yes, she did make some enemies." When asked "HOW" the answer was, "You know that article." When it was pointed out that to consider someone your enemy because they hold a different opinion than you is extremely shallow and intolerant, -there was no answer.

In the last issue of To The Point there was a suggestion that maybe we needed a "Kala Point Residents Bill of Rights." In addition, we seem to need a new "Committee of Reasonable Thinking" to put such protections together. If you read some of the "Letters to the Editor" in this issue, you will find some names associated with a calmer, more reasonable view. Some are newcomers who can view this without all the baggage. Perhaps they should be nominated. There are other names that spring to mind of those who seem to be able to see things from a more reasonable point of view. The names of those to not include are obvious and come from **both sides** of this situation.

If you would like to respond to this or any KP situation, do so at [lewis@olympus.net](mailto:lewis@olympus.net), or write KIN, P.O. Box 16, Pt Hadlock, 98339.

### "Straw" continued from page 1

they all wanted to know who it was. Only natural I'd say. I could not say because he was wearing a straw hat over his face. I guess he didn't want to get a sunburn. After that evening I noticed the walking population of gals grew to many more going down to the point. (I don't think they were looking for clams).

I have always said if all the fellows at that time had undressed and held a hat over their face I'm sure I could pick HIM out of the line-up.

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## We Get Letters

To start this section, it is necessary to point out that "letters to the editor" reflect the views of the person writing the letter. It should not be assumed that such views are shared by the publishers or staff of To The Point. If you wish to respond to such a letter, you may do so by submitting a letter of rebuttal for the following issue (that is respectful) or address the letter writer directly.

### Dear Judie Lewis, Editor, To The Point,

You have devoted a lot of space in your newsletter to the "reform" movement - I hope you devote equal space to the other side of the argument which I will attempt to explain in this letter. I have previously been on the board of directors and president of a very large homes association in Oregon. Things were done quite differently there and perhaps there are some lessons which could improve KPOA - there is always room for improvement. Challenging the status quo is healthy but I think both sides of the argument should be presented - this is a democracy - right?

Although procedures were very different at that other homes association, in many ways, the situation was the same. There was always some small segment of the population who did not agree with how the board conducted business or more commonly, did not agree with some of the CC&R's or how they were enforced. The CC&R's in that community were even more restrictive and subject to interpretation than the Kala Point CC&R's. But the arguments from the dissenting minority were very similar - they didn't read or understand the CC&R's before buying or they thought the board was over-reaching or often, they just simply did not like someone else telling them what they could and could not do with their property.

Anyone who purchases property in Kala Point should know that this community will have a lot of say about the external appearance of your land and house and if you don't like that, which is perfectly OK, you just don't buy property here. The solution to the problem is not for the majority to

accommodate the minority's views on CC&R's etc. We all elect board members from the community to represent us. If you don't like what they are doing, certainly we should tell them and expect them to listen and make adjustments if appropriate and if not, to explain their decisions (which they should do better in my opinion).

Some in the "reform" group are opposed to the fines. Well, in regard to people purposely cutting down trees on common property and similar transgressions, the previous fines were not enough of a deterrent. Some would say that instead of fines, KPOA could go to court in such cases. In the homes association in Oregon, we did not have fines - our only remedy was legal action. We had a \$50,000 annual legal bill too. Furthermore, in the case of trees, the intent is to prevent people from cutting them - going to court does not bring the trees back. By having large penalties for such egregious behavior, we tend to prevent this from happening. It also makes all of us more careful about trimming trees or removing trees - you get approval for exactly what you want to do and you make sure the tree trimming/cutting person has a copy of that document which should clearly spell out how much the tree can be trimmed and trees to be removed should be marked with colored tape. I really doubt that the board is going to fine someone \$10,000 per tree because a homeowner (with a written permit to trim some trees) hires a

**Continue "Letters" on page 4**



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## “Letters” continued from page 3

tree trimmer who screws up and trims them too much. And you should never hire someone to do that kind of work on your property if they are not bonded. If they screw up badly and you get fined, their insurance should be paying for the error.

Having a system of fines happens to be very common in the United States at all levels of government to try to prevent certain behaviors. When driving a car, we all watch our speed more carefully because of the cost of fines and what might happen to our insurance costs if we routinely exceed the speed limit.

I have had numerous interactions with Brian, Tammie, and board and committee members over the past three years because of adding on to our house twice, building a woodshed and dealing with a very bad situation in our neighborhood. I always found the staff members considerate, reasonable and professional even when I was on the wrong end of the issue (like a wood shed that was accidentally a bit into the setback area). Had my shed been more than a tiny bit over the setback line, they probably would have made me remove it. That is the job we elect them to do - to enforce the CC&R's that we all agreed to live with when we bought our property.

