

Complaint #13

Failed to publish approved minutes in a timely fashion as required by law

This has been a signal failure of the past two years. Ever since Marie got on the board and became Secretary, the minutes stopped. They were voted on and passed, but they were never published. Since Janine Smith joined the Board and began to re-write and publish the minutes, this is slowly being rectified. A particular omission is the minutes for the 2016 annual meeting. There was an incorrect quote in the 2016 minutes as presented to the association. Linda Harnish wrote up a complaint and Richard read it at the 2017 meeting. A debate on whether the “corrected” quote actually changed the meaning of the quote ensued: eventually, the association members decided that the quote should be corrected... and with the corrections, the 2016 minutes were adopted. But the corrected and adopted minutes were never published. Marie said that she was busy.

HOA Annual Meeting Synopsis 2017/03/18

HOA Board Meeting Synopsis 2017/08/28

Another issue is the board’s refusal to publish the decisions made in the Executive session as required by state law See the most recent email exchange.

Corrections to the adopted minutes 2017/07/24

Lacamas Shores HOA
Synopsis Annual Meeting
March 3, 2017

Recording begun at 7:08 PM

+ 0:18:00 Questions on quorum. (The membership is 253 lots/votes. The CC&Rs require a quorum of 1/3... or 89 votes be present either in person or via proxy.) The board does not have enough proxies or association members present for a quorum. The board discussed reducing the mandatory quorum needed by considering that those members delinquent in their annual assessments need not be counted toward the required quota... but, they still did not have enough proxies. The board asks for members to contact anyone who is not there and to gather proxies so that they will have enough votes to start the meeting. Additional proxies were turned over by Cindi Marrinan. When her authority to vote those proxies was recognized and affirmed, the meeting then had a quorum and could start.

+ 0:30:04 Start

+ 0:33:54 Linda Harnish requests changes to the 2016 meeting minutes. A discussion on if a quote in the minutes adequately states the “intent” of the speaker. Marie & Matt say that a quote need not be word for word correct in order to be accurate. A discussion begins on whether the words left out of the quote are pertinent to the meaning of the quote. (At this point, you should scroll down to the bottom of this document

and see the addendum/correction that Linda requests.) The discussion seems to be about whether a statement by the Ontkeans that they understood a prior agreement with the City of Camas and the HOA not to erect permanent structures on the common area... was pertinent to the meaning of the quote. The Ontkeans are here and are invited to say whether or not they knew about the prohibition of building permanent structures on the common areas (And the city's easement to run the pumping station on that panel), but they say nothing. An agreement is reached that the quote is inaccurate as proposed in the minutes and Linda's request to amend the minutes to restore the deleted text will be honored, and by adding her request for modifying the minutes to include the exact words to the quote will be added to the minutes as an addendum. More discussion... Linda's correct version of the quote will replace the version in the proposed 2016 minutes. With this correction, the vote to accept the 2016 minutes passes by acclamation. (I've attached Linda's request to the bottom of this synopsis)

Two years later and still not done.

+ 0:43:47 Report of Officers

-Matt on the state of the HOA. Matt is proud of his Processes, Procedures, Committees, and Transparency.

+ 1:05:00 Matt: Any last questions?

Steve Preedy: asks about the neighborhood vote **not** to spend money on a determination study for the wetlands taken at the 2016 annual meeting... but the board ignored the vote and spent the money anyway. Matt & Marie refers to the handouts we just got which will answer all our questions. Some people clap, most

do not clap. Marie says that the CC&Rs require the board to do this determination.

Dan Foster asks: But the system is not broken. Marie says that we need a study to make this determination (on whether or not the system is functioning as a storm water facility). The city requires us to make this study before we can begin our maintenance responsibility. Matt this is a storm water facility...

Steve Marrinan: Incorrect! The CC&Rs call it a “wetlands”.

Matt McCants: It is a storm water facility. And, we can maintain the storm water facility any way we like, so long as the water going into the lake meets standards.

