

Rules for “decorum” in Robert’s Rules

By Editorial Staff

Background: *Unfounded accusations were made against a committee chair during a Board Meeting. Also during the Juliano’s tree appeal there were several violations of accepted meeting conduct. Specifically, motions were discussed absent any second, the chair tried to shut down a member’s comments after granting the 3-minute allowance, and one board member, prior to leaving the in-process meeting, passed his vote to another member on topics he had not heard fully debated. We can learn from Robert’s Rules which address overall board meeting conduct.*

In the April KPOA board meeting, several members and the board itself spoke out against “censorship” of member comments, while several other members spoke of setting a code of civility for membership comments. These goals are not mutually exclusive.

We could apply Robert’s Rules of Order, The Modern Edition, revised by Patnode, to the entire process of board meetings.

Specifically, use of Section 38, Decorum in Debate, would curb members’ using the board meeting to make personal attacks by innuendo and unsubstantiated reports – and would put members on notice that comments might have to be backed up with specific data, instantly.

Notably, the board president over at Cape George is charged with maintaining procedures and decorum in meetings. Our president can do likewise without subverting the U.S. Constitution.

Here are some of the relevant sentences from Section 38:

- ◆ In debate, a member must . . . avoid personalities.
- ◆ In referring to another member, he should, as much as possible, avoid using his name.
- ◆ It is not allowable to arraign the motives of a member, but the nature or consequences of a measure may be condemned in strong terms.
- ◆ Disorderly words should be taken down by the member who objects to them. . . . If a member cannot justify the words used and will not suitably apologize for using them, it is the duty of the assembly to act in the case.

Many other advantages accrue to groups that choose Robert’s Rules. It has been called the most democratic procedure for conducting meetings because all members have the same opportunity to speak their minds – with intimidation and favoritism reduced to a minimum.

Kala Point can benefit if the board seriously considers making Robert’s Rules the method for conducting meetings in KPOA, as it is in other homeowners’ associations.

For those of you that are not familiar with Robert’s Rules of Order, it defines how groups of people, no matter how formal or informal, can most effectively meet and make decisions in a fair, consistent manner—and make good use of everyone’s time.

Learning this procedure would help our board to run efficient and orderly meetings, no matter what the level of experience.

Learning this procedure will help you know your rights as a member and how to protect them.

Please write to our Board of Directors to request that they make Roberts Rules of Order our standard operating procedure.

MANNERS PLEASE

**KPOA members have the right to shape the established community in which they live
in order to make it a better place for all to live.**

A Well Known Guide To Fair Procedures

How To Be An Effective Participant Or An Effective Leader

By Nancy Leeds

Immediately following the Civil War, US Army Corp of Engineers Major Henry Robert was transferred to San Francisco to continue his military duties. San Francisco was, at the time, a mix of people from very divergent backgrounds. Social clubs and organizations were popular, and Major Robert became involved with several. He soon noted the lack of any agreement for governing the meetings, and the inefficiencies in the decision-making processes kept meetings from being fair or fruitful. The rich cultural variety added complications to running a meeting, so to fix this situation Major Robert set out some rules on how to consider any issue brought before an organization.

These rules came to be known as "Robert's Rules of Order", which were revised many times as a result of feedback. Robert's Rules of Order can be traced back to the rules of the US Congress, which in turn came from British Parliamentary law. But these rules served only as a starting point as Major Robert recognized the needed procedure for running a social meeting was quite different. He needed a set of rules for managing the consideration of questions, called main motions, leading to an organization's decisions in a meeting.

What evolved was a method allowing civilized debate that considered the rights of the majority, AND the rights of the minority, AND the rights of individual members, AND the rights of absentee members AND the rights of all these groups taken together.

Understanding the rights of the members and a few simple procedures would give us the tools to be an effective participant or an effective leader.

Currently, meetings in Kala Point are casually or sporadically applying Robert's Rules of Orders. Adapting Robert's Rules would help assure the right that everyone has a voice and is allowed to use it.

Looking For Volunteers

by Editorial Staff

We are still looking for a Community Forum editor. If you would enjoy volunteering either part time or full time please let us know. Remember, we are still evolving and going through a transition period. Member participation in this newsletter is desired and welcome!

