



# Kala Point News & Views

January 2012

*Serving our Community with Information*

## **dissent growing: budget "no" vote: 90 Double Last Year's "No Vote" Which Was Triple The Year Before. A Referendum on Continuing Exclusionary Governance?**

The results for the vote on the 2012 KPOA budget are as follows: In Favor-240, Opposed-90. Total number of votes cast was 330 compared to 598 eligible votes for a participation rate of 55%. For comparison purposes, the vote on the 2011 budget was 353-47 in favor and for the 2010 budget the results were 306-13. It appears that at least some members are becoming concerned about how fast assessments are rising. Strangely enough, 16 ballots were declared ineligible because no address was on the envelope. From my understanding, the return addresses were removed, and the interesting question is WHY? One of the conclusions is that these 16 members wanted to vote against the budget but were concerned that they would be identified as doing so. What kind of environment do we have where members are afraid to vote their conscience? I suppose there are other reasonable explanations, but I can't think of any at the moment.

This community is controlled by a relatively small group of people. If a member wants to get elected to the board, it's pretty much a given that he/she must be a part of the inner circle or sympathetic to their views. If only three members decide to run for the board and one of them is not part of the inner circle, a fourth candidate almost always seems to appear. There never seems to be much dissent on the board, and it's been 4-5 years or so since the board has a member who provides strong opposition to the super majority. The KPOA president talks about cooperation and involvement but only on his terms. Its similar to the old Japanese system of "Go along to get along." The board election last July and the subsequent vacancy soon after that is an example. In that election, the member who finished in 4<sup>th</sup> place was four votes short of being elected. When a board vacancy occurred soon after, this member submitted his name. He was thought to be somehow associated with this newsletter and, as a result, was not chosen to fill the vacancy. Instead another member was picked to fill the vacancy even though he did not run in the election. I am not suggesting that the person chosen is not competent, but this was an act of disrespect to the individual not chosen and the people who voted for him. How can the board

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possibly justify passing over a member who received the support of 215 fellow residents in an open election? The answer lies in the culture of the board and its supporters. To emphasize that, another board vacancy occurred soon afterward, and it was filled by recycling a member of the inner circle. Rather than doing that, why didn't the board contact the individual who placed fourth in the last election? By now, you should know the answer.

Most organizations of any size have a culture which can trump all rules, regulations and laws promulgated within the organization. In Seattle, the police department and the school district are examples of dysfunctional organizations where the culture has survived numerous management changes, reviews, audits, etc. I don't know if the KPOA board can be defined as dysfunctional, but it certainly is not an open, democratic, transparent organization. Last spring, a few of us submitted a number of resolutions to amend the CC&R's, but the KPOA president didn't like them. As a result, you had the opportunity to vote for only one which was so emasculated that it was embarrassing, and you were never allowed to vote on the others. Is this the board's idea of democracy? The board has now published a rigorous process regarding the future submission of resolutions, but even if all the requirements are met, the board still has the right to turn down the proposed resolutions. This is not the way the initiative process works in the real world of state and local government, but it appears as if our board has a skewed definition of democracy. Maybe it should be called "Democracy Light."

Some members of the board, especially the president abhor

dissent and criticism. He has a problem with this newsletter, and has been very vocal, at least with me, about it. At the last meeting, the board seemed to have a problem with an advertisement for the sale of gate openers not sold by KPOA. For those who have noticed, Kala Point is not as secure as Fort Knox. The gate is normally open 12 hours a day, five days a week and is open for extended periods of time due to mechanical problems. It is not a problem for anyone to enter Kala Point without a gate opener. So why continue to try to discredit this newsletter for minor issues? As it does not adhere to the party line, this newsletter performs a necessary service to the community by informing members of the activities of the board and various committees. Yes, it makes mistakes and gets things wrong from time to time, but it performs a function which is necessary in any democratic society. By the way, while I write articles which appear in this newsletter, I have not been a editor of this newsletter for 2-3 years, and anything that I write has my name on it.

