

Complaint #4

Repeatedly changed rationale for wanting wetlands cleared

These documents show the different names used for the same issue and territory. There are only links to three of the documents below but the others are online (lacamas-shores.com).

1990-09-21 CC&Rs (2.6, 2.7)

- The Wetlands
- “The newly-created wetlands”

2017-09-19 Synopsis

- Wetlands Delineation Study
- The Wetlands/Conservancy Zone maintenance issues

2017-01-16 board_meeting_minutes

- Meadowlands Park Jurisdictional Determination Contract
- Amended HOA Tree Policy

2017-06/19 Synopsis Board Working Meeting

- The New Trees & View policy

2017/08/28 Synopsis

- Voluntary Meadowlands Revegetation Fund

2017-02-13 board meeting_minutes

- Stormwater Bio-filter maintenance

2017-09-25 Synopsis ([LINK to document](#))

- The Maintenance and Restoration of the bio-filter storm system.

2017-10/23 Synopsis ([LINK to document](#))

- The New Trees & View Guidelines

THE EVOLUTION OF AN HOA NIGHTMARE ([LINK to document](#))

2017/09/25 HOA Board Meeting Synopsis

September 25, 2017, 7 PM

6:57 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 speaker's words/intent. Sometimes sentence constructions are awkward, but these are the words of the speaker. I record them as they were said)

Pre-meeting: (7:00:30)

- Janine Smith - On the failure of the board to post HOA Board meeting minutes. Richard Arnold points out the importance of the amendments to the 2016 annual meeting minutes. Janine does not have notes and does not know where to get the amendments that were approved when the minutes were also voted on and approved. Richard Arnold suggests that she look at the synopsis on the community web site where they were posted.

Opening Ceremonies (7:04PM)

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

Audience Comment:

- Richard Arnold - (7:06:PM) "I'd like to comment on the financials. The people who live in Lacamas Shores are individually responsible to back up any check the board writes, **ever**. And should they have any fines for anything they do, or any legal fees for something they do, every member is responsible, **personally**. This is like a lien on your property. This idea that we are limited to a 6% annual increase is incorrect. Everything you write a check for will be paid by the membership. Special Assessments are fine, but if you get a legal judgment against you, this will not be paid by you individuals (I gesture to the seated board members), but by all the people who live in this neighborhood."

Proof of the Minutes: (7:07PM)

Reading and approval of minutes of August 28. Minutes are approved
Janine is getting with Marie to finish some of the un-published board meeting minutes.

Report of the Officers: (7:08PM)

President - Tom Kelley... we don't really have one just now. But, as VP. Tom is is "sitting in".

Vice President - Tom Kelly: Nothing

Treasurer - Janine Smith: 75 thousand of the reserve fund has been invested in a Certificate of Deposit. If the HOA needs the money before the CD matures, the fees will "break even" with respect to the increased interest...in 10 months. Approved, even though the investment has already been done. Reserve total is \$169,098.25. Janine mentions the passwords for the PayPal account have been given to Marie Callerame. Cindi Marrinan: objects that with checks, we had two signatures and with PayPal, you have just given Marie the passwords. Marie says that PayPal is only for small amounts, and the double check is that our bookkeeper will see all the charges. Janine says that she gets daily notification by PayPal on any charges. There is some discussion on setting limits on charges that have not been authorized a vote of the board.

Secretary - Marie Callerame: Says that the PayPal account is only being used for the iPage and the dropbox account expenses.

Report of the Committees: (7:14PM)

- ALCC - Some discussion of the picnic area tables. Someone (?) a question: you were supposed to get back to me a month ago, but you have not.
- Boat Ramp Committee - Ron Boyce: we should be done at the end of this week. Some discussion on what is/will be done.
- Common Area Land Use Committee - Marie Callerame: The picnic area project is on hold... waiting for city approval. Ron Boyce: On the meadowland park project. Ron met with the city for about an hour about what needs to be done. Quite frankly, they are not really willing to help us a whole lot. It's like pulling teeth to get them to agree to certain things. But we'll see. Marie Callerame: Do we need to consider reaching out to someone for help with the city? Ron: that's for new business. Capitol Replacement committee: Janine Smith: Some meetings. The exercise equipment will wait till next year. Cindi Marrinan points out that there are state standards that need to be met.
- Reserve Study - Ron Boyce, a discussion of re-doing the existing study. Janine Smith is preparing a presentation on that issue when it becomes clear. Some items are on a 25 year spread sheet... others are/should be on a 30 year spreadsheet. A long, complex discussion follows: Common Sense versus How Accounting Works. Mark Guthrie: Let's get reality right first, then we'll work on the accounting terminology.
- Member Communication Committee - a discussion on newsletters and the HOA web site.
- Social Committee - Janine Smith: The sock hop only cost \$221.49.