Please write to us at CF Newsletter, P.O. Box 816, Port Hadlock, WA 98339 or email us at:

contact@TTPnewsletter.com.

Community Forum Staff

Community Forum is produced for Kala Point by a volunteer group of Kala Point residents interested in the well-being of our community and the individual interests of the residents. If you are interested in participating with this group or would like to express an opinion on a Kala Point issue, you are welcome to contact us. Article and/or letter writers may request anonymity, but the editorial staff must know who you are so we know that what is expressed is from a resident of Kala Point.



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Competency & Honesty of a Committee Chair Impugned

By Pat Bates

At the last two board meetings the competency and honesty of a fellow resident and committee chairman was impugned. These accusations were unfounded and seemed to be a concerted effort to undermine his authority by one or two of people who have always tried to control this committee's policy.

As a resident of Kala Point, a former committee member and concerned homeowner in this beautiful community, I feel compelled to voice my disgust with this form of character assassination. This shows a deep lack of respect for people who volunteer their unpaid time and service to our community. The person attacked is a very caring and respected part of Kala Point and has always gone the extra mile to help resolve problems.

If this conduct becomes the normal way to resolve conflicts, no one will want to serve on any committee in Kala Point for fear of being publicly slandered by those who don't agree with them. Instead of taking the high road and resolving a conflict by discussing it in committee, they start rumors and gossip. That to me is cowardice.

The self-righteousness of the attackers is so amazing!! How can one sleep at night knowing that spreading rumors and name calling hurts not only the attacked, but also the reputation of the entire community.

At the last board meeting a derogatory letter was read into the minutes at the direction of the board president. The committee chairman towards whom the attack was aimed was not present. The board did not read any of the many letters from people who defended the committee chairman.

Below are excerpts of letters from homeowners upset by these attacks and the Board's conduct:

◆ "If you are a board member and you make comments as a resident, it does not take away the fact you are still a board member. If the President of the US made a statement as a citizen, I would still expect him to behave in a pro-

fessional manner with integrity. This is an unspoken responsibility".

◆ "Board directors are to lead by example. There is a need for more professional and respectful methods to work out differences.

Board minutes and the Kala Pointer compounded the offense. It is destructive enough for this verbal criticism to occur at the board meeting, however, publicizing this in the minutes and newsletter is publicly embarrassing to our community".

◆ "The Committee Chairman is a friend and neighbor who is most considerate of the many sides of an issue and renders thoughtful judgment. As a volunteer, he has devoted much time and effort performing the demanding task of this committee. He has earned respect throughout the community for his efforts and performance".

◆ "You may be interested to consider whether it is appropriate and conducive to good community relations for a board member to negatively characterize a committee member. Members of public bodies generally support the abilities of staff, colleagues, and committee members when in open session".

◆ "KPOA's community respect -and the volunteer governance system- gets hurt when board members go on record with slurs against a member volunteer. Therefore, recent remarks by the board member about this committee head can harm the whole community".

Community Forum "Missed"

By Editorial Staff

Hopefully you've been receiving the new Community Forum. As always, we appreciate your comments, articles and letters for publication.

A few members kindly let us know that they did not receive April's Community Forum edition. Thank you for advising us. Whenever you have not received a copy or you are aware of a newcomer in the community, please contact Community Forum contact@TTPnewsletter.com or CF Newsletter, P.O.Box 816, Pork Hadlock). We apologize for any inconvenience this has caused.

Board Briefs

April Board Meeting Highlights

By Mike Tobias

Board Meeting Decorum: During March's board meeting, a board director made derogatory comments about a committee chairperson. Following up on this issue, Board President, Snyder felt that restricting offensive comments about members is censorship and that he had no way of anticipating member comments. He would prefer that the two members would try to settle any conflicts one-on-one before discussing them at the board meeting.

Mayhall reminded the board that publicizing these inflammatory comments in the board minutes and Kala Pointer compounded this problem.

Snyder said that if a member was threatening another, that this would be "out of line" and he would "shut them down". He added that other than something that was "obviously over the line, I would make no attempt to censor member comments."

A letter from the board director in question was read defending his position. Some members agreed with censorship.