A democracy requires dedication and diligence to maintain it. Most of us would rather see Kala Point governance put on cruise control as we go about our daily lives, but too many of us have done that. Anyone reading this article is, at least

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chronologically, an adult. Isn't it time for you to be treated as one and be allowed to make more decisions for yourself? This community already has a questionable reputation outside the gate due to all the rules and regulations. For those of you wanting to sell your house in this very difficult real estate market, those rules and regulations don't help. The recent large increase in the assessment won't help either, and it could be the first of many if all of us have to pay for bluff studies and required mitigation of problems required by the county and state. As I asked in a previous article, why should all of us have to pay for the those who live on the bluff? I have been critical of KPOA boards for a number of years and have difficulty understanding why so many members are so passive while they watch their rights being eroded. As bad as prior boards have been, I believe that governance under the current president is even worse. This board has demonstrated a total disregard for the democratic principles on which this country was built. Their actions have also clearly shown how little respect they have for the members of this community. Does that bother you? I hope it does! I thought that some of the new board members might have a more liberal, member friendly attitude, but unfortunately it's business as usual. Maybe it's time to make 2012 the year in which you get involved. Sure it will take some courage to do so, but you will probably be surprised how much support is out there. If it can happen in North Africa, why not here? This community desperately needs new, independent board members to foster a new culture. If some changes aren't made relatively soon, we may be sorry. One day, a member who hasn't yet been mugged, will be, and if he or she has some legal training or is willing to spend some money, may decide to seek redress in court. That could be very expensive for all of us!

Hank Krist

## from michelle at evergreen fitness center:

### **An Attitude; welcome 2012!**

I woke up on the wrong side of the bed. Funny thing is (well, it's humorous now, but not then), I had to get out of bed to write an article on "Having an Attitude of Gratitude". I didn't even want to get up; I had a bad attitude. Yet, until this morning I was so sure I wanted to write on Gratitude. I've stored a lot of notes in this noggin of mine over the past week, and then, as I laid in bed and started to recall all these thoughts, one huge thought overcame me: the reader is going to think I'm some kind of Pollyanna spouting motherly messages of 'Keep your chin up.' Worse yet, have visions of me (whatever that may look like) as a sort of Julie Andrews in the Sound of Music dancing & singing; 'these are a few of my favorite things....'!



So now what?

My situation surely had changed, or at least evolved. So how do we 'keep our chin up'; 'look on the bright side' and 'keep a cheerful heart'? Wouldn't it be nice if we could just, like a car, go in and have our oil changed every 3000 miles, put in some window washing fluid, check the lights, the tire pressure and have the mechanic tell us we're good to go for another 3000 miles? But we're not mechanical are we? Some say we are getting pretty close with knee replacements; hips, and

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prosthetics are quite amazing these days. Yet a new hip joint, knee replacement or fake hand, well they might help us get along in life better than if we didn't have them, it's still not as good as the healthy original one was, and they don't change our attitude...at least for long. Many of us have probably met someone who is so thankful to finally be out of pain and get that knee replaced (insert your own 'replacement' here), then as we get use to it and time goes by, gratitude naturally slips away. I say 'naturally' because I think we have all done it at some time. We tend to have this desire for 'more' of something; a longing that is never quite fulfilled...as my Mum always says, "It's always something."

And I think that is where we need to start (took me a while, didn't it?). *It's always something.* I have a personal experience that I often share at Evergreen Fitness because most of us want to 'loose a few pounds': Several years ago, I started working with a gal who wanted to lose weight. As we sat down and talked about food journaling, I shared with her that one needs to have a very good idea of what they are eating (nutrition & calories) as a base for losing weight. When I shared with her that on any given day I could tell her (or anyone) just what I had eaten that day and pretty much how many calories it was. Her response to this was a very honest; "Are you serious; *you* have to think about what you eat?" When I responded 'yes' she again, honestly replied, "I think you should let people know that. People like me who are overweight think people like you don't have to think about it at all...that it just naturally happens for you." She then shared her thought that she 'hated' to think about it and what a pain it was to do so. My response to that was, "Well, it's the attitude behind it; if it is something you truly want, you have to change your thinking on it." "This is the place where you pick up your voice, put a smile on your face, raise a determined fist and say; 'Yippee, I am going to keep track of what I eat today!'" Sometimes it truly is a 'Fake it till you make it'.

