

Saying Good-bye

Recently, our nation took time out to say good-bye to a national treasure, ex-President Ronald Reagan. His passing ended a long struggle with Alzheimer's disease. Because of this "long good-bye," we haven't had the pleasure of enjoying his cryptic humor recently.

Whether one agreed with his policies at the time he was president, one would have to admit he was probably the most personable president of memory. It seemed to amaze the media powerful (who tend to not like upstarts that arise from other than the Washington establishment) that he could be brutally frank and witty simultaneously.

One of President Reagan's policies that some criticized harshly was his calling the Soviet Union an "Evil empire." Even though most well known historians have now credited Reagan with the fall of Communism because of this tough stance, it took his death for most media (not all, NY Times still holds back) to acknowledge that he was right and they were absolutely wrong.

One nice thing about President Reagan going through the long "green mile" is that for many youngsters, their introduction to this person was the recap of his achievements during his funeral.

Signs Of Things

by Ann M. Bassador

I have felt somewhat overwhelmed lately, with all the new signs and warnings and so much stuff to read. It kind of caught me by surprise when I saw the new signs as I headed out the gate toward Prospect Ave. "Traffic Revision Ahead," they read, with orange flags. I'm looking around the first few days trying to figure out where the detour is, or are they digging a ditch or what, and darned if I didn't putter my jalopy right through a stop sign. Several times, in fact. There it was, a new stop sign!! I could have read it and done what it said. It's pretty simple — "stop." But no. Being so overwhelmed with so many new espresso signs and garage sale signs and all the other signage around this part of our piece of heaven, I totally missed the traffic revision they were warning me about. I missed the new stop signs that make Kala Point Dr. and Prospect Ave. a **four-way stop**.

I could just tell you that I have seen at least 30 of us miss that new **four-way stop** so far. Or I could say how appalled I am at the drivers (ladies **Continue "signs" on page 10**

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Speaking

Are We Adults ? or Children ?

By Judie Lewis, et al

Again, this year, we all have been blessed with the insights and opinions of a group here in Kala Point who like Wm. Randolph Hearst of newspaper fame, feel we need their guidance in order to be able to vote for board candidates.

I just love the part about how many years each person on the list has resided in Kala Point. Is this supposed to indicate that longtime residents are in some way more valuable than newcomers?

However, the most outrageous slap is that in a field of only four candidates, these people feel that they need to give you the precise names of the three that have been handpicked by the little ruling elitists. This is an outrage, not only because it assumes we residents are either too immature or too stupid to make voting decisions without their help, but because by selecting three out of four, they leave one out, as if it is okay to belittle or malign a resident volunteer. **Shame on you!**

This vilifying thing in this community is the biggest blot of all. It is actually okay for reasonable adults to disagree and still be friends and

neighbors. If nothing else changes here, this spin machine that seeks to make anyone who doesn't believe in the party line into some lesser form of human must stop. The reason this got started was that when the elitists felt threatened as far as their little power play was concerned, they worked at trying to run-off the non-agreeing resident.

At a meeting about a year ago, a man across the table from me related a story about a friend (a lawyer) who reviewed our CC&Rs and determined he did not want to live here. Then with a very big smile this man said he thought this was intelligent - that "not everyone is right for Kala Point." It stunned me that this man had no concept that he had made a statement of incredible bigotry.

Should anyone or any group within any community have the power to run-off others who have invested in the community like everyone else? Let's all shout **NO** in answer to this!

The Biggest Vilification

Over the last two years, the most effort in smearing someone has been directed toward Jay Garthwaite. The main reason is that the powers that be are truly afraid of him because he comes to us armed with many valuable skills, making him the most likely person to succeed in dethroning the entrenched reigning group.

Mr. Garthwaite has filed for a Summary Judgement in Superior Court regarding our election practices. It is not a "lawsuit." It is a request for a judge to review the state law and our By-Laws and determine whether we are in compliance. How can that be bad?

The board has nothing to fear unless they are violating the covenants or the state law. There will be no cost to us if we are in compliance, which the board seems to feel we are. If they are right, the complainant will bear the minimal cost burden.

If we are found in violation, we need to know so that we can make the necessary adjustments to put us in compliance with covenants and state law. This will also judge the quality of our attorney. We need an attorney who tells us what is right under the law, not what some want to hear.

