



Kala Point News & Views

September 2012

Serving our Community with Information

kala point utility company selling to pud

**\$1.18 Million; About twice what
Thomas paid six years ago.**

**KPOA Board again shows no interest
as KP Vital Utility Sells to PUD**

For the second time in six years the Kala Point Utility Company, monopoly provider of water service to all 587 ERU's (Equivalent Residential Units) at KP, has been sold. This time flipped for about half-a-million dollars in profit by Sequim Water Systems Entrepreneur Eric Thomas after his earlier purchase from KP Developers. Aside from the profit motive, Thomas is reported to have suffered an injury limiting his day-to-day role with the family owned water systems. At the July 10th board meeting Utility Committee Member Bill Kaune commented that PUD was likely to use the KP wells to serve



Eric Thomas showing some of his water treatment investments

other areas; a certainty actually, and long the plan of PUD to generally support area growth using K P U C water rights.

Jefferson PUD #1 has voted to offer Thomas a down payment of \$587,000 plus \$50,000 annually for the next 12 years, totaling \$1.18 Million; not a bad return on his investment, clearly indicating that KPOA missed a great opportunity back in 2005-2006 when KP owners could have acquired the system from The Developer for \$500K and assumption of \$130K in debt. Funding for the sale, likely to close by year end, comes from a PUD loan through the State.

The sale includes, as likely the most valuable asset in the eyes of The PUD, full ownership of the utility company's two very deep wells,

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one at 468 ft and a second at 501 ft, yielding about 295 gallons per minute, along with two lesser wells and all associated water rights. Those water rights to some 289 acre-feet of water (94 million gallons) annually, are utilized to less than half that level to serve Kala Point residents. When previously looking at the asset value of KPUC, PUD clearly coveted that excess capacity and is certain to interconnect the KP wells into the broader “Quimper Water System”; likely resulting in greatly increased pumping pressure on these existing wells. Two other KPUC wells are generally not pumped, where some salt water incursion has already been noted. How this combination of the two systems will directly affect KP homeowners, insofar as supply and rates, is yet to be seen, but for certain, we will lose exclusive rights to use of four wells just for KP.

Also unclear is whether PUD acquisition will result in any improvement in fire fighting capacity or published annual hydrant testing. Fire fighting supply and reserves have long been questioned by KP residents with just 419K gallons of earthquake vulnerable tank storage reserve (now to be combined with Quimper) and pump replenishment capacity of less than 300GPM, the system as exists today cannot meet current standards for multiple fire pumper demand (admitted by Eric Thomas last summer) and will not sustain fire fighting operations in the event of a generalized wildfire in our wooded community with multiple hydrants and hundreds of home garden hoses in use.

The utility company and the fire district have long disputed who is responsible to annually fully test all hydrants, and no record has been published in the water utility annual report showing full testing, despite

KPUC promises to do so. Homes in KP have been lost to fire where hydrants did not operate. See article at: www.ttpnewsletter.com/Newsletters/11-Oct.pdf

washington state fun facts



- The First permanent settlement in the state was Tumwater.
- The Lunar Rover, the vehicle used by astronauts on the moon was made by Boeing based in Seattle.
- Captain George

Vancouver discovered Puget Sound in 1792.

- In 1979, the square dance was designated as the official Washington state dance.
- Hells Canyon is the deepest gorge in North America at 5,000 feet deep.
- La Push is the western most town in the contiguous United States.
- The 5 mile long Emmon glacier on Mount Rainier is the longest in the continental United States.



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club house *accessible parking* **Questions Regarding New Accessible Parking Spaces**



The recent expansion of the club house parking lot included providing two new accessible parking spaces. This increase can be justified by the relative aging of the Kala Point community but was there any determination made regarding current and projected needs by means of a survey or study? Was the cost commensurate with the need? The cost of those two parking spaces has not been shared with the Members. Providing for the needs of people with disabilities is not only important but required by the Washington State Building Code WAC 51-40.1107. But do the additional parking spaces conform to that Building Code. There has been some mention of perhaps problems with the design and construction of the accessible parking spaces.