We're humans; we have moods. Our mental state

changes with hormones, poor diet, and lack of exercise, illness, the weather, and even our surroundings. There is a saying I like, many of you have heard it: "Whatever things are true, whatever things are noble, whatever things are just, whatever things are pure, whatever things are lovely, whatever things are of good report, if there is any virtue and if there is anything praiseworthy- meditate on these things." I like this for a couple reasons: 1) the words 'whatever' and 'if anything'...it reminds me that sometimes I have to go digging for something good, lovely or of good report. Usually that just means I have to make my self stop. Slow down. Think (*meditate on these things*). 2) It can actually make me laugh when I think of this phrase because I can hear my Mum saying; "Count your blessings dear." And I realize I am choosing a poor attitude, having a pity party. And I can call my best friend and say, "Make my Mum shut up" and she & I can have a good laugh. Laughter can quickly change a bad attitude around.

We are often our own worst enemy. We often don't know ourselves and don't want to.

It's 2012. Whoa. Choose a buddy to be accountable to this year; someone who can help you have an Attitude of Gratitude. There is always ***something*** to be grateful for even if it just waking up. And if you wake up on the wrong side of the bed, well, you have a bed. Once you get up, it usually starts to get better pretty quick. Maybe the sun comes out, or your dog puts his head in your face and wags his tail with that unconditional love that only dogs can give. Well, I think cats do too; but that is another story. And to be totally honest with you; I love just singing, "...these are a few of my favorite things..." (with a huge grin on my face) to my sons because it drives them Nuts...capital 'N'.

I hope you 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](mailto:evergreenfitness@qwestoffice.net). I hope to see you...we're JUST around the corner.

-Michelle West

## *county approves trees – kpoa members prevail!*

After nearly one year of deliberation Jefferson County approved the 2010 KPOA tree requests. A major part of the delay was the failure of BMAC and the KPOA Board to realize that the Shoreline Master Plan had been instituted on March 18 of 2010 nearly two weeks before the deadline for the internal submission of 2010 member requests. The KPOA input to the County in January of 2011 did not meet the Shoreline Master Plan submission requirements inclusive of Habitat Management Plans, Arborist Reports and Geo-Technical Evaluations for ALL tree submitted. The KPOA Board hijacked a Geo-Technical report belonging to and paid for by the Cedarview Group (CVG) covering 8 trees

and sold the County on the concept that the report (privately funded) sufficed to meet that requirement for all trees.

It was not until August 2011 that the proper information was submitted to Jefferson County. After a careful review, a total of 108 tree actions were approved in December; but the County did not simply rubberstamp the approvals from the KPOA Board. In fact Jefferson County Department of Community Development changed some of the KPOA recommendations and went above and beyond by dictating specific remedial measures and actions required from KPOA. The documentation contained in a seven-page approval letter by Jefferson County is prescriptive in tying the approvals to certain mandated actions. For those who desire to see the letter from the County, link to [www.kpoabmac.com/treeapproval.pdf](http://www.kpoabmac.com/treeapproval.pdf)

The Cedarview Group (CVG) one of the groups submitting trees in 2010 has received notification that Jefferson County has approved four trees for removal. The CVG originally submitted a total of eight trees; but the KPOA Board denied the four other trees citing reasons of bluff stability, which is contra to the geo-technical and arborists reports that were provided. The Cedarview Group 2010 Bluff Tree Action requests submitted to BMAC have been and continue to be a contentious issue.