Mabel Campbell, GRI

28 year Kala Point Resident / Realtor

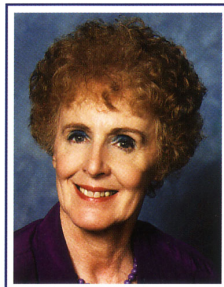
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I Take Issue With That...

By Editorial Staff

Update On The Small Homes

The Board has indicated that it is finalizing the wording of an amendment to be voted on by the entire KPOA membership regarding smaller homes. At issue, you may recall, was the matter that if a small home in Kala Point is destroyed by fire or other disaster, to what size would it have to be rebuilt since the minimum square footage requirement was changed in the 1990's to 1,500 square feet.

The amendment would allow existing smaller structures to remain their same size when rebuilt after a loss. This is in keeping with building code requirements. Also, most insurance coverage simply does not allow for replacement of a home to a larger square footage. But Kala Point governing documents never addressed this matter; members have raised the issue and the Board has recognized that it needs to be defined.

It is believed that the amendment would protect three- to four- dozen Kala Point homes and their owners if they should ever have to rebuild, but it is hard to say how many homes are less than 1,500 square feet in size. However, because it is a proposed amendment, it would have to be voted on and approved by the entire Association, and that is not likely to take place until the December budget meeting.

New Lawyer for KPOA

Stephen E. Oliver is KPOA's new lawyer, Ray Kemery announced at the clubhouse on June 17. Mr. Oliver is a shareholder and president of Platt Irwin Taylor, the largest law firm on the Olympic Peninsula.

Born in Centralia, WA in 1948, he received his B.A. cum laude and his J.D. from the University of Washington. He served as clerk to Justice Robert Utter of the Washington State Supreme Court in 1976-77, and has been general counsel to the Port of Port Angeles for twenty years. He is a director of First Federal Savings & Loan Association, the Port Angeles Food Bank, and the Northwest Maritime Center on Port Townsend Bay.

Oliver's individual practice areas are municipal, land use, personal injury, maritime and business and commercial law. He is a member of the Washington State Trial Lawyers Association.

Legal Complaint & Potential Member Benefits

By Lou Martel

A complaint was filed with the Jefferson Superior Court against the KPOA Board/Association by Jay Garthwaite on 5/28/04. The complaint requested court assistance to bring KPOA into compliance with the WA Homeowners' Association **Continue "Legal" on insert page 1**



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Kala Kwips

Submitted by the original shy neighbor et al.

Ineffective Daily Affirmations

- I have the power to channel my imagination into ever-soaring levels of suspicion and paranoia.
- I assume full responsibility for my actions except the ones that are someone else's fault.
- I no longer need to punish, deceive or compromise myself. Unless, of course, I want to stay employed.
- I honor my personality flaws, for without them I would have no personality at all.
- I'm grateful I am not as judgmental as all those censorious, self-righteous people around me.
- The first step is to say nice things about myself. The second, to do nice things for myself. The third, to find someone to buy me nice things.
- Only a lack of imagination saves me from immobilizing myself with imaginary fears.

Subscription Time

To the Point entered its third year with the May '04 issue. It is mailed to all residential addresses in Kala Point, whether they subscribe or not. This is important to our advertisers who provide most of the funds needed to print and mail this publication. However, you can help keep this publication viable by sending us your subscription donation of \$10 (or what you choose) to:

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Reasons To Not Mess With a Child

A kindergarten teacher was observing her classroom of children while they were drawing. She would occasionally walk around to see each child's work. As she got to one little girl who was working diligently, she asked what the drawing was. The girl replied, "I'm drawing God." The teacher paused and said, "But no one knows what God looks like." Without missing a beat, or looking up from her drawing, the girl answered, "They will in a minute."

One day a little girl was sitting and watching her mother do the dishes at the kitchen sink. She suddenly noticed that her mother had several strands of white hair sticking out in contrast on her brunette head. She looked at her mother and inquisitively asked, "Why are some of your hairs white, Mom?" Her mother replied, "Well, every time that you do something wrong and make me cry or unhappy, one of my hairs turns white." The little girl thought about this revelation for awhile and then said, "Momma, how come ALL of grandma's hairs are white?"