Tom Kelley: “The CC&Rs require that the members, through the association, are to maintain that biofilter wetlands, OK?... You were asked to vote against on something that was against what was required by the CC&Rs.”

+ 1:23:50 Matt McCants: Any last questions?

Richard:Arnold: How can you justify the Ontkean settlement: done in complete secrecy, without the required vote of the membership for the transfer of property, without recouping our legal costs, and totally ignoring our CC&Rs and the contract between the City of Camas and the HOA? Matt says that they acted with the advice of council and that... “I don’t think we evaded any of the requirements of the CC&Rs.”

Richard: “I don’t know what you did. I’ve asked twice by email and you refused to tell us. I don’t think you were honest with our lawyer. A legal council will give advice to their client on how to accomplish what his client wants to the extent that the law

permits it... You have not given me any evidence that you have been honest with your community, or our lawyer... You are guilty of “lawyer abuse”.

Various off the topic comments and interruptions by Kayt Lambert, the Ontkean’s, Karen Stanley, and others on the Ontkean’s beautification efforts in our common areas.

(None of these comments address the basic problem in the boards decision to transfer ownership common area property to the Ontkean’s for an expansion of their patio. The board did not have the authority to transfer ownership without a super majority vote of the membership. Acting with the advice of counsel does not mean that the board acted correctly. The board made this decision and it was the board, not any team of lawyers, who signed away our common property to the Ontkean’s.)

+ 1:26:30 The Treasurer report. Ron Boyle does the presentation from the February meeting that he said he’d revise before the Annual meeting. Ron Boyle now realizes that the expense for the Wetlands Study in 2017 was also included in the 2018 proposed budget and should not be there.

+ 1:37:00 Some questions to the treasurer. Marie keeps interrupting.

+ 1:40:00 Some discussion on whether Cindi Marrinan and Marie Callerame were “having a discussion” or if Marie was interrupting Cindi.

+ 1:43:00 Floor discussion on Budgets vs Special projects vs Reserve Study. Who decides?

Matt McCants: “That’s why you hire the board, to make those decisions.” Mike Niquette asks the board to stop trying to bankrupt the association by spending Reserve Funds incorrectly.

+ 1:47:00 General hubbub. People begin to leave.

Matt McCants asks that anyone leaving, please give their proxies to Lorrie Conway (**our book keeper**) so that the meeting retains the number of voters required to constitute a quorum.

(**Can Lorrie, a non-member of the association, vote these proxies? Who will vote the proxies for the absent members.**) A vote is called to approve the budget.

Dan Foster asks that those casting their ballots vote against any budget that allocates money for a Wetlands/Meadowlands park project. The proxies are collected for a vote on the budget.

Mark McCants tells the audience that a new Washington State law requires a majority vote... 129 votes against, to reject any proposed budget.

+ 1:50:00 Reports from the Committees.

- The Ad Hoc Committee. Applause.

- Rita Haller of the Welcome Committee is honored... a new committee is formed to extend her efforts. Applause.

- 4th of July is mentioned.

- Communication Committee - Karen Stanley speaks about the survey the board has taken. Applause.

- A discussion on “putting pressure” on the city to properly maintain the trail by the lake. The board says that it will renew their efforts.

Internal Audit Committee

- all was OK last year
- a vote is taken to waive the requirement for an internal audit.
- Ballots are collected.

+ 2:08 Common Area Committee.

