

## Annual Member Meeting Election Results:

By Don Meister

### Board of Directors:

- Sylvia Bowman-190
- Margaret Boyle-306
- Dave Evans-332
- Hank Krist-123
- Don Meister-114
- Kathy Shumate-270



### Resolutions:

#### **Waiving External Audit: PASSED**

In favor of waiving the external audit in accordance with the recommendation of the Audit Committee.

- Yes: 344 - 79%
- No: 90 - 21%
- Total: 434

#### **Tree Moratorium: PASSED**

For the board to consider a halt for the next 60 days all actions (tree cutting or trimming) of the tree committee except for those issues involving safety hazards.

- Yes: 264 - Board Secretary proxies - 63%
- Yes: 20 - All other voters - 5%
- No: 136 - All other voters - 32%
- Total: 420

#### **Firearms Motion: PASSED**

To request the board of directors to research the legality of prohibiting firearms, openly displayed, in the Kala Point community by the September 20 board meeting.

- Yes: 264 - Board Secretary proxies - 64%
- Yes: 85 - All other voters - 21%
- No: 61 - All other voters - 15%
- Total: 410

#### **Election by Mail: PASSED**

To request the board of directors to change the bylaws to allow a vote by mail and consider the simplification of the proxy system.

- Yes: 264 - Board Secretary proxies - 63%
- Yes: 121 - All other voters - 29%
- No: 36 - All other voters - 8%
- Total: 421

A special thanks to outgoing president John Snyder, who worked very hard at maintaining meeting decorum and the use of Robert's Rules of Order. Also the Communication Committee deserves special recognition for creating and recommending the meeting decorum guidelines. This is the second year that members were able to conduct member business at the Annual Member Meeting.

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Community Forum, P.O. Box 816, Port Hadlock, WA 98339  
Deadline for the September issue is August 23

## Port Townsend to Seattle Ferry Transportation

Thursday, August 11th, 8:00 p.m. through Monday, August 15th, 4:00 a.m., the Hood Canal Bridge will be closed for repairs. The Port Townsend Chamber of Commerce, in cooperation with Puget Sound Energy, the City of Port Townsend, and Jefferson Transit, will provide high speed passenger-only ferry service between Seattle and Port Townsend.

**Ticket Prices:** \$15 round trip or \$7.50 one way. Ticket prices include a Jefferson Transit weekend pass.

### How to Buy Tickets

Tickets are non-refundable, and may be purchased the following ways:

- ◆ Online at the Chamber of Commerce web site
- ◆ In person at Quimper Sound Music & Media in Port Townsend
- ◆ In person at the Port Townsend Visitor Center
- ◆ Call the Port Townsend Visitor Center
- ◆ Order by mail at the Chamber of Commerce web site

### Departure/Arrival Locations

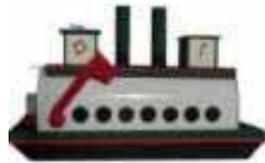
In Seattle, boats depart from and arrive at Argosy Cruises, Pier 55, next to Washington State Ferries Coleman Dock.

In Port Townsend, boats depart from and arrive at the NW Maritime Center Dock at the far end of Water Street.

### Parking

Parking on the Seattle side is across the street from Pier 55 at Republic Parking NW. If you are leaving your car overnight we recommend the Watermark Lot (#53) on the NE corner of Spring & Western.

In Port Townsend there is parking at the Park and Ride lot next to Safeway with downtown shuttles every 20 minutes. There will be shuttle service in the evening for return trips.



## POETRY CORNER

### Satire on Paying Calls in August

by Ch'eng Hsiao (circa A.D. 250)

Submitted by Lucille Grassia

When I was young, throughout the hot season  
There were no carriages driving about the roads,  
People shut their doors and lay down in the cool:  
Or if they went out, it was not to pay calls.  
Nowadays-ill-bred, ignorant fellows,  
When they feel the heat, make for a friend's house.  
The unfortunate host, when he hears someone coming  
Scowls and frowns, but can think of no escape.  
"There's nothing for it but to rise and go to the door",  
And in his comfortable seat he groans and sighs.

