



## *assessments and the potential effect of compounding*

### **How much can you afford to pay to live in Kala Point?**



Many members of the Kala Point community are retired and living on fixed incomes with only limited opportunities to augment their income. So why is the preceding statement of any concern to KPOA members as they decide

their vote on the resolutions? Because you will soon be asked to vote on a Resolution which requires approval of Capital Improvement Expenditures in excess of \$20,000 by the Members.

One of the arguments against the resolution is that the limit should be based on a percentage of the annual dues in the current year, as opposed to the fixed amount purposed by the resolution drafters.

**Currently the association is allowed to increase the Annual Assessment up to 15% over the preceding year's assessment without requiring Members approval.**

**Following is an exercise demonstrating the monetary impact of compounding over a short period of time and the effect it would have on a percentage limit.**

The 2010 regular assessment was \$711. If this amount was to be increased 15% each year for the next five years the regular assessment for 2015 would be \$1,430. This would be a 100% increase in your dues (note this is a worst case scenario exercise and is not a forecast). This exercise illustrates the impact the suggested percentage limit would have on the dollar figure assessment you would be allowed to vote on, going into the future. This exercise demonstrates why the drafters chose a fixed dollar figure.

**The resolution authors believe that Members should be able to limit the power and control of the Board when it comes to imposing financial obligations on our community Members.** The Members are protected with respect to Regular Assessments. That is not the case for Capital Improvement Assessments for there are no limitations imposed on the Board. We believe that \$20,000 is a reasonable figure for now and the future. You decide.

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**Managing Editors:**

Jay Burcham

Don Meister

*Contributing writers include other named and unnamed individuals, all owners within the community, expressing their own viewpoints in this forum. Articles without a byline are presented by the editorial staff.*

*Please feel free to participate in any way, from submitting articles and/or opinions to volunteering in some capacity. Thanks and we look forward to your input. Email us at [contact@ttnewsletter.com](mailto:contact@ttnewsletter.com).*

## do we need a “big brother” approach to governance?

This election allows the Members to have a tiny voice in how intrusive the Association, as implemented by the Board and its Committees, should be with respect to imposing controlling restraints on the Members and their residential property.



There are at least 258 pages of documentation, including the Governing Documents and the associated APPs and Rules and Regulations, controlling the operation of the Association, its interaction with the Members and its authority. Examination of the documents reveals that little of the bureaucratic maze is devoted to establishing Member’s rights. Most of it imposes restraints on the Members, some of them necessary but many of them over-reaching.

We speak of an Association operating with democratic principles where the interests of the Members are represented. Is this really the case when approximately 258 pages of rules are required to operate our Association? Why do we, as a community of responsible adults, need a heavy handed “big brother” approach to governance?

The proponents of the four Member submitted Resolutions believe their passage will result in a better Association which responds to Member’s rights and starts to rein in the unnecessary power the Board and its Committees exert in controlling the Members. Please consider what type of community you want and the potential threat that now exists to your rights and cost of living in Kala Point. Consider the Resolutions. We recommend you vote YES!

## reaching out to our neighbors

### Circle & Square Auto Care to Donate 10% of all Gift Certificates to Food Banks

As we reflect on the closure of another year, Circle & Square Auto Care is thankful to be a part of our caring community and all that it has to offer.

We enjoy living in one of the most beautiful places in the world. It is a very unique pocket of the globe, one that offers so much more than most small communities. We have the water and mountains, the arts and entertainment - but it is the people that make it truly home.

This time of year in particular, when the weather turns cold and the abundance of our gardens are put to bed until spring, we feel that it is especially important to reach out to our neighbors in need.

From now until the end of this year, Circle & Square Auto Care will donate 10% of all gift certificates sold to Jefferson County food banks.

They make easy holiday gifts for all and are a great way to budget your yearly car maintenance. We invite you to help us give back to the community we all love so much.



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## **RESOLUTIONS SUMMARY**

**You are being given the opportunity to exercise your right to affect how the KPOA Association operates. The following Resolutions were submitted by Members; your neighbors in Kala Point. They believe the Resolutions will be beneficial to the community. Please be informed about the Resolutions and the issues they address. Then VOTE!**

### **Resolution #2: Member's Right to Remove/Alter One Tree per Annum on Their Property.**

- Allows Members to cut or trim one tree each year without Association intervention.
- Gives Members a small measure of control over their property.
- Believes Members will act responsibly and not devalue their property.
- Specter of a clear cut community is a scare tactic without merit.
- Opposition is really an issue of control over Members.
- Allows Members to decide how many trees enhance their property's aesthetic appeal and value.