- Susan Stuck is a new neighbor with professional experience with storm water treatment facilities.
- The wetlands look unkept and dangerous. Coyotes are there.
- A review on the maintenance of the entrances. The shrubbery at the Walden entrance is unkept and obscures view of the street. It presents a danger for teen age drivers leaving the neighborhood. Also, the shrubbery obscures the wall signage on the right of the main entrance.
- A discussion of the shrubbery on Walden obscuring the view of Lacamas Lake. (James & Kathy Patitucci property)
- A presentation with overheads on the common area barbecues
- They need replacement. (+2:20)
- The trees over the barbecues need trimming, the overhang is a fire hazard.
- The barbecue area is unkept with brambles and fallen limbs. It is ours to do with as we wish. A clean up would improve views.
- Perhaps a path from the fire pits down to the boat dock.
- A presentation on Storm Water treatment. (+2:28)

- A creek is running through the treatment facility. This is incorrect.
- Comment from the floor: you are proposing a 1/2 million project.
- No, besides we are obligated to maintain the wetlands as a storm water treatment facility and it needs our help.
- A discussion on the Lake Hills project putting an extra burden on our facility. Should we not be assessing Lake Hills part of the cost for this project?
- Comment from the floor:... but it is not broken. This whole thing came up from the people with homes facing the common area that want to cut trees and improve their views! You are not convincing.
- Susan Stucks finishes: We can be proactive now, take it slow, find out how much it costs as we decide what to do.
- Comment from the floor: Pete Capell from the city says that with input from many studies... the run off from Lacamas Shores is not even a drop in the bucket. The vast majority of the nitrogen in the lake comes from dairy farms to the east.

(+2:39) Election of directors

- Speeches are given.
- Steve Bang / Marty Elzingre / Mark Guthrie / Janine Smith
- Comment from the floor: We don't need more committees, we need to find common ground within the community.
- the ballots are being counted...

(+2:49) General Q&A

- New business from the floor?
- General crowd babble
- Adjourned

This is the original quote with the omitted words in red... that Linda wants in the corrected minutes.

Although I am unable to be present at the 2017 annual HOA meeting, I am hereby requesting that the minutes of the 2016 meeting be amended to include the statement shown in red, below:

The homeowners at 3011 NW Lacamas had been told by the developer that they could landscape and maintain the Common Area adjoining their property with natural materials. **However, even they understood that they were not supposed to build anything on the parcel that belongs to the HOA.** Some landscaping was challenged and the situation became legal. [The case is now settled with a mutually revocable agreement.]

Thank you,
Linda Harnish

2017/08/28 HOA Board Meeting Synopsis

August 28, 2017, 7 PM

7:00 PM - Begin recording

(I am trying to use the exact words the speakers used. But, while I am keeping the exact words spoken, I am leaving out duplicate comments, keeping those that expressed the salient points and the speaker's intent. Often the comments in their entirety are 5 to 10 minutes long and reading the entire audio transcript would be as tiresome to read as it would be arduous for me to type it. If the comments are in quotes, these are the exact words of the speaker. I am putting this explanation here to pacify my editors who'd like me to clear up the speakers words/intent. Sometimes sentence constructions are awkward, but these are the words of the speaker. I record them as they were said)

Opening Ceremonies (7:05PM)

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

Pat asks if the green neighborhood newsletter was delivered on the door step? Apparently not.

Audience Comment:

- Linda Harnish - (7:08) The treasurers reports...

The May financials: What lien fees were reversed? Janine will get back to her.

The June Financials: various fees/charges... what are they? DropBox annual user fee?
Janine Smith will get back to her.

The General Ledger: (7:10:44) Work has been done by the HOA on several properties that are privately owned... These expenses should be clearly reported in the financials with a breakdown for such costs since we are working on property that we do not own. Janine Smith will get back to her.

The Reserve Committee: (7:11:35) Linda Harnish: "On the secretary's report for April, presumably the May minutes which have never been prepared, the June and the July minutes, there is a report in each one of those minutes for the capital replacement/reserve study committee, and yet even tonight's agenda shows that that committee has not yet been convened." Janine Smith: "That's me too. So..."
Linda Harnish: "OK, and yet that committee supposedly has not been convened. And, I know that there are indeed people who volunteered for it, and who have never been contacted. So, I find it curious that for four months, there are reports of what that committee is doing." Janine says: "True, and so far, it has been a one man committee and me. And, with board authorization to spend money, to do things. And, I've done things... and I've not convened a committee meeting because quite honestly, I believe that would have slowed me down." ... (Some more back and forth)... Linda Harnish: "If you are setting up a committee, as

you obviously had volunteers, it just seems like you should move forward with actually convening that committee and not having just one person acting independently.”