The conversation does not end quickly:  
Prattling and babbling, what a lot he says!  
Only when one is almost dead with fatigue  
He asks at last if one isn't finding him tiring.  
[One's arm is almost in half with continual fanning:  
The sweat is pouring down one's neck in streams.]  
Do not say that this is a small matter:  
I consider the practice a blot on our social life.  
I therefore caution all wise men  
That August visitors should not be admitted.

*Translations From The Chinese*

*Arthur Waley*

*Alfred A. Knopf*

*New York. 1941 p.59*

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## Male Menopause

by Michael A. Tobias, Ph.D.

Comments by: J. Ronald Tacker, Ph.D., M.D.

The following article is taken, in detail, from the book The Testosterone Syndrome by Dr. Eugene Shippen and William Fryer, M. Evans and Co., Inc., New York, Copyright 1998. The information contained in this article is definitely not meant to be a substitute for careful medical evaluation and treatment by a qualified, licensed health professional. Other books which may contain different medical opinions, or were published after 1998, were not consulted.

Yes, there is a menopause in men. It comes to many of us. One of the main causes is a decrease in the hormone testosterone. This can result in pain, weariness, lack of sexual desire, depression, reduction in strength, loss of energy, loss of self confidence, and mental sharpness.

Hypogonadism (failure to sustain normal circulating testosterone levels) affects an estimated 2 million to 4 million men in the U.S. The problem increases with age. By age 60-69, 20-30% of male population may experience low testosterone levels.

While women usually experience their menopause over two or three year period, male menopause is much more gradual and may extend over ten to fifteen years. Estrogen may also play a significant role in male menopause. The improper balance of hormones in men is related to heart disease, high blood pressure, diabetes, arthritis, and osteoporosis.

Testosterone replacement can be carried out by using shots, creams, patches, pellets implanted in the buttock, lozenges, and gels. Animal studies have shown that without testosterone the muscle, nerve and vascular systems that a man's sexual organs depend on grow weak. Testosterone is also good for the heart. There is an association between high testosterone and low cardiovascular disease in men. Dr. Shippen believes that testosterone does not accelerate prostatic problems. He believes that high normal testosterone is one of the best guarantees of prostatic health.

There is, however, some controversy associated with testosterone replacement therapy in men. This is especially true with respect to the question of prostatic cancer. Although high levels of testosterone have not been causally associated with prostatic cancer, exogenous stimulation may unmask or stimulate already existing disease. We are not aware of any large-scale, long term study that has been initiated to access the potential benefits and risks of testosterone replacement therapy in men.

What's more, Dr. Shippen believes that osteoporosis, which literally means porous bones, can be helped in men by testosterone therapy. The affected bones, especially in the spine, hips and wrist, become susceptible to fracture. Older men whose testosterone is low are far more likely to suffer fractures as a result of decreased bone mineral density.

Arthritic patients of both sexes consistently measure at significantly lower levels of testosterone than non arthritic ones. And arthritis is, of course, itself a major contributor to bone loss. Bone health is also particularly sensitive to sugar, salt, caffeine, alcohol, and the phosphorus found in certain soft drinks.

Hormonal deficiency in aging men may lead to unnecessary health problems. Dr. Shippen recommends the testing of both total and free testosterone every two or three years after age fifty. Your own "normal" level will probably be between 300ng/dl and 1000ng/dl. The author states that, in his experience, he has never found a middle age or older man with a level below 200ng/dl who felt well.

The author suggests three general methods to restore your hormone balance to a more healthy level. First, increase the testosterone/estrogen ratio, second, stimulate testicular production of testosterone, and third, replace testosterone by one of the six methods mentioned above. Aging men may be able to overcome many of the effects of male menopause if what they are feeling is a product of hormone imbalance, especially testosterone. You may discuss this subject with your doctor or seek the advice of a specialist in aging.

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## **KP Community Is Winner In Recent Lawsuit**

By Richard Canaan, M.D.