There was one thing about the Oregon homes association that should be adopted here if possible. We had a procedure whereby any home owner could gather verifiable signatures from 20%

of the homeowners and put a proposed amendment to the CC&R's or other rules/procedures on the annual ballot. It was common to have several each year. The board also could put proposed amendments on the ballot. Interestingly, very few of them ever passed even though most of them were to loosen up the CC&R's a bit (to accommodate a changing world). There is a message in that experience that probably applies to Kala Point as well. Even though there may be 50 or 100 people who want reform, the majority of people here are probably happy we have restrictions that keep the community looking nice and they want them enforced. Sure it is annoying to not be able to use your property any way you want but it could be a lot more annoying if your neighbor could construct ugly extensions to their house or do other things that make you wish you did not live in Kala Point. Just go look at some of the shabby places sitting on expensive water view property in our county. Tim Canan, Kala Point resident

**Dear Judie,** My husband and I are fairly new residents to Kala Point, and have been commuting weekends from our jobs in Seattle. In January my husband retired, and is now living in Kala Point full time. We really don't know any of the residents very well, and certainly have no knowledge of any past histories. We recently had the opportunity to attend the Kala Point Owners (KPO) meeting in the Chimacum Community Center so we could meet our neighbors and start getting involved in our community. Wow, what an eye opener!

We were absolutely shocked at the anger, and outright animosity, exhibited by some residents of the community toward other residents. And even more shocked, to find out later, that a sheriff had to be called in for some “fire” meetings held earlier in the year. One thing was immediately obvious to us, the problems facing this community are bigger than whoever is elected to the board, and whoever sits on any given committee.

There is a huge rift in the community, that far surpasses any tree, roof or paint issue. I heard a lot of talk about property values, but what about **Continue “Letters” on page 6**



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## Kala Kwips

By our shyer but humorous KP residents

### You Probably Live in the Pacific Northwest if you:

1. Know the state flower (mildew)
2. You feel guilty throwing aluminum cans or paper in the trash.
3. Use the statement "sun break" and know what it means.
4. Know more than ten ways to order coffee.
5. Know more people who own boats than air-conditions.
6. Feel overdressed wearing a suit to a nice restaurant.
7. Stand on a deserted corner in the rain waiting for the "walk" sign.
8. Consider that if it has no snow or hasn't erupted, it's not a real mountain.
9. Can taste the difference between Starbucks, Seattle's Best and Veneto's.
10. Know the difference between Chinook, Coho and Sockeye salmon.
11. Know how to pronounce Sequim, Puyallup, Issaquah, Oregon and Willamette.
12. Consider swimming an indoor sport.
13. Can tell the difference between Japanese, Chinese and Thai food.
14. Go to work in the dark and come home in the dark in the winter and only put in an 8 hour day.
15. Have no concept of humidity without precipitation.
16. Can point to at least two volcanoes, even if you cannot see them through the cloud cover.
17. You notice "the mountain is out" when it is a pretty day & you can actually see it.
18. Put shorts on when the temperature gets above 50, but wear your hiking boots and parka.
19. Switch your sandals when it gets above 60, but still keep on your socks.
20. Have actually used your mountain bike on a mountain.
21. Think people who use umbrellas are either wimps or tourists.

22. Knew immediately that the view out of Frazier's window was fake.
23. Measure distance in hours.
24. Often switch from "heat" to a/c the same day.
25. Use a down comforter in the summer.
26. Carry jumper cables in your car and your wife knows how to use them.
27. Actually understand these jokes!

### A KEY GEOGRAPHY LESSON

The Secretary of State, the Honorable Colin Powell, during a recent trip to the UN in New York, was approached by an Iraqi news reporter, who asked, "Is it true that only 13 percent of young Americans can even find Iraq on the map?"

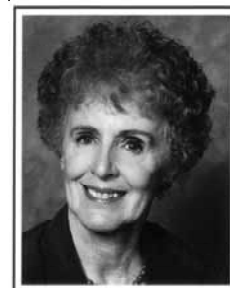
The Secretary turned to the reporter with a smile and said, "Yes, that's true. But the sad news for Iraq is that the 13 percent are all United States Marines." Semper Fi

Three Retirees were out playing golf. The first one said...."Today is windy, isn't it? The second golfer said "Nope, it's Thursday." To Which the third man replied "Yep, so am I. Let's go get a beer."

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## “Letters” continued from page 4

the quality of life? Are we so concerned about the value of our land, that we totally discount the value, dignity and respect that we should accord our neighbors? How did such an attitude of anger and intolerance arise for another person’s view? Why is it verboten to seek change?

We were particularly shocked at many of the statements directed to Jay Garthwaite. Things along the lines of: If you don’t like it here, get out; We don’t want you here; You’re a rabble rouser; I’m going to stop you any way I can! **What do these mean?** That if you don’t agree with every single board and committee decision that you should leave Kala Point? Whoever agrees with every single decision someone makes? I don’t know if these angry people realized it, or not, but comments like those validate the concerns being voiced by several folks, not just Jay Garthwaite.