Patsy Mathys recommended meeting decorum guidelines to promote community harmony and board credibility rather verbal attacks. Specific suggestions: depersonalize criticism, resolve differences at a less public level and enforce Kala Pointer APP guidelines (no inflammatory/confrontational articles).

Hugh Murphy agreed, stating that prior committee members have made errors. His example was the Vogt/Evans new house height issue. He stated that those problems were handled privately by the Architectural Committee. He recommended respectfully handling issues at a lower, less public level.

Kathy Shumate reminded the board that not all member comments are published in the minutes or the Kala Pointer (or are fully explained). Thus, both the board and Kala Pointer already are censoring. Don McClure said that the Kala Pointer only edits grammar.

Issues: So what exactly does the board mean by censorship? Depending upon the dictionary, the definition can be any combination of suppressing, deleting or removing the offensive, obscene, objectionable or erroneous. Based on President Snyder's comments, there is a line over which members should not cross. However, this "line" was not defined. Let's encourage our board to establish guidelines providing freedom of speech as well as board meeting decorum.

Lagoon Footbridge: GM, Belmont, met with Washington Department of Fish and Wildlife as part of the permit approval process. WDFW advises a longer footbridge than approved in 2004's budget (55 vs. 40 foot). Revised costs: approximately \$20,165 (\$16,165 bridge, \$4,000 permits). Snyder stated that the footbridge has been a contentious membership issue. He said the board would conduct a special membership meeting since costs will greatly exceed the budget. Brian felt that the current footbridge could last at least another year.

Issues: A \$15,000 metal footbridge was approved in 2004's budget (\$13,500 footbridge, \$3,500 permits). 10/04 the board changed their plans to a \$11,902 wood footbridge. Current expected costs now are \$20,165. Note: There may be state law implications since budget changes require membership vote..

Since \$1,200 currently is in our reserves for the footbridge, an additional \$18,965 would be withdrawn from the reserves. Note: total reserves (for all projects) are already underfunded. Let's take a fresh, unbiased look at this project. Let's study the flow of foot traffic pattern and explore other options to maintain safety more economically.

Purpose, Goals, & Objectives Of The Community Forum

By Lou Martel

The Purpose, Goals, and Objectives of the COMMUNITY FORUM were listed in the April issue. They are for the most part self explanatory. The general basis for them were given in the April issue. Goals 2 and 3 in the April article are expanded for clarification following:

Goal 2: The Rights of Members To Use and Enjoy Their Private Property

There is a KPOA record that states: "Individual property rights generally prevail unless the CC&Rs provide otherwise. In such cases as members, we have agreed to forego those property rights in favor of having the Association manage them for us."

Prior to 1994, KPOA CC&Rs had a distinct section for covered property (private property) and a distinct section for common area property. A change to private property restrictions required member vote because doing that required a change to the CC&Rs. Board adopted amendments to the CC&Rs, voted on by the membership in 1994, blurred that distinction by combining private property and common area property in the same section. The selection of that particular section allowed Boards to make changes to some private property rights without member vote. It also brought different and important parts of the CC&Rs in conflict with one another. The validity of that amendment is questionable and it is uncertain whether the voting members understood what they were voting on. The COMMUNITY FORUM will provide information to the membership so that they can make informed votes on any future changes to governing documents.

Goal 3: Governance in A Matured and Established Community

The legal authority to control homeowner associations changes over time. For example, Kala Point CC&Rs dated 1984 were signed only by the Developer, whereas CC&Rs dated 1994 were signed by the KPOA Board President. Another change in legal authority occurred in 1995 when the WA legislature passed the Homeowners' Association Law. That law gave KPOA members certain important rights they never had before. For example, that law mandated a legal duty on boards to represent the membership. It states "the board of directors shall act in all instances on behalf of the Association (the membership)." There is no comparable statement in KPOA governing documents prepared by developer lawyers. The state law also gave the membership more control over budgets, and, if enforced, mandates free and fair election of members of the Board by the membership.

The membership of KPOA can legally make the community a better place in which to live by their active participation in their own governance. The nature of a mature and established community should be shaped by the legitimate interests of those who live there. The COMMUNITY FORUM can help bring that about by publishing relevant information to the membership and by the membership so that they can have an effect on their own governance and on their own community.

Coming Soon!

