

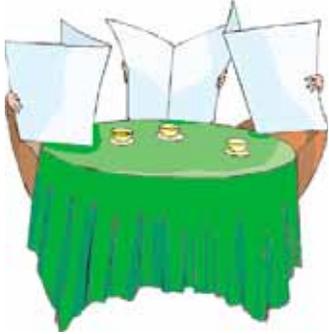


# COMMUNITY FORUM

Kala Point

News, Views, & Opinion March 2006

A Newsletter To Foster A Friendly Neighborhood



## One Community, Two Newsletters

### Double the Benefits!

The Community Forum and The Kala Pointer are different,

but not competing newsletters. To clarify the differences, check out the chart below.

In sum, The Kala Pointer is the house-organ of KPOA. It serves, as would a Chamber of Commerce newsletter to present positive, upbeat and informative local reports, with each edition headed by a letter from the KPOA President.

The Community Forum is independent in the way the Leader is independent — providing news, opinions and information covering a wider range of issues than allowed in the “official” KPOA newsletter.

For further questions email Community Forum: [contact@TTPnewsletter.com](mailto:contact@TTPnewsletter.com).

#### Differences of Newsletters:

	<b>KALA POINTER</b>	<b>COMMUNITY FORUM</b>
PUBLISHER	KPOA	KIN- (Kala Point Independent News)
FUNDED BY	Your assessments	Ads and subscriptions
EDITED BY	KPOA committee; hand selected and controlled by board.	Self-edited by contributors to assure that their submissions are free of unsupported ‘facts’ and are written with respect for others.
DISTRIBUTION	All ownership units	All ownership units except those who have requested not to receive it.
CONTENT RULES	Board censored, No ‘opinion’ articles, No letters to editor	Uncensored, Opinion articles welcomed! Letters welcomed, no personal attacks or mis-stated facts.
SCOPE	KPOA members and activities, chiefly	KPOA, Port Townsend & Tri-Area activities; book reviews; how-to articles; local businesses; articles- controversial or not.
PURPOSE	A means for KPOA to communicate <u>board-positions</u> , information and activities.	To foster neighborhood through full airing of issues, and diversity of opinion.



KIN publishers of **COMMUNITY FORUM**, P.O. Box 816, Port Hadlock, WA 98339 Annual Subscription: \$15  
[contact@TTPnewsletter.com](mailto:contact@TTPnewsletter.com) [www.TTPnewsletter.com](http://www.TTPnewsletter.com) Deadline for articles: 25th of the month

## Recipe Treasures

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

### Angel Hair Pasta with Garlic and Olive Oil

by Chef Pete Juliano

Ingredients:

- 1/2 to 3/4 of a pound of Angel Hair Pasta
- 2 and 1/2 Tablespoons of Virgin Olive Oil
- 1 and 1/2 Teaspoons of Dried Oregano
- 1 Teaspoon of Black Pepper
- 1/3 to 1/4 cup of grated combo Romano and Parmesan Cheese
- 3 Medium Cloves of Garlic thinly sliced

In a two quart pot bring about 1.375 quarts of water to a boil add a scoop of salt. Take 1/2 to 3/4 lb. of angel hair pasta. Begin first by breaking the pasta in half and then add to the boiling water.



While that is cooking cut the three medium cloves of garlic into slices, put aside. Pour **two and 1/2 tablespoons** virgin olive oil (remember this only works with the virgin stuff) into a measuring cup. Put aside.

Get 1.5 teaspoon of minced dried oregano put aside. Get 1 teaspoon of ground black pepper and put aside. Get 1/4 cup of a mixture of grated Romano and Parmesan cheese.

When the pasta is "al dente", drain and put back into the pot and put on the stove at low to medium heat. Add the olive oil, garlic, oregano and pepper. Keep stirring the mixture so it is all blended. As a final step add the cheese and stir. You can add a bit of salt to taste.

Remove from the heat and serve. Top with more grated cheese. You will probably hate your-

self for not making the whole pound. Serve with some white wine, a salad, garlic bread and sherbet for a killer meal. You can add some baked chicken or baked fish and it is a meal to die for —remember the secret is the virgin olive oil.



## POETRY CORNER

### Inviting Guests

By Ch'eng-kung Sui (died A. D. 273)

I sent out invitations  
To summon guests.  
I collected together  
All my friends.  
Loud talk  
And simple feasting:  
Discussion of philosophy,  
Investigation of subtleties.  
Tongues loosened  
And minds at one.  
Hearts refreshed  
By discharge of emotion!

*Translations From The Chinese*  
Waley, Arthur  
Alfred A. Knopf  
New York. 1941.



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## Curran Apple Orchard Cookbook

The Curran Apple Orchard Cookbook is here! It has beautiful color seasonal photos of the apple orchard along with delicious apple recipes and creative apple craft ideas for kids & adults. What a wonderful gift to give for holidays, or birthdays, or any special occasion. The recipient will love making all these wonderful recipes and crafts.

Funds raised from the sale of the cookbook support Curran Orchard programs: tree maintenance, educational classes, school tours, concerts, the community's outdoor edible classroom-Curran Apple Orchard Park & the annual cider squeeze. Recipes include: appetizers, beverages, breads, rolls, soups, salads, entrees, sides, desserts, pastries, preserves, and crafts.

To Purchase:

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**Mail order to:**

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For more information call 253-460-2530 or email [hopkins@cityofup.com](mailto:hopkins@cityofup.com).  
Cost is \$10.00 plus \$3.50 S/H per book.

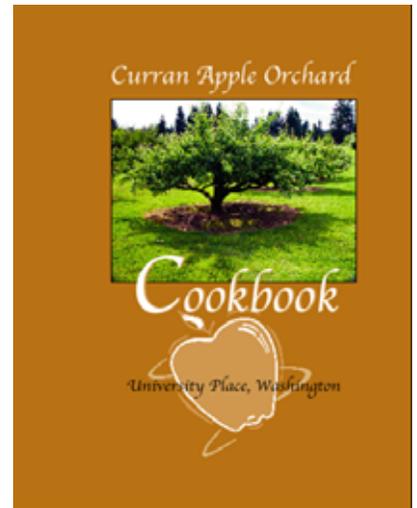
Here is a favorite recipe out of the cookbook:

### Apple Pecan Caramel Pie

By: Grassi's Garden Cafe

- 3 Delicious apples-slice thin & peel
- 3 MacIntosh apples, slice thin & peel
- 1/4 cup sugar
- 3 T flour
- 1 1/2 tsp. cinnamon
- 1 pie shell, slightly baked, light brown
- 1 cup firmly packed brown sugar
- 1/4 cup flour
- 1/2 cup butter
- 1/2 cup oatmeal
- 1/2 jar caramel syrup
- 1/2 cup chopped pecans

Combine and mix first 5 ingredients. Place in a baked pie shell. Mix the brown sugar, flour, butter and oatmeal until it looks like little peas. Put over apples and bake at 325 degrees for 1 hour. Remove from oven. Drizzle some of the caramel syrup over the pie, then put pecans over and let stand for about 15 minutes. Pour on remaining syrup, cool and cut.



## Classic Book Club

We meet on the second Sunday of each month at 2:00 p.m. at the County Library in Port Hadlock. Call 344-3897 if you have questions. For March 12, we are reading Lawrence's *Sons and Lovers*.

For April 9, we read from Chaucer's *Canterbury Tales: The Prologue, Miller's Tale, Wife of Bath's Tale, Pardoner's Tale*. All are welcome to join in when the selection is of interest to them.



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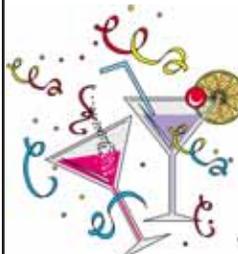
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## Member Tapes Meetings; Sequim HOA Calls in Police “Private Communications” Statute Cited Despite Public Meeting

Highland Hills Homeowner David Harrison, long active in seeking open-records and other reforms in his HOA in nearby Sequim, has grown accustomed to being ignored, belittled and verbally attacked and harassed by his HOA and it’s supporters. Attending an open community HOA meeting on Thursday Evening March 2<sup>nd</sup>, he brought his usual recording device used to capture meeting recordings. Meeting recordings are then posted in Harrison’s web-published newsletter, [www.sequimgillie.com](http://www.sequimgillie.com).



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This time, however, HOA President Hogan confronted Harrison about the recording device, demanding that he either leave the meeting or turn off the device. Hogan charged Harrison with illegally intercepting private communication at the regularly scheduled open meeting, and cited a state statute, 9.73.030 RCW.

