



Serving our Community with Information

kala point members concerned about on-going and increasing expenses

What Can You Do About How Kala Point Is Governed?



After my article appeared in this newsletter last month, I received a number of phone calls from members asking what they could do about changing the way Kala Point was governed and especially about the ongoing expenses for the bluff.

I told them to get involved by writing to the board as well as organizing their neighbors who agree with them, but that's only a partial answer to their question. I've re-read applicable portions of our CC&R's and RCW 64.38 which outlines the laws in Washington regarding homeowners' associations. Unfortunately, RCW 64.38 was written to favor developers and the associations and not the individual members. Our CC&R's are not much better. Some sections of our CC&R's such as Articles IV and VI contain language which might enable the board to charge higher assessments to members on the bluff, but the board is very reluctant to do so.

The KPOA president's response to this issue is that **"The CC&R's and other governing documents state that the cost of maintaining KPOA common property shall be borne by the entire membership."** He did state in the January Kala Pointer that **"If the bluff study determines that some homeowners along the bluff are doing something that is contributing to problems in the bluff common area, the board may very well ask those homeowners to fix whatever is necessary to stop contributing to the bluff issues, at their own expense."** I was told that in the last two years there have been at least two incidents of cutting and trimming without permission. In addition, old and leaking tightlines are degrading the bluff, but again nothing is being done. Should we all pay for that? Remember, the cost of the bluff study is \$35,000, and with the county recently requiring KPOA to spend additional funds to mitigate existing damage to the bluff after refusing a member's request to cut 9 trees, no one knows what future expenses will be.

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In the President's Message, he also states that **“Neither the bluff study nor the clubhouse parking expansion were absolute requirements that could not wait. It was a decision of the KPOA board in both cases to commit to spending those dollars now. You elected nine of your neighbors to the board to**

As the board has gone to great lengths to discourage the members from exercising their democratic right to submit resolutions to amend the CC&R's, how about the board submitting its' own amendments via a referendum?

represent you and to make decisions on your behalf, so you wouldn't have to get involved in everyone of the hundreds of decisions that are required to keep Kala Point operating each year.” I don't remember anyone wanting to get involved in the

“hundreds” of decisions such as buying paper clips, but we should be involved in the important ones such as large capital expenditures which are out of the ordinary and benefit only a few members. Why doesn't the board just ask the members what they want? And by that, I don't mean answering a meaningless survey put forth by a hand picked ad hoc committee.

As the board has gone to great lengths to discourage the members from exercising their democratic right to submit resolutions to amend the CC&R's, how about the board submitting its' own amendments via a referendum? Ask the members in a binding vote how they want to treat bluff expenditures and if they

want to allow member submitted amendments to the CC&R's without being subjected to a board veto. Why are they afraid to do so? As you may know, I've asked that question before and am still waiting for an answer. The KPOA president talks about the CC&R's as if they are inviolate. Possibly they're etched in a rock or cave near the gate! Society is not static! It's dynamic and constantly changing! The U.S. Constitution has been amended 27 times, and as I've mentioned in previous articles, many states and cities have had the initiative and referendum process for years.



If you don't like how Kala Point is being governed, write to the board! Remember they're supposed to be working for you. At some point, you may want to think about whether you're part of the solution or part of the problem. A few members have recently talked to me about starting a fund to take legal action in Superior Court. Unfortunately, that may be necessary.
- Hank Krist



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from michelle at evergreen fitness center:

8 Foods That Fight Pain

Can you find pain relief on a plate? What you eat can help — or hurt. Here are eight soothing foods to include in your chronic-pain-management strategy.

Now we know that no single food can zap chronic pain, but a healthful diet is an important part of your pain-management strategy. The Mediterranean diet, for example, is rich in fruits and vegetables, whole grains, and healthful unsaturated fats. These edibles can help build strong bones and muscles, and — in some cases — can even short-circuit pain. A wholesome diet also helps prevent pain-aggravating weight gain and boosts your energy levels and mood so you can cope more comfortably. And of course, drink plenty of water; our bodies have trillions of cells and they all need water...flush out toxins and stay hydrated!

Make your grains whole

Whole grains are rich in fiber, a good-for-you ingredient that curbs appetite and helps you manage your weight. Maintaining a healthy body weight is important to keep chronic pain at bay. Another benefit: Whole grains are a good source of magnesium, a mineral that has been shown in animal studies to short-circuit muscle pain. Enjoy a wide variety of whole grains — from whole wheat bread to fast-cooking quinoa and bulgur.

Land Salmon on your plate:

Reeling more salmon into your diet is a good bet for managing chronic pain. Salmon is rich in ache-busting omega-3 fatty acids, but it's also a great source of another potential pain fighter: vitamin D. There's a strong link between low levels of the sunshine vitamin and chronic pain, and emerging research suggests supplementing your diet with vitamin D may help ease the discomfort. A 3-ounce serving of salmon has nearly half the recommended daily dose of vitamin D: 1,000 international units (IU), or 1,200 IU if you're older than 60.