HOA board minutes: (7:13:39) Linda Harnish: There have not been a set of finalized HOA board minutes posted on your web site since November 2016. Including the minutes for the 2016 annual meeting, which I know had corrections to it... when will the minutes be finished and posted? (The 2016 annual meeting minutes were approved at the 2017 annual meeting! Were the corrections made to the 2016 annual meeting?) Marie Callerame: It is just a matter of my time. Pat Lambert: asks for volunteers to help Marie.

- Richard Arnold - (7:16:30) “Last July, a big deal was made about the charges that you’ve incurred in the past year on the web site. There is a remarkable coincidence, in December, Steve Bang was paid \$976 dollars and I think 68 cents for 6 months work. In 14 years Catherine was... Marie, don’t shake your head, just listen to me, don’t comment. Just listen.” Pat Lambert: “Just make your remark please.” Richard Arnold continues: “In fourteen years, the domain hosting, the ISP charges were \$976 that she was reimbursed. That’s 14 years of web site and Steve Bang blew through that in 6 months. And, now there is another \$3000 apparently, that you are looking for. I’d just like to point out, I’m glad you are finally realizing the incredible value of the work that Catherine did for this neighborhood.” Pat Lambert: “When you make reference to somebody else, we’d appreciate if you’d talk with them first rather than talking about them. it would be really helpful in our whole neighborhood.”
- Cindy Ontkean - (7:18:40) “I’d like to respond to Mr Arnold please... In regard to your web page. As Pat Lambert said, it would be nice if you would talk to the people prior to any issues you take with them. You blasted on us on your web page and not given us one opportunity to respond. I’ve tried to get onto your forum, but you denied it. It would be very nice and neighborly if you allowed us.”
- Cindi Marrinan: It seems we are maintaining property owned by the golf course on Michaelbrook. Are we billing them for this expense? Janine Smith: I did that and I thought it was our property. Steve Bang: When I looked at GIS, it was HOA property. Marie Callerame: can we just table this till we can get on-line?
- Marie Callerame: The Sock Hop was amazing.
- Pat Lambert: Because of the confusion over the web site, we are trying to get something hard copy on the door steps each quarter.
- Everybody: A discussion of the Lacamas Helping Hands Project.

Proof of Notice - Reading and approval of minutes of July 24.

Minutes are approved

Report of the Officers: (7:29PM)

President - Pat Lambert notes the increased attendance at the board meetings. He thinks it is a good thing. Pat resigns from the Presidency: Family priorities. Board will wait until the next meeting when everyone may be present to determine a new President.

Vice President - Tom Kelly: Nothing

Treasurer - Janine Smith: Some collections on one of the bank owned properties.

Secretary - Marie Callerame: A discussion of the \$99 per month on search engine optimization. If we don't do that, we fall off the front page of Google searches.

Report of the Committees: (7:38PM)

- ALCC - Marty Elzingre: The soccer field card reader needs replacement. We are at the system limit for new cards. Approximately ~\$1200 to replace. Some tree removals approved. A metal roof dis-approved. Some discussion of non-members who are using the boat dock.
- Boat Ramp Committee - Ron Boyce We are going to need some volunteers: We got approvals for the repair of the boat dock. We got a septic exemption. Today, we got a permit from the state. Ron is checking on the timing for the lake "draw down" so we can organize the repair effort. Ron will need about \$5,000... voted/approved.
- Common Area Land Use Committee - Marie Callerame: The picnic area... we need to get the city to come down and discuss the effort. The city maintains that the lakeshore protection area extends up to the basket ball hoops. Marie needs clarification from the city on the storm drain blockage on Michaelbrook.
- Capitol Replacement committee: Janine Smith: Some minor repairs to the picnic area & boat house. Approximately ~ \$1200.
- Member Communication Committee - (7:52PM) nothing
- Social Committee - Janine Smith: trying to set up some more community events.
- Traffic Safety Committee - Marie Callerame: Perhaps we should dissolve the committee, there is no one on it. The decision is to keep it.