The referenced statute has no applicability to open public meetings. It addresses unlawful interception of private communications to which the listener has no rights. Harrison, as an HOA member, has every right to attend such meetings and, as part of his observation rights, to record at will.

Homeowner Harrison declined to turn off his recording device, prompting the HOA Board President to order that police be summoned to remove Harrison as a trespasser. Three officers arrived and left with the stunned Harrison departing voluntarily, not under arrest, with his recording device.

“This will not be the last chapter in this story” Harrison told *Community Forum* between calls with his Seattle Attorney the morning after his expulsion and “illegal recordings” accusation.

**“I have been recording these meetings for years but now that I am posting the audio on our Internet Site for other members observation, and demanding my right to review a s s o c i a t i o n records, it seems they have raised the stakes.”**

“What is the problem with those people up there?” inquired curious Sequim Police Officers after being called to remove a homeowner from a meeting of his HOA on charges of illegally recording the open meeting.

This, according to the owner, David Harrison of Highland Hills, after his removal and visit to the police station.

### KPOA “Work Session” Audio CD Recording Of Board Dialogue

**Now Available: Only \$5**

*Community Forum* is offering audio CD’s of the KPOA January and February Work Sessions Proceedings for only \$5!



Members, sadly, are unable to follow these important board deliberations within the “official” newsletter of the association, or obtain “official” minutes from KPOA as reported on page 12 in “Board Penchant For Secret Meetings Continues”.

**To order, send a \$5 check to:  
KIN, PO Box 816, Port Hadlock, WA 98339**



## Rumors: Impact of Wildfire

### Why Should You Care?

While there is no standard method to measure how destructive rumors can be, there is no denying the fact that they can wreak havoc in a community.

If a rumor is directed against an individual, it has the potential to ruin his reputation. In effect the character of a person is destroyed in front of the entire community. It is difficult to fathom how traumatic it can be for one who has become an object of community ridicule and untrue gossip. Community rumors and gossip bring down morale and are detrimental to creating an integrated, friendly neighborhood. Once begun, like a wildfire, rumors may spread causing damage not only to an individual, but also extensive, long lasting damage to a community.

**Why should community leaders care about the spread of rumors?** When people are spending energy on gossiping and back-biting, there is no energy being spent on creating a friendly neighborhood. The two are inherently contradictory. We, as community members, should care because rumors divert people from working together and can cause resentment and pain for people who are the targets, obviously undermining the integration of a neighborhood. Rumors and gossip are much more harmful than one may think!

### What makes a rumor plausible?

Here is one formula for understanding the impact of this destructive behavior:

#### Anatomy of a Successful rumor

**Believability/Originality + Fear + Status x Contacts**

#### Believability/Originality

If a rumor has a ring of truth, it suspends skepticism and is believable.

#### Fear

**FUD Works! (Fear, Uncertainty, and Doubt)**

Anything which corresponds to the crucial things

in life, such as status or survival, will cut through the “data fog” and capture our attention.

#### Status

Being the first person to warn all your friends of something really nasty, or funny, or salacious, or dangerous puts you in a stronger position. We like to be seen as idea or information holders because we feel it increases our status.

Originating something that has a “wow” factor for your pals can be gratifying, as well as bolstering your sense of importance.

#### Contacts

Rumors may spread quickly by people who have a higher degree of perceived status. In other words, they tend to be opinion makers and are more likely to be believed.

### Kala Point Rumor Track Record:

Historically in our neighborhood, rumors and gossip have been used in **malicious** ways. There are many families that have felt they have been targets of this behavior and have left Kala Point in disgust. Demoralizing, embarrassing, resentful are a few of the words that these families have used to describe their experience. This is harmful to the unity of our neighborhood and to ourselves. It also gives Kala Point a bad reputation.

### What Can We Do To Change This?

Rumors may be intended to damage an individual, but it actually has far reaching effects damaging the community. We would like to invite and encourage members to submit articles on this topic to help our community. We can stop the spread of rumors' wildfire.

#### **malicious**

Motivated by a desire to cause pain or harm to others.

*Source: The Encarta College Dictionary*

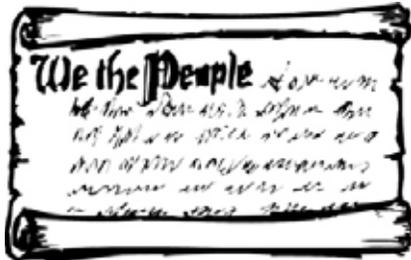
#### **rumor**

A piece of unverified information of uncertain origin usually spread by word of mouth. Hearsay of doubtful accuracy.

*Source: The American Heritage Dictionary*

## The Important Role of the Moderates

by Jay Burcham



The type of governance changes with time as the power to govern swings between extremes of governing philosophy.

Acting much like a simple pendulum, the extremes in philosophy are inherently unstable. Just as gravity influences the extremes of pendulum motion and causes the mass of the pendulum to return to the null point, so does a force act to limit power based on philosophical extremes. That force is the always present majority of the electorate which desires moderation in governance.

The political extremes of governing philosophy are usually labeled left and right; liberal and conservative; and democratic and republican.

**“That majority is basically moderate in thinking, desiring fair and equitable governance.”**

These terms oversimplify the complexities in thinking present in today’s politics but they are useful if they are recognized as merely labels. The extremes

attract the most attention but they only exist with the sufferance of the vast majority of the elector-

ate; the center. That majority is basically moderate in thinking, desiring fair and equitable governance. The problem with the extreme positions is that they attract the activists.

**The activists consist of several types:** One type believes so strongly in the radical position they advocate that they are incapable of considering other viewpoints and feel justified in taking any actions to further their goals.

Another type has personal interest agendas which they pursue with little consideration of right and wrong, often testing the limits of what is legal or morally defensible.

**“It takes a significant effort by the electorate to look beyond the rhetoric and form judgments based on facts and performance.”**

Yet another type attaches themselves to an extremist cause merely to exercise or be a broker of power.

The extremist activists are not above using falsehoods, half-truths, slander, spin, innuendo and scare tactics to obtain the support of a poorly informed electorate.

**It takes a significant effort by the electorate to look beyond the rhetoric and form judgments based on facts and performance.** There are many examples in history where extreme gov-

**Continued on page 7**



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## Continued from page 6

ernments have been successfully established for significant spans of time because a complacent, moderate, centrist electorate did not attempt to take political action until it was too late.

**“The moderate center must make the effort to be informed about the course their governing leaders are taking and when necessary take action to change the direction of an undesirable trend in governance.”**

Political governments operate within restraints imposed by several means.

**The federal and state governments operate under a system of checks and balances** resulting from the constitu-

tionally established separate executive, legislative and judicial branches, each of which has the power to intervene, to some extent, in the actions of the other branches. County and city governments do not have separate branches of government but they must comply with extensive laws and regulations established by the federal and state governments which limit their power.

**Furthermore, all levels of government must answer to the electorate.** Thus, that moderate

majority in the center has the ultimate power, if they choose to exercise it soon enough, to establish how they want to be governed.



**To be governed fairly and equitably**, the moderate center must make the effort to be informed about the course their governing leaders are taking and when necessary take action to change the direction of an undesirable trend in governance.

A pendulum's degree of motion and the frequency with which that motion changes direction is inversely proportional to its length. For governance, the moderate center acts the same way. The stronger the moderate center, the less will be the extremes of governance and the slower the

type of governing will change, thus introducing a measure of stability in governance philosophy.

Despite legally established restraints on the occurrence of extreme governing philosophies the ultimate responsibility for fair and equitable moderate governance lies with the electorate.



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## Long-Planned Electrical Upgrade PSE Connects 2nd Line Through Woodland Hills

Triggered by last years roadway development in Woodland Hills, Puget Sound Energy (PSE) has now completed its long-planned high-voltage feeder construction along a newly cleared right-of-way into Kala Point, thus providing a second route for electricity connections into the community. PSE Systems Engineer Dave Terry, responsible for the investor-owned utilities distribution infrastructure in Kitsap and Jefferson Counties, advised, "We had planned this connection for many years but we had to wait until development in Woodland Hills defined the roadways, along which we prefer to construct our underground lines.

Once they defined the roads we were able to extend the new underground feeder from Highway 19 up through the area and interconnect with Kala Point. It was a regular part of our long-planned area improvements."



Part of a broader upgrade program in the immediate area, this new second feeder project is supplemented by other ongoing area improvements planned and funded over a multi-year established program. This year that includes upgrading and relocating the facilities along SR-19, and the rehabilitation of aging underground conductors.