The children had all been photographed and the teacher was trying to persuade them each to buy a copy of the group picture. "Just think how nice it will be to look at it when you are all grown up and say, 'There's Jennifer, she's a lawyer,' or 'That's Michael, he's a doctor!'" A small voice at the back of the room rang out, "And there's the teacher, she's dead."

The children were lined up in the cafeteria of a Catholic elementary school for lunch. At the head of the table was a large pile of apples. The nun made a note and posted it on the apple tray: "Take only one. God is watching." Moving further along the lunch line, at the other end of the table was a large pile of chocolate chip cookies. A child had written a note: "Take all you want. God is busy watching the apples."

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Been To The Edge ?

Life On The Edge is the theme this year when the Low Tide Festival takes place on Saturday, July 3rd, 9am to 5pm, and it promises to be an eventful and event-filled day for everyone. Admission is \$6 for adults, \$4 for kids, and all events are held along the beach and in nearby buildings at Fort Worden State Park.

Sponsored by the Port Townsend Marine Science Center, (PTMSC), this year marks the 8th year of the festival. Featured are guided beach walks, educational programs and interactive exhibits, plus live music, a sand sculpture contest, lighthouse tours of Point Wilson Lighthouse, and a Native American Canoe. There will be opportunities to become a member of the PTMSC.

Nearby Fireworks

At the June board meeting it was reported that despite Fire District 6's opposition, a neighboring community has been granted a 4th of July fireworks display permit. We all need to be vigilant for sparks or remnants from their celebration drifting onto our property. They are supposed to have a manned fire truck on standby in their community for the fireworks display, according to the permit. Still, we need to be watchful and report any embers to prevent a wildfire that could devastate homes and property in Kala Point.

Benefit Concert

Jefferson Mental Health Services is holding an afternoon "Mini-Festival" concert called "Chasin' the Blues," at its facility, located at 884 W. Park Ave. Port townsend, (behind Goodwill), Sunday, August 1, from 1:30 to 7:30, with the concert starting at 3:30. This is a benefit fundraiser for this vital organization.

The concert will feature rhythm & blues from the award winning Bay area Jackie Payne & Steve Edmonson Band. Plus, there will be local music talent performing, barbecue and other great eats and drinks, and a raffle, all designed to chase the blues away!

Tickets are available by calling 385-0321 or 385-2951. Come and enjoy for a worthy cause!



Centrum's Busy Month

July is one of Centrum's busiest months, with the Festival of American Fiddle Tunes running from July 4-10; the presentation of Seattle's Men's and Women's Chorus on July 11; the Pt. Townsend Writers' Conference, July 15-25; and Centrum's Jazz Port Townsend, staged July 29-August 1.

Fiddle Tunes and Jazz Port Townsend draw internationally acclaimed artists. This will be the 28th year for Fiddle Tunes. Jazz Port Townsend is rated as Washington's finest summer jazz festival. For tickets or information call 385-3102; or on line go to info@centrum.org.

Candidates' Night Appreciation

a letter to the editor from Sylvia Bowman

As one of the candidates for KPOA's board of directors, I appreciated the question-and-answer forum sponsored by Socials Plus on June 17. Close to 100 Kala Pointers came to evaluate the candidates' positions in the energetic, fast-moving event. With only three respondents at the table -- Jack Anderson, Renate Wheeler and me, Sylvia Bowman -- our moderator, Hugh Murphy, fit in about a dozen audience questions before announcing punch-and-cookies time.

We each had five minutes for introductory statements. This gave me an opening to ask for an Emergency Evacuation Plan, effective before the fire season gets worse. In addition, Renate and I both dispelled rumors that hang around our candidacies. She said she has no financial ties to the Developer and that two attorneys affirm her right to serve on the board. Jack expressed his appreciation of Kala Point and his service on the Architectural and Audit Committees. I said my work on three KPOA committees, the Food Drive, and the newcomers' task force show that my strong service commitment continued after I left the board last year.

Questions hit on real issues, not just powder-puff concerns, giving candidates a chance to put knowledge and management styles on view. Some members have come to me with criticism of what they perceived as "hostile questions." But truly, what could be more valuable than an open-air look at our differences?