Additionally, where are statements such as “I don’t want to pay for your cable problem” coming from? Where does it say that every penny paid goes to just the things that you want them to? Cutting down trees to create another RV parking lot, isn’t what we’d like to spend our money on. However, some of my neighbors have RV’s, and need a place to park them. I don’t use the tennis courts either. Should I have to pay for those? You bet. Because our money goes to all community needs, amenities and resources, which means that the trails and beach, that I do use, are maintained.

Kala Point is a varied and diverse community, with much to offer. To be a success, it needs not only the financial, but the emotional buy-in, from all that stayed until the end of the meeting. It’s going to take both groups, working respectfully together, to accomplish any kind of harmony here. All residents have the right to voice an opinion, and seek change. That is not just the right of a chosen few. [Lorree & Harry Go](#)

## An Open letter to the Board

Dear Mr. Kemery and KPOA Board of Directors:

I attended the appeal hearing in early January regarding the Tree Committee decisions and request made by Mr. Jack Vogt.

I was disappointed that the Board did not really make a decision about the issues of noncompliance regarding the first decision that the Tree Committee issued. I do think it is a step in the right direction to have the Board “disavow” the way the second decision was made, i.e. the “top of the highest imaginary height of the roof rule” (or whatever that method of determining the allowable height of a planted tree was!). That rule/method does not appear in the CC&Rs and was concocted by administrative fiat.. (I would suggest that every member of the Board read what the CC&Rs say regarding the method by which one can attempt to maintain a view. And, I recommend that it be read without what I consider to be an obvious prejudice against maintaining a view, as expressed by the KPOA Administrator).

I find it particularly distressing and depressing that Mr. Belmont expressed his view of what is not in the CC&Rs regarding view maintenance! He indicated that the CC&Rs do not guarantee an owner a view and indicated something to the effect, “It’s not going to happen.” I would suggest that the CC&Rs provide a method by which one’s view CAN be maintained and how owners can maintain what they paid for and what the county taxes them on! An attitude that “it will not happen,” means it will be prevented from happening.

To my mind, this pronouncement is unwarranted and speaks of what is not present in the CC&Rs as though it is a rule in the CC&Rs. NOTHING IS FARTHER FROM THE TRUTH! I think the CC&Rs speak to the obvious desire of view property owners being able to maintain their view. To me, this apparent bias represents administrative “overregulation” and should not be supported by the Board, Tree Committee or the general membership of KPOA.

After leaving that meeting I had the feeling that this couldn’t really get worse. Problems are usually solvable in a community of bright, well-motivated people who care about the community.

However, upon my return from a short business trip, I became aware of last Monday’s [1/27] meeting and the controversy over a new house

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## March Events Calendar

By Bev Green, Events Coordinator

March 1...Port Townsend Community Orchestra Winter Concert, Chimacum High School.

March 1... Woodworkers Ball, 9 PM, American Legion, PT.

March 1...Jovino Santos Neto Quintet Brazilian Jazz concert, 7:30, presented by Centrum.

March 1-2...Kitemakers's Cnfcce, Fort Worden.

March 2...Pianist Lisa Lanza in Concert, Wheeler Theater, Fort Worden SP.

March 5...Confession of a Long distance Sailor, PT Comm Ctr.

March 5...Wooden Boat Wednesday, Point Hudson Marina Room, PT.

March 10-13...Dynamic Facilitation Skills, Fort Worden SP. PT

March 12...Cycling South America, PT Comm Ctr

March 14...Western WA Chapter PGA Pro-am, Port Ludlow Golf Course.

March 21-22...All My Relations' Tamanowas Spring Concert, Chapel at Fort Worden SP.

March 22...JeffCo Community Garage Sale, Jefferson County Fairgrounds.

March 22...Rhody Coronation, Wheeler Theater, Fort Worden SP.

March 27...Annual Celebration & Mother of all Potlucks, Quimper Unitarian Church, PT.

March 29...Protection Island Cruise, Point Hudson Marina, Pt.

For further information, call the Port Townsend Visitor Inform. Ctr., 385- 2722; Marine Science Ctr., 385-5582; Centrum, 385-3102; or Jefferson Cty. Library, 385-6544. Or visit PT Guide's web site <http://www.ptguide.com>.

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## Centrum Celebrates Carnival w/ Brazilian Jazz

Cast winter aside and kickoff the Carnival season with Centrum, at a night of upbeat, samba-inflected jazz at Fort Worden State Park.

The Jovino Santos Neto Quintet brings a bit of Brazil and a lot of jazz to the Joseph F. Wheeler Theater, March 1 at 7:30 pm.