This new connection links with underground distribution extending along Kala Point Drive, near the administration building, within a large concrete underground vault (see photo), only the lid of which is visible.

**As of the final connections at the end of January**, now about 65% of all KP customers are supplied from the new connection, with just 35% served from the original single feeder via Prospect Avenue. Both the old and new feeders go back to the same electrical substation (Irontdale) on Four Corners Road.

**At the substation each feeder is supplied by its own switch** thus improving reliability. Service reliability will be further improved in 2007 with PSE investing in the planned addition of a new Chimacum substation that will take over some of the load now assigned to the Irontdale Facility. This addition will make our service at KP somewhat less susceptible to outages from falling trees along the miles of 115-Kilovolt transmission lines that bring bulk electricity to the substations, but only marginally so.

*Learn More:  
See Related Article  
On Next Page*

**Ludlow Residents Suffer Three-Day Power Outage: PSE Explains.**

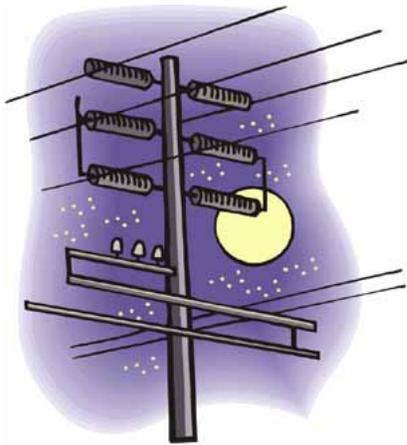
Up to three days out of power due to an early February windstorm has raised many complaints from Port Ludlow homeowners. "This is a senior citizen community, and we shouldn't be dead last." But PSE sends senior executive to explain; says "It wasn't that you were a low priority".

## Ludlow Residents Suffer Three-Day Power Outage

### Wind-Fallen-Tree Drops Major Line; KP Less Affected

#### PSE Explains at Ludlow Meeting

Overnight high winds across the area on February 4<sup>th</sup> triggered numerous power outages, some lasting just a few minutes, others a few hours, but for some 3,000 residents in Port Ludlow the outage persisted for much of three days. Angry residents, aware that the cold and dark ordeal lasted much longer for them than for others, listened intently and questioned PSE (Puget Sound Energy) operations executive Greg Zeller during a packed-house Village Council meeting.



PSE restoral efforts were delayed due to the extent of damage created when a very large fir tree slammed into a 115-Kilovolt transmission line along SR-19 about one mile south of Egg & I Road. Two 90-foot tall steel power poles, a special type for the high-voltage system, were dragged to the ground. Such damage takes much longer to repair due to the type of structures and high voltages involved. Kala Point outages related to this storm were much more limited and service was restored relatively quickly.

PSE Area Systems Engineer Dave Terry, contacted by *Community Forum*, described a continuing range of efforts throughout the area to reduce risks of outage, including tree trimming and removal, pole-line rebuilds and relocations, and a new planned substation in Chimacum for 2007 construction. While all of these efforts do statistically improve reliability, the extent and duration of any outage is determined on a case-by-case

basis. PSE-contracted crews, said Terry, spare no expense and work around-the-clock to restore these large customer outages, wherever and whenever they occur, subject to resource availability and crew safety.



Changing weather patterns are blamed for more frequent intense storms over wider geographic areas, thus placing more pressure on the crews, material stockpiles and equipment necessary to restore storm damaged electrical distribution systems. Homeowners are cautioned that extended outages, such as at Port Ludlow, should be planned for in personal, family and community emergency preparedness efforts.

Refer to the November 2005 issue for the special pull-out Disaster Preparedness Insert to help you be prepared for an emergency. Be ready before disaster happens!

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## Kala Point Reserve Study

By Pete Juliano

As a follow on to last months' article on the need for a reserve study, I wanted to provide additional information regarding the mechanics of the reserve study process.

This information is an excerpt from a document published by the State of California but has general applicability to any state: [www.dre.ca.gov/pdf\\_docs/re25.pdf](http://www.dre.ca.gov/pdf_docs/re25.pdf)

**In the February Board meeting, an item was reviewed by the board that involved a roof replacement for the KPOA Administration Building.** The amount that had been targeted in the reserves was \$10,000 but the bids were now between \$16000 and \$17000. There is no question that the roof needs to be replaced. However there is a question regarding the reserve process.

CFO Richter has assured members, that there are adequate reserves. Some item is now \$6000 to \$7000 short so his statement is paradoxical. A counter argument is that several acquisitions were under budget. That may or may not play well in Peoria.

**Without an immediate updated study no one knows how many other reserve items are under funded.** It would be foolhardy to think that there will be a continuous stream of under budgeted items to offset the over budget items. Thus an organized approach must be initiated today. The following describes the components and flow chart for conducting a reserve study.

**“A Reserve Study is made up of two parts:** the Physical Analysis, and the Financial Analysis.

**1. The Physical Analysis** provides information about the physical status and repair/replacement

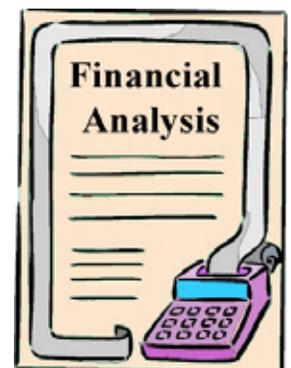
cost of the area components the association is obligated to maintain. The Physical Analysis is comprised of the Component Inventory, Condition Evaluation, Age Adjustment [based on useful life (total) and remaining life of the components] and the Costs to Replace.



The Component Inventory should remain relatively “stable” from year to year, while the Condition Evaluation, Age Adjustment and Cost to Replace and Valuation will clearly change from year to year.

***[Evidently there was a failure in this part of the process that created the shortfall in the Admin Building roof replacement. In 2005 the analysis should have been updated and adjusted.]***

**2. The Financial Analysis** is the analysis of the association's Reserve income and expenses. The Financial Analysis is made up of a finding of the [KPOA's] current Reserve Fund strength (measured in cash or as a Percent Funded) and a recommendation for an appropriate Reserve contribution rate (Funding Plan).



**A flow chart on the next page**, excerpted from the California publication, depicts how to conduct a Reserve Study. It starts with a Board Resolution and ends with a full disclosure to the members. There are members on the Finance Committee who maintain that this information should be closely held and not provided the members. That seems unreasonable.

**Continued on page 11**

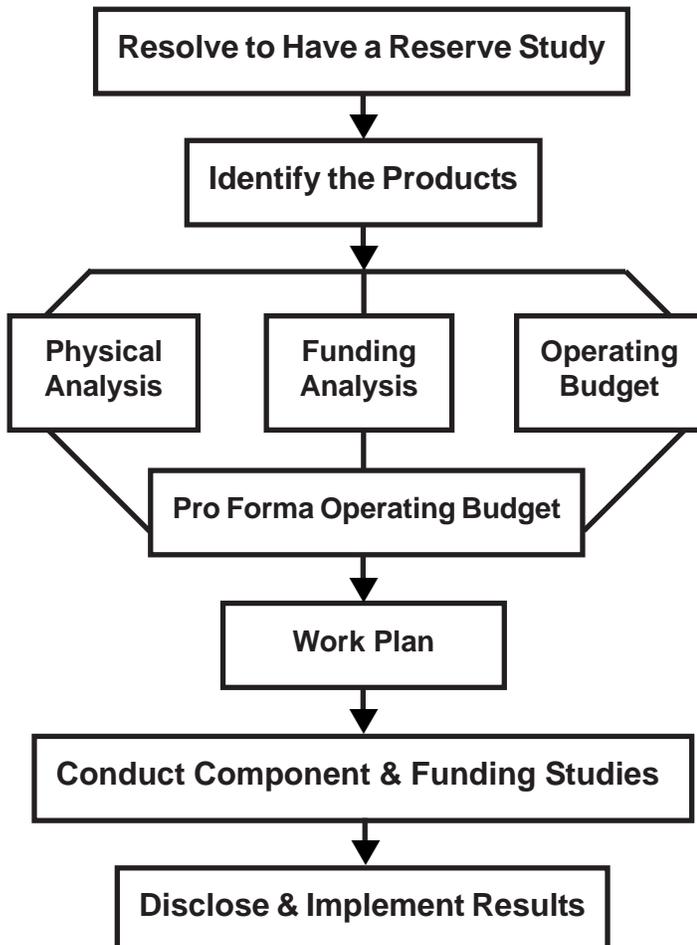
## Continued from page 10

Members are encouraged to review the California reference as it provides a step by step approach of what is required to conduct a study. The data is relevant to Kala Point as the process is generic and not state specific.