Jay Garthwaite's July legal action against the KPOA Board clearly benefited the Kala Point Community. Judge Craddock Verser made several very important points:

1. Washington State Homeowners Association Law RCW 64.38 applies in full to the governance of Kala Point, and the judge will be signing an order finding that to be the case. There are many strong safeguards for member rights in this statute, and this ruling removes any question about whether KPOA has to abide by that law.
2. Evidence was provided of secret emails and authorizations to access the election lock box.. KPOA had filed a motion to have all of that information stricken from the record. Mr. Garthwaite filed an answering brief noting the reasons why that evidence should stay in, and the court ruled to let it stay.
3. Any member should be given full observation access to the "opening of the lockbox" and the handling/tallying of ballots to remove any suspicion about the process.(Currently KPOA only allows their appointees to view these events.)
4. Truly open meetings are required under both the Bylaws and State Statues, even if held by email, and members are entitled to full observation rights. (KPOA Lawyer Oliver then confirmed that ALL emails representing association business would be open to members as records.)
5. While the court will not set election conditions in advance, the court does have the power to invalidate an unfairly conducted election, and order a new one.
6. The Board and members should take steps to avoid litigation.

7. The court "strongly advised" the KPOA Board to be specific about its reasons for going into executive session and to comply with the law regarding the conduct and reporting of these sessions to the membership.

The Declaratory Judgment that RCW 64.38 applies in full to KPOA is important to the community. It should create better governance for Kala Point. Some Board members apparently believed that since the founding of Kala Point predated RCW 64.38, compliance was optional. Judge Verser removed any doubt about compliance being optional.

Examples in RCW 64.38 of strict compliance include:

1. The law requires free and fair elections of Board Directors. The Board must not be involved in the election process and is prohibited from favoring one candidate over another.
2. The law requires all Board actions to be on behalf of the Association. It is clear that certain members must not receive favor over other members.

The comment by Judge Verser that the Board and other parties at Kala Point should take steps to avoid litigation is important to the community because:

1. To prevent litigation the Association Business must be conducted openly and must be done in a manner to avoid the appearance of conflict of interest.
2. Avoidance of litigation will save members a significant amount of money.

The State Attorney General stated that RCW64.38 is needed to deal with common complaints from members of homeowners associations. This bill provides basic rules and procedures by which homeowners associations must operate in order to protect individual association members. The board of directors of some

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## Continued from previous page

homeowners associations do not provide members notice of their actions and imposition of assessments. The board needs to be accountable to the members of the association and needs to make decisions based on the association's interests.

The judge also made it clear that under RCW 64.38 closed Board meetings must specifically identify the purpose of the meeting. He also cited a precedent involving electronic meetings via email. Any time a quorum(5) of Board members meets electronically that is a meeting. Members have the right to be included in that process and if requested must be included. The KPOA attorney stated that members may have access to any Board records of electronic emails.

In granting Mr.Garthwaite's request that KPOA be formally ordered to follow state statutes, Judge Verser helped assure less financial exposure for all members in the form of rising insurance rates and deductibles. If the KPOA Board strictly follows the law and CC&R requirements it will reduce the financial risk to members. Otherwise members may have to pay substantial special assessments under provisions of our Bylaws Article VIII.

### Member Rights Improved

Few of us want lawsuits, but the following improvements in member rights happened as a result of legal actions either threatened or actually filed against KPOA in recent years. In the past the KPOA Board withdrew or settled at the last moment when sued, but unfortunately when there was no suit, there was no change.