Jovino Santos Neto is known worldwide for his 15 years of contributions to the legendary group led by Brazil's acknowledged master of contemporary music, Hermeto Pascoal. As an artist and educator, he has since devoted himself to bringing Pascoal's work to a deservedly wider audience. To that end, Jovino edited and compiled *Tudo É Som*, the first book with authoritative scores of Hermeto's compositions, published by Universal Edition in January 2001.

As a performer, Jovino tours worldwide as a solo pianist and flutist and also leads his own ensemble in concerts. A new live CD of his Quintet, *Ao Vivo em Olympia*, reached number 35 on the *Gavin Jazz Charts* for radio airplay. Recently, he conducted a big band made up of England's finest jazz players at a performance with Hermeto Pascoal in London's Barbican Hall. He also taught and played at the *Diamantina Winter Festival* in Brazil and at *Jazz Camp West* in California.

His universal approach to playing, composing  
**Continue "Jazz" on page 8**

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## **“Jazz” Continued from page 7**

and teaching music has led him into a diversity of creative circles ranging far beyond his own roots. These include unique collaborations with musicians from many different cultures. He has recorded with Indian vina master Chitravina N. Ravikiran for an upcoming CD, Rays and Forays. Jovino's contemporary string quartet adaptations of Mandan (Native American) tribal songs are featured on the acclaimed MakochÉ Records CD People of the Willows. His chamber music work Os Vagalumes, commissioned by the Jack Straw Foundation for New York's Musicians Accord was premiered in February 2000 in Seattle.

Reserved tickets to Centrum's presentation of the Jovino Santos Neto Quintet are \$15. To order tickets by phone, call Centrum Monday - Friday (9:00 a.m. - 4:00 p.m.) at 1-800-733-3608, or 360-385-5320; on the web by visiting [www.centrum.org](http://www.centrum.org), or in Port Townsend at the Centrum office at Fort Worden State Park, Quimper Sound Music and Media, 901 Water Street or The Food Coop, 414 Kearney Street.

## **Key City Players Announces Auditions**

Auditions are scheduled for March 2 at 2 p.m. for “Cabin Fever” by Joan Schenkar and “Happy Days” by Samuel Beckett. This production, combining the two plays, will be directed by Sy Kahn and opens on April 25th for ten performances at Key City Playhouse. Both short plays depict universal existentialist and absurdist themes, with humor and pathos, even though these two authors are from different cultures and generations. The auditions will be held at the Key City Playhouse. The ages for the five roles in the two plays range from 25 to 70. Scripts are available at Bonita's Four-Legged Friends, 423 Washington Street, Port Townsend, next door to the Playhouse.



## “Hearing” continued from page 1

them to the Architectural Committee for approval on November 27. They requested that the AC expedite their efforts because the offer to purchase the lot was contingent on the approval by the AC committee of the chosen home plan. The committee approved the building plan on December 4, just 8 days after receiving it.

The problem is, the home plan in question calls for a roof line that is 18' above the street elevation, 8' over the restriction. This wasn't just a verbal agreement that can be waved off, there are many letters stating that this lot has the 10' restriction that have been written over the years and were in the property file for this lot in the KPOA office. Somehow, it seems, no one checked the file.

Obviously, everyone on Trafalgar is crying foul! This high roof line will wipe out the view for the neighbors across Trafalgar even though they paid a premium for their “view” lots and continue to pay higher property taxes, etc. because of their “view” lots. Even the next door neighbors will be affected. Their properties will look diminished next to this taller one because they built according to the written restrictions that had been long established in writing.

This brings us to the hearing. The neighbors, not knowing that the new home being built would not be in accordance with the restriction until the beginning of January, put in a complaint at the beginning of January, requesting an appeal hearing before the KPOA Board on the issue. So a hearing was held January 27.

One could easily tell the situation caused angst and concern for the Board and its subagent the Architectural Committee because the KPOA lawyer was present. We don't roll him into the situation at huge fees per hour unless something is- well, shall we say, amiss.

As the hearing pressed on it became more and more apparent that this was a CYA session rather than a hearing. In the long run, it was decided (by the lawyer's advice) that because the neighbors didn't call for the hearing within the 30 day limit

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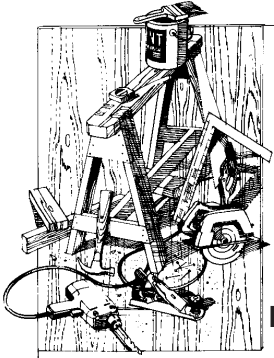
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for appeal hearings, the Board should refuse to hear the appeal. The fact that many **serious** mistakes were made by the AC was deemed irrelevant. The fact that among the mistakes was the lack of a 30 day notice to all affected persons so they would know that there was an issue was ignored. These poor neighbors, who didn't even know of the roof elevation discrepancy until beyond 30 days past the December 4 decision by the AC were let down by the powers that be with their property values hanging out in the wind.