When viewed in aggregate, the County approval letter directly supports the long-standing position of the Cedarview Group that:

- ❑ BMAC was unprepared and ill qualified to conduct bluff tree evaluations. The County relied on professional evaluations and so should have the KPOA Board.
- ❑ The KPOA Board has been “called out” by the County for failure: to require remediation

### **RECAP OF EVENTS:**

- ❑ **BMAC & the KPOA Board failed to realize the County adopted the Shoreline Master Plan in 2010.**
- ❑ **As a result members were penalized additional time in the County process.**
- ❑ **The KPOA Board approved trees that have issues relative to bluff stability while disapproving others that were OK.**
- ❑ **The KPOA approvals were not rubberstamped, as Jefferson County now requires additional remedial measures including yearly geo-technical evaluations and area replanting.**
- ❑ **KPOA must plant a 30-foot vegetal buffer above the area where Kala Heights Members performed unauthorized DIY view maintenance.**
- ❑ **KPOA members should not pay for any work in connection with the County approvals or remedial work such as replacing tightlines and installing vegetal buffer zones.**

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for trees that were a result of do it yourself view maintenance by certain Kala Heights KPOA members, to establish vegetal buffer zones and to require the repair and replacement of leaking tightlines in the north sector. A member submitted Storm Water resolution addressed these issues, which was quashed by the chair of the Board and the KPOA Directors. The County understands the need to protect the bluffs a fact that has escaped BMAC and the Board. This lends further weight of evidence that the KPOA Board is unqualified to make technical evaluations regarding bluff stability. (These issues were fully documented by the CVG and provided to the KPOA Board, who chose to ignore the input.)

- The Board in approving the trees north of Unit 210, without reservation or requirement for remediation was wrong as the County now will require periodic technical and Arborist evaluations as a part of that specific approval. This speaks volumes to “favoritism” as applied to those living on Kala Heights Drive. On November 16, 2010 the Board’s approval of these Unit #210 trees was appealed by the CVG for lack of a geo-technical study or any remediation. The Board was shown where removing certain trees would create a bald spot on the bluff and that BMAC had not required any remediation for this situation. The Board denied the appeal. The County following the lead of the report from the Arborist for these trees only authorized pruning of the trees and not removal. There must also be remediation effected in the form of planting. For good measure the County added the requirement for additional yearly Geo-technical studies and Arborist evaluations of these trees. In essence the County

has affirmed the CVG contention on what is required to enable view maintenance associated with these trees.

- Four trees submitted by the Cedarview Group for removal were disapproved by the Board. In their disapproval the Board cited that the geo-technical reports and arborists reports, which supported the removal were merely “an opinion”. Yet the KPOA Board had no problem submitting that “opinion” to satisfy the County Geo-Technical requirement. The County has made clear to the Board, the value of such reports as being more than an opinion. In fact many of the prescriptive measures cited by the County are a direct lift from the Landau Associates geo-technical report which was secured and paid for by the CVG and from the Arborists reports and Habitat Management Plans provided by the requestors. There are no valid reasons based on the County requirements for geo-technical, arborists and habitat impact that these four trees cannot be removed for view maintenance purposes.

KPOA members should hold the Board and specifically its chair accountable for how poorly and inappropriately the 2010 BMAC approvals were conducted for the north sector. It should be clear that the remediation and yearly geo-technical inspections associated with the County approval are solely the responsibilities of the individual requestors. While all of the trees are on common ground, the only benefit is the unobstructed view of a small elite group of bluff side homeowners. KPOA members should not bear the costs of these efforts especially the repair to the bluffs that is a result of “do it yourself” view maintenance by certain members on Kala Heights Drive. As a further step BMAC should not be involved in any evaluation or recommendation that requires specific technical expertise.

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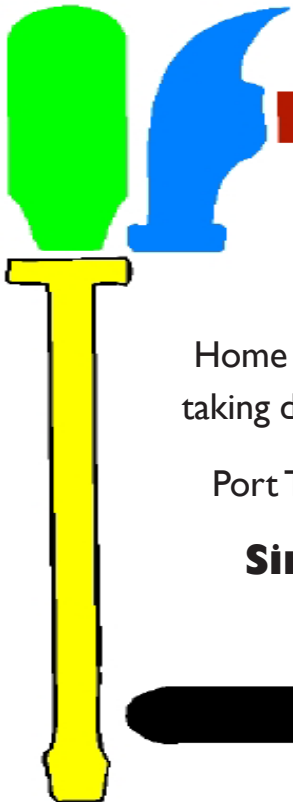
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