### **Resolution #3: Member's Approval of Capital Improvement Assessments.**

- Capital Improvement Assessments do not now require Member approval
- Members should approve Capital Improvement Assessments
- Stated resistance of some Board Directors to Members approving major Capital Improvement costs makes this Resolution necessary.
- Fixed threshold over which approval is required protects Members from losing affordable control in later years because of inflation. (see front page article).
- Members should enter the approval process at an affordable level for them.

### **Resolution #4: Maintenance of Views from Members Residential Lots.**

- Governing documents support right to maintain views.
- Board refuses to honor that right for second tier properties.
- Bluff stability is not at jeopardy for specific cases.
- Only safety considerations should be basis for denials.
- CC&Rs, if correctly interpreted, essentially provide view easements to owners.

### **Resolution #5: Members Must be Owners.**

- Simple statement limiting membership to Owners.
- Perhaps redundant but good for emphasis and understanding.
- Members should have ownership commitment to community.
- No change in current ownership status with respect to membership eligibility.
- Only minor cost to make change to CC&Rs

## **considerations for the resolutions in the upcoming election**

Dear Kala Point Members:

If you have not already, you will soon cast your votes for or against four member submitted resolutions intended to modify our CC&R's. These resolutions are for the purpose of giving homeowners more control over their own property without having to get anyone's approval. As you may recall, four member resolutions were submitted in the summer of 2009. Three of those resolutions were designed to give owners more freedom to manage trees on their own property, and the fourth was to not allow the Jefferson County sheriff to monitor traffic within Kala Point. The tree resolutions received over 40% yes votes, and the Sheriff resolution slightly less than 40%. A super majority 66 2/3% was needed to pass those resolutions. Prior to that election, the board and the tree committee voted UNANIMOUSLY to oppose all four resolutions.

**One of this year's resolutions is to allow owners to cut ONE TREE per year without the approval of anyone.** A second resolution is to require a member vote on any capital improvement with an estimated cost over \$20,000. We believe that these resolutions are reasonable by almost anyone's standard, but the board and tree committee again voted UNANIMOUSLY to oppose those two resolutions as well as the other two being submitted. It appears as if the board and tree committee oppose any idea that doesn't agree with their idea of how Kala Point should be governed. How can all of these votes be unanimous? Is there never any dissent within the board and tree committee? I believe that they do not represent a significant portion of the

homeowners. How can anyone come to another conclusion when last year over 40% of the homeowners voted yes on the three tree resolutions, but the board and tree committee voted unanimously to oppose them. This divergence was noted by the outgoing board president, but he was ignored.

The board and tree committee have given a number of weak reasons why the four proposed resolutions should be defeated. Please look at those reasons very carefully and ask yourself why the board and tree committee are so adamantly against giving you, the homeowner, any power over your own property or money. In many ways, these votes aren't about trees or budgets, they're about POWER and CONTROL. In spite of the fact that most homeowners have been responsible citizens, had successful careers, balanced personal budgets and made perhaps 100 important decisions in their lives, they cannot be trusted to make a decision to remove, if they choose, one tree per year on their own property or vote on spending \$150,000 or more to expand the clubhouse. Of course, the expansion of the clubhouse could cost much more than \$150,000. Are you willing to give the board a blank check? You should be aware that two board members are on record as opposing giving members a vote on the clubhouse expansion because they believed that the proposed expansion would be defeated. Is this the representative government that you want? This upcoming vote is your opportunity to send a message to the board and tree committee. **Please vote "YES" on the four resolutions.** -Hank Krist