This is a really bad situation or all KPOA residents: some Realtors are already warning people considering moving here that they may want to choose otherwise because of the policies and because the looming possibility of a \$10,000 fine makes such warnings fall within the Realtor's fiduciary responsibility; plus, the Trafalgar neighbors will have diminished property values, but worse than that, they pay high annual fees to an association that chooses to protect itself rather than them. Then, consider the couple coming from Texas who will move into their new retirement home in a community where all their neighbors will be angry with them. Gee, that should be fun!

One suggestion to the KPOA Board: if your purpose is to protect us, the residents who pay the bills, maybe you should have consulted reasonable thinking rather than a lawyer. Often, what is good legal advice is not good community, neighborly or sometimes even ethical advice.



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### “Letters” continued from page 6

on Trafalgar that, if completed, will unreasonably block Mr. Vogt ‘s view. (Unreasonably blocking a view is not permitted according to the CC&Rs). I have read the description of the process for approving this building project and, if my information is correct, then it appears the CC&Rs were violated and the previous height restriction of 10 feet and a single story on this lot has been totally disregarded. It is reported that the file regarding this lot was not even checked by members of the Architectural Committee! If true, this lack of attention to the process is highly negligent. I notice the CC&Rs indicate an appeal can be filed within 30 days. But shouldn’t there be an attempt to notify neighbors when something highly unusual like this is going to happen? Every other house along that side of Trafalgar is built, literally, in a hole, so as not to block the views of homes behind them. “Ten feet” has been the standard for twenty years!

The Board should be aware that there is a feeling by many owners that the CC&Rs have not been appropriately followed in this case. There are concerns of a similar nature in regard to the CC&Rs in other instances. Sometimes I feel like the general populace is being treated like serfs in a feudal system with no recourse when the high sheriff or constable enforces what many consider unfair policies or determinations! I did not plan to live here under an unresponsive form of “government”. We can do better than this, I’m certain. I

would point out that there are quite a number of very unhappy owners and that some corrective action by the Board is indicated in this case. It appears that this transgression is going to precipitate legal action, which mainly enriches our legal brethren. This may serve to further divide the community - a sad state of affairs!

William S. T. Mayhall

### **My Eyes Have Seen The Audacity** **New “Rules of Engagement”**

Guest Opinion by an interested resident

I have seen some interesting things in the past 2 years here at Kala Point. I have seen a new Board come into power and a new reform movement get started, and all the “we vs. they” behavior that accompanies those. I have found we have many opposing views and I have seen some neighbors display very oppositional behavior. I have heard people speak very unkindly of others. It’s been ugly in many ways. My eyes have seen the audacity, and I don’t want to see it anymore. I want a neighborly thing here.

Based on all I have observed, these are the simple “Rules of Engagement” that I devised for myself so I do not act like some I have observed. They are printed here for your consideration as well, because they make sense and they work:

- 1) Love your neighbors and show forgiveness, even if they disagree with your views or have treated you badly. Your neighbors are **every person in Kala Point**. Remember, “Anger makes you smaller, forgiveness helps you grow”.
- 2) Don’t be rude or go to meetings or other gatherings and stand up and yell at your neighbors. Speak with courtesy and respect. Then you will be heard. After all, “Rudeness is the weak person’s imitation of strength”.
- 3) Strive in all matters to be fair and reasonable, even if someone stands before you in a totally unreasonable state of mind. Consider what circumstances have brought them before you in such distress.
- 4) Don’t tell anyone they should “just go live at Cape George” or “move to Saudi Arabia if you

think the way you do.” We all moved here and this is our home and none should ever indicate that any one of us is unwelcome, lower in stature or standing, or unworthy of being included.

5) Ask questions, share the answers, seek compromise and peaceful resolution. Leave no dispute/disagreement smolder or it will grow and burn you fiercely. Put out fires before they rage.

6) Do not take part in petty gossip, bickering, nastiness, spin or unkind discussion. If you wonder something about someone, go ask them directly. If you don't get it from the horse's mouth you may end up looking like a horse's ass ..

7) Use common sense and exercise good judgment in all matters. If you lack either of those qualities, seek to develop them. If you still can't muster up such qualities, then wait until you obtain them before you take action.

8) If something appears to be wrong or dangerous, speak up and attempt to make it right.

**If you're wrong, admit it.** Some neighbor might be suffering from that wrong or dangerous thing, and you must not assume someone else is going to take care of it. Be responsible for taking corrective steps if you have the ability to do so.

9) If you ever have dispute with decisions made in your community, don't decide first to sue your home owners' association, because you are essentially suing yourself as well as your neighbors. Everyone then suffers the expense of litigation in higher assessments. Seek instead to resolve such matters as neighbors and friends, not as enemies and in such a way that Kala Point looks undesirable as a place to call "home".

10) Be fair, peaceful, kind, gentle, caring, and good. Be a courteous driver and careful neighbor. If you can't be those things on any given day, stay home until you feel up to it.