A new website will be available to the membership within a week to provide current and important information to the KP community. It can be accessed at www.kpvoice.info. It is well organized and easy to use.

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Member Comments On Living And Governance In Our Community

By Lou Martel

There are not many occasions in Kala Point when members express their written opinions on living in their community and on their governance. There was one occasion however when 43 member letters were sent to the Board in response to a Board request for member comment on an Appeals And Compliance Document, APP I, dated 11/7/02. Those letters gave a unique insight into member views and opinions on community living, and their opinions on a contemplated Board adoption of APP I, which endorsed unreasonably large fines for relatively minor rule violations.

Member comments in the 43 letters are summarized in Tables I and II. Table I contains excerpts from those letters on the kind of community in which they wish to live. Table II is a categorized summary of their comments not only on APP I; but , more importantly their views on KPOA Board governance. There is a remarkable difference in member views on how they want to live and member views on how, at times, they are being governed.

These member comments are being published in the Community Forum so that we all are aware of the views of a considerable, but not necessarily representative, cross section of the community. Those letters played a role in influencing the nature of this independent publication. The Community Forum will continue to be responsive to the legitimate diverse interests of members living in their own community.

TABLE I: Member Comments* On Community Living

1. We and most others we have talked to moved to Kala Point because of the promise of a peaceful life and an agreeable environment
2. Everyone I know here wants to live harmoniously with their neighbors and feels a commitment to the current and future common good of all who are a part of our community.
3. Are we so concerned about the value of our land that we totally discount the value, dignity, and respect that we should accord our neighbor?
4. I am in favor of maintaining Kala Point as a lovely, liveable area. People are perceiving this area to be overly controlled and regulated, not a comfortable, homey area in which to live.
5. The general feeling we would like all to have is a greater sense of community where they believe their wants and likes are respected and where they feel their needs are addressed in a positive respectful way. We believe we all share the responsibility to help Kala Point be a friendly and peaceful place in which to live.
6. Peace of mind and harmony and good will between neighbors are what are important measures to me of quality of life at this time in my retirement
7. It (APP I) is not consistent with the type of caring and friendly community that we believe Kala Point residents generally experience and want to continue in the future.
8. It is very important to keep our community in good standing for the happiness of all who live here and the value of our property.
9. The people living here are nice people with pride in where they live.
10. I suggest that some of the Board members pause, reconsider, take another look and ask: "What could I do better to benefit the community and not just the chosen few.? What could I do to create equality and harmony.
11. One of the benefits we saw in making Kala Point our home was the fairly low cost of maintenance. As retirees this is important.
12. Please remember, the rules that you're making affect peoples lives.

* Comments made in 43 letters responding to APP I, dated 11/7/02.

Table II: Member Comments* On Community Governance

MEMBER COMMENT	NO. OF LETTERS
1. Emphatically do not support Board action.	35
2. Fines are extreme and punitive.	35
3. Too many rules are extreme and don't make sense.	20
4. Negative effect on saleability and property value.	16
5. Atmosphere of power, control and threat.	12
6. Board is not representing residents' interests.	12
7. Want community values; caring, friendly, respectful neighbors	12
8. Fines are being handled poorly. Alternatives need to be considered.	8
9. Board is overbearing, arrogant and abusing authority.	8
10. Boards revisions in APP I are provoking legal action.	8
11. APP I is complex and legalistic.	8
12. Overbearing attitude of Architectural/Tree Committee.	8
13. Have concern about ability of some residents to pay large fines.	8
14. Board and committee actions are causing bad image of KP to outside.	8
15. Residents are being driven out.	6
16. Board is out of touch with community.	6.
17. Homeowner rights are being ignored.	5
18. Support board action.	5
19. Board is perceived to be to be unfair and inconsistent.	5
20. KP rules and regulations have gotten worse over time.	5
21. Board does not listen to or hear residents.	4
22. Board is not acting for community and is unduly influenced by a few.	4
23. Board shows lack of respect in response to residents.	4
24. No explanation or data base given for need to increase each fine.	4
25. Rules and regulations are too intrusive.	3
26. Tone of APP I is unfriendly, aggressive, oppressive, and controlling.	3
27. Large fines give Board too much power. Leads to resistance and resentment.	3
28. There is an atmosphere of mutual distrust between Board and residents.	2
29. Board revisions are likely to be out of compliance with State Law.	2
30. High fines at back end of process is wrong focus	1

* Comments made in 43 letters responding to APP I, dated 11/7/02.