Old Business: (7:56PM)

- Proposed Tree Policy - Marty Elzingre: Comments to the board have come in, we might get more? If you don't count the board, the decision is just about even. Marty discusses his dealings with the city over his "deeded view". (He's covered by the conservancy zone agreement. His view is over publicly owned property) Marty says that the real issue is view conflicts between private property owners. Marie Callerame weighs in... Tom Kelly chuckles. Marty Elzingre: says that while we all have a right to a view, the CC&Rs don't define what a view is. We are a complaint driven organization. The HOA is not an enforcement agency. We are not going to litigate. But if asked, the "official" HOA view is that a view of Mt Hood **or the lake** is more important than a view of trees. Some neighbors give their unique experiences... nothing new. Steve Marrinan: warns against having an "official" opinion/policy on views. If we do, the

HOA will be sucked into every dispute and every litigation between neighbors. The board should not be involved.

- Voluntary Meadowlands Revegetation Fund - (8:30PM) Marie Callerame: The attorney said that voluntary funds are done all the time. The homeowner can set it up and designate the project... and that's that. The top amount is typically less than \$50,000. Ron Boyce: (8:33) "Well, we're not completely sure what we are going to do yet. But part of it is getting rid of all the undesirable bushes and some of the trees, that are diseased. Maybe not all the trees. Maybe not all the trees. Want to make it a grassland like it was initially. Ahh... I've been here since this place was built and that was a nice grassland out there, and... and ahh... The trees, no one ever took care of any of the trees. The little saplings would grow up, and eventually, we ended up with all the big trees down there, over 24 years. There were a few trees there. Some of the trees were established. There were some trees there." Some discussion results from these comments. Marie Callerame: (8:34:30) "So this is the 1992, the way it looked in 1992 (a picture is shown) And this is... And when did we start? 1988? so this is our 30 year anniversary birthday... Woo! ... But this is 1992 and then, this is now. And, so the plan we put in, but add a giant Camas lily field, cause we know that the city loves Camas lilies, and they look really beautiful, and they are very hard to find. So we thought we could, like maybe, I don't know how much, Maybe look at a quarter acre, the seeds take a long time to sprout, and they take a long time to grow. So that's kinda what we proposed to the city." Ron Boyce: "There is still a lot of work to do on this thing. We're not exactly sure we have to submit to the city a total plan on what we plan to do." Cindi Marrinan asks: "How much have you spent on this effort so far?" Ron Boyce: "Nothing." Dan Foster: asks... "Does the state get involved in any off this, or no?" Ron Boyce says: "No." Steve Marrinan: (8:38) "What has city told you about any kind of tree cutting on the other side of the trail by the lake. What have they told you?" Ron Boyce: "They said, you can't cut any trees. But they didn't say that we couldn't limb some of them up, and stuff like that, to open it up a little bit. They want us to go through there and take out all the blackberries and all the scrub stuff, but any trees 4 inches or larger they didn't want us to cut." Linda Harnish says: I was at that meeting, and I asked the question, and the response from the city is that they will never allow cutting of trees in the conservancy zone. Cindi Marrinan says: Only blackberry bushes and ivy only. Not scrub trees either. (Ron keeps interrupting and the rest of Cindi's objections are lost.) Pat Lambert shuts down the topic and moves on to...
- Sex Offender Information - (8:40) Pat Lambert reads a statement about sex offenders... apparently from a sex offenders web site. <<http://www.icrimewatch.net/>>

New Business: (8:41PM)

- Fines and fees policy - tabled

Adjourn - (8:42PM)

The Executive session:

- CC&R Non-Compliance/Property Maintenance
- Discussion with attorney

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.