Okay, perhaps I am an idealist and I hope too many hours of every day that people (including myself) can be like this. But we could at least try. Walt Disney said "It's kind of fun to do the impossible". So let's have some fun.

## **“See No Evil, Hear No Evil, Speak No Evil”**

By Michael & Patricia Tobias

The following is an example of a fundamental issue that may, at one time or another, face many of our residents. The issue is that of organizational interests versus individual interests and how this conflict is sometimes resolved by the Board in a fundamentally dishonest manner to the detriment of individual members.

We all know that organization members may appeal any committee decision to the Board when such a decision is made in good faith and is posted on our bulletin boards for all to see. However, one cannot appeal a serious committee mistake or negligent act when the deed is purposely suppressed by the Board, in concert with the Architectural Committee, and never becomes known to the membership or individuals affected.

We were victims of such a cabal. The details come from observation, analysis, and from an unimpeachable source. Unfortunately, we didn't become fully aware of what had been done to us until sometime after the episode had ended. The individuals involved stand mute to this day hiding behind a façade of respectability.

Here are the facts: Not too long ago, a resident petitioned a past Architectural Committee to build a large structure behind their house. Permission was given. The structure was completed and approved by the committee. Two three-foot sections of this structure crossed our property line in two different places. No permission was sought to build on our property. None was given.

The Architectural Committee found out about their mistake after their approval. They never informed us of their error or offered to help with what would soon become a significant problem for us. For example, their error put us in a position where we might have lost 150 sq. ft. of our land. They never made the builder remove the structure from our land although precedence did exist for the Architectural Committee to return to a project after they had already approved it and

**Continue “Letters” on page 12**

**Editor's note: Great Advice - Thanks**

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## **“Letters” continued from page 11**

to require further modification.

What did the Architectural Committee do? They consulted with a past Board, who consulted with their lawyers, and they collectively decided to suppress the Architectural Committee’s negligence in approving a project which was partially built on someone else’s land. The attorneys, whomever they might have been, cautioned the Board that forcing the builder of the structure to alter it, considering the committee’s error and subsequent approval, would expose the organization to litigation which it might possibly lose. An alternate and safer path had to be found. The decision was made to not make the builder alter the structure, but suppress the Architectural Committee’s negligence and to pass the problem on to the unsuspecting home owners, whose property had been encroached upon. This incident is the main reason that more of our residents are now being required to have expensive surveys done for projects that didn’t require them before. The organization is not interested in a replay, just in case they can’t find another convenient way to cover-up their incompetence.

There was a second major reason the conspirators followed this course of action. Washington State law prohibits an organization such as ours from becoming involved in a dispute between two of its members. Since the Board’s action was almost sure to precipitate a dispute between the builder and us, the organization would automatically be legally excluded from the dispute and therefore be free of any liability for the Architectural Committee’s negligence. This was done by design and was the linchpin of the Board’s and Architectural Committee’s combined strategy. Boards have used this strategy before and will use it again.

After the plan had been set in motion, the manager was used as the committee’s messenger to tell us the structure was on our land. Normally, he attends all of the Architectural Committees meetings and is familiar with what they are doing. The “hot potato” was now officially passed on to

us in accordance with the organizations strategy. They knew they could easily handle newcomers like us who were still “wet behind the ears.” Admitting negligence and exposing the organization to a lawsuit they might lose was simply not an acceptable option, especially since we were available and defenseless.

We could not get the builder to move their illicit structures. We hired an attorney, had a survey done, marked our property line, and put in a gate. The overall cost was \$1200 There was considerable pain and suffering involved. Taking the matter to court would have cost \$8000 according to our lawyer.

We sought advice and guidance from the chairman of the offending Architectural Committee several times during our struggles. We received little help and certainly no insight at all as to the committee’s involvement in this affair. We were told that the committee was precluded from participating in a dispute between two members of our organization. The treacherous plan was followed to a tee. Many, including a member of the present Architectural Committee, suggested we should have physically excised (cut down) the offending structure from our property. We chose not to follow this path.

The Board, the Architectural Committee, and the manager weren’t inconvenienced a bit and the interests of the organization were protected, all at our expense. Our interests were apparently of no interest. They covered up their negligence, protected the organization from possible litigation, and used us like a throwaway diaper. What’s worse, it was done secretly with criminal cunning.

We know that this kind of thing has happened to other members. What’s more, it will continue to happen as long as the Board makes some of its decisions based on the directives of the lawyers. Corporate lawyers, are for the most part, not interested in moral, ethical, or humanistic issues. They are paid to protect their clients interests. They do what they have to do to accomplish this. Individuals within our organization are not the clients of these lawyers, even though our fees pay them. Don’t make this mistake. You

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need your own lawyer to represent you if the situation warrants it; consult one if in doubt.