A perusal of Code WAC 51-40 discloses several potential problems. Washington State requires a minimum of one accessible space for each 25 parking spaces. That requirement is being more than met. The code also establishes requirements for the design of each space. The parking spaces shall not be less than 96 inches in width and shall have an adjacent access aisle not less than 60 inches wide. Van accessible parking spaces shall have an

adjacent access aisle not less than 96 inches wide. Where two adjacent spaces are provided the access aisle may be shared between the two spaces. Boundaries of access aisles shall be marked so that the aisles will not be used as parking space.

There appears to be sufficient room to accommodate two spaces and perhaps even designate and accommodate a van space. But the pavement markings are not as specified in the Code. Why not?

Of primary concern is the slope of the accessible parking spaces. Code 51-40 specifies that the slope shall not exceed 1 vertical in 48 horizontal, a slope of approximately 2%. According to the minutes of the regular Board meeting of 12 June 2012, ADA Engineering refunded Kala Point \$ 627.90 for the inaccuracies associated with the 2% grade for the handicap parking area. Does the slope of the spaces now conform to the State requirement? Designating a space as accessible parking which does not conform to requirements can result in injury and Association liability. It appears that there is a pronounced slope to one of the spaces.

This article should not be construed to be against providing for the needs for the disabled. My vehicles bear disabled license plates or tags for good cause. This article just addresses the need for proper planning, cost estimating, design and construction of KPOA capital assets which seems to be a recurring issue of which the parking lot expansion is an example. The Board has a fiduciary responsibility to use the Member's funds prudently which starts with detailed consideration of all aspects of an expenditure before making that expenditure. - **Jay Burcham**

Flagship carrier USS Stennis heads to middle east

Quick Turnaround; Extended Deployment

The Bremerton-based Nimitz-Class USAircraft Carrier USS John C. Stennis (CVN74—aka “Johnny Reb”) steamed to blue water just off Port Townsend late Monday, August 27th at the start of an extended eight-month tour in harm’s way close to Iran. Having turned around rapidly from refitting, and taking on various ordinance at Hood



Photo courtesy of Kala Point resident Doug Lee

Canal facilities and later at Indian Island, this flagship of the Stennis Carrier Battle Group will meet up with its destroyer, cruiser and support escorts, air wings and supply ships to form a key element of the US naval presence maintaining guaranteed passage through the Straits of Hormuz, an essential oil route.

The Stennis returns to the gulf despite a grave warning “not to return to Persia”

voiced 3 January 2012 by Iranian General Ataollah Salehi, (right), Supreme Commander of Iranian Forces, said to be the architect of various asymmetric naval



anti-ship tactics, such as “small boat swarming” and speedboat deployment of short range supersonic anti-ship missiles of North Korean design, modeled after the French Exocet, famous for British losses in the Falklands.

In addition to the thirty-five-hundred plus sailors and naval attack, surveillance, rescue, sea combat and other aviators of every description aboard, many with home addresses here on the Peninsula; joining up as The Stennis makes thirty knots on the way toward Bahrain, will be another group of highly specialized local area folks from Whidbey. An EA-6B Prowler Electronic Warfare team, VAQ-133, “The Wizards”—radio call sign “Magic”. Flying the aging but

fully modernized 4-seat Prowler, VAQ-133 is one of only three remaining expeditionary EA-6B Prowler electronic jamming squadrons in the U.S. Navy; a mission vital to the location, suppression and elimination of radar targeting facilities central to the Iranian defensive and offensive installations modeled closely after Soviet-Era platforms. With the Wizards deployed, residents of Whidbey Island may note fewer widespread episodes of garage door openers “gone berserk”.

from michelle at evergreen fitness center: Water Wonders



We've had a pretty nice August weather wise, and September is supposed to continue to be warm & beautiful. This month I felt the urge to repeat

part of an article that I think bears repeating: **the importance of drinking water**. With the days being warmer, but not scorching hot, we don't often feel thirstier even though with the increased temperatures, we still have an increased need to drink even more water.