From: Janine Smith mpresonist@aol.com
Subject: Re: Corrections to the adopted minutes: 2017/07/24
Date: February 26, 2018 at 4:12 PM
To: Richard Arnold IV richardarnold4th@comcast.net
Cc: Marie Callerame aikotabcal@hotmail.com, LS Board board@lacamasshoreshoa.org



Richard

Enough already!!!!

I type the minutes from a recording. Although I was not at July meeting, I made arrangements to have it recorded and I typed the minutes from that recording. In the executive session the board members discussed collection efforts against Catherine but no decision was made at the time therefore there was no motion to make when the regular session reconvened.

Janine Smith

Sent from my iPhone

On Feb 26, 2018, at 3:05 PM, Richard Arnold IV <richardarnold4th@comcast.net> wrote:

Marie,

This is simply dishonest. You focus on the word "motion"... and you are blind to the words "or other action adopted, passed, or agreed to". Do you honestly decided in that executive session not to sue Catherine for damages... "at this time"?

I'd like to remind you that you met in closed session to discuss suing Catherine for "theft" (to use your words) and never disclosed your decision in open meeting Catherine, that you never did. You are simply being dishonest.

You have already corrected and verified these minutes. You said so last January meeting. How far back and how many times do you think you can rewrite the minutes where you called Catherine a thief?

Richard Arnold IV
6223 NW El Rey Drive
Camas, WA 98607
richardarnold4th@comcast.net
360-834-1710

On Feb 25, 2018, at 11:03 PM, Marie Tabata-Callerame <aikotabcal@hotmail.com> wrote:

Richard,

The Board plans to make a change to the 2017 July minutes by inserting the underlined words into the last line as follows: "Pat moved to adjourn the regular board meeting Compliance/Property Maintenance (New, Updates, and Closed) and Domain Names. The motion was seconded and passed unanimously." We will also change the last sentence of the meeting at 9:08 PM."

Note that RCW 64.38.035(4) states, "No motion, or other action adopted, passed, or agreed to in closed session may become effective unless the board of directors, following no action was taken needing to "become effective" or authorized, the Board needed no vote in open session.

Thank you for reaching back out to us.

Marie Tabata-Callerame
Secretary, Board of Directors
Lacamas Shores HOA
www.LacamasShoresHOA.org

From: Richard Arnold IV <richardarnold4th@comcast.net>
Sent: Monday, February 12, 2018 7:52 AM
To: Janine Smith; Mark Guthrie; Marie Callerame
Cc: Richard Arnold IV
Subject: Re: Corrections to the adopted minutes: 2017/07/24

Do you refuse?

Richard Arnold IV
6223 NW El Rey Drive
Camas, WA 98607
richardarnold4th@comcast.net
360-834-1710

On Feb 1, 2018, at 7:34 AM, Richard Arnold IV <richardarnold4th@comcast.net> wrote:

On Jan 28, 2018, at 10:34 AM, Richard Arnold IV <richardarnold4th@comcast.net> wrote:

Corrections to the adopted
minutes: 2017/07/24

Now that the minutes have been finished, corrected and approved, I must point out to you that The minute
Here is one for you to look at:

The topics discussed at the Executive Session are omitted.

1. The agenda gave the topics for the Executive Session.
2. Mark Gutherie's presentation mentioned suing Catherine Arnold in civil court and that the topic would
3. The topics for the Executive Session were announced in the open meeting.
4. Washington state law (RCW 64.38.005) requires that the results of any decisions made in Executive Se

In particular, Mark Gutherie said in the meeting that they would later meet in Executive Session and decid
say that he was able to decide only questions of intellectual property ownership questions, and that he cou
reclaim the money the HOA spent to replicate Catherine's private web site. To do that, they needed to go to
Gutherie's suggestion to sue Catherine Arnold is dishonest. To leave out any mention of this in the Executi
state law. Do the honest thing. Please fix your mistake.

Richard Arnold IV
6223 NW El Rey Drive
Camas, WA 98607
richardarnold4th@comcast.net
360-834-1710