### *neighbor-to neighbor classified ads*

#### **Kala Point for Rent:**

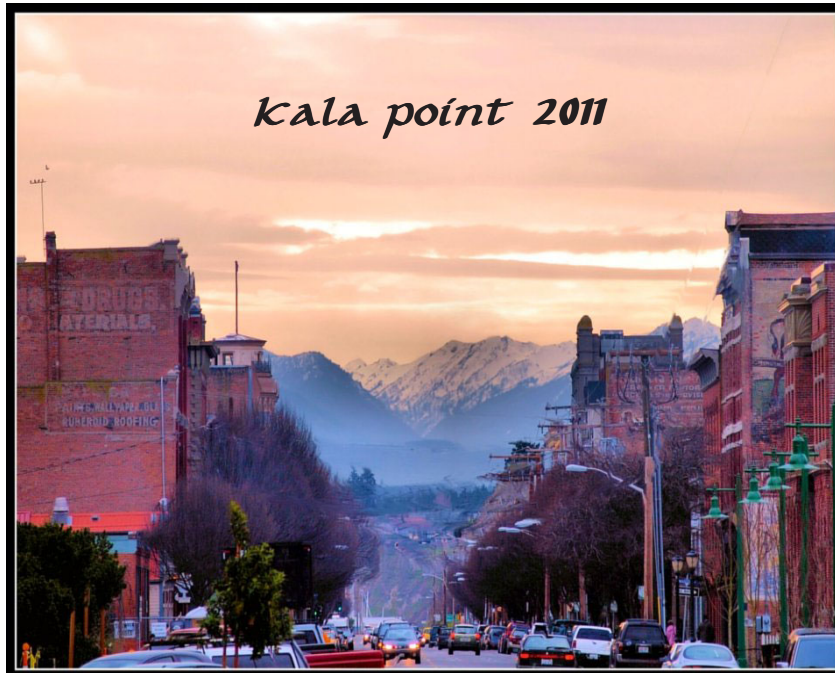
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Front cover photo of "Winter in Port Townsend" courtesy of Doug Lee

**If you have been trying to think of that perfect gift, think no more.** Available now is a 13 month calendar with some of your favorite pictures in and around Kala Point! These spectacular and beautiful photos are all taken by Kala Point resident Doug Lee.

**To view photographs of each month** in the 2011 calendar go to [www.ttpnewsletter.com](http://www.ttpnewsletter.com) and click on the "2011 Kala Point Picture Calendar" link at the bottom of the page.

----- Order Form -----

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## *members cast as villains*

### **Are Members Challenging Board Decisions Really Villains?**



In recent email correspondence Board President Dick Schulte expressed the opinion that “We cannot let the decisions be made by radical approaches advocated by Members with a monetary gain to

be made”. This reference was to the Cedar View Group, (CVG), which is challenging recent decisions by the Board to deny these owners from exercising their right to maintain their marine views.

**The CVG Members purchased their view properties for the aesthetic pleasure of having a scenic water view.** At the time of purchase the longtime value of the property was a secondary consideration if it even entered into the purchasing decision. But is it wrong, sometimes as long as twenty years after the purchase, to be concerned that the inherent value of the property was declining due to the unwarranted actions of the Board? Are Members bad people just for trying to continue to enjoy their view and maintain their property’s worth?

**What is radical about trying to constrain the Board from departing from the CC&R’s provisions?** By proposing a Resolution the “villains” are trying to focus view path maintenance decisions on the only valid criteria for denial which is when a specific case threatens the safety of individuals and/or property.

## *underground power cable replacement: next steps*

### **Expect brief construction outages and traffic impacts**

Over the coming several weeks Puget Sound Energy subcontractors will be switching underground service and feeder connections over to the newly constructed underground conduit and vault system built last summer alongside KP streets and utility easement areas. Replacement of aging directly buried power cables is expected to improve reliability. Recent years have seen multiple increased and extended outages traced to failing underground cables.

**Most of the work will involve** placing conductors into the new pathways and vaults comprising the main distribution infrastructure, affecting mainly traffic, but there will also be a need to “cut over” the individual cables serving each home from the old transformer sites to the new system. This activity will result in brief service interruptions of typically only a few minutes, but possibly longer.

**PSE promises to notify impacted individual homeowners at least 24-hours in advance** of such planned outages, although system rebuild-



ing such as this can often result in unexpected disruptions. If you have concerns,

or perhaps have a critical need for continuing service, such as medical equipment, you may reach the PSE Project Managers at 888-471-7339.

# rules don't apply to everyone

## Why have rules if they are selectively imposed?

The Election Committee developed a specific process for the submittal of Resolutions and for arguments for and against them. One of the associated rules was that the arguments for and against each had to be limited to 150 words.

*Nowhere in the KPOA CC&Rs or Bylaws is there any procedure requiring that member resolutions to fellow members undergo board preview, committee or Town Hall Meeting ridicule, or legal scrutiny before being voted by the membership.*

The proponents of the Resolutions are being held to submittal of one argument and the 150 word limit although this unnecessarily abbreviated opportunity to explain the merits and ramifications of the Resolutions severely restricts the proponent's ability to fully in-

form the Members. A total of one argument for and one argument against, each limited to the same number of words is the only **FAIR** rule.