Love Olive Oil:

Olive oil is liquid gold when it comes to fighting pain. This elixir is rich in antioxidant polyphenols that help inhibit a common pain-causing mechanism in the body. Plus, olive oil makes a great substitute for butter, which is high in saturated fat. That's great, because too much saturated fat in the diet has been shown to erode bone strength and trigger pain. So enjoy this Mediterranean alternative in your next pasta sauce, salad dressing, or saute. But use it judiciously. Olive oil has 120 calories per tablespoon.

Why Spice is Nice:

When it comes to spices with potential pain-relieving properties, go for the gold: ginger and turmeric. Ginger contains a quartet of substances that have analgesic qualities similar to aspirin or ibuprofen. Turmeric — a spice used in Indian and Thai curry dishes — contains curcumin, another ginger-family member that may also help nip pain in the bud. So, next time you're feeling extra achy — brew a cup of ginger tea or order some Thai takeout for dinner.

A sweet way to ease pain:

Grab a basket of sweet, juicy strawberries next time they're in season (or use frozen ones anytime). These red treats are chock-full of vitamin C, an antioxidant with powerful pain-reducing properties, according to research. Some studies suggest vitamin C may help people experience less pain after breaking a bone or having orthopedic surgery. Similar research indicates vitamin C may hinder arthritis-inducing cartilage loss and the formation of bone lesions in the joints.

Go green to fight pain:

Toss a spinach or arugula salad for a jolt of vitamin K — a nutrient with potential pain-soothing properties, according to some preliminary research. Vitamin K also helps maintain strong bones and healthy joints. In one study, older adults with ample blood levels of K were less likely to develop osteoarthritis, compared to a low-in-K

follow-on article to: county approves trees

What Does It All Mean For You? - Even If You Don't Have A View!

In the January KPNV an article described the approval of the north sector trees and the fallout from the KPOA Board's failure to properly manage the Kala Point bluffs. But the real "back story" is the impact to all KPOA members. Let us examine the "why" it affects us all.

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Simply boiled down it is a two-word phrase: Property Values! Try to imagine the Kala Point development where the eastern border is nothing but a wall of trees. (Needless to say there are some here that actually want that to happen.) Do you think that might impact everyone's property value? Of course it would! Well the KPOA Board would tell you that your property value is driven by the amenities. My friend, for those near the water it is the view and not the tennis courts! The bluff is an entirely different type of amenity than the tennis courts which only a few enjoy but see no financial rewards. The view from the bluff is enjoyed also by only a few but they have a huge financial stake in maintaining their view. Such logic clearly drives the underwriting of the cost of a bluff study by those who benefit the most financially.

Now try to imagine a significant problem on the bluffs because of the inattention of the KPOA Board? Do you not think that even though you live on Fairbreeze Drive your home sale would not be painted with that "problem" on the Kala Point bluffs? Those on Buckhorn Place get only a small benefit (financially) from having views on

the bluff maintained. Yet are similarly exposed to a potential loss of value should a problem arise on the bluffs.

In all fairness the prized value of water views to varying degrees affect the property values of ALL Kala Point property; but for those with the "views" the stakes are much higher. The reality is we are all in the same boat! The Recitals to our CC&R's clearly define the intent of the CC&R's: to preserve and protect the owner property values.

If you consider that Kala Point was originally developed as a Water Front community, the intent was to exploit water views not trees! Our CC&R's even specifically define a subset wooded-area more or less bounded by Baycliff Drive. There is also a somewhat "secret map" (Formerly Exhibit A to the Vegetation Policy, APP-II-22) which is a drawing that actually defines the wooded area and those specific Kala Point properties with potential water views (by lot number) using cute terms such as panoramic, tunnel, partial, peek-a-boo and filtered. The developer's intent is essentially documented in this single drawing! [This drawing has been removed from APP-II-22 that is why it is termed the secret map. But if members would like to see what the Board has removed from this APP then visit the following URL www.kpoabmac.com/secretmap.pdf]

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Purposefully the Kala Point development was designed to attract “the many” with the idea of owning water view homes. Preserving those water views has been and continues to be a gigantic problem. As one former General Manager stated “water views and trees have pitted neighbor against neighbor”. Today there perhaps is even greater escalation of that festering enmity that most likely will require resolution outside of the Kala Point Owners Association.

There are three camps. There are those with water views who paid a premium for their properties and for most, this was a part of a long-term investment strategy. Secondly there those who purchased a home without a view but also with the intent of a long-term investment strategy. The third group just wants to live at Kala Point and enjoy life without becoming embroiled in petty arguments such as my view is better than your view. That said the end game is the same for all of these three groups: equity growth.

One of the first problems to arise between these several groups is when KPOA funds are expended in connection with the bluffs. Those without a view ask why? Since the Association controls the bluffs, those with a view cannot understand why KPOA is not allowing their view to be maintained. The third group, those without a view and who are here to simply enjoy life wonder in amazement the degree of effort and energy expended to save trees and protect views. There likely is a fourth shadow group, who only wants certain views maintained —theirs. (Sometimes called Tier #1 owners).