**First and foremost an accounting of the reserves must be provided to all members.** State law and the governing documents are clear about disclosure to the members. The Finance Committee as an extension of the board has a fiduciary responsibility to the Board and in turn the Board to the KPOA members.

**There is a prevailing view that the members don't need to know.** When we are told there are adequate reserves, see no proof and then hear of a \$6000 overrun, that is not good business!

### How to conduct a Reserve Study:



## Major Legal Opinion

### Court: HOA Members Enjoy Full Constitutional Protections

Nationally, HOA abuse is a hot issue. The New Jersey Appeals Court ruled in February that residents do not sign away their constitutional rights when they buy into an HOA. In a unanimous decision, the three-judge panel said residents are entitled to all constitutionally guaranteed rights, notably free speech. This case is the first such finding nationally.

**Plaintiffs contended that the HOA violated their rights** by enforcing various rules and restrictions upon “reformers”, including limited facilities access for meetings, limiting participation in governance committees, and by dictating content of the organization’s newsletter. The trial judge rejected their arguments, saying the dissident residents agreed to the conditions when they purchased their properties. Yesterday, the appeals court disagreed.

**Lawyers for the HOA and its president**, who was also sued individually, said they would appeal to the state Supreme Court. “We will appeal because, for the first time, a court has said Constitutional rights apply to all HOA’s. The decision is contrary to 25 years of New Jersey Supreme Court and Appellate Division decisions,” said Barry Goodman, the lawyer representing the association. Free-speech advocates representing the plaintiffs, meanwhile, hailed the ruling as “an historic opinion” and “an important victory”.

**Plaintiff Haim Bar-Akiva was elated.** His battle began when the board fined the couple \$1,200 over the color of their front door, then they asked for and were denied details about the board’s budget. In 1997, they founded Common-Interest Homeowners Coalition ([www.c-ihc.org](http://www.c-ihc.org)). Later the board sued the couple over the design of their storm door. “It’s hard to see something so indecent and not try to do something about it,” said successful plaintiff Bar-Akiva.

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## Board Penchant For Secret Meetings Continues

### Unlawful “Work Sessions Without Minutes”

#### New Secrecy Tool Further Exposes Members Financially

The long-running board penchant for secret conduct of this association’s business has entered a new chapter with the re-designation of special board meetings held in January and February as “work sessions”, for which no “official” recordings are made (as are made at regular board meetings) and at which no minutes (defined as a record of proceedings) are kept, as required by law. These undocumented meetings of the board of directors violate state law and our governing documents, because a record of proceedings is not maintained.

**Secret HOA meetings, with no minutes to prove due diligence**, also expose the association and individual board members, to non-enforceability of decisions (Riss v. Angel case) and expensive member-funded litigation because there is no meeting-minute record of diligent deliberations in decision-making, as required by law.

**The expensive legal settlement in the Vogt case**, arising from the view-destroying construction of the David Evans home, is a clear and compelling example of how secret un-docu-

mented improper procedures encourage litigation, prevent proper defense, and ultimately cost members serious money in continuing insurance premiums.

Following that payout, the insurer tripled KPOA liability insurance rates and drove the deductible up by 400%, eventually resulting in non-renewal of insurance coverage by the long-time carrier. KPOA lost this case because KPOA could not prove diligent adherence to policy. In fact, Director Evans himself has reported that this case (arising from his home construction) was the sole KPOA legal case resulting in insurance carrier payouts to cover errors and omissions, despite attempts to blame the increase on other legal actions. Such cases are lost when directors and committee members fail to follow established procedures, no minutes are kept, and liability therefore is provable. Official recorded minutes of legally sufficient deliberations are the only way an HOA can prove adherence to the required process, and defend suits and settlements.

Judging from comments in *The Kala Pointer* (the December issue) at least some board members apparently believe that these special meetings are somehow exempt from statutory requirements by claiming that “no decisions are made and no votes are taken”. There is no such distinction provided for such meetings to be conducted without minutes in either our governing documents or state statutes, however cleverly re-designated as “work sessions”.

**“Work Sessions” are not a type of meeting defined in any relevant statute, our Bylaws or CC&Rs.** Our Bylaws allow for only two types of board meetings; regular and special, with both requiring the keeping of minutes by the board

*See Related Article in this issue on page 4*

#### HOA Meeting Recording Heats up in Sequim.

The governing board of Highland Hills in Sequim had a homeowner removed from its board meeting by police on March 2<sup>nd</sup> after the HOA member refused to turn off his tape recorder during an open meeting of the HOA board. Citing privacy laws long held as inapplicable to open HOA meetings, the HOA’s new attorney gave them the ruling they wanted. Litigation appears likely.



secretary. Work sessions are a type of meeting frequently employed by units of state and local government, which operate under different rules than does KPOA. The legal references are:

**KPOA BYLAWS Article 7  
Section 8. Secretary.**

*The Secretary shall keep or cause to be kept, a book of minutes at the principal office of the Association, or such other place as the Board may order, of all meetings of the Board and Members, with the time and place of holding, whether regular or special, and if special how authorized, the notice thereof given, the names of those persons present at Board meetings, the number of Members present or represented at Members' meetings and the proceedings thereof.*

**64.38.035 RCW**

**Association meetings— Notice— Board of directors.**

*(2) Except as provided in this subsection, all meetings of the board of directors shall be open for observation by all owners of record and their authorized agents. The board of directors shall keep minutes of all actions taken by the board, which shall be available to all owners.*

Notwithstanding the blatant illegality of such meetings-without-minutes, any conduct of board business without full and complete minutes invites litigation and later legal findings that the association has acted absent proper deliberation, because no record can be produced evidencing that deliberation. A re-stated agenda is not minutes of proceedings.

**The Community Associations Institute, to which KPOA subscribes,** cautions strongly against the conduct of any association meetings without full and complete recording of minutes, for exactly these reasons.

*"Indeed, the protection afforded by the business judgment rule highlights the importance of documenting in your minutes every step you've taken to conduct a reasonable inquiry." CAI Common Ground May/June 2004 article on board member fiduciary duty.*

**These "work session" board meetings, defined by law as a (physical or electronic)**

**gathering attended by five or more members of the board conducting business, are actually "special meetings" of the board.** Therefore minutes noting "the proceedings thereof" are required by state law and association Bylaws.

**An agenda for these "work sessions", which began in January and continued in February,** is published in advance, and then in lieu of required minutes noting the proceedings of the meetings, the agenda is merely re-stated (labeled as minutes). The association produces no record of the proceedings, which include extensive board discussions on agenda items, and no recording is made.

**Thus, none of the deliberations of the board on these critical issues are therefore reported to the membership by the association,** and members have no idea how the discussions were conducted and what positions were adopted or raised by individual board members during the extensive discussions. The agenda for each of the two "work sessions" held so far is extensive, and includes essentially all of the important issues before the board currently.

**Despite successful litigation that forced adoption of new policies** on secret executive sessions and the discontinuance of secret board email exchanges, this inexplicable penchant for secrecy continues, exposing all of us to further rising litigation and insurance costs.

**Secret "Work Sessions" Audio CD Available From Community Forum**

Earlier attempts by the board to block member recording of the "work sessions" were not enforced after legal notice that would, itself, be illegal, and recordings have been made. An audio CD is now available for purchase (see ad on page 4) and proceedings of the January and February work sessions are reported in separate articles in this edition. Members, sadly, are unable to follow these important board deliberations within the "official" newsletter of the association, or obtain "official" minutes from KPOA.



## “THE PURPOSE DRIVEN LIFE”

Book Review By  
Patsy Mathys

What on earth  
am I here for?

“The Purpose Driven Life” authored by Rick Warren is a chapter a day, 40-day journey to help each of us to answer that personal question. The benefits of discovering our life’s purpose: gives life meaning, simplifies life by establish a foundation, develops a focus, motivates and establishes an eternal legacy.

This book explores life’s fundamental questions:

- ◆ What will be the center, the foundation, of your life?
- ◆ What kind of person do you want to be?
- ◆ What will be your life’s contribution? Specifically, how can we each make a difference?
- ◆ What will be your personal life’s mission?
- ◆ What will be the community of your life?

### “What Matters Most”

This chapter focuses on relationships. The author’s poignant example was based on his personal experiences during the final moments at the bedside of many. Comments are not “I wish I had spent more time at the office” or “I want to look at my awards one last time” or “Boy am I proud of my favorite car”. At this moment, people surround themselves not with possessions, but rather with those whom they love and care about.