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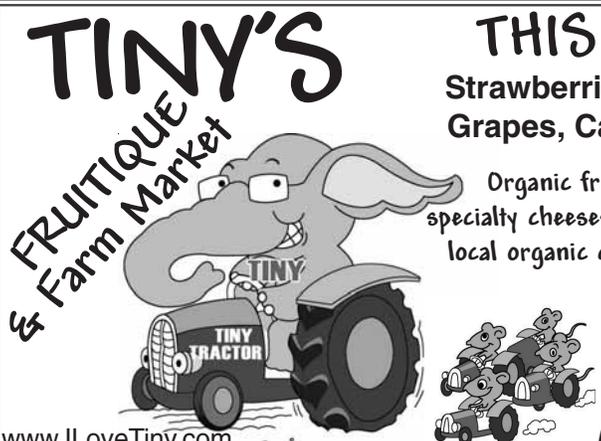
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In what is being hailed as a brand new concept in shopping, we have designed the store so that when you shop for fruit or vegetables, you shop in a cooler so the produce stays as fresh as the day it was picked. We have two mottos at the store we stand by: 1. **COLD EQUALS FRESH**, which means that any fruit and veggies you buy are never exposed to warm air until you buy it and 2. **WE DON'T CARRY ANYTHING UNLESS IT TASTES GOOD**. How many times have you bought something at a grocery store only to get it home and find out that it doesn't taste nearly as good as it looked in the store? We guarantee our fresh fruit and veggies are better than you've ever tasted. And that's a promise!

We also carry a great selection of **WINE & BEER** with special emphasis on Washington producers. If **CHEESES** are on your list, we have a great mix of cheeses from Washington and gourmet selections from just about everywhere, including Samish Bay organic cheese.

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Old Bones & Murder

By Margaret Boyle

Did you ever wander by the remains of the wrecked ship on Kala Point beach and wonder what story the old wooden bones tell? A recent walk with my dogs past this picturesque spot inspired me to visit the Jefferson County Historical Society Research Center for some information about the old barnacled relic.

My search quickly identified the wreck to be the *Southern Chief*, a full rigged ship built in Maine in 1857. Her recorded size is 187 feet by 38 feet with a depth of 23.5 feet. During her years of service she sailed from Puget Sound to many ports around the world hauling lumber, grain, coal, and once, illegal immigrants.

In 1867 the Chief's crew, captain, and a Port Townsend lawyer became involved in a dispute over wages. The lawyer, who represented the crew, ended up shooting and killing two of his clients during a dockside brawl.

During the course of her working life the *Southern Chief* was poorly maintained. In 1883 she was severely damaged after being grounded on the rocks near Victoria, B.C. By 1894 the Seattle P.I. described her as "rotten from stem to stern." A moderate gale off Cape Flattery brought about the end for the already compromised

Southern Chief. Her cargo was unloaded, and she was towed to Kala Point to be burned.

An article in the March 2005 issue of the maritime journal "The Sea Chest" is an excellent source of more detailed and current information on this interesting piece of Port Townsend history.

POETRY CORNER

PRUNING TREES

(There is nothing new under the sun)

Submitted by Lucille Grassia

Trees growing - right in front of my window;
The trees are high and the leaves grow thick.
Sad alas! the distant mountain view
Obscured by this, dimly shows between.
One morning I took knife and axe;
With my own hand I lopped the branches off.
Ten thousand leaves fall about my head;
A thousand hills come before my eyes.
Suddenly, as when clouds or mists break
And straight through, the blue sky appears;
Again, like the face of a friend one has loved
Seen at last after an age of parting.
First there came a gentle wind blowing;
One by one the birds flew back to the tree.
To ease my mind I gazed to the south east;
As my eyes wandered, my thoughts went far away.
Of men there is none that has not some preference;
Of things there is none but mixes good with ill.
It was not that I did not love the tender branches;
But better still, - to see the green hills!
Po Chu-I - AD. 772 - 846

A Hundred & Seventy Chinese Poems
Translated by Arthur Waley
Alfred A Knopf
New York MCMXXXV, p. 222

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for us all to enjoy.*



Free And Fair Election Of Board Candidates

By Lou Martel

All members who cast votes have a right to have their vote counted fairly in the election of Board Directors. A member casting a vote for directors is casting his or her informed interest on how the Association is to be governed. The outcome of the election should represent the majority informed interest of all voting members.