But **FAIR** is apparently not a criterion for the operation of the Association. According to the KPOA General Manager two or more Committees can submit and publish 150 word arguments concerning a resolution and the Board is unlimited as to how many words its argument contains. The documented source of this "rule" is not known but it is another example of suppressing the rights of the Members.

**The opponents of the Resolutions are in practice not held to the same 150 word limit.** The Board, acting in opposition, has the affected Committee(s) prepare an

argument against the Resolution, observing the 150 word limit, which are then presented to the electorate. The Committees necessarily present the Board's position of opposition since they are appointed by the Board and act at the Board's pleasure. Then the Board adds its statement against the Resolution with no imposed limitation on the number of words it can use.

The proponents are opposed at least two for one. Is this fair or even beneficial for the education of the Members? Does the Board succeed in suppressing its opponents through disregard for the rules their Election Committee established? Is the Board so afraid a good change will creep through the process that they need every unfair advantage to prevail?

Do the majority of the Members really support the self serving, unfair "rules" generated by and then followed by the Board and its Committees?

**Nowhere in the KPOA CC&Rs or Bylaws** is there any procedure requiring that member resolutions to fellow members undergo board preview, committee or Town Hall Meeting ridicule, or legal scrutiny before being voted by the membership. This is a recent invention of board restrictive control.



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## from michelle at evergreen fitness center:

### 10 Exercise Rules to Live By (continued):

I'm not a fan of rules and tend to want to break them as soon as I'm told I have to follow them, but rules do make for a civilized society and they may be one of the most important parts of your exercise program.

Without a few rules, we risk exercise anarchy, failure and frustration. The key is to create rules that make sense and help you reach your goals without limiting your ability to be creative and flexible with your program as needed.

Exercise isn't always easy, even under the best circumstances, but what if you could do something to make it easier? There are a few common rules that, when followed, can give you the support you need to make exercise a regular part of your life. These rules (1-4 in the November issue) may even make exercise so much easier, you actually start to enjoy it. Imagine that.

#### 5. Think Before You Skip

When it comes time to your workout, there's a moment of choice: Will you or won't you? If you've followed the previous rule, there's no question that you'll at least try. If you're having trouble deciding, ask yourself:

- **Will skipping this workout help or hurt?** - You may need to workout to stay on track or you may genuinely need a day to rest, recover and come back stronger
- **How will I feel?** - You may not want to workout right at that moment, but how will you feel later? Guilty? Regretful? Think of that before you decide

- **Why am I avoiding exercise?** - Are you tired? Or maybe your workouts are boring. Figure out what's standing in your way and how you can overcome it

#### 6. Recognize Your Excuses

We may talk ourselves out of exercise with excuses that disguise themselves as reasons, but being honest with yourself is crucial if you're going to start exercising. You may be telling yourself things that aren't true which can set you up for failure. Some examples:

- **"I'm too tired"** - If you did manual labor all day, you may be physically tired. If you sat all day, mental fatigue is the culprit and exercise will give you more energy
- **"I'm too busy"** - Most of us can find a few minutes each day to exercise. Three 10-minute workouts are just as effective as a continuous workout
- **"I don't know what to do"** - Confusion is common, but at its heart, exercise is about movement. Take a walk, do a simple strength workout or try a structured program; take one of the excellent classes we have to offer; our instructors are world class!

#### 7. Listen to Your Body

One of the best benefits of regular exercise is getting to know your body better. You learn your limits and what your body is capable of but, too often, we ignore signals that something's wrong:

- **Pain** - We often ignore signs of a coming injury, especially if the pain is intermittent. When you feel something unusual, stop and try other activities to work your body in a different way. Never work through the pain
- **Fatigue** - A workout should give you energy. If you feel worse as the workout goes on, that's a sign you may need to rest



Continued from previous page

- **Stress** - While there are signs you should back off, there may also be signs that you really need a workout. Exercise can help relieve anxiety, depression and stress

**8. Find Balance in Your workouts**

Many of us have at least one area of fitness we struggle with or completely avoid. Some do all cardio and no strength, some do the opposite. Some workout hard every day, allowing for very few ‘easier’ workouts and others never get out of their comfort zones. Finding balance means:

- **Working All Aspects of Fitness** - A balanced program includes cardio for the heart, strength training for the muscles, bones and joints and stretching/balance training to work on range of motion and stability
- **Pushing Yourself...Sometimes** - To make progress, you have to challenge yourself, but too many hard workouts can backfire. Try a mix of intensities and training methods to avoid going too far in one direction and to work all of your body’s energy systems

**9. Embrace Variety**

We tend to be creatures of habit and once we find a program we like, or at least one we can tolerate, we tend to stick to it like velcro. What long-term exercisers know is that doing the same thing for too long can cause burnout, boredom and injury. To avoid that:

- **Change Your Workouts** - Every 4-6 weeks change some aspect of your workout. Try a new cardio exercise or different strength moves. Take a new class or simply do things in a different order.
- **Evolve With Your Lifestyle** - Allow your workouts to evolve. Our lives change, our needs change and our interests change over time. There’s nothing wrong with seeking out new ways to exercise

**10. Allow For Failure**

You won’t always be perfect at exercise. There will be times you skip a workout, maybe times you stop for weeks on end. There will be times when motivation is nowhere to be found, no matter how hard you try and you may wonder - “What’s wrong with me?”

We all fail, but that doesn’t mean we’re failures or that we can’t come back from it:

- **Get back on track as soon as you can.** Ease into it and give yourself time to build back your strength and endurance, both mentally and physically
- **Forgive yourself** - Rather than waste time on guilt, treat yourself the way you would a friend in the same situation
- **Learn from it** - Your failure is only a bad thing if you keep repeating it. Figure out what went wrong and plan ways to avoid it in the future

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## BALLOT SUMMARY AND CONSIDERATIONS

### #1: 2011 ANNUAL REGULAR ASSESSMENT

VOTE NO

- Vote no, if you want to control your pocket book!
- Vote no, if you want a more detailed explanation in the reserve funding detail
- Vote no, if you want to send a message to the board that you are not content with ever escalating KPOA assessments.

### #2: RIGHT TO ALTER/REMOVE ONE TREE PER ANNUM

VOTE YES

- Vote yes, if you want less Tree Committee Control
- Vote yes, if you believe you are capable of managing your property with ONE tree per year.
- Vote yes, to help reduce excessive tree management supervision/control

### #3: MEMBERS APPROVE CAPITAL IMPROVEMENTS

VOTE YES

- Vote yes, if you want to approve major capital improvements
- Vote yes, if you want that approval to occur at a low, fixed dollar level
- Vote yes, if you do not want to let the Board approve any capital improvements the Board wants

### #4: MAINTENANCE OF VIEWS FROM MEMBER'S LOTS

VOTE YES

- Vote yes, if you feel members should be allowed to preserve their views
- Vote yes, if you feel the Board should comply with the CC&R's provision
- Vote yes, if you feel the Board should provide reasons why they deny a request for view maintenance

### #5: MEMBERS MUST BE OWNERS

VOTE YES

- Vote yes, if you want only owner members that have stake in Kala Point
- Vote yes, if you want to update our Master Document to match our CCRs

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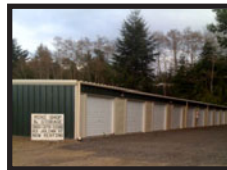
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## Important Member Ballot Choices

Don't Forget to Vote - See Ballot Deadlines Below.

### Kala Point News & Views

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*vote! you can make a difference*



On December 10<sup>th</sup> you will have the opportunity to express your feelings by voting on the Regular Assessment for 2011 and the four Member submitted Resolutions.

We ask that you vote after examining the issues carefully. This is a chance to state that you have the ability to make rational decisions regarding your property, you trust your neighbors to be able to do the same, you believe that the CC&Rs should continue to be the basis for the Association's governance, that the rights of individual Members

should be recognized and granted and the cost of living in Kala Point should be controlled by the Members. ***Thank you for voting.***

#### **BALLOT DEADLINES:**

- ◆ **Mailed ballots** must arrive to the KPOA Admin Office no later than NOON on Thursday, Dec 9th.
- ◆ **Hand-delivered ballots** must be received by the KPOA Admin Office no later than NOON on Friday, Dec 10th.
- ◆ **Ballots hand-delivered at the Member Meeting at the Clubhouse** must be received by 1pm Friday, Dec 10th.