Our bodies are made up of about 70% water. We have TRILLIONS of cells that make up our bodies and they all need water to function. If you asked someone what was the most vital element needed for survival, most would say oxygen, food or water. Oxygen however, relies on water, and our foods all have water in them which is necessary for digestions and elimination. Elimination is dependent on water to move waste through the body & out the 'other end'. The #1 cause of headaches in children is due to dehydration.

I have a friend whose father was admitted to the hospital recently. Normally healthy, he suddenly was exhibiting signs of dementia and thinking he was back in the 1940's...he was severely dehydrated and quickly after given fluids, he returned to his normal mental state.

I am a big promoter of drinking plenty of water, but also down on bottled water. I live in the county so I have great well water and make alkaline (Kangen) water which hydrates and has anti-oxidant properties. Because I am a big promoter of good drinking water, I had decided the last several months to ask people about their

drinking water habits and quite honestly, I am shocked! So many people do not drink water. Let's think about this for a minute; I will give you the scenario I find has a good mental picture that goes with it. Now remember we are at least 70% water (or I should say, *should be!*).

So you have a fish tank, let's make it simple and put goldfish in there. So you have 3 or 4 goldfish swimming around...what do they do in there? Eat yes; we sprinkle some food on the top of the water each morning. Then what; they get their oxygen from the water right? What next? They get rid of the food. Where do they get rid of it? Yep, in the water. So what do you have to do to keep them healthy? Change out the water or they die much sooner than later.

Your body needs water to clean itself out too. If we have in us the equivalent to about 6-7 gallons of water in us, we should be renewing it on a regular basis too. **Not** coffee, **not** soda pop (now there's one of my big irritants!!) **not** Gatorade, not orange juice (but O.J. at least has water in it without negating the effects it has on the body like the others do.) All of us should be drinking at least 1/2 oz per pound of body weight per day of just water. If you weigh in at 150 pounds, you should be drinking at least 75 ounces of water per day; or about 2 - 1/2 quarts per day **MINIMUM**; more if you drink much coffee or exercise regularly, or are on a medication/supplement that states it is a diuretic. What are the reason I hear that people do not drink enough water? These are some of the common answers I hear:

1. I don't drink water
2. I don't like water/ I don't like the taste of water
3. I drink a couple glasses a day/ I can not imagine drinking that much water
4. I prefer juice.

Continued from previous page

5. When I lived in a warmer climate I got thirsty; here I just don't.
6. I pretty much drink soda pop to get my fluids.

I believe for the most part, individuals are just not understanding how important water is to our health and emotional/physical state. My response to the above statements initially would be:

1. Why? you are 70% water; give yourself a cleansing...drink water
2. HUGE hint here; water should not have taste. Unfortunately, the 'taste' often comes from chlorine and other additives that are required by the FDA to make our drinking water 'safe'. Oh yeah, I feel a lot better drinking chlorine....NOT
3. Just try drinking a little bit more and see if you do not feel better
4. 100% juice is nice, but will not replace all of our bodies need for just water. And a lot of the 'juice' we drink is only 10-30% real juice and has sugars added.
5. That was called 'dehydration' not thirst; listen to your body; it's still asking for water.
6. Carbonated beverages wreak havoc on our bodies and are highly acidic...that could be an article all on its own!

Some reasons to sip H₂O include:

- **Healthy blood and bones.** Your blood is over 80 percent water and your bones over 50 percent water. Proper hydration is required to optimize creation of new blood and bone cells.
- **Toxin elimination.** Skip the fancy (and costly) detox plans: Plain water naturally helps remove toxins through the lymphatic system, intestines and kidneys.