Our personal relationships are the most enduring impact we can leave on this earth. Compassion and love leaves a lasting legacy. Attention to others shows that we value them enough to give our most precious asset, time.

### “Restoring Broken Fellowship”

Relationships are central to life, yet at times are broken. Restoring a relationship involves taking the initiative, sympathizing with feelings, confes-

sion, attacking the problem not the person, cooperating as much as possible and emphasizing reconciliation not resolution.

This chapter states that relationships are always worth restoring. Peacemakers are not to avoid conflict or appease. This is actually cowardice.

### “Cultivating Community”

Cultivating community encompasses many common sense principles: respecting each other’s differences, consideration of feelings and patience. Interestingly community has nothing to do with compatibility.

The author states that cultivating community can only occur in a safe environment of acceptance, honesty and trust. Gossip cripples community by causing hurt and division.

If conflicts arise, by facing and resolving differences, we can grow closer to each other. Handling a difficult person provides the opportunity for personal growth and tests our fellowship.

The above are just a few of the thought provoking topics of “The Purpose Driven Life”. The appendix includes many introspective questions to help each of us to unearth our true individual purpose.



WORDS  
OF  
WISDOM

Constant kindness can accomplish much. As the sun makes ice melt, kindness causes misunderstanding, mistrust, and hostility to evaporate.

-Albert Schweitzer

*Humanitarian, theologian, missionary, organist, and medical doctor.*



## Kala Krossword Puzzle Kontest!

**\$50 Gift Certificate To  
Fins Coastal Cuisine**

You will find the crossword puzzle on Insert Page 1B! This month's prize is a \$50 gift certificate to **Fins Coastal Cuisine** which is located two blocks east of the ferry dock on the corner of Tyler and Water Streets in Flagship Landing. Located on the second-floor of this waterfront building, it has a sophisticated atmosphere. The food is the most imaginative you'll find in downtown Port Townsend and can be as creative as pink peppercorn-crusted sea bass with a vegetable spring roll. However, if your tastes lean to simpler fare, you can also get a great dry-aged New York steak with either french fries or onion rings. But remember, Port Townsend is seafood country, so you might want to try the Portuguese fisherman's stew or the seared sea scallops instead. The New York Times praised Fins in a July 10 feature on eating salmon in the Northwest.



*Next month's Krossword Puzzle Prize:  
Fins Restaurant on Water Street*

All the answers to the questions are from the February issue of *Community Forum*. The first person to mail in their completed puzzle with the correct answers will win the prize! We received many completed puzzles, so be sure to be the

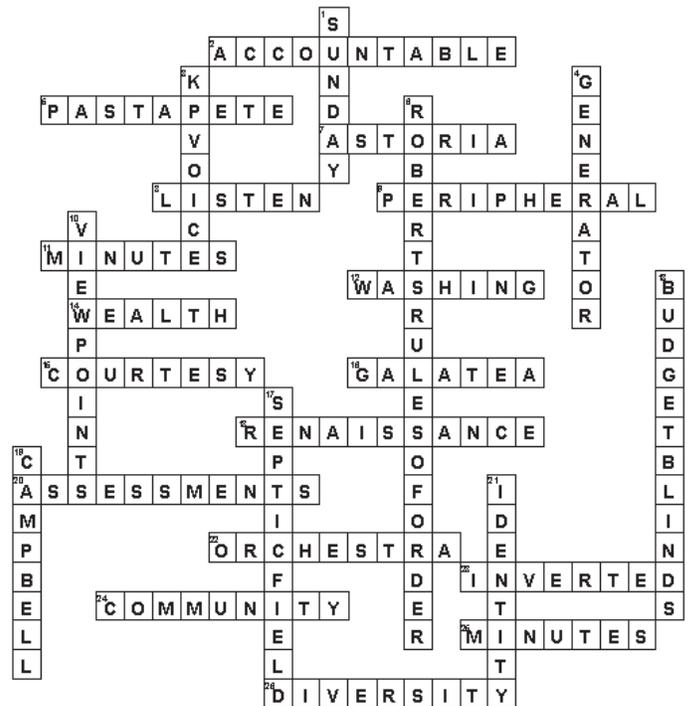
first to mail in your answers.

The February winner is neighbor **Marina Garcia** who won a **\$50 gift certificate to Galatea Cafe** which is located next to the Haller Statue and Fountain, at the base of the Taylor Street stairs on Washington Street. Congratulations!!

Please mail your complete puzzle to:  
KIN, P.O. Box 816, Port Hadlock, WA 98339. The winner will be announced in next month's issue.

Don't forget to include your name, address and phone number on your puzzle so we know who to send the gift certificate to.

### Kala Krossword Puzzle: February's Solution



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## Olympic Peninsula BIRDFEST

Grab your binoculars and come to the BirdFest!

Fri. March 31 to Sun. April 2

at the "River Center" in Sequim

The stage is set for the Olympic BirdFest: Quiet bays and estuaries, beaches on the Strait of Juan de Fuca, an island bird sanctuary, a five-mile-long sand spit, eel grass beds, and the beautiful Dungeness River valley.

The "players" are ready for a Washington Bird Watching weekend: Marbled Murrelets, Rhinoceros Auklets, Harlequin Ducks, Black Oystercatchers, Peregrine Falcons, and Pygmy-Owls will be sporting their finest spring plumage for this celebration

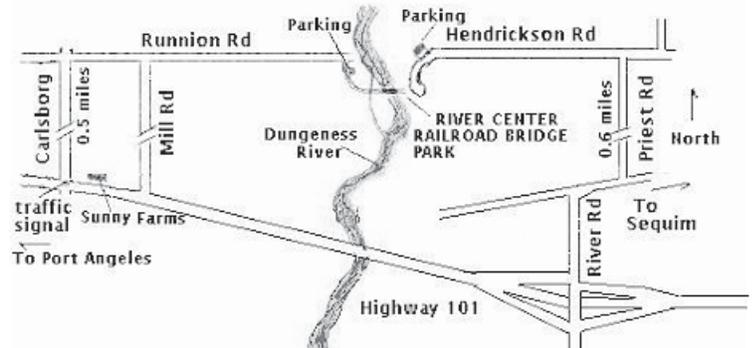
This is a bird watching vacation for beginners to experts, from leisurely strolls to active hikes. You can bird for a few hours, or all day ... from

the dawn chorus to the evening owl prowl. We will wake you with coffee, nourish you with locally grown organic food, and celebrate a traditional salmon bake.

**Come and enjoy Olympic BirdFest:**

From guided birding trips, boat tours, kayaking, salmon banquet, and many other presentations. For more information: [www.olympicbirdfest.org](http://www.olympicbirdfest.org), call 360-681-4076, email [rivercenter@olympus.net](mailto:rivercenter@olympus.net), or visit in person at the Dungeness River Audubon Center (aka "River Center"). River Center is located at **Railroad Bridge Park** which is right on the

Olympic Discovery Trail, a pedestrian and cycling trail 2 miles west of Sequim. **Directions:** Take a right on the River Rd exit off of Hwy 101, take a short jog right on Washington St to Priest Rd and take a left. Then a left on Hendrickson Rd to the end of the road. You will truly enjoy the historic Dungeness Railroad Bridge which spans the river



Map of River Center at Railroad Bridge Park

The soothing sounds of water flowing over rocks and stones. A deep breath of crisp, clear oxygen. The sight of mist rising from the murky river as the day's brightness seeps through the trees. A view of delicate bird tracks and raccoon prints pressed into the mud. Railroad Bridge Park, named for the historic structure that supported 70 years of rail service until 1985, is a popular spot for dog walkers, joggers & bird watchers.

The River Center also provides educational activities for kids and grown-ups alike: community forums, summer camps, adult field trips, festivals, and bird classes ranging from beginner to expert.

One class you may want to consider is: **Septics 101** being held on Wed, Mar. 22 from 6 to 8 p.m and the cost is Free! The septic system is one of the most expensive parts of many homes, requiring regular inspection and maintenance.

This class, taught by Clallam County Environmental Health Div., covers how septic systems work, different designs, and how to keep systems in good working condition. You must pre-register for this class with Clallam County by calling 360-417-2258.

More information about activities and classes at the River Center can be found at: [www.dungenessrivercenter.org/cal.htm](http://www.dungenessrivercenter.org/cal.htm).



Railroad Bridge spanning across the Dungeness River



## 55 ALIVE Drivers' Ed

AARP Driver Safety Classes will be held at the Port Townsend Community Center on March 13 and 14, from 9:20 to 1:30 each day. This is an eye-opener to older drivers whose skills have gradually slipped below the best safety-level for drivers. You will learn adaptive techniques for peripheral vision loss; where to be doubly alert for traffic hazards; and lots more.

