



## *someone else's thoughts on the recent kpoa election*

### **A Meritorious Evaluation and Proposed Response to Member Minority Voting**

*Editor's Note: The following content is from a letter written by a former KPOA board member and a well regarded member of the Kala Point community. KPNV learned of the letter when it was mentioned at the August board meeting which caused KPNV to pursue the matter. KPNV was able to obtain a copy of the letter from a board member. Since the letter was mentioned at the board meeting and distributed to the board members it is now a matter of public record of the business of the Association. We believe the Association as a whole should be informed of this thoughtful and thought provoking response to the recent vote on the three Tree Resolutions.*

### **It's Time to Revisit our Tree Policies**

“There is a lesson to be learned from this past election. Four resolutions amending the CC&Rs were proposed by members and defeated. Many members might cheer this result, but for nearly half of all who voted, the outcome was a disappointment. When that many voted in favor of them and lost, it should persuade everyone that it is high time for a meaningful conversation”. ... “These resolutions raised important issues that need to be addressed. The majority can no longer believe that change is just the product of a few vocal critics”.

“Some might say that there were other explanations for such a large vote in support of the resolutions”. ... “But these are not the real reasons that more than two out of five of us voted for them”.

**“The basic reason is that there was something good in each of them. Alder trees are different from conifers.**

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Maybe different standards should be applied to them”. ... “Maybe there should be other criteria for a tree action in addition to trunk diameter. **It’s imperative that members have confidence in the impartiality of those that make tree decisions-and it now seems many don’t.** By this I do not imply that these resolutions should have

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passed because I don’t think that we should impulsively meddle with the C C & R s ” . . . . “These types of rules belong in our APP’s, our statements of policies and procedures, where we can adjust them easily as we gain experience”.

“I’d like to suggest to our new Board of Directors that they begin this conversation. **We should look at our tree policies anew. Start with a blank page.** Maybe a group of members from all sides of the issue could work together, like the Bluff Management Committee was able to do, and help **craft policy that would gather support from a greater proportion of our membership that we must admit now exists.** If we can learn from the results of this election that it’s time for a serious review of our tree policies, then we can begin to forge a real consensus that most of us, instead of only half of us, can accept”.

## from michelle at evergreen fitness center

Hello Kala Point residents,

Want to learn more on healthy eating and/or weight management, but don’t want to spend hours reading? This article is the start of a series of 10 articles aimed at helping you get a good dose of helpful information, in small doses. The topics to be discussed are outlined below in what I call ‘The 10 Commandments of Healthy Weight Management’. I look forward to submitting these monthly articles and invite your feedback and further questions if you have them. I’d enjoy hearing from you. Please contact Michelle at Evergreen Fitness Center 385-3036 or email me: evergreenfitness@qwestoffice.net

Visit the website at [www.evergreenfitness.net](http://www.evergreenfitness.net)

À santé!

### The 10 Commandments of Healthy Weight Management

1. Thou shall eat a balanced breakfast every day
2. Thou shall write down my food intake, realistically, for 2 days
3. Thou shall learn the calories in the foods I eat to realistically understand how much I am eating verses what my body needs.
4. Thou shall not over consume caffeine; limiting my intake and the time of day it is consumed.
5. Thou shall keep lunch and dinner as small meals, having a snack 2 hours prior to each of those meals.

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6. Thou shall drink alcohol in moderation.
7. Thou shall drink no less 64 ounces of good ole Water every day.
8. Thou shall eat foods of many colors, remembering that 'white' is void of color...
9. Thou shall get proper rest/sleep
10. Thou shall be active for 30 minutes every day; move more!

### **#1 Thou shall eat a balanced breakfast every day.**

"I know I should...I hear it all the time, but all I have time for is my coffee; doesn't the creamer I put in it count for a meal? God knows it has enough calories! And after my coffee, I'm not even really hungry until I've been up for a couple hours; are you saying I should eat even though I don't feel hungry?"