The changes that have occurred:

1. Members have received unrestricted rights to use satellite dishes.(via FCC Complaint)
2. Illegal board limits were blocked on annual meeting member resolutions.(04 Lawsuit)
3. First member annual meeting resolutions process established.(04 Lawsuit)
4. Board never enacted \$10,000 fine due to

threatened lawsuit and large number of written member protests. (03)

5. Members access to records simplified and assured.(Threat of suit 03-04-05)

6. Members' rights established to record board and committee meetings.(Threat of suit 04)

7. Developer blocked from illegal voting on board of directors.(04 Lawsuit).

8. Board advised to discontinue secret email meetings. (64.38 RCW 05 Lawsuit).

9. Board advised to disclose topic of executive sessions. (64.38 RCW 05 Lawsuit)

10. Judge orders KPOA to comply fully with Homeowners Act. (64.38 RCW 05 Lawsuit)

Previously it has taken litigation to resolve the timeshare dispute, The Berger Case, The Vogt-Evans Lawsuit, and others. It should surprise no one on the board, when members have chosen legal actions. Sadly, it is the only method demonstrated in the past to be effective in settling disagreements with the KPOA Board.

Hopefully, future litigation will be avoided with our new board members, new president, and new general manager. This can be accomplished by following State Law and our governing documents.

### What Is RCW 64.38?

The Revised Code of Washington is the compilation of all permanent laws now in force.

It is a collection of Session Laws (enacted by the Legislature, and signed by the Governor, or enacted by the initiative process).



The intent of RCW64.38 is to provide consistent laws regarding the formation and legal administration of homeowners' associations. It went into effect in 1995,

To read the complete RCW go to: <http://www.leg.wa.gov/rcw/>, then click on [Title 64-Real Property and Conveyances](#), then click on [64.38 Homeowners associations](#). It is only a few pages. If I can do it, most people should be able to.

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## Board Briefs

### July Meeting Highlights

By Patsy Mathys



**Meeting Decorum:** Newly elected Board President, M. Gates opened the meeting reminding attendees of the new meeting decorum guidelines and conducted the meeting accordingly. She also dispelled rumors concerning staff.

**Comments:** Thanks first to the Communication Committee for developing the decorum guidelines first employed during the annual meeting. President Gates is to be commended for leading a respectful, business-like board meeting and publicly addressing community rumors. The new board, especially our three new board members, had several pertinent questions and insightful opinions throughout the meeting.

**Nomination/Election Committee:** Historically this committee has handled the entire election process from recruiting potential board candidates to vote tallying. Board liaison, K. Shumate requested separating these functions into two committees. Reasoning: each committee requires distinct membership skills (nomination=people skills/community contacts, election=analytical/process skills). The board unanimously approved having two separate committees to be staffed by October's Board Meeting.

**Comments:** Please read August's Kala Pointer article explaining these new committees and recruiting new members for these committees. For any member not currently on a committee who would like to contribute to our volunteer community, this is an excellent opportunity.

**Tree Moratorium:** The board evaluated the resolution approved at our annual meeting "For the board to consider a halt for the next 60 days all actions (tree cutting or trimming) of the tree committee except for those issues involving safety hazards." The board questioned what was the

real purpose of the moratorium. Some felt a "cooling off period" was needed. However others stated that the vegetation and bluff policies would not be completed or tree committee membership change within 60 days. Moratorium legality was also raised.

The annual meeting resolution vote was 284 yes (for a moratorium), 136 no. Excluding the board secretary's 264 proxy votes, 90% of the membership voted against the moratorium, as noted by one board member. The tree committee also felt it would be improper to "shut down" their committee, per board liaison, D. Evans. The board voted against issuing a tree moratorium (Anderson & Richter— yes, Evans—abstain, rest of the board—no). K. Shumate requested that the board's reasoning be clearly stated in the minutes and newsletter.

**Member Comments— Proxy Process:** Several members mentioned "undesirable sides" of our proxy process. "There was no point of the rest of the membership voting (tree moratorium resolution)...the board secretary vote changed the outcome...better decision with collective wisdom of the voters rather than the wisdom of any single voter." Another stated that the "proxy system is flawed...creates division in the community...where we have one person having so much control over the vote." These members questioned the benefits, not the legality of using proxies.

**Comments:** The board secretary voted "yes" for each of the annual meeting resolutions. These proxies represented over 60% of the total votes cast. Thus, even though the annual meeting is a membership meeting and that the attending membership presented, discussed and voted on several resolutions, their individual votes were inconsequential.