Frighteningly, we cannot place the entire blame on the lawyers in this case. The fact is that fifteen of our supposed “friends and neighbors” treated us in such a dishonest and underhanded way. Individual Board members could have voted “no” to the plan, they could have abstained to preclude a majority vote, or they could have resigned in protest. They cannot defend themselves by saying they were “just following orders.” They made a conscious decision to deceive and defraud us to protect the organization. Our individual member rights were violated. The behavior of the Architectural Committee is easier to understand. They were embarrassed by their incompetence and wanted to cover it up, just like a little child.

We contend that in civil court outside our gates, a judge and jury would have found the Architectural Committee guilty of negligence and the Board of complicity and required the organization to compensate us. Inside our gates, the Board can manipulate the law to suit their purpose. This is, of course, the greatest chance one takes by moving into any organization like ours. Law are formulated by volunteers, (some of which are well-meaning, some on a power trip, some intrinsically dishonest or weak-willed, and some on the Board solely because no one else wants the job), who can support such a scheme and then rationalize that their behavior was fine.

Fortunately, it is not too frequent an occurrence, but it can and will happen again as long as the organization’s interests are placed first. Members must be vigilant They should record in writing, both past and future, bona fide violations of their individual rights. All of these documents should be kept together under lock and key in case a class-action-suit becomes necessary.

We need some sort of permanent oversight mechanism to protect us from similar behavior, perhaps a committee of ombudsmen that closely monitors the activities of the Board and committees, but is not under the Board’s control. A group with no legislative power and not subject to attorney influence whose sole job is to

immediately inform the membership at large if legislation regarding major issues like possible fines of up to \$10,000 or \$100,000 land purchases could become law surreptitiously, or that one of us was being setup again to be treated in a cold and calculated criminal fashion.

## **An Open Letter To The Board:**

January 27, 2003, we attended the KPOA Board meeting. The meeting concerned Jack Vogt, and recent decisions of the Architectural Committee. In our opinion, and the opinion of many of the people present, it was a disappointing demonstration that reinforced the feeling of a growing alienation between the board and the membership.

Briefly, it has been known for several years that lot 139 is extremely expensive in light of its building restrictions. People living in this area are aware of the lengths people building here had to go in order to not be too close to the street, too close to neighbors, and especially not to obstruct other people’s views. The real estate agents, the local builders, the property manager and past architectural committees have been well aware of this.

When the Vogts bought their property, they were told of the stringent construction rules they would have to follow in erecting a house, but were also assured (even in writing) that any construction in front of them would also have to be built to preserve their (the Vogts’) view.

In December, ‘02, lot 139 was sold. In early January, ‘03, construction began. On January 13, ‘03, Mr. Vogt learned that the roof line’s height was going to block his view. Understandably, he was quite surprised. He reviewed his documents and again noted that the file on both his lot and the lot in question had letters concerning the height restrictions. Mr. Vogt contacted the architectural committee, and was given the “run around.” He contacted the KPOA president and was told there was nothing he could do. Everywhere Mr. Vogt sought help, there was none, Mr. Shattuck, the KPOA lawyer, did tell Mr. Vogt that he had a legal case, and to hire a lawyer. All the time, the builder was diligently working, even working weekends.

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## **“Letters” continued from page 13**

A notice was posted that a board meeting regarding architectural matters was to be held on January 27. Mr. Vogt was not personally contacted. At the meeting, Mr. Vogt was allowed to present his case. Then two of the architectural committee members spoke at length, their statements characterized by defensive language, and garbled illogical explanations.

It appears that in less than a month the plans were presented, given approval and building started. The speed of this process was remarkable. One neighbor's request for a dog run took almost three months to get a tentative approval. Another neighbor's request for a “deer fence” barely visible to one neighbor, still does not have final approval after several months.

Several unusual facts emerged. The architectural committee “project manager” for lot 139 allegedly did not know that each lot had an information file. A file that contains the pertinent information such as measurements, “setbacks,” restrictions, etc. A file that would be very important regarding any planned construction on such a lot. **We** know about these files. It bespeaks almost incomprehensible ignorance on the project manager's part. If anybody should know all the information, it should be a member of the architectural committee. If one member did not know, the committee at large should know. What about the developer? He is allowed to be a permanent member “in order to assure continuity.” What about the chairman of the committee? He surely must know. And where were the chairman and developer on January 27?

The project manager's failure to consult the file would be considered by rational people as a mistake, perhaps not a willful mistake, but nevertheless a mistake. However, this project manager denied making a mistake.....

The other committee member claimed that the architectural committee did nothing wrong. When it was mentioned that a notice should be given if there is a variance from the expected building style in the neighborhood, he made the “judgement”

that nothing unusual was being done. It did not matter that there were two files with many documents concerning the building restrictions on the lot in question. He ignored the issue that people bought “view lots” at a premium with expectation of keeping the view for which they paid. In two long convoluted speeches, he stated words to the effect “In his judgement, no judgement was necessary.” therefore no notices were sent.