Here's just a sampling of the worthwhile questions asked:

- Should KPOA expect or condone its volunteers' mistakes, given the CC&Rs' complexity? (from Larry McNulty): I replied "No," because the volunteers should study about their responsibilities. We can't afford mistakes. Jack also favored a thorough study of the governing documents.

Continue "Appreciation" on page 11



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Just A Click Away

-RCW website

by D. Kilburn

<http://www.leg.wa.gov/RCW/> This is the link to the Washington State Legislature's website that contains the Revised Code of Washington (RCW), which has been referenced lately as it relates to homeowners' associations. The Revised Code of Washington (RCW) is the compilation of all permanent laws now in force.

The particular Title (or chapter) that you may have heard mentioned is 64, "Real Property and Conveyances." After linking to that Title, you will find 64.38 "Homeowners' associations," the law by which such associations are governed in this state. But the entire site is useful for any legal matter you are researching in Washington state. One can compile an entire chapter into one single file for download or follow other links to legislative calendars and agencies. Also, if there is a particular bill you are following, you can link from this web site to see where that bill stands in the legislative process.

To The Point Staff

Judie Lewis, Editor; Richard Canaan & Barbara Martel, Ad Sales; Lois Healy & Nancy Leeds, Distribution; John Childs, Bookkeeper; Pat Tobias, Proofing.

We Get Letters

“Letters to the editor” **reflect the views of the person writing the letter.** It should not be assumed that views expressed are shared by the publishers or staff of To The Point.

Editor, To The Point:

Again, we have received the mailing from the CONCERNED COMMITTEE advising us not to vote for the fourth candidate. Obviously they feel Sylvia Bowman is over-qualified.

Let me tell you why. During her board tenure, she achieved her goal of open and timely noticed board meetings. She was never disrespectful, arrogant or impatient. She had no ego to serve.

We all should have attended the board meeting that covered the Trafalgar episode. You would have witnessed Sylvia immediately grasping the situation, the only board member to do so. You would have heard her ask, "What can we do to stop this?" And the attorney saying it was between the parties, the board was not involved. He was blinded by the \$ signs and worked it through to his, and no other advantage. A member at the other end of the table said meekly, "We haven't done anything wrong." DUH!

Sylvia is too modest. Her bio did not refer to her Ph.D. in English Lit from City University of New York, or her many achievements managing the Academic Support Programs, including budget control, at the University of Houston-Downtown. She served on board and committees of two major nonprofit organizations and volunteered in her incorporated township government.

Today she is a trustee of Jefferson County Library and active in Trinity Methodist Church, the American Association of University Women, and Tri-Area Garden Club.

A vote for Sylvia Bowman is a vote for common-good-sense government where all members are represented. **Mabel Campbell** (a resident of Kala Point since its start-not that it matters).

To Judith Lewis, Editor.

In response to your “editor’s note” as regards your assessment that it would be inappropriate for me to serve on the board, I have in fact consulted two attorneys on this matter, and it appears that there is absolutely nothing in our legal documents that would prevent my doing so. Furthermore, my status as the KPDC representative is extremely limited since KPDC has only 3 Terrace lots remaining to be sold and 2 condo sites. I act as the representative only as expediency for my absent brother-in-law, but make no decisions for him. Should any matter concerning the utility company arise, where a conflict of interest might be perceived, I am quite prepared to recuse myself. I trust this clears up any misconceptions on your part. **Renata Wheeler**

Editor’s note: I appreciate you stating your position and how you would handle various situations. As a point of fact, it was not stated that you had a conflict of interest, it was questioned. It must have been a good question as well or you would not have felt the need to consult lawyers regarding the subject. I am sure the KPOA members will be able to evaluate this question for themselves.

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Board Candidates Q & As

The Editorial Committee for To The Point sent questions to the board candidates, 2004, via email for publication in this issue. We received answers from Renata Wheeler and Sylvia Bowman. Answers are not edited and are being presented in the order in which they were received.

Renata Wheeler:

1. Why do you want to be on the KPOA board ?

A. As a 31 year resident of Kala Point, I believe I have the experience and background to help guide actions that effect the future of this community.

2. Have you attended board meetings regularly?

A. For the first 20 years I attended almost every meeting. More recently I have been attending Architectural Committee meetings offering historic perspective to their deliberations.

3. Do you think board members should reach out to the membership personally to ascertain their interests & wishes? If yes, how would you do this?