The cost is \$10 for materials. Drivers of all ages are welcome.

The class goes quickly (with a half-hour brown bag lunch time each day). With completion of the course you will get a deduction of about \$50 per person on your insurance. And you will feel safer out on the road. Call the Community Center to sign up: 385-9007. Class schedules can be found at [www.drive2survive101.com](http://www.drive2survive101.com). Click on "Education & Awareness" and then AARP class schedule. You will find other class dates in March for Sequim, Port Ludlow, and Brinnon.

## Community Forum "Missed"

A few members kindly let us know that they did not receive an edition of *Community Forum*.

Thank you for advising us!

Whenever you know of someone who has not received a copy or you are aware of a newcomer in the community please write to: KIN, P.O. Box 816, Port Hadlock or email [contact@TTPnewsletter.com](mailto:contact@TTPnewsletter.com). We apologize for any inconvenience this has caused.

As always, we appreciate your comments, articles and letters for publication.

## Test Your Driving IQ

What is the Number One Traffic Violation Committed By Drivers Aged 50 And Over?

- a) Speeding
- b) Following too closely
- c) Failure to observe right-of-way
- d) Running a stop sign

**The correct answer: c.**

Failure to observe right-of-way. The law does not give the right-of-way to anyone, therefore you can never assume that you have it. The right-of-way is yielded by other drivers to you, or by you to other drivers. When in doubt as to who must yield the right-of-way, it is safest to yield the right-of-way, even if it should have been yielded to you by the other driver. Also, never assume that just because someone else has the yield sign that they will obey it.



## JeffCo Community Garage Sale & Auto Swap Meet

The Jefferson County Fair Association is having its 4th Annual Fund-raiser **Garage Sale & Auto Swap Meet** on Sat. March 18th from 9am to 4pm. There will be over 30 different Garage Sales in one location! Have your own garage sale or be a shopper!

**Directions:** Take Hwy. 20 (Sims Way) into Port Townsend. Make a left onto Kearney Street at the stop light. Follow Kearney until you have reached its end. Make a left onto Blaine Street. Take an immediate right onto San Juan Avenue. Stay on San Juan, until you have reached the fairgrounds. (San Juan winds a bit and will turn into 49th Street just before you reach the fairgrounds.)

For more info, contact 360.385.1013 email [jeffcofairgrounds@olympen.com](mailto:jeffcofairgrounds@olympen.com).

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## Due Process? Member Had No Chance To Review The Undocumented Charges Or To Answer Them

By a 5 to 4 vote, the KPOA board on February 21 refused a motion to first set up an investigative committee (as recommended under Roberts Rules) to look into accusations made against a Finance Committee member. Then by a 5 to 4 vote, the Board accepted the Finance Committee's recommendation to expel that member from that committee.

**The Finance Committee, with 7 of its 10 members present**, had voted on January 26 to recommend that the Board expel the member. That vote came out 4 in favor of the recommendation, 2 opposed, 1 abstention. The Board president voted with the majority as an ex-officio committee member, attending a Finance Committee meeting for his first time. The member-to-be-expelled was not present and hadn't been notified of the plan for expulsion.

**Of the 4 who voted to recommend this action to the Board**, three are actually KPOA Board members, and thus voted to refer the matter to themselves for judgment.

**Opposition** at the Committee meeting came from 3 members focused on following the process and the substance of charges against the member.

**On Substance**, it was said that charges against the member were not backed up with documentation and were disputed. Also, that the member had been valuable to the committee.

**On Process**, it was noted that:

- ◆ The agenda gave no notice that a move to expel a member would be discussed at the meeting. Only the 4 who voted against the member knew this was the purpose of agenda item "Budget 2006 Evaluation."
- ◆ The member-to-be-expelled wasn't at the meeting, and the chairman knew in advance that the member couldn't attend because of a serious family illness in Chicago.

- ◆ The member had no chance to review the undocumented charges and to answer them.
- ◆ No prior substantive discussion of the alleged faults had taken place in committee meetings.
- ◆ Roberts Rules' process for disciplinary action and due process should have been used.
- ◆ The American sense of fairness requires that one facing disciplinary action have a chance to review and rebut the charges in the face of the accusers.

**Favoring** the Committee action, the 4 members (3 of them board members including Evans) variously argued that

- ◆ Several of them would resign if their motion failed.
- ◆ The member's alleged faults had been discussed in 2 prior meetings.
- ◆ They did not need to document charges or use Roberts Rules.

At the Board meeting, these same arguments pro and con were essentially repeated.

The member-to-be-expelled was granted only three minutes to speak during member comments, asking for a fair hearing on the facts and the merits of the case. This request was overridden by Board members who noted that they had the right to add or remove committee members with or without cause.

It had been suggested in a member comment that the Board finesse the matter by giving a letter of thanks and commendation to the one under attack, and then ask for a resignation under a "no fault divorce" agreement. The Finance Committee chairman, however, read a page of the member's alleged faults into the record, thereby ending any "no-fault" options.

### Due process

**1:** a course of formal proceedings (as legal proceedings) carried out regularly and in accordance with established rules and principles — called also *procedural due process*

**2:** a judicial requirement that enacted laws may not contain provisions that result in the unfair, arbitrary, or unreasonable treatment of an individual — called also *substantive due process*.

Source:  
merriam-webster.com

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# COMMUNITY FORUM

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## A Riddle:

by KPVoice

What is compact, sexy, sleek, easily accessible, in demand and constantly observed?

If your answer was a “groupie super-model or a fancy sports car”, it is incorrect!

If it was the Kala Point Voice, then you are correct!

The current issue contains much insight and information about recent events at Kala Point. Sadly the current reporting deals with mistreatment of one of the KPOA members and wranglings of the board and their committees.

The board must be in denial if they think they have no complicity in what is happening to our wonderful community.

Community relations are eroding and the board must look inward for the cause and solution. It is nearly spring and time to prune. The experts will tell you that the pruning of trees will go a long way to improving their health and longevity. The pruning of a few board members would go a long way to improving the overall health of this community. There is a new look to KPVOICE. A new face but the same fair and balanced reporting - [www.kpvoice.info](http://www.kpvoice.info)

*KPVoice is an independent resource for Kala Point and is not affiliated with Community Forum.*

KIN publishers of **COMMUNITY FORUM**  
P.O. Box 816  
Port Hadlock, WA 98339

## In This Issue:

- ✓ **To Tree or not To Tree:**  
A look at the New Veggie Policy!
- ✓ **Member Tapes Meetings:**  
Sequim HOA Calls in Police
- ✓ **Long-Planned Electrical Upgrade:**  
PSE Connects 2nd Line Through Woodlands Hills
- ✓ **Unlawful “Work Sessions Without Minutes”**
- ✓ **Due Process?** Member Had No Chance To Review The Undocumented Charges Or To Answer Them.

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## CF's Second Survey Results For Question #4 Regarding the KPOA Web Site

These are the last of the results from the *Community Forum's* (CF) second survey. Member replies, in numeric form, to the first three questions were given in the January 2006 issue of CF. The following gives member replies to question #4: What would you like to see on the KPOA web site?

The written member comments to question #4, are broad and informative. All are included, as received, in Table I in this article.

