

2017/10/23 HOA Board Meeting Synopsis

October 23, 2017, 7 PM

(Recently, HOA Board members demanded that I no longer use direct quotes from the meeting in my synopses as they have not given their permission. They claim that the HOA meetings, while open to all association members, are a private meeting and not subject to the Washington State open meeting requirement. They are wrong on all counts. They say that audio recordings can only be used as an adjunct to notes taken and I must not post out of context quotes. Well. I have used the board's exact words in the past so that you, the reader, may interpret what they said and come up with your own opinion. I have only posted audio clips on the Facebook account when the board said that my synopsis misquoted them. So, while I may use my recordings as notes, I may not use them to get the board's exact words?

I'll give this a try and see how it works. I will summarize what was said and done at the board meetings. Keep in mind that the HOA Board has not yet posted the minutes from the 2016 annual meeting. And, if they ever get around to actually doing any of the past minutes, their notes may not be complete, nor their recollections still accurate. I have completed all my synopses within a month of the actual meeting and used my audio recording to be sure that each synopsis was accurate. I know it is hard to visualize with all that is being said at this meeting, but I am trying to comply with the Board's request that they not be quoted word for word. Keep in mind that several current board members were also participants in the Restore Lamas Shores Team, whose slogan was "Truth & Transparency".)

Opening Ceremonies (7:04PM)

Roll Call - Marie Callerame, Pat Lambert, Tom Kelly, Janine Smith, Ron Boyce, Mark Guthrie, Marty Elzingre

Missing - All members are present. No one is absent.

Audience Comment:

- None

Proof of the Minutes:

Reading and approval of minutes of September 23. Minutes are approved. The agenda indicated that the minutes of the February meeting and the June 19th meeting would also be approved, but they were never discussed. Janine is still working with Marie to finish some of the un-published board meeting minutes and intends to publish them to the association.

Report of the Officers:

President - Tom Kelly... nothing. But, as VP. Tom is still "sitting in".

Vice President - Tom Kelly: A statement for the record on Tom Kelly's "guidelines" that the board will use to evaluate any on Trees & Views dispute. In particular, Tom says that the particulars from the 1989 "Deeds of Dedication" are included in all land titles. (I checked my title, and Tom is wrong with respect to my home. There is nothing about the Deeds of Dedication, nor is there any "view easement" given in my title. I have asked Tom Kelly to send me his prepared statement so that I can put it in my synopsis. After all, what good is a non-policy policy, that we all must adhere to, if nobody outside of the board knows what it is.)

(Wow, Tom has just sent me a copy of his notes, and it adheres to what he said at the meeting. However what he said is false. Tom says that we all agreed to follow the Bylaws when we bought our homes. That is not true. It is only the CC&Rs that gives the board responsibility and authority. The Bylaws are just a collection of past decisions and customs to guide the board in how to consider future complaints. Even the board is not required to follow the "guidance" in the Bylaws. It is the CC&Rs that are a "contract" spelling out certain rules that the membership has agreed to respect. The Bylaws can be changed without the consent of the association membership by a vote of just four board members and that does not add to the authority of the board with respect to the membership.)

(More importantly, the Board had wisely decided to follow the guideline from the July 18, 2006 HOA board meeting, to not have an official board policy ON TREES & VIEWS. Now Tom Kelly decides that the Board will have official "guidelines". It is bad enough that Tom Kelley made this statement at the meeting because it can now be taken as Board policy. Perhaps Tom Kelly intends to add these guidelines into the Bylaws but that will just make things worse. And another thing... Tom Kelly tells us "maintain" is a verb. And, Tom Kelly tells us that we have a responsibility to "maintain" The Wetlands, The Meadowland Park, The Storm Drain Facility...that "no action" is not an option. (What he is referring to here is the often repeated misstatement by the current board, and the Restore Lacamas Shores Team before them, that previous Lacamas Shores HOA boards never consulted with the city nor did any maintenance on the Soccer field, the Settling Pool, the swale, the Storm Water Drainage, nor the Wetlands. Of course, Tom Kelley is wrong here. Previous HOA Boards were "actively leaving the Wetlands alone" with the advice and direction of the city at least annually. We were following the guidance of the city per our agreement in the CC&Rs. (The above quote about *leaving things alone* are my words, not Tom's nor Marie Callerame's. And I do not maintain that this is my intellectual property. You have my permission to use those words anywhere you see fit.) What the Board previously did is to recognize the authority of the City as the local representative of the EPS and the Washington Department of Ecology regarding these facilities. I personally spoke to the city several times a year on what needed to be done and once a year or so, I walked the perimeter with city officials. Matt McCants called me a liar when I told him that and when I gave him copies of emails between the city and

myself, minutes from the HOA Board, letters I wrote at the behest of the city to the Ontkeans... he only said that I had no right to those documents, they were the property of the HOA board. This accusation is ridiculous!)