A. I believe that when members elect a Board of Directors they are empowering the board to develop policy and supervise the management of our community. This is the procedure of all representative forms of government.

4. What do you see as the biggest issues facing KPOA now (and in next 12 months). What possible measures would you take to deal with them?

A. Maintaining the high quality and friendly atmosphere which have been the hallmark of our community since its inception.

5. What is your opinion on large fines?

A. Breaching rules should be penalized by fines as appropriate, as is the case with all governmental bodies.

6. Do you see changes and "upgrades" to the existing CC&Rs as necessary (maybe urgent)? If yes, whom would you envision doing this?

A. These are reviewed periodically and put to a membership vote. It takes a 2/3 vote of the membership to change the covenants. Therefore, such action cannot be taken lightly.

7. To what extent would you emphasize community values along with property values? Which of these two do you think is more important?

A. They are equally important and a key to this is respect for the community as a whole.

8. If you were elected, where would you look for guidance and rules as to how to do the job of being a KPOA board member? What do you think are the duties and responsibilities of a board member?

A. I would look to the governing documents which have served the community very well for 30 years, and I would exercise judgment to the best of my ability on all issues.

9. What current governing qualities do you think are needing the most improvement?

A. I believe governance at Kala Point has worked very well and I perhaps see some fine tuning but no radical change.

10. Do you find the governing documents easy to understand?

A. Because a small percentage of membership actually read all of the governing documents, the community has adapted a simplified 'rules and regulations' which, I believe, every owner has read and understood.

11. Do you think the perception by many residents that KP governance in the past has sometimes been handling rules unfairly is correct? What do you think of the reform movement?

A. I do not think this is a commonly held position in the community.

12. What do you think would make good Board goals for this next year?

A. It is the role of the Board to determine the goals and I would wait until elected to help form goals.

13. What other changes (besides what is above) do you hope to influence or bring about during your tenure on the Board if you are elected?

A. As a candidate for the Board, I do not have an unannounced agenda. I unequivocally endorse and support the important role the board has taken, since its inception, in acting in the best interests of our Kala Point community.

Continue "Q&As" on page 10

Board Candidates Q & As cont'd

Sylvia Bowman:

1. Why do you want to be on the KPOA board ?

A. Many reasons. Among them: To get our documents in line with the state Homeowners Act. To shrink the APP's "mission creep" into rule-making. To increase civility and trust in board interaction with all members. To protect property values.

2. Have you attended board meetings regularly?

A. I never skipped a board meeting for 14 straight months as a board member. Since then, attendance has been sporadic.

3. Do you think board members should reach out to the membership personally to ascertain their interests & wishes? If yes, how would you do this?

A. Members must take initiative to tell their ideas to board members, and I would invite e-mails as well as informal visits if necessary. No phone calls. Board work takes much time so directors should be guaranteed time-off at home.

4. What do you see as the biggest issues facing KPOA now (and in next 12 months). What possible measures would you take to deal with them?

A. Two pressing issues: a) Getting additional fire-exits – I'd talk with Mr. S about a west-end exit, and look at possibilities for a road through to Marietta Loop behind Foxfield. b) Getting away from legal bills – I'd encourage setting up a conflict resolution group, (proposed by a KPOA member).

5. What is your opinion on large fines?

A. Big fines invite retaliatory overkill when the board is angry at a member's attitude and activities. They also mar the community's image.

6. Do you see changes and "upgrades" to the existing CC&Rs as necessary (maybe urgent)? If yes, whom would you envision doing this?

A. The CC&Rs don't need changes. It's the bylaws and APPs that need to get in line. A task force should include me and others who have studied the issue. Where we disagree on the meaning of RCW 64.38, we will settle on the opinions of an attorney chosen unanimously by the task force. Finally, redraw any documents that need changes.

7. To what extent would you emphasize community values along with property values? Which of these two do you think is more important?

A. Respect for the value of one another's property forms is basic to community harmony, friendship and mutual respect.

Continue "Q&As" on insert

"Signs" continued from page 1

mostly) whom I have seen speeding very fast around here. But frankly, I am as bad as the lady that I clocked going 50 mph down Kala Point Drive in her sporty little silver mini-van, and over 55 down Prospect Avenue after that. She missed the speed limit signs that say "25" and "40", apparently, as do many around here. It's an ongoing problem. But now *this* !! A new **stop** sign.... Well !!!!!