Fortunately the resolution "To request the board of directors to change the bylaws to allow a vote by mail and consider the simplification of the proxy system." was approved at the annual meeting. This will be discussed during August's board meeting.

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## Music in the Park

August 20, 2005

STARTS: 10 a.m. until 8 p.m.

LOCATION: H.J. Carroll

All day music concert with many diverse bands of both youth and adult musicians; food vendor. Music includes folk, blue grass, rock 'n roll, fiddle tunes, classical.

SPONSOR: John L. Scott

CONTACT: Andy Mackie

PHONE: 765-6494

EMAIL: [andy@andymackie.com](mailto:andy@andymackie.com)

## Port Ludlow Garden Club August Program

### *Color and Structure in the Late Summer Garden*

Wednesday, August 10, 11:30 - 1:30 pm at the Bay Club, the Port Ludlow Garden Club will feature Andrew Schulman, noted Seattle garden designer and nationally published author. Mr. Schulman will be speaking on the topic "*Color and Structure in the Late Summer Garden*" and augmenting his remarks with an extensive selection of slides illustrating how this month's theme plays out in garden border plantings as well as in deck plantings primarily using a collection of pots.

Non-Garden Club members are welcome to attend this presentation and are asked to contribute \$3.00 each toward the Club's expenses in bringing Mr. Schulman to Port Ludlow. Following the lecture and book signing, weather permitting, we will have a picnic on the Bay Club's back lawn with beverages and desserts furnished by the Garden Club. Please join us for what promises to be a fabulous summer afternoon.

## Classic Book Club

The Classic Reading Group will meet Sunday Sept. 11 to discuss Homer's "The Odyssey." The Jefferson Public Library in Port Hadlock is where all are welcome, whether or not you have read the selection.

## Concerts on the Dock: Big Fine Daddies

August 18, 2005

STARTS: 6:00 p.m.

LOCATION: Quincy St. dock area off Water St.  
Big Fine Daddies (rock, blues, funk and country)

Concerts on the Dock are being held every Thursday through Sept. 1 in the Quincy Street dock area off Water Street in downtown Port Townsend, next to the Water Street Brewing & Ale House.

These free concerts are from 6 p.m. to 8 p.m.

Peninsula Daily News is sponsoring Concerts on the Dock along with First Federal Savings & Loan, the Port of Port Townsend, Ancestral Spirits Gallery and Port Townsend Chamber of Commerce. Each evening concert has a local sponsor. This evening the sponsor is Ty's Computers.

Arrive by 5:45 p.m. for one of the limited number of chairs available, or bring a lawn chair or blanket. Tap your toes - or get up and dance to the band's emotional music. Bring a picnic basket, or grab some food from a downtown store or restaurant. Music fans can bring non-alcoholic drinks. No beer or wine is allowed in the concert area. Local students will sell popcorn and soft drinks at the concert as a fundraiser.



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## Nonpayment Of Assessments

By Richard Canaan, M.D.

At the November, 2004, KPOA Board Meeting I brought up questions of why, after thirty years, is the developer not paying assessments, why is he allowed to control a block of votes, and why do we not amend the CC&Rs to require all lot owners to pay assessments equally for each lot?

Board members replied by telling us of the generosity of the developer. How the developer built the clubhouse, the swimming pool, the tennis courts, the roads, and other amenities, and we should be appreciative.

Any developer, if he wanted to sell lots, would naturally provide such improvements. Furthermore, the developer obligated himself to prospective homeowners(CC&Rs1978), that he would provide such improvements, as well as having to satisfy certain county requirements, and the lot prices figured in these costs.

It was further stated that we had signed an agreement with the developer. This agreement was legally binding, and if the CC&Rs were changed requiring the developer to pay assessments we were inviting a law suit.

A letter from the KPOA attorney, T. J. Mahan dated 8/23/94 states "While it is not necessary to have Mr. Lindeman,( then the developer's agent), sign the Declaration(The Declaration dated 9/11/94), there would be no harm in allowing him to do so." The above statement implies there is no contractual agreement between the association and the developer as of 1994. If such is the case, other than the CC&Rs, which can be amended,

there is no document allowing the developer or other lot owners non payment of assessments.