- **Lubricated joints.** Water helps protect against wear and tear and can even help reduce joint pain.
- **Proper digestion.** Water helps prevent constipation by adding bulk to stools and fluid to the colon.
- **Alertness.** Even minor dehydration can lead to headaches, irritability, impaired concentration and fatigue. **The human brain is 85 percent water**; keeping it hydrated is essential for proper functioning.
- **Healthy skin.** Water hydrates from the inside out, helping to maintain elasticity of the skin.

Good drinking water is vital to good health. If you would like to know more about this, please contact me and I would like to share more with you in the topic.

If I can be of any assistance, email me at evergreenfitness@qwestoffice.net, visit our website at www.evergreenfitness.net, or call 360-385-3036 or 360-302-1132

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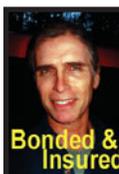


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Kala Point News & Views



Cooks Night Out

Doc's Marina Grill

There is a new restaurant in town where T's used to be down by the Point Hudson Marina. They buy their beef from Misty Isle Farms on Vashon Island, have fresh Northwest seafood, and a menu that ranges from burgers to filet mignon. It all started in a historic waterfront building on Bainbridge Island where owner and proprietor Tom Aydelotte opened the first Doc's Marina Grill in 2003. Lucky for us, we have one now in Port Townsend!

There is a very large open air deck on the back if you would like to site outside. If not, inside there is a water view from almost every seat.

Unfortunately, on one side, there are RVs parked which can partially block the view. The restaurant serves 80 people inside and another 74 on the deck. Aydelotte would like to cover the deck so people could still sit outside and enjoy the view when it rains.

We went with a group of eight. Tempura prawns and fries were enough for two! The clam chowder along with lobster mac and cheese were great! We also had a the Dabob Bay Oyster Basket with small oysters that were excellent as was the house made cole slaw. The Cod basket was generous and the Ceasar salad was tasty. It is a great place to relax and have fun from 11 a.m. to 11 p.m. every day.

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resolutions: a lost member right

Member submitted resolutions now require Board approval

Both of the primary governing documents of the Kala Point Owners Association, (KPOA), the Master Declaration Covenants, Conditions and Restrictions, (CC&R's) and the By-Laws provide for their change by amendment. In the case of the CC&R's an amendment is initiated by a resolution proposed for a vote of the KPOA Members, by a Member or the Board of Directors, (Board), at a regular or special meeting. Approval of a CC&R's amendment requires the approval of two-thirds of the Members voting at a duly called membership meeting which has a quorum of 50% of the "Net Total votes". Amendment of the By-Laws is accomplished by a majority vote of the KPOA Board of Directors followed by the approval of the majority of the Members at a duly called membership meeting which has a quorum of 20% of the "Net Total votes". Amendment of the CC&R's is difficult as it should be since it is the primary governing document. Amendment of the By-Laws is less demanding since changes imposed must not conflict with the CC&R's.

Prior to calendar year 2011 any Member, with the concurrence of one other Member, could submit a Resolution to amend the CC&R's directly to the Members for their vote at a duly called regular or special membership meeting. The Association's role in the process was limited to the necessary administrative functions required to place the resolution on the ballot in accordance with schedule, content and format requirements established by the Board. Both the submitter and the Association were afforded an opportunity to provide statements concerning the resolution as part of the ballot information. The resolution process before 2011 enabled individual Members to identify a perceived need for an amendment, officially inform all of the Members and allow them to vote on the proposed change.

Effective with the calendar year 2011 regular membership meeting, the Board, under the leadership of former Chairman Schulte, gave

themselves the authority to approve or disapprove resolutions before they could be presented to the Members for a vote. If the resolution did not have the approval of the Board it could not be submitted to the Members for a vote. A resolution had to have the documented support of at least 30 Members, an onerous requirement in a community where few Members are willing to be identified as the "bad guys" just because they have the audacity to suggest change not initiated by the Board. Too often Members challenging the Board's management of the Association have been labeled as divisive and insurgents. The excuse given for curtailing the Member's resolution right was essentially that the costs were too great in terms of administrative costs, legal fees and volunteer's time. No Member submitted resolution would be placed on the ballot unless the Board agreed with it. The Board took from the Members the resolution process. The Board supposedly received legal council that their assumption of a Member right was legal but despite repeated requests the Association has refused to disclose the content of the communication from the KPOA Attorney. What did the KPOA Attorney really say? The attempt by the Board to effectively remove the resolution process as an unrestrained Member right has been successful. No Member originated resolutions have been submitted since the 2011 regular membership meeting. Congratulations Board, sorry Members!