(Tom Kelly's "guidelines" should be publicly retracted in its entirety. Nothing here helps the board to settle neighborhood disputes. It just adds to the likelihood that the HOA will be included in any legal battles within the neighborhood.)

Treasurer - Janine Smith: gives us the various updated totals. Another 6% dues assessment for next year, which will bring the assessment to \$415.

Secretary - Marie Callerame: nothing really

Report of the Committees:

- ALCC - Marty Elzingre: Some tree removal requests have been approved. Another request will be discussed in executive session
- Boat Ramp Committee - Ron Boyce: we are done.
- Common Area Land Use Committee - Marie Callerame & Steve Bang: See "Meadowlands Park" in the New Business section. The board votes that the Leland Cypress along Michaelbrook will be removed and replaced with some sort of flowering hedge. Please note that Tom Kelly's guidelines stated that: "I am not aware of any plant that cannot be maintained, even fast growing Leyland Cypress can be topped and trimmed to a beautiful hedge." Steve Bang says that such trees do not belong in our neighborhood, and the Lake Hills development (south of Michaelbrook and north of Lake road) does not want them there. (Those Leyland Cypress were planted in 2015 at a cost of approximately \$2,500 with the idea that they would be a screen for the new neighborhood, stay green year round, be low maintenance and survive without irrigation, which is not available in that area. The Board feels that maintaining them would consume too much of our resources (Doug and Julie's time). Have you ever seen a flowering hedge that didn't require regular pruning? And, of course, there's the issue of irrigation. They believe they can get a Lake Hills homeowner to agree to let our HOA tap into their personal sprinkler system (which will probably require a legal easement prepared by an attorney — more wasted \$\$). Even if they can, what's to say that owner won't renege and shut down that zone? Or, sell their house after an agreement is in place and the new owner won't continue with the irrigation? That approach is foolhardy to say the least.)

Ron Boyce says that the city is evaluating their code to see if they can grant the HOA exemptions to the permit request to "maintain" the Wetlands. The city efforts seem to be stalled, perhaps they need a prod. Attorney fees are discussed: estimate is 10 hours at \$300/hr = \$3,000. Ron Boyce says that the city does not want to mess with it. And further, Ron says that a few years ago, we were the pride and joy of the community.

Mark Guthrie asks what exactly would we ask an attorney to do? Can we go and sue the city for requiring us to do something that we don't want to do? Ron Boyce says that the city has options to exempt some land use formalities for certain requests, in certain situations. Mark Guthrie again asks whether Ron intends to sue the city? Discussion. Let's decide at the next board meeting? A discussion on the vote last meeting to adding a \$35,000 item for Wetlands management into the Reserve study. Motion is made and passed to allot \$3000.00 to hire a land use attorney to prod the city if they have not responded to the board by November 17... or, maybe to analyze the city's exemption policy with respect to the HOA's request. (Not sure which of the two options was the motion voted on, maybe both.) Passed.

- Reserve Study discussion part 1 - Janine Smith: A condensation of a 3 hour meeting Thursday, October 19th. This condensation took about 1 1/2 hours. Each component of the Reserve Study is re-hashed, and I do admit that Janine has done a terrific job with an unpopular topic. I know how hard it is to get the board to pay attention to the financials. It is complex and arcane. Dan Foster and Cindi Marrinan lent their considerable expertise at the Thursday (October 19th) meeting and it was all very well done... except for the last component: Meadowlands Park, AKA... the Storm Drain Facility, the Designated Wetlands, etc. The board has allocated \$35,000 to this component (Ron has previously obtained a bid for a clearcut in the amount of \$35,000. See the 2017/07/24 HOA Board Meeting Synopsis) for this endeavor and voted that it be included in the Reserve Study. Dan Foster and Cindi Marrinan objected to this at the Reserve Study meeting. The Thursday meeting recommended that "To Be Determined" (TBD) be used in the Reserve Study instead of the \$35,000, so that a separate vote of the Board needs to be made before money can be withdrawn from the Reserve Fund.
- Reserve Study discussion part 2 - Mark Guthrie: Mark attacks Cindi Marrinan for using the word "pilfering" in an email to the board on the subject of the Reserve Study. He says that he objects to being publicly called a thief. Marie Callerame and Pat Lambert join in and agree. I don't hear Cindi agree. Cindi says that this issue came up in the reserve discussion and it was her obligation to caution the board on the irregularities she had observed. The email was sent only to the board and the meeting participants and was not public... till Mark Guthrie made it public just now. She had mentioned the irregularities in conjunction with "BIO-Filter Maintenance" expenses to date. (This project has had more names than I can remember. It has been the Determination Study, The Meadowlands Park, The Storm Drain Study, and now the BIO-Filter Maintenance project under a category of "Environmental Remediation". Cindi Marrinan had noted that funds for this project have already been taken from the various other accounts while ignoring a vote of the full membership not to pursue the project. Cindi corrects Mark Guthrie that she did not say "crime" and she did not say "felony". Pat Lambert says that Cindi's comments are damaging to the neighborhood home values. (Both Cindi Marrinan and Dan Foster are trained accountants and have been employed as professional accountants. Dan & Cindi have been trained and employed to sniff out irregularities like we have here in Lacamas Shores. Their job was to foresee problems and guide management in how to prevent them. So, perhaps you can understand that