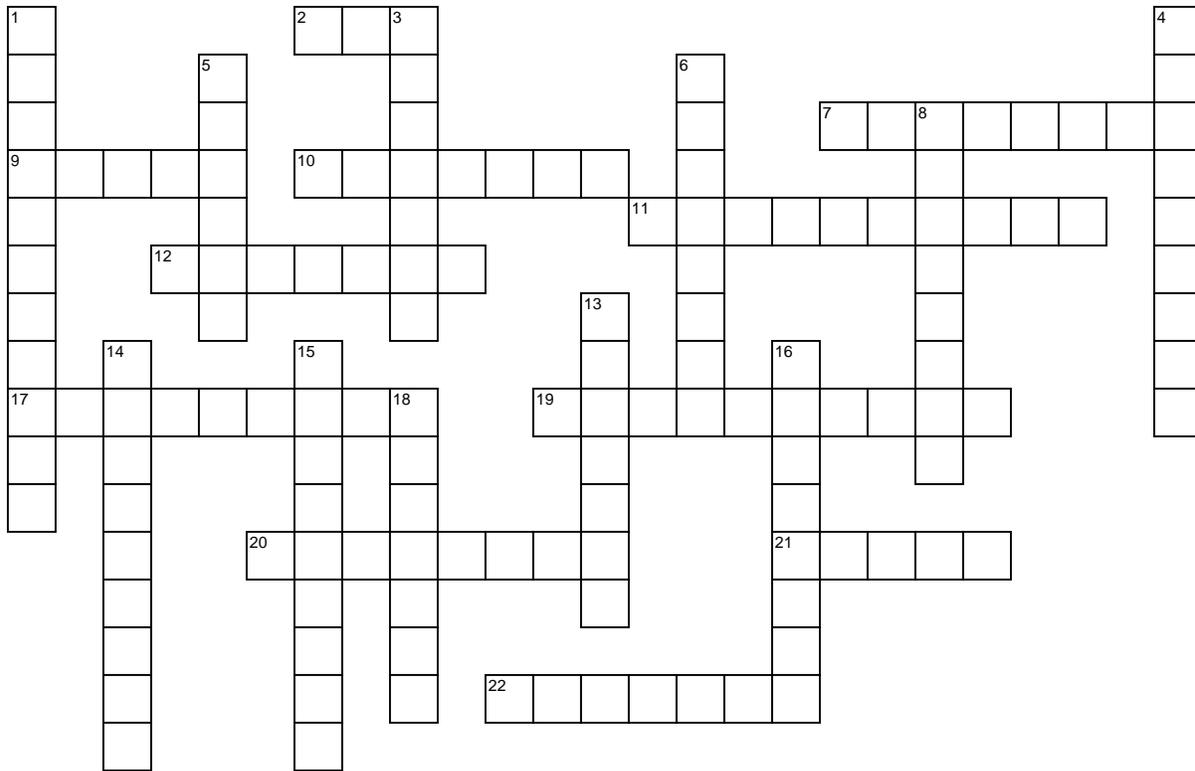
### Question #4: What would you like to see on the KPOA web site?

Member comments to this question are given in Table I. There were 44 replies from the 474 questionnaires sent to lot owners. This was the lowest number of replies, 9 per cent, to any question in the survey. The comments are grouped under 9 topic headings in Table I. the nature of member interests is self-evident by reading the comments under those groupings. Of note, is the continuing interest by members in reading other member letters to the Board and the Board replies to them. There is also an interest in the status of legal actions.

<b>Table I- Question 4: What would you like to see on the KPOA web site- Total Responses - 44</b>	
<p><b><u>Current KPOA Topics- 9 responses</u></b></p> <ul style="list-style-type: none"> <li>• Lawsuits</li> <li>• Legal actions and status</li> <li>• Info as to water rate change, footbridge costs</li> <li>• Post election totals for board candidates and policies voted on</li> <li>• Budget Items</li> <li>• Committees actions</li> <li>• What the KPOA board is doing, business,</li> <li>• More current postings</li> <li>• CC&amp;R's rules</li> </ul> <p><b><u>Safety- 4 responses</u></b></p> <ul style="list-style-type: none"> <li>• Safety info (fire, evacuation), correspondence</li> <li>• Emergency evacuation procedures (fire, etc) especially notices for visitors</li> <li>• Better evacuation info</li> <li>• Info related to safety &amp; conservation re: grounds, inside home &amp; utilities.</li> </ul> <p><b><u>Local Info- 4 responses</u></b></p> <ul style="list-style-type: none"> <li>• Local city info</li> <li>• Links to community resources commonly used</li> <li>• More participation in Port Townsend &amp; Port Hadlock affairs</li> <li>• Links to local resources</li> </ul> <p><b><u>Misc- 3 responses</u></b></p> <ul style="list-style-type: none"> <li>• Directory</li> <li>• Something of substance</li> <li>• Don't know-my house is a technology free zone!</li> </ul>	<p><b><u>Newsletters- 4 responses</u></b></p> <ul style="list-style-type: none"> <li>• Letters to the editor</li> <li>• Both sides of all issues, not the sanitized version</li> <li>• Both newsletters</li> <li>• I think the Kala Pointer is just fine</li> </ul> <p><b><u>Member Letters- 7 responses</u></b></p> <ul style="list-style-type: none"> <li>• Member letters</li> <li>• Member letters and board responses</li> <li>• Letters to board &amp; board responses</li> <li>• Correspondence</li> <li>• Member correspondence</li> <li>• Letters to board &amp; board responses</li> <li>• Board correspondence- now that it's not at mailboxes</li> </ul> <p><b><u>Board Minutes/Agendas- 5 responses</u></b></p> <ul style="list-style-type: none"> <li>• Annual member meeting agenda</li> <li>• APP updates, board agenda &amp; minutes</li> <li>• Accurate board and committee minutes</li> <li>• Board meeting recordings</li> <li>• Minutes &amp; agendas</li> </ul> <p><b><u>Bulletin Board- 5 responses</u></b></p> <ul style="list-style-type: none"> <li>• Discussion area (bulletin board)</li> <li>• Bulletin board</li> <li>• Bulletin board</li> <li>• Discussion boards</li> <li>• Interactive section for questions</li> </ul> <p><b><u>Shared Info- 2 responses</u></b></p> <ul style="list-style-type: none"> <li>• A column for shared/useful personal info like sales(garage, artistic), social things</li> <li>• Garage sales</li> </ul>

# COMMUNITY FORUM

## Kala Point Crossword Puzzle (Hint: Look in previous month's issue)



### ACROSS

- 2 19 Point Inspection includes 5 of this.
- 7 According to a study, 30% of all HOA's are considered "poor" because of insufficient \_\_\_\_\_.
- 9 KPVoice.info editorial: In Search of Board \_\_\_\_\_.
- 10 This could offer real time instructions based on the assessment by the EPC.
- 11 If you suffer from poor sleep or back pain it is time to treat yourself to a \_\_\_\_\_ bed!
- 12 According to CAI, successful associations have a common thread: their \_\_\_\_\_.
- 17 Community Forum is produced for Kala Point \_\_\_\_\_.
- 19 Constitutionally guaranteed.
- 20 American statesman, printer, scientist, and writer.
- 21 French Horn soloist with the Port Townsend Community Orchestra.
- 22 Anonymous Letter attempts for force advertiser \_\_\_\_\_.

### DOWN

- 1 Makes it easy to get beautiful custom window coverings!
- 3 Classics Book Club meets at Jefferson County \_\_\_\_\_.
- 4 She filled the open board position formerly held by Jack Anderson.
- 5 A few members kindly let us know that Community Forum was \_\_\_\_\_.
- 6 Choose what's best for your home. Why not today?
- 8 Former KPOA lawyer.
- 13 58 members replied in the last CF survey that their goal for the board was to work on divisiveness and \_\_\_\_\_.
- 14 Citizens who "take the law into their own hands".
- 15 Essay coming up in March on the important role of the \_\_\_\_\_.
- 16 The three critical components of chainsaw maintenance is the chain, raker, and \_\_\_\_\_.
- 18 Our "mail lady".

Be the first to send in with the correct answers to: KIN, P.O. Box 816, Port Hadlock, WA 98339 & Win a \$50 Gift Certificate to Fins Coastal Cuisine!

Name \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

## To Tree or not To Tree

### A look at the New Veggie Policy!

By Pete Juliano

As consumers we are always attracted to the sales pitch that starts off with "It is new and improved", "Test drive our new model". So here is a test drive of the new model!

Hopefully things are always changed with intention of improvement and thus one of the review criteria will be are things better with the new policy. A snapshot of my evaluation:



The overarching consideration is what to do or what can be done with this policy once it is implemented.

"Assuming I just moved to Kala Point, by reading and following this policy could I believe that a REASONABLE request would be approved by one or several committees?"

My answer would be NO and here are the reasons why:

**1. The absence of decision criteria and the informal training of the volunteers provide fertile ground for arbitrary decisions.** There is also an issue about the Tree Committee processes and do they have the detail necessary to administer this policy. (They are not there yet as the Tree Handbook is not complete!)

**2. The CC&R's are clear that the Rules and Regulations are for Common Ground areas but changes were incorporated to cover vegetation on private property.** The Rules and Regulations (the separate document) that cover vegetation issues must be purged of the private property implications.

**3. The vegetation policy must link with other documents and it ignores the Bluff Management report.** Bluff Management Committee conducted an in-depth study of the impact of vegetation and trees on the bluffs. That report has direct implications on this policy. Several of the team members spent months working on the study that was to be a part of this policy.

**4. Think about the new resident.** As a "new person" how would I know that agencies such as Jefferson County, the Washington Department of Fish and Wildlife and the Department of Natural Resources may have a say in a tree request?