- Traffic Safety Committee - Marie Callerame: We should be getting new signs tomorrow. Complaint about speeders at the Michaelbrook entrance. A new sign? Marie will talk with the city about putting our signs on the city light poles. To and fro on various interpretations on legal issues.

Old Business: (7:44PM)

- Proposed Tree Policy - Mark Guthrie: Comments to the board have come in. A discussion on how to interpret the results follows. To and fro on the history of the tree policy. To and fro on various motions. To and fro on various legal exposures to having an “official” policy. Everything is repeated three to five times. Finally, the board votes to rescind any policy that might have previously existed. More discussion on the policy/non-policy they have just voted on. Tom Kelley: Tom says the the CC&Rs and the “Deeds of Dedication” circa 1989 contain sufficient authority to guide neighbors and the board without an official policy. *(Tom is wrong about this. A law suit of October 29, 1993 titled “Appeal from the decision of shoreline management review committee granting permit revision of permit #c-2-87” asked that the view easements in the deeds be voided as they violated the Shoreline Management Act. This appeal became the basis for the out of court settlement with the developer, Vanport, re-instating his conditional use permit to develop Lacamas Shores.)* Tom proposes a “white paper” to the association membership to explain the resolution. There is a discussion on what a “white paper” is. It is finally resolved NOT TO HAVE A TREE POLICY. (Based mostly on lack of CC&R definitions and the legal exposure of taking sides in neighborhood disputes where the HOA has no clear right or obligation to act. *(This is exactly the decision of 2006/07/18 HOA board meeting... 11 years ago. Exactly the same issues, the same discussion, the same decision... that we may not have a policy where we have no authority or guidance from the CC&Rs.)*) Mark Guthrie finishes up by saying how pleased he is with the way the board acted on this issue.

New Business: (8:07PM)

- Planning and Land Use - Ron Boyce: “I feel It would be helpful to get a Land Use attorney in helping us deal with the city. There is a certain amount of burden of proof on us, they don’t have to prove anything. And I think we need a land use attorney, review some of these documents and to get a legal opinion on that. The city will listen to something like that.” Some discussion on fees. Ron has some friends that will give him some free time. Marie Callerame: A motion? Tom Kelly: No... just an agreement from the board to look for opinions without incurring any costs. Without tying up any funds... “We need something in our hip pocket, I think....The city seems to be throwing some things at us that are not appropriate for our application.” Ron Boyce: I’m not asking for any funding right now. Motion: Authorizing Ron to consult with a land use attorney. A budget of \$500 is proposed... later removed. Passed: Ron is authorized look for a land use attorney with no authority to spend any money.