Although a rational person after hearing Mr. Vogt and the members of the architectural committee would have to agree that the committee, (perhaps not maliciously) had made a mistake, the KPOA board (except for Mrs. Bowman) had neither the decency, backbone nor courage to admit a mistake had been made.

It is hard to believe that the Realtors did not know about the lot restrictions, when the files hold documents discussing these restrictions by brokers and agents from the office that sold the lot.

The developer on the architectural committee is the very same individual who helped formulate the development guidelines. How does he explain the plan approval?

The builder is one of the main builders in KP. They are familiar with the many restrictions. The same company, when building another neighbor's house, warned about these difficulties in requesting a red door. Why, in this case, did they not question the plans? Why were they working weekends?

The crowning indignity to Mr. Vogt, and perhaps the most shameful act of the board is the failure to let Mr. Vogt have an appeal hearing. Mr. Vogt was denied an appeal because he did not “appeal in a timely manner.” How could Mr. Vogt know what was timely since he was never given any information about the construction, he was never given any “time line?” Once again the committee member irrationally mentioned there was no reason to give Mr. Vogt time to appeal because there was nothing to appeal.

Momentarily, the board paused, it appeared that the KPOA Board might make a just decision, and allow Mr. Vogt an appeal hearing decision. And, then the KPOA attorney, Mr. Shattuck, advised the board that since Mr. Vogt had missed

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the time to appeal (no matter there was no way he could have known when the time started or ended), they should wash their hands of the whole thing. Pontius Pilate would have approved.

Now, there may be a law suit. If there is, we as KPOA members are going to have to pay. We, the KPOA residents, deserve better. This whole situation could have been avoided if the appropriate committee was doing its job. Why did nobody pay attention when Mr. Vogt asked for help? Are not our officers and committees here to help?

We hear much about how board and committee members contribute time and sacrifice of themselves. It is true that many of us can not be bothered, and their work is appreciated. But, on the other hand, if their service in these positions is a net negative effect, they serve better by not being involved. These are my opinions and those of my neighbors listed below: Richard & Mary Canaan, Dianne Olsen, C.C. Grassia, Joe and Wendy Los, Mabel Campbell, Nan Lovington, Ken Livingston, William & Cheron Mayhall, Harold and Beverly McCoy, and Barbara Mason. (14 signatures)

**Thanks to all who sent in letters including a few that did not get printed. Also, thanks to all of you readers who took the time to read all of the letters. This was an unusually heavy letter month. Many of our neighbors felt the need to speak out. That is why this issue is unusually large.**



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## Just A Click Away

### Focus on Vancouver B.C.

By Daphne Kilburn

<http://www.vancouver-bc.com> Travel to Vancouver in the winter time can be exhilarating and beautiful, and this website gives helpful tourist information and maps to an extensive directory of accommodations, dining, shopping, local businesses and Vancouver's colorful night life.

<http://www.tourismvancouver.com> This official website by the Convention & Visitor's Bureau shows you what is happening in any given week in Vancouver and describes activities for the surrounding 18 municipalities as well. They also give you a link to some great winter hotel packages and a convenient currency converter.

In the last couple months, some of the more vindictive KP residents have taken on the task of harassing the advertisers in To The Point. Their purpose is to scare them into not advertising with us, to make it impossible for To The Point to pay its bills (and continue to publish). It is sad to think that people from outside Kala Point are being dragged into this. One can only wonder what they are thinking about Kala Point and its residents. When you visit our advertisers, please thank them for their ads in this, the ONLY free and uncensored voice in Kala Point.

## To The Point Staff

Judie Lewis, Editor; Daphne Kilburn, Asst. Editor; Carol Childs, Ad Sales; Lois Healy & Nancy Leeds, Distribution; John Childs, Bookkeeper; Bev Green & Daphne Kilburn, Asst. Bookkeeper,  
**Deadline for each issue is the 20th of the previous month.** All material is welcome.

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# To The Point

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## Kala Point Calendar March 2003

**Mar. 3+** - Exercise for ladies, every Mon., Wed. & Fri., & Coed exercise, every Tues. & Thurs. from 9 to 10 a.m., clubhouse.

**Mar. 3, 10, 17, 24 & 31** - Play Bridge, every Monday, 11:30, clubhouse. All welcome.

**Mar. 4 & 18** - Mixed Nuts Games, every 1 & 3 Tuesday evenings, call 379-8961 for place.

**Mar. 7, 14, 21 & 28** - TGIF, held Friday evenings, 5:30 p.m., clubhouse. All KPOA

**Mar. 10** -Kala Point Readers' Club, 10 a.m., clubhouse.

**Mar. 11** - PC Computer Users' Group, 1:30 p.m., clubhouse. **Mac users group** meets 2nd Thursday (Mar 13) at Tri-County Community Center, 7 p.m.

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