**5. The jurisdiction issue is not clear as there are conflicts in the committee AAP's, the CC&R's and Rules and Regulations.** The CC&R's give responsibility for some actions to the Grounds committee. Another subtlety: fines can only be imposed for violations of the Governing Documents but fines cannot be imposed for violations of APP's. Jurisdiction also implies a process to handle a violation of the policy. That is not clear and to a new person it is very confusing.

**6. In the Policy section item 1, who ever thought of making a consideration the "value of subject trees as an asset of the community" has put in play an major bone of contention.** Here are the concerns: What are the criteria for determining that a tree is an asset? Who makes that judgment and who should? At what point is a tree called an asset? What is the process for doing so? There has never been a prior recognition of this form of asset preservation in ANY of the governing documents or APP's. You will have arbitrary processes and the decisions will never fall in the good judgment realm. It is a bad idea.

**7. The CC&R's clearly state there are two distinct areas within Kala Point, those with a water view and wooded areas.** [There is an exhibit map in the current Vegetation Policy (1995) and it is assumed that is the same Exhibit A of the draft.] Within the CC&R's specific reference is

**Continued from Insert page 2A**

made to Division 9 Water View property. The developer clearly intended that this property would have a predominant water view. Yet the vegetation policy is generic and does not recognize that in Division 9 the property sold at a premium over wooded area and is taxed on a different basis. The draft policy has no real provisions to recognize the distinction of water view versus wooded. Keep in mind the applicability of this policy to those who want to use it.

There are some good points in the draft but considering some of the negatives there should

be a general cause for rejection by the members. The test drive is over and the model didn't quite meet expectations. Contact the board at [kalapoint@cablespeed.com](mailto:kalapoint@cablespeed.com) and give them your views on the policy. Keep in mind the vegetation policy has a major impact to your property value.

Special Note: This is a review based on my evaluation and your gas mileage may vary. Clip this article out and take it with you to the Town Hall meeting, which will be held on Saturday, March 18, 2006 from 10am to Noon. That is an opportunity to have a frank discussion with the Vegetation Policy Committee.

<b>Table I - A look at the New Veggie Policy</b>	
<b>Item</b>	<b>Impact</b>
Smaller in size	Removal of attachments and scenario information. Rewording and Removal of paragraphs. Smaller does not mean better.
Target Audience	One would think that as a new resident the policy would contain sufficient information to assure that a reasonable request would be approved. Not there yet!
Good Will & Good Judgment	Bad assumption. Without criteria good people make arbitrary decisions
Vegetation & Rules & Regulations	Still a problem with the Rules and Regulations covering vegetation on private property.
Linkage to Studies & Committees	The policy ignored the Bluff Management Report and the impact of tree actions on the bluffs.
Tie to Government Regulations	How does a new person find out the requirements and the applicability?
Jurisdiction	Other Governing Documents contradict this policy
View Maintenance	Omitted from Affected Properties
Trees as an Asset	Never intended by the Developers and not defined as to how. (The process, criteria, jurisdiction, timing) Bad idea!
Water View versus Wooded Area	No distinction of the difference in the policy. There is a significant difference in the tax rates. Part of water view owners expectation that paying that tax is a recognition that the view would be maintained.

## Selective Committee Purging Long-Time Finance Committee Member Removed

A motion was made during February’s board meeting to establish an investigatory committee regarding allegations against a Finance Committee member. This motion failed 4-5. An aggressively verbal board faction then voted 5-4 to remove this veteran Finance Committee member who had extensive accounting expertise. This was a sad day for Kala Point to experience an organized cleansing of an independently minded, non-subservient committee member.

**Four board members voted for an investigatory committee, rather than an immediate dismissal.** They challenged the Finance Committee’s and Board’s improper process.

The member was denied an opportunity to contest disparaging, undocumented allegations so that the board could hear both sides equally before voting.

**Board Voting Record on Motion to Remove Committee Member:**

*Voting to Remove:* EVANS, RICHTER, GATES, SNYDER & WHEELER.

*Voting NOT to Remove:* COSTA, BOYLE, SHUMATE & FISCHBACH

**CFO Richter differed with this member on issues such as financial documentation openness for members, budget/assessment control and a community budget review process.** Richter threatened that he

and others would resign from the committee if this member continued serving, He stated an interesting set of reasons for dismissal:

- ◆ Committee member made comments or wrote articles for the alternative newsletter.
- ◆ Committee member voted independently rather than in conformance with the majority, refusing to change their vote on committee balloting. To the CFO this

represented non-solidarity.

- ◆ Committee member recorded committee meetings.
- ◆ Committee member contacted non-committee board members attempting to remove another committee member. Director Costa stated that this was incorrect. This member contacted board members to resolve committee personnel conflicts, not to remove a member.

### Note President Evans’ March Kala Pointer comments defending their actions:

“Committees are a vital part of our community. Volunteers provide innumerable hours of labor and thought. Unfortunately, occasionally a member can make operation of a committee extremely difficult or even ineffective. When this happens, it is incumbent upon the board to take action to rectify the situation.”

Evans compared the dismissal of the Finance Committee member to the earlier dismissal of Judi Lewis as editor of *The Kala Pointer*, when she objected to board censorship, as a precedent for dismissal without due process.

### Inconsistent Policy:

Are Evans’ comments about board responsibility to purge committee members consistent with the board not disciplining committee members whose admitted 3-year-long “oversight” set the stage for the huge Vogt settlement concerning Evan’s home construction? **(see letter/email of Murphy and former President Snyder, Insert Page 3B - “SECRET EMAIL TRAIL”)**

**“All animals are equal, but some animals are more equal than others”**

A proclamation by the pigs who control the government in the novel *Animal Farm*, by George Orwell. The sentence is a comment on the hypocrisy of governments that proclaim the absolute equality of their citizens but give power and privileges to a small elite.

The New Dictionary of Cultural Literacy, Third Edition. 2002.

**Continued from Insert page 3A**

This admitted gross oversight, resulting in substantial financial cost to members, far outweighs the allegations against Lewis or the Finance Committee member. Rather than considering removal, the Architecture Committee chair and Board President were honored for "meritorious service" at 2004's annual meeting. This brings to mind the famous quote in Animal Farm (see box on page 3A).

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**SECRET EMAIL TRAIL starts here:** 

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**EMAIL #1****(SNYDER TO MAYHALL)**

**From:** "John Snyder"  
<helyjohn@cablespeed.com>  
**Date:** August 24, 2004 9:25:38 AM PDT  
**To:** "Kala Point Owners' Association"  
kalapoint@cablespeed.com,  
wstmmd@earthlink.net>  
**Subject:** Re: Letter from Hugh Murphy to John Snyder  
Hi Bill,  
I had not thought about printing the letter in the Kala Pointer. Just had Tami email it to you because I thought you might be working on a response to Mabel's question in her letter to the board, and thought you should see Hugh's letter. At this point, I think people are so polarized that nothing would make the situation better.  
John.

**(MAYHALL TO SNYDER)****----Original Message:----**

John- so if we don't do our job right then we still think its ok- to not observe the 10' limits in place for about 20 years! is a mistake! what can one say! - maybe this is what some people have complained about! Are you going to print the letter in the kala pointer! wstm

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**SECRET EMAIL TRAIL continues:** 

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**EMAIL #2****(ADMIN FORWARD TO MAYHALL)**

**From:** "Kala Point Owners' Association"  
<kalapoint@cablespeed.com>  
**Date:** August 23, 2004 10:07:18 AM PDT  
**To:** <wstmmd@earthlink.net>  
**Subject:** Re: Letter from Hugh Murphy to John Snyder  
Bill,

John wanted me to forward an e-mail copy of the letter received from Hugh Murphy/Architectural Committee to John regarding the letter given to the Board by Mabel Campbell at the August Board meeting. Any questions, please call Tami.

**(MURPHY OVERSIGHT NOTICE)****Attached document:**

Mr. John Snyder  
Chair, KPOA Board of Directors

Dear John,  
I have carefully reviewed the letter and attachments Mabel Campbell presented to the Board at its meeting on August 17, 2004. I agree with Ms. Campbells verbal comment that its time to move on.

**As stated during the depositions, the Architectural Committee, following the practice of the previous three years, did not check the files or notify the neighbors. This was an oversight on the part of the Architectural Committee.** Since then procedures have been put in place so there should be no recurrence of these oversights.

As stated during the depositions even if the files had been checked and the neighbors notified the decision of the Architectural Committee would have been the same and the Evans house, as built, is compatible with the neighboring houses on Trafalgar.

Personally, I know of no KPOA member who has ingrained anger. directed to the Vogt affair.  
Sincerely,  
Hugh Murphy, Chair Architectural Committee