During a workshop held by the Board to discuss the resolutions submitted for the 2011 regular membership meeting it became apparent that the main concerns of the Board was the proposed shifting of some assumed or poorly defined powers of the Board to the Members as a whole or the effect on the Board's management of the Association.

Provisions for amendments to governing documents are provided for in recognition that no document is perfect and also that governing

Continued from Insert Page 1

philosophies and requirements change with time. Nine resolutions were proposed in conjunction with the 2011 regular membership meeting, an unusual need for changes. But several issues in 2010 and 2011 demonstrated deficiencies in the CC&R's from the perspective of the interests of the overall membership of KPOA. They ranged in scope from issues associated with management of the bluff which constitutes the eastern perimeter of the Kala Point development to the approval of financial expenditures by the Members and the reduction of Association intrusion into the affairs of the Members.

The 2011 resolutions will be reviewed in subsequent articles but as an example one of those resolutions is presented in this article because of its potentially immediate impact on all Members' financial responsibilities.

Resolution 4: Management of Water Runoff onto Bluff Common Areas from Owner's Lots.

To amend the **Master Declaration, Article IV-Property Rights, A. Common Areas** by adding new **Section 9. Bluff Common Areas Storm Water Management**. Owners of lots adjacent to the bluff common areas shall be responsible for the management of storm water and other water runoff from their lots onto the bluff. Said owners shall maintain surface water management, such as but not necessarily by tightlines, such as but not limited to roof and driveways flows, on their lots. The water management shall be inspected annually by the Association with the expense of the inspection borne by the said owners if the Board levies a Special Assessment.

Why was this resolution important in 2010 and is still important today? During the process of requesting tree actions on the northern sector of the bluff it was noted that proper water runoff management from several of the developed lots adjacent to the crest of the bluff had either not been implemented or had not been maintained. The Tree Removal and Trimming Permit issued by Jefferson County stated specifically that "under no

circumstances should surface water be discharged at the crest from upland drainage sources (roof/driveway flows, draining of hot tubs, etc)". Also, "a vegetative buffer of 30 feet shall be permanently maintained from the top or edge of the Landslide Hazard Area". There continue to be instances where proper water management has not been implemented. The resolution would have integrated the responsibility for implementation and the responsibility for inspection to better ensure the continued stability of the bluff. One delinquent owner could cause failure of the bluff through erosion and consequent damage to adjacent homes and personal injuries. Do the Members want to be financially responsible in the event of bluff failure because of the liable negligence of the Association, as stewards of the bluff, in not enforcing adequate water management?

The resolution also fixed the responsibility for water management compliance with the owners of the lots adjacent to the bluff. This was considered important because of the sentiment expressed by former President Schulte, some Board Directors and others that water management would be too much of a financial burden for individual owners and the costs should be borne by the Association. These same sentiments have again been expressed recently. It was the development of the bluff adjacent lots, to enjoy an unimpeded marine view, which created the conditions requiring water management. Do the members in general, for instance those with lots on the forested plateau, want to help finance bluff water management for owners who built on the edge of the bluff?

Resolution 4 would have established financial and implementation responsibilities for bluff side owners, shielded the Members as a whole from unfair financial obligations and imposed on the Board, as bluff stewards, the task of ensuring compliance with County requirements with respect to water management. **Why is it that the Board would not permit this resolution to be voted on by the Members?**

- **CC&R's ADVOCACY COALITION, (CAC)**