they take these things so seriously. Where is all the money for the studies and a clearcut of the trees coming from? The association previously voted that it not be done, and now the board is creating a slush fund for the Meadowlands Park project. [The word “slush fund” is my own common sense understanding for the correct accounting terms that I heard at the discussion]. Cindi also did an analysis of the vote to add the \$35,000 to the Reserve fund. To do so would change the percent funded down from 87% at present. to way, way lower... where is the money coming from? Imagine how an underfunded reserve account will hurt our home values and resales.) The board passes a motion that “TBD” will not be used in the Reserve Study and instead the \$35,000 figure will be used, as well as amounts of \$5,000 for Playground Equipment and \$5,000 for Repair of Stairway Erosion.

- Member Communication Committee - Marie Callerame complains about the exact word quotes in my synopses. She also objects to posting audio clips on the community Facebook page when she disputes my synopsis account of the board meetings. She claims that she has never given anyone permission to quote her, or share her voice, nor her likeness. Ron Boyce joins in her complaint. Marie says that her right to privacy is being abused. Marie says that her exact words are intellectual property and may not be used without her permission. Linda Harnish says that Marie is complaining now about something she herself had done on the Restore Lacamas Shores website. Marie is guilty of doing what she now complains about. (Dave Patterson, on the Facebook page agrees with what Linda objects to here. More to the point: Linda, Dave, and I have in the past objected to Marie Callerame’s posts on her web sites that are factually wrong. And Marie has (with minor exceptions) refused to correct or take her false charges down. Think about it: We object to Marie’s false accusations...Marie objects to truthful reporting of what she herself did and said.)
- Other committee reports - Nothing much

Old Business:

Other - Janine Smith: Last meeting, there was a request for memorial bench in the soccer field.

The board voted to approve, with the assumption that the member would pay for the bench. Apparently the requestor of the bench wanted the HOA to pay for it. Linda Harnish says that the previous benches were paid for by the members who asked for permission to put them in the playground area. The request will be reconsidered.

Fines & Fees - Marie Callerame hands out a new Fine & Fee schedule to the board members.

Much discussion; decision made to send it out for public comment. No vote tonight.

New Business:

Who will be HOA President - Tom Kelly is appointed to serve till the next election.

Shoreline Erosion Project - City says they don’t have any money. Steve Bang says that the state has the money, the city only has to apply for the money. Tom Kelly says that the HOA interest is that the lake is silting up in front of our boat dock. Soon the boat dock will be useless.

Emergency Planning - It is an interest of Karen Stanley and Sarah Bang. Dick James speaks. His son has written a book on the subject: "Prepared Neighbors". Discussion.

Adjourn -

The Executive session:

- apparently nothing

Executive Session Summary

The board is obliged to put in their "official minutes" a summary of any decisions made in the executive session. This board has never done this.

Further, this board continues to overuse executive sessions. if you look at the Washington State RCWs on open meetings and the reasons listed for having executive sessions, you will see what topics need to be in closed sessions and which topics are discussed in open sessions. Generally valid topics for closed sessions are litigation, neighbor vs neighbor disputes, and allegations of crime. The topics and questions to be decided in a closed session need to be stated before the meeting begins and the decisions made are given after the closed meeting is over. The decisions are public and need to be in the minutes. Topics that are merely contentious are not valid for closed meetings.