All I keep thinking now, as I obey the new signs, are two things: "Gee, there's a lot of new home construction that led to them making this a 4-way stop now"and..."Gee, I hope no one slams into the rear of my 'ole wagon because they don't see the new stop sign and want to do what we've all been so used to doing and just kind of / sort of yield but actually fly around onto Prospect Avenue." And speaking of signs, let's all **read and obey** the one that gets posted every year at this time also, the one that reads "No fireworks permitted in Kala Point." It says something like that....I'll have to stop and read it again to be sure.

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MONEY MATTERS\$

By Patsy Mathys

To critically analyze our expenditures, a former board member asked whether we should consider a warrant list for board approval. A warrant list, as used by many government and private organizations, reports each check (and its corresponding detail) which is ready for payment. A monthly or semimonthly warrant list would provide our board members one last opportunity to collectively agree on our expenditures prior to payment.

What are our current expenditure control procedures? Let's start at check signing, which plays a small role. As documented in APP II-5A, each invoice and its supporting documents is approved by our General Manager. The board President, Vice-President, Secretary or CFO are the official check signers. Any check under \$2,000 requires one official signature. Any check over \$2,000 requires two officers' signatures.

More importantly, quarterly financial statements, which compare actual vs. budgeted income and expenses, are given to the Finance Committee and Board. The Finance Committee's new procedures are to review the quarterly statements and comment on any significant variances with recommended spending remedies to the Board to meet the approved budget.

At June's Candidates' Night, I had asked the board candidates if they will openly analyze and discuss the quarterly financial reports at the monthly board meetings. This would be a new procedure. I also asked if they recommended any additional procedures to avoid overspending. Jack Anderson said he would openly review the statements at the board meeting and take any advice from the Finance Committee. Sylvia Bowman recommends that the Finance Committee identify any expenditures which exceed the budget and that the CFO make a quarterly financial statement presentation to the board. Renate Wheeler said that we may need to cut back some places and she hopes the increased legal and insurance costs have been eliminated. Marilynne

Gates was absent.

The Finance Committee is reviewing Sylvia Bowman's APP request recommending board vote approval for any expenditure that would be over budget. If you have any additional spending control recommendations, please send a letter to the admin office c/o our CFO and Finance Committee. Please continue emailing your great KPOA budget, assessment, expenses, reserve or tax questions to mathys@hotmail.com or mail to P.O. Box 816, Port Hadlock 98339. Include your name and phone number in case we need to clarify your question. Names will be published only if requested. Your questions and comments continue to improve Kala Point.

“Appreciation” cont'd from page 7

- Do candidates support the current lawsuit? (from Jack Dersham): Jack Anderson said flatly, “NO.” Renate disapproves of the spate of lawsuits during the past three years. I reject the challenge to Renate's eligibility, but see merit in revising election procedures and in letting members conduct business at their annual meeting. Yet I'd prefer a sit-down-and-talk solution. I said, “No one wins a lawsuit but the lawyers.”
- What do the candidates think of [To The Point?](#) (from Bruno Richter): Jack noted that he merely skims the newsletter, doesn't find much merit in it. Renate sees TTP as a sometimes-useful forum. I argued that every community needs a publication for opinion write-ins, noting that even Bruno contributes.
- How should board members get community input, and when do they make a decision? (from Joe Wheeler): Joe exempted his wife because he knows her viewpoint. Jack, committed to seeking community input, said he'd reach decisions in a timely manner. I said that making fact-based decisions is no problem for me. Further, I expect the community to bring its concerns to me, rather than vice versa.

In sum, the forum served KPOA and the candidates well. Thanks to Socials Plus and those who came to ask questions and evaluate answers.

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“Q & As” continued from page 10

8. If you were elected, where would you look for guidance and rules as to how to do the job of being a KPOA board member? What do you think are the duties and responsibilities of a board member?

A. The duties and responsibilities of a board member (and the areas that are off-limits) are specified in the RCW 64.38 Homeowners Act and in our governing documents. One shouldn't go beyond that.

9. What current governing qualities do you think are needing the most improvement?

A. I'm not going to criticize qualities. I'd say that all volunteers should have to pass some sort of test on their knowledge of the job they are undertaking, as it is described in the governing documents and APPs.