A member who gives an "open" or "blank" proxy ballot to another member as proxy holder because they do not have an informed interest on particular candidates is allowing that proxy holder to have two votes for the proxy holder interest. That is not the intent of a free and fair election. It is more fair that the member know how and why the proxy holder is to vote on director candidates. If that cannot be done it is more fair to other voters that the member instruct the proxy holder to not vote on any candidate.

More importantly, a member who gives an "open" or "blank" proxy ballot to a Board secretary is not only being unfair to other members for reasons given above; but in addition, is allowing the election of board directors to be biased to the interests of current board director interests rather than general member interests. That is patently unfair to the general membership. In addition, in this writer's opinion, it is also out of compliance with the WA State Homeowners Law which states that: "The board of directors shall not act on be-

half of the association to elect members of the of the board of directors, or to determine the qualifications of the board of directors. State Law supersedes KPOA CC&Rs and KPOA boards are mandated to abide by that law.

Port Ludlow Garden Club June Program

Native Plants & Car Pool Field Trip

The June program features a lecture on native plants and how they might look in your yard. The program is then followed by an optional afternoon visit to native plant gardens. Please join us at the Bay Club in Port Ludlow at 11:30am on June 8th.

If you would like to become a member of the Port Ludlow Garden Club, it is only \$12 for the year! This membership also gives you discounts on the wonderful field trips throughout the year. For more information contact Sydney at 437-9111 or seathru@cablespeed.com.

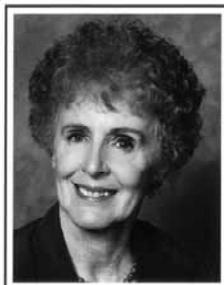
Classic Book Club

The Classic Book Club meets the first Sunday of each month at the Jefferson County Library in Port Hadlock. The book of the month for May 1st is Crime and Punishment by Feodor Dostoevsky. For June 5th it is Death Comes to the Archbishop by Willa Cather. All are welcome. For July, August, & September, it will be the first Saturday of the month because the library will be closed on Sundays during the summer.

Mabel Campbell, GRI

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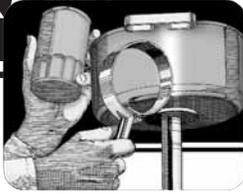
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Invitation To: Board Director Candidates

By Editorial Staff.

COMMUNITY FORUM staff will be inviting director candidates to respond to the following questions to be published in the June issue. An objective of the FORUM is to publish clear and objective information to the membership to help them form judgments of what is in their best interests and the interests of the community when they vote in free and fair elections on board directors.

1. How important is it to you to have trust and credibility with the membership when you become a director? How will you go about doing that?
2. Board candidates have obligations to KPOA Governing Documents and fiduciary duties to the membership as mandated by State Law RCW 64.38. Which of the two is more important to you and why?
3. Do you think that the membership should hold directors accountable for their actions? Do you welcome that accountability?

Note: Clarification to questions above:

1. The fiduciary duties of a director of a nonprofit corporation (KPOA) is a relationship of trust. It is a duty to act for someone else's benefit, while subordinating one's personal interest to that of the association. Trust and credibility are elements of that duty. This applies to questions 1 and 2.
2. Fiduciary duties under WA Homeowners Association Law RCW 64.38, which apply to question 2, include:
 - The board of directors shall act in all instances on behalf of the association.
 - The board of directors shall not act on behalf of the association to elect members of the board of directors or to determine the qualifications of board directors.
3. Board duties under KPOA CC&R's are to enforce the provisions of the governing documents and to carry out the obligations of the association. (Compliance with RCW 64.38 is one of the obligations). This applies to question 2.

4. Accountability to the governed by those who govern is a fundamental principle of good governance. This applies to question 3.

If you have any additional candidate questions, please send by May 9th to: Community Forum, P.O. Box 816, Port Hadlock, WA 98339 or email to: contact@TTPnewsletter.com.