In the past the KPOA Board has ducked the bullet by divining tree approvals based on nothing more than “because we say so”. The term du jour is Bluff Stability Concerns. That excuse is no longer

valid as several privately funded geo-technical reports have dispelled any divination on bluff stability emanating from specially anointed BMAC or Board members. The KPOA funded geo-technical report to be released in February very likely will have no new shocking news. That same firm also produced one of the privately funded reports.

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In 1995 there were significant issues with bluff views and trees. There were view problems then and the same view problems exist today except now Kala Point is closer to build out than it was in 1995. What also changed is a significant proportionate increase of those who own non-view homes. But at the heart of the matter is a common bond of preserving property values.

Perhaps the overarching problem is the Board itself and its inability to resolve the preservation of views and view maintenance. The tendency is to resort to the insider influence game where some of those involved are Board members. The basic issues are fairly administering the CC&R's and being objective, problems for virtually all KPOA Boards on both counts. The recycling of the old hands on and off the Board and the Elections Committee who essentially “pick” the new Board members in advance of the member vote exacerbate this insider problem.

Since the CC&R's actually define a wooded area and the “secret map” graphically depicts the

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wooded area and potential water views is it now time to split Kala Point? Those that have the potential views pay for the bluffs and those who live in the wooded area do not.

Since the CC&R's actually define a wooded area and the "secret map" graphically depicts the wooded area and potential water views is it now time to split Kala Point?

Those who have paid a premium for their water views have spent large sums of money in purchasing special studies and hiring attorneys. They already know there is a significant "view" cost but see this as another aspect of protecting their property values. There is a good argument previously made that those owners on Fairbreeze Drive or Buckhorn Place (non-view examples on the secret map) should not have to pay for a geotechnical study of the bluffs. However, it goes without saying – **those that pay will get the say!**

Collectively we can have our interests protected only if we all become more involved in any approval process and demand more from the KPOA Board.
All of the groups want their property value protected and that is the bond that inextricably binds us together. Thus the "back story" – it affects us all!

The KPOA members, who have paid for such private studies in the past, should not be denigrated by the chair and sycophant

Board who call the studies just opinion from hired guns.

No one will have an interest in protecting property values other than we the owners, ourselves. No Board can walk in our individual shoes and know our concerns like we do. Collectively we can have our interests protected only if we all become more involved in any approval process and demand more from the KPOA Board. All of the groups want their property value protected and that is the bond that inextricably binds us together. Thus the "back story" – it affects us all!



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Kala Point News & Views

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8 Foods That Fight Pain (continued from page 3)

control group. You can get all the K you need from dark leafy greens: a cup of raw spinach has 145 micrograms (132% of what you need for the day). **Caution:** Vitamin K also helps with blood clotting, so if you're taking blood thinners, check with your doc before boosting your K intake.

Can this creamy treat knock down pain? Can yogurt and other dairy foods dampen pain? Not directly, but they do contain two bone-building nutrients: calcium and vitamin D. Not only does vitamin D do more than buoy bone strength, it may also play a role in diminishing chronic pain, according to some study findings. So, load your grocery cart with yummy, creamy (but low-fat) dairy foods fortified with the sunshine vitamin. Can't stomach dairy foods due to lactose intolerance? Reach for calcium- and vitamin D-fortified orange juice or soymilk.

Can a cocktail dampen pain? Can a nice glass of Bordeaux help soothe achy joints and muscles? It may help. The resveratrol in wine, grapes, and grape juice may have an analgesic effect similar to aspirin, according to a handful of animal studies. But if you add resveratrol to your list of pain-busting nutrients, **just watch how much of it you get from red wine.** Experts recommend no more than one daily glass of wine for women. Men can get away with **one** more. And don't forget: You can dose yourself with resveratrol equally well by eating red grapes or sipping grape juice.

Have a wonderful, blessed 2012. And if you'd like to make Evergreen Fitness a part of your 2012, then give me a call at 360-385-3036, or email me at: evergreenfitness@qwestoffice.net. I hope to see you...we're JUST around the corner. -Michelle West

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(Thursday, April 12 or April 19 *)

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Friends and family (including the guys) are most welcome to join on this trip. We want to be able to fill the boat, so we can experience this festival in comfort with no driving and parking concerns.

* Puget Sound Express is coordinating bloom time with Skagit Valley Chamber of Commerce for optimal bloom viewing). Save both dates and we will let you know which date is final.

- Cost will be \$80 which includes both boat & bus transportation
- Vessel will depart 8am from Point Hudson Marina
- Time will be allotted in La Connor for lunch prior return - (approximately 4pm) to Port Townsend

Note: Reservation information is being arranged by Puget Sound Express and will be available ASAP. **SEATING IS LIMITED!** Please let us know if you plan to go and how many will be in your party. Space is on a "first come - first going" basis and we only have 10 seats left!

To RSVP or if you have any questions, please email kpjustthegirls@gmail.com or call (360) 821-8815