10. Do you find the governing documents easy to understand?

A. No. I've studied them out for a few years. Cross-referencing is easy if you put the documents into WORD and use word-search to track topics.

11. Do you think the perception by many residents that KP governance in the past has sometimes been handling rules unfairly is correct? What do you think of the reform movement?

A. The 'reform movement' is outside my ken. I know several members who send suggestions to the board every few months, but they are independent of a group movement.

12. What do you think would make good Board goals for this next year?

A. Board goals should include: More fire exits plus a specific evacuation plan. Reconciling bylaws and Apps with the state laws. Setting up a conflict resolution task force to reduce legal actions.

13. What other changes (besides what is above) do you hope to influence or bring about during your tenure on the Board if you are elected?

A. Other changes? Strict adherence to the state Open Meetings Act. Shorter meetings under Robert's Rules. Making a practice putting green for golfers on the Kala Heights drain-field.

“Legal” continued from page 3

Law, RCW 64.38 and KPOA bylaws. He also filed a motion with the court on 6/11/04 requesting: (1) a judgment by the court on the correct interpretation of those parts of state law and KPOA bylaws pertinent to the complaint; (2) court orders to block violations of state law and KPOA bylaw by the board in the conduct of the Annual Membership Meeting and election of board-directors scheduled for 7/11/04; and (3) direct court supervision of the conduct of the annual meeting.

Jay mailed a personal letter to all KPOA residents on 6/15/04 that explained the nature of his legal filings and gave examples of specific actions taken by majorities on recent boards that brought about the filings. The actions include: (1) an 11/7/02 board proposal to increase fines up to \$10,000 for violation of rules and regulations which was strenuously objected to by many residents; (2) the unnecessary Vogt lawsuit that resulted in an increase in insurance premiums from nearly \$3,000 to just under \$10,000 annually along with an increase in insurance deductibles from \$2,500 to \$10,000; (3) illegal board control of the board-director election process; and (4) illegal board control of annual member meetings by denying members their right to participate in the conduct of the meeting. These board actions have brought about higher annual assessments to members and have created an atmosphere of distrust and divisiveness within the Kala Point community.

There are other potential benefits to the general membership that could be brought about by the legal actions described above if they bring about long overdue board compliance and positive cooperation with the provisions and intent of State Law RCW 64.38.

Some examples are:

1. State law mandates the duty of the board to be, "The board of directors shall act in all instances on behalf of the association." In contrast, the first listed duty of the board in our CC&Rs is to, "Enforce the provisions of the Governing Documents by appropriate means."

Continue “Legal” on insert page 2

“Legal” cont’d from insert pg 1

2. The state law, written and overwhelmingly approved by State Legislators, emphasize community representative governance. The Governing Documents, written by developer lawyers, emphasize corporate-style control. One says, “I must find out what you think is best for you,” and the other says, “I know what is best for you.”

The function of a board following state law is to advance the various interests of the general membership and to protect the legitimate rights of individual members. This differs from the function of a board following Governing Documents which tends to be to exercise a controlling authority that benefits a narrow interest of, at times, only a few. The broader mandate of state law includes, but is not limited to, member interests that are in the Governing Documents.

3. State law requires advance notice, advance agenda publication and member vote approval of any change in annual assessments brought about by poorly planned annual budgeting or unexpected annual expenditures. The same procedures also apply to any change in assessment obligation caused by planned expenditures by the board in the reserve budget.

4. State law requires that any fines imposed by the board for violation of bylaws, rules, and regulations must be reasonable and must be in accordance with a previously established schedule furnished to the owners. Boards do not have arbitrary authority to impose unreasonable fines.

The above examples illustrate how state law benefits members by requiring boards to be responsive to and be accountable to the membership. State law also puts constraints on the exercise of powers by the board that are granted to the association. It gives members protection against the potential misuse and abuse of powers by boards. That, of course, is the subject of the complaint filed by Mr. Garthwaite. Unfortunately the nine-year old state law has hardly been recognized by recent KPOA boards. In addition, our twenty-year old KPOA Governing Documents

need to be updated to be in compliance with a state law that supersedes them. That update should have been started on 7/23/95, the effective date for the State Law.