Tree Committee Appeal Hearing on April 15th

by Pete Juliano

The April 15th Appeal Hearing concerned view maintenance of several trees located on the bluff area and involved removal, limbing or topping actions to restore a view. The Tree Committee denied three of the trees submitted. One of those denied had a proviso that if The Department of Fish and Wildlife had no objection, it would be approved.

As the appellant, I was permitted by the Board to make comments prior to the actual hearing. Those comments involved a procedural issue in the Appeal Process where notification was made to thirteen residents in a manner not prescribed by the APP I.

In my original Appeal request, I asked that a hearing be conducted as soon as possible. President Snyder originally offered me the date of April 11th but that date conflicted with an oral surgery I had scheduled. He then contacted me with a suggested date of April 15th. To which I agreed. Never did he mention that this date would miss a Kala Pointer issue.

President Snyder caused a notification to happen which is not recognized by APP I and absent the approval of the full Board. The appeal process makes no provision for alternate announcements in the event of missing the Kala Pointer cut-off date. Thus President Snyder had total control over the hearing date and missing the Kala Pointer was his choice. He acknowledged he had

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Tree Committee Appeal Hearing on April 15th

done this; but the Board chose not to take any action.

My appeal to the Board began by challenging the decisions of the Tree Committee based on the lack of documented criteria and processes coupled with an uneven application in their decisions. One particular tree was denied for the reason: "it was a pretty fir tree." (I don't believe "pretty" is covered in the governing documents.) I further made the point that this was a systemic issue and presented factual data including KPOA documents, view photographs, and previously approved view maintenance requests.

My appeal was focused on the Board versus the Tree Committee for not having consistent documents, for not assuring the procedures were followed and for not having documented criteria. My point: the governing documents covering vegetation are ripe with conflicts and confusion. Unfortunately, some documents have not been updated in over ten years.

Member comments were very spirited including Pat Farmer, a bluff resident and one of the thirteen who provided photographs of the view out her window. Joanne Murphy, a Tree Committee member, provided photos of eagles perching in various trees although not in the tree on the request. Ray Wenz, a long time member of the Tree Committee, read a statement that the committee members try very hard to be objective about their decisions. Two members identifying themselves as vegetation experts, whose conclusions are still unclear to me, made comments regarding trees and our environment.

Tony Costa, Board Liaison to the Tree Committee presented the Tree Committee response and stated they had processes and criteria but they were not written down. A new APP XXII (Tree Committee) which will be submitted to the Board is intended to correct the procedural flaws and inconsistencies through the establishment of

written criteria. He contends the tree committee's decisions were rendered in a fair manner. A new vegetation policy APP II-22, is about to be unveiled. I mentioned that it had several major problems including the referencing to and inconsistency with the new APP XXII.

The central theme of my presentation was to review each decision and the inconsistencies with the documents and data. Essentially, I took my thirty minutes to state that decisions made were flawed. Constructive suggestions of how to fix the systemic problems were also presented to the Board. Finally, I asked for a Board motion that President Snyder excuse himself from the voting based on the APP I procedural issue. Director Mayhall asked President Snyder if he felt the process was compromised. Snyder said no. The Board made no motion.

Based on a statement provided by the General Manager, the WDFW supposedly objected to the one tree so that one was removed from the list. Of the remaining two trees, one was approved and the other was not. However, the basis for denying the second tree had no connection to the governing documents and was predicated on an emotional "it is a pretty fir tree." The second motion was also clouded by the suggestion that I come back when the trees are tall enough and request a limbing action through the Tree Committee. Frankly, that makes absolutely no sense. Imagine fifteen years from now citing this suggestion as a reason for a limbing action on a Tree Request.

The issue is view maintenance and the CC&R's clearly prescribe the intention and conditions for restoring the view. The Board chose to ignore these and opted for a pretty fir tree decision.

As a note of caution, the Board heavily relies on view photographs at the time of move in. So views must be documented with date and time stamped photographs. This is an unwritten rule but is a "gotcha" for members.

Tony Costa was the board liaison at the 4/15 Tree Appeal hearing and he presented his views on this tree issue. They can be found on page 5 of the May Kala Pointer.