If the KPOA Board put to a vote a change in the CC&Rs to eliminate non payment of assessments by the developer and other non paying lot owners (except those having legally binding contractual arrangements), it is unlikely the developer or other non-payers would sue, and if they did the chance of winning is remote. Although Washington State laws regarding homeowner and condominium associations are not the same, there are similarities. It's noteworthy that the state laws regarding condominium associations ban developers receiving preferential treatment over other association members.

If the KPOA Board promoted a change in the CC&Rs to require payment of assessments it would be fulfilling its responsibility of acting in the best interest of the association members, and its legal fiduciary duty to the homeowners.

It is interesting to note that in this year's annual member election on 7/10/05 that the developer (KPDC) cast 12 votes. This is confusing since in the July Kala Pointer Renate Wheeler was quoted as saying, "To set the record straight, other than owning the Kala Point Utility Company, neither KPDC nor any affiliate or subsidiary has any interest in Kala Point, nor have any business relationship with KPOA. KPDC did own some lots in the Terrace on which no dues were paid. This provision was granted in the by-laws. However all the developer lots have been sold in the past year and dues are now being collected. KPDC has an undivided interest in Kala Bluffs Association and Kala Heights, since it owns development rights to building sites in those condominium communities, but it has no involvement in either of these associations. Hopefully, this puts the matter to rest."



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## Editorial:

### “Lost in Translation”



Even though the 2005 election is over, kpvoice ([www.kpvoice.info](http://www.kpvoice.info)) will continue to be an alternate source of information for KPOA members. The website is currently running a short editorial that discusses the premise of “Lost in Translation”.

This piece is in reference to response letters from the Board to KPOA members. If a member is looking for about 15 minutes of obfuscation then read the letters and responses currently being posted at the mailboxes. Somehow the answers seem to miss the point of the questions. Thus there must be a lot of “Lost in Translation!”

Given that Kala Point nearly had a 60-day moratorium on Tree Committee actions, a new web page is included on KPVOICE that provides resources and information about vegetation at Kala Point and the Puget Sound Area. As information becomes available about the Tree Committee redesign and the Bluff Management Committee the site will provide the latest updates on these committees.

## Recipe Treasures

*We invite you to send us your favorite recipes for your neighbors to enjoy.*

### Blueberry Smoothie

#### Blueberries: A Perfect Food

#### Ingredients:

- 1 cup fresh or frozen blueberries;
- 1 cup milk;
- 3 heaping Tbsp of low fat plain or vanilla yogurt;
- 1 ripe banana;
- 1 Tbsp. flax seed oil.

Blend all ingredients in a blender until smooth.



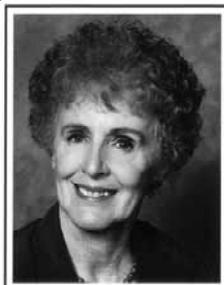
*Are you eating more blueberries?* You probably are. The growing visibility of blueberries follows the increased demand for food that is healthy and combative to disease. We know blueberries are flavorful and pleasing to the eye, but the berry's star quality relies on its health benefits. The David of fruit Goliaths, the tiny blue berry packs a nutritional wallop.

Blueberries also contain vitamins A and C, zinc, potassium, iron, calcium and magnesium, and are high in fiber and low in calories.

### Mabel Campbell, GRI

28 year Kala Point Resident / Realtor

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# COMMUNITY FORUM

## HOMEOWNER WILDFIRE PREPAREDNESS SEMINAR

6:30pm-8:00pm Thursday, August 25

Free Informative & Fun Evening  
Tri-Valley Center at Chimum

- ◆ **FireWise Presentation:**  
“Fire Fighting Realities and Strategy at KP”
- ◆ **Portable Fire Extinguishers:**  
Demo: Selection and Use
- ◆ **Home Fire Pumps, Gel, Foam and Hoses:**  
Live Demo
- ◆ **Managing Vegetation To Reduce Risk**

Meeting will be taped those that can not attend



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