Tom Kelly Guidelines read into the record at the
October 23, 2017 b board meeting

Comments from the Vice President

I would like to remind every one, that before they make a comment as to the actions or intentions of another Member or the Board of Directors, that they have read and understand our governing documents; the CC&R's, the Deed of Dedication, the Articles of Incorporation and the By-Laws of the Association. All can be found on the HOA website.

These are all documents that are part of the Covenants that each Member agreed to when purchasing their properties in the Lacamas Shores Development. The Conditions and Restrictions that are listed and say "Shall be" are not optional or a choice. They are a "must" for every Member and Board to follow to be in compliance, and compliance makes the purpose of "protecting the value and desirability of the described property to the benefit of each owner thereof" possible.

Section 6.1 of the CC&R's states; "The Association, Declarant, Board or any Owners, shall have the right to enforce, by any proceedings at law, or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration."

"Maintain" is a verb. Therefore, No action is not an option. Yes, plants grow. Members have a responsibility to perform maintenance on those plants so that they remain in compliance with the Conditions and Restrictions set upon them. I am not aware of any plant that cannot be maintained, even fast growing Leyland Cypress can be topped and trimmed to a beautiful hedge.

Become informed, check out what you have heard or read from others, it may or may not be true.

My sister-in-law has an avacado tree that stopped producing fruit and she asked the nurseryman if it was dying and if she needed to replace it. He said, get a 2X4 and whack it from top to bottom. I now bears fruit abundantly. I hear that the process works on other species, as well.

**LACAMAS SHORES HOMEOWNER'S ASSOCIATION
BOARD OF DIRECTORS MEETING MINUTES
July 18, 2006**

ROLL CALL

Present: Cindi Marrinan, Gerry Vincent, Steve Bang, John Ulmer,

Richard Arnold, Tanya Peterson

Missing: Terry Oftedal

A - Guests

- none.

B - APPROVAL OF MINUTES

- none

C - FINANCE

- none

D - COMMITTEE REPORTS

- none

E - OLD BUSINESS

- A review of Lake Hills development, formerly known as the Bafus Property.

We decide not to speak of "maintaining property values" in our discussions with the city on the permitting process. It irritates them, is not a valid issue in their zoning process, and is not in fact... in our Bylaws or CCR's.

F - NEW BUSINESS

- We are called to discuss the CCR issue of shrubbery that obstructs someone's view. Granted the CCR's do mention the issue and requires each owner to keep their landscaping in good repair. The CCR's authorize the board to bring properties up to neighborhood standards and bill the lot owners.

Some observations: the CCR's make a distinction between what happens in the front of a lot with what happens to the sides and the rear of the lot. There is mention that shrubbery should not obstruct the street when viewed from a drive way... A clear safety issue.

We discuss passing questions of this sort to the Landscaping Committee. We decide that any committee given the task will need some guidance of criteria and they will expect to get that from the board. The CCR's have no criteria, nothing we can measure... it is an aesthetic judgement. We believe the CCR's are unenforceable on this issue as a result of having no clear definition of "view".

We discuss the rights of a new lot owner who may complain about the mutual agreements between prior owners on what shrubbery is appropriate. If prior owners have agreed, is that agreement grandfathered in and binding on subsequent owners? We believe that it is. Is there any record of that agreement? Probably not. How

can we choose between: You said... we thought... the CCR's say... type of argument? Lacking documents of the agreement, we can't decide. We decide that shrubbery not causing a traffic safety problem are OK. We will not get involved.

The board feels that the lake views over the "conservancy area" are a separate issue. They are granted, and adjudicated by the city. They are not a board issue. We will consider the view rights of those lot owners on the golf course. We will consider the view rights of those lot owners with respect to Mount Hood. The CCR's specifically exclude views that are obscured by homes per se.

We discuss the recent issue between the Berglund's and the Richard's over this issue of shrubbery. The Richard's landscaping, gate system, and overall design was said to have been approved by the appropriate HOA committees. The board has no documents reflecting that approval. Steve Richards says that the approval was verbal. Cindi Marrinan says that she remembers the decision. We will search the archives, such as they are. John Ulmer may have them. We discuss putting the documents onto the web site in an electronic form. They may be easily found by subsequent boards if we do this.

EXECUTIVE SESSION

Not required. Meeting adjourned. The next meeting will be held on 9/13/2006.

Respectfully,
Richard Arnold IV, Secretary
Approved:

Tanya Peterson
Marrinan

Gerry Vincent

Cindi

Terry Oftedal

Richard Arnold

John Ulmer

Steve Bang

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LS Board of Directors Meeting
Minutes May 10, 2006