Breakfast; why is it important. Let's start by looking at the word it's self: Breakfast...'break" and 'fast'...fast; you know, when you do not eat for a long period of time. You've been sleeping, hopefully for 6-8 hours (commandment #9 to be discussed later), and if you are eating properly, you didn't eat hardly anything, if anything, for about 4 hours before you went to sleep. So there you have it; it's been 10-12 hours since you've had a meal. Good. But now you are starting a new day; time to break the fast and have some breakfast to kick start your day and boost your metabolism.

Now those of you who love breakfast; it's your favorite meal, you eat a good one every day...Good for you, brownie points, you probably do not even need to keep reading this article. However, if you are trying to lose a couple

pounds, read on, and please make sure you read the future articles on commandments numbers 2, 3 and 5!

- Eating breakfast reduces your hunger later in the day, making it easier to avoid overeating. When you skip breakfast, you may feel ravenous later and be tempted to reach for a quick fix, such as candy from the vending machine. In addition, prolonged fasting — which occurs when you skip breakfast — can increase your body's insulin response, which in turn increases fat storage and weight gain. In fact, skipping breakfast actually increases your risk of obesity.
- Eating breakfast gets you on track to make healthy choices all day. People who eat breakfast regularly tend to eat a healthier diet — one that is more nutritious and lower in fat. When you skip breakfast, you're more likely to skip fruits and vegetables the rest of the day too.
- Eating breakfast gives you energy, increasing your physical activity during the day. A healthy breakfast refuels your body and replenishes the glycogen stores that supply blood sugar (glucose). Skipping breakfast is associated with decreased physical activity.

Stay tuned next month for more information on Commandment #2: Thou shall write down my food intake, realistically, for 2 days...

Questions and comments; I'd enjoy hearing from you. Please contact Michelle at Evergreen Fitness Center 385-3036 or email me: [evergreenfitness@qwestoffice.net](mailto:evergreenfitness@qwestoffice.net)

Visit the website at [www.evergreenfitness.net](http://www.evergreenfitness.net)

## 2009 annual meeting invalid?

### Quorum Counting Method at Fault?

The Election Committee established the quorum at the 2009 Kala Point Owners Association Annual Meeting on the basis of the 394 validated ballots which represented 65.9% of the 598 eligible voting units. 368 of the 394 ballots were received, using vote by mail, prior to the annual meeting.

The numbers of eligible voting units actually present at the Annual Meeting, whether in person, (94), or by proxy, (13), totaled 107. This represents 17.9% of the eligible voting units.

**The quorum required to hold an annual meeting is 20% of the eligible voting units.** The quorum required to adopt a change to the CC&Rs is 50% of the eligible voting units. Counting

the ballots received as the basis for establishing the quorum met the 20% and 50% requirements.

The numbers of eligible voting units actually present at the Annual Meeting, whether in person, (94), or by proxy, (13), totaled 107. This represents 17.9% of the eligible voting units.

**The ballots only addressed the election of Board Directors and six resolutions.** The ballots did not include provision for assigning proxies. While quorum requirements were met for voting on the issues specifically addressed by the ballot, it did not give a proxy to conduct

any other business at the Annual Meeting. It is concluded that conduct of all actions, such as approve the Annual and Special Meeting Minutes, requiring Member participation at the Annual Meeting were invalid because the 20% quorum requirements were not met.

**KPOA, like most organizations involving members with voting privileges, establishes quorums** to ensure that a pre-established percentage of members have the opportunity to vote on Association issues. Just submitting a ballot concerning specific issues does not alone provide the member with an opportunity to vote on other issues. The member has the opportunity only by being present, either in person or by proxy, when the issue is discussed and voted upon,

**The quorum requirement is particularly important for the Annual Meeting.** It is the only Member's "official business" meeting in which an issue can be introduced directly from the floor without having been established and publicized as an agenda item. Other "official business" meetings of the Association are termed Special Meetings and notice must be given to the Members of the general nature of the business to be transacted and no other business may be transacted. (Reference: Bylaws, Article V, Meetings of Members, Section 3, Special Meetings).

The Election Committee recognized the role of proxies by advising the Members that proxy assignment forms were available at the administrative office. **What was their rationale for using the number of voted ballots to achieve the meeting quorum requirement rather than voting units**

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**actually present, either in person or by proxy?** Perhaps they recognized the difficulty of obtaining 20% attendance by the Members but that does not give them license to use a creative quorum counting method.