- Meadowlands Park - Ron Boyce: “I would like, at least, to go on record a motion for of 30,000 to 35,000 dollars for the maintenance and restoration of the bio-filter storm system.” Some discussion. Pat Lambert: “Are you making a motion?” Yes... Marie Callerame seconds. Janine Smith: “In my recent review of Washington Law in regards to the reserve fund/study, we can’t spend money from the reserve fund on components that are not in the reserve study.” Marie: “Wait, wait... that is not the law.” Some discussion. Perhaps making the Meadowlands Park, etc. part of the reserve fund solves this problem? Janine will research. Mark Gillespie: ...is mowing the grass routine maintenance, or is it part of the reserve fund? More discussion. A review on past board actions. Removing the trees killed by the new development on Michaelbrook is mentioned... The money... some 10,000 dollars came from the reserve fund?... No, it came from normal maintenance funds. Marie Callerame has done some research that seems to allow the use of reserve fund money to pay for unforeseen expenses. Ron Boyce: “We’ve got quotes on much, effective, we feel it would cost to restore that back to the original. That’s between 30,000 to 35,000 dollars. (Someone: what do you mean by original?) Back to grasslands where it filters properly, rather than the water running on top, which is what it is doing now. Which means you have to get rid of the trees there, they are destroying that grassland, the grasses won’t grow in the shade. So that’s what has happened over time. Originally it was a grassland. Originally they came in, logged it off, they scraped it down, graded it down, gave it a 5% slope. Grasses, there were a few trees... a few saplings, pretty much it was grassland. Cindi Marrinan: Asks for clarification... what area are you talking about? Ron says: ...behind my house. Cindi Marrinan says: “If you look at the pictures, there were trees behind your house. The only area that was grassland was like right behind the soccer field. I have the pictures.” Ron says that is besides the point. *(Cindi made a timeline of the trees behind Ron’s house. The timeline shows trees have been there from 1991 to the present. You can see her movie on the Lacamas Shores Community Facebook page.)* The motion: Set aside \$35,000 for restoration of the wetlands from the reserve fund. **PASSED** with one nay vote (Mark Guthrie). Mark Guthrie: ... before we had \$175,000 in the reserve fund... now we have obligations for \$200,000... how can we do this without a special assessment? Marie Callerame talks for a very long time and I can not understand what she is saying. I do not think she is answering the question just asked. Some question about what was just voted... Was it a commitment to spend the \$35,000 on Meadowlands Park, or was it a vote to add Meadowlands Park to the reserve fund components and figure out how to pay for it later? *(What was just passed? I’ve listened to this 3 times now and here is my guess: My guess is that the \$35,000 for restoration of Meadowlands Park was approved by the HOA board and will be added to the Reserve Fund as a new component. They may or may not actually spend anything on it till they get clarification from the city on what they are allowed to do, and what they believe they may be required by the city to do.)*

- Fines & Fees - Marie Callerame hands out a new schedule. No vote tonight. Request for memorial bench in the soccer field. A letter is read. Motion to approve the bench at the member's expense. **PASSED**, with the proviso that the ALCC must also approve.

Adjourn - (9:04PM)

The Executive session:

- CC&R Non-Compliance/Property Maintenance

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.

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 Lamas Shores Team before them, that previous Lamas 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

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*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

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LS Board of Directors Meeting
Minutes May 10, 2006

THE EVOLUTION OF AN HOA NIGHTMARE

High Level Overview:

- Remove a single tree blocking an individual homeowner's view of Mt. Hood ... became:
- Develop a task force to investigate tree and view issues ... evolved into:
- Undertake a "healthy forest project" ... turned into:
- Clean up the wetlands ... which morphed into the following when a former attorney got involved:
- "Re-establish and maintain the view easements/corridors due all lots ..." ... that one didn't last long, but quickly turned into:
- Regain lost value in neighborhood homes by re-establishing views ..." they were hot and heavy on that one for about a year until the current Board was formed, then it became:
- Enforce the governing documents which say the wetlands must be maintained ... and NOW
- Reduce potential liability for polluting the lake by clear-cutting the wetlands and planting grasses

Or, put another way

GOAL: Clear Cut Trees

- Strategy 1: Hire a consultant for \$5,700 to say the HOA has jurisdiction and doesn't need a permit.
Result: It's still a wetland. You need a permit. Board is frustrated.
- Strategy 2: Tell City we must, for the health of the riparian zone, use heavy equipment. (A Board member states this in a letter to the City.)
Result: It's a wetland, you need a permit. Board is now very frustrated.
- Strategy 3: Hire an attorney and spend up to \$5,000 to insist we don't need a permit.
Result: WA Department of Ecology says Section 404 applies and you need a permit. Board is convinced these people aren't listening. Board President has convinced himself he is the only person on earth who understands any of this.
- Strategy 4: Pay consultant another \$1,000 to take it up with Army Corps of Engineers.
Result: Still awaiting a response. Board's Hail Mary pass.
- Strategy 5: Based on experience with all the above, let's approve an expenditure of \$2,000 to test the bio-filter and turn ourselves in to the regulators.