**The Master Declaration and Bylaws, when they address the subject of quorum, directly define or imply Member presence or representation by proxy.** The CC&Rs defines a quorum as being based on Net Total Votes present in person or by proxy. (Reference: CC&R Article XVIII, Amendment). The Bylaws entitles every Member to vote either in person or by an agent authorized by a written proxy executed by such Member and filed with the Secretary of the Association. (Reference: Bylaws Article V, Meetings of Members, Section 12, Proxies). There is no mention of mailed in votes being allowed for establishing a meeting quorum. The Bylaws establish the authority for mail-in votes by stating (paraphrased): a majority of the Net Total Votes present, whether in person, by proxy or by mail, shall prevail at such meetings. Without this statement there would be no authority to vote by mail but it does not establish mail in votes as a basis for determining quorum compliance.

**The use of voted ballots to establish a quorum is a dangerous threat to the democratic process.** As an example: with sufficient mail-in ballots counted to constitute a quorum, a very few actual voting units present or represented by proxy could approve amendments to the CC&Rs that substantially effect the Members of the Association. Do the Members even realize their ballot is being used to establish a quorum? Do the Members realize their right to be represented by proxy is

minimized when voted ballots are used to establish meeting quorums? Do the Members want as few as a handful of their fellow Members making binding decisions for them?

**The response of the Members to the vote by mail option was encouraging.** It exceeded the responses experienced by governmental entities at all levels. However, the ease of using mail-in ballots should result in a higher response if Members have any interest in the governing of their Association.

Being present at the Annual Meeting, in person or by proxy given to a fellow Member with similar views will ensure that the Association continues to represent a true majority of the Members.

**The attendance at the Annual Meeting was very disappointing. If Annual Meeting attendance continues to decline the Association's future will end up being in the hands of the very few.** The result may be not to Member's liking but the opportunity to affect the Association's actions may have slipped away. Democracy can only prevail when the constituents participate at least to a limited extent. One afternoon a year is a small price to pay to ensure that Members continue to benefit from a democratic Association. Being present at the Annual Meeting, in person or by proxy given to a fellow Member with similar views will ensure that the Association continues to represent a true majority of the Members.

### Voting Summary on Resolutions 3 - 6:

3. Allow Member to remove any deemed hazard trees within twenty (20) feet of any structure on the Member’s residential without approval.

For: 168 (42.6% of votes)  
Against: 223

4. Allow Members to remove without Association approval, any tree which measures ten (10) inches or less in diameter.

For: 172 (43.7% of votes)  
Against: 220

5. Not invite law enforcement to operate in the Covered Property without the prior majority approval of a quorum of the members at a Special Meeting noticed and conducted in accordance with the KPOA Bylaws.

For: 155 (39.3% of votes)  
Against: 238

6. Allow clear cutting of alders from a member’s residential lot, at the sole discretion of the member.

For: 176 (44.7% of votes)  
Against: 215

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## Kala Point News & Views

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### *the port ludlow garden club*

#### **Visits to Port Townsend Sept 9th**



Just when our gardens are starting to lose their razzle-dazzle, the Port Ludlow Garden Club is off to Port Townsend for a field trip to gather new ideas and regain inspiration. Mark your

calendar for **Wednesday, September 9**. Please meet at the Bay Club at **9:15am** to carpool and receive directions for this fun event.

**Our first stop will be Sheila Piccini's private gardens and residence.** Sheila is the owner of Secret Gardens Nursery which is located in Port Townsend. She specializes in

creating garden rooms within the landscaping. Last year Sheila replaced 15,000 square feet of lawn with raised beds filled with vegetables and new plants.

**Our next stop will be Henery's Garden Center where Michael Henery will speak** to us on "Color in our Fall Gardens and Containers". He will discuss fall nutrient requirements for our plants. Mr. Henery is originally from western Washington. He taught mathematics in California prior to starting Henery's Garden Center ten years ago.

**There are no formal plans for lunch.** Just enjoy lunch with friends at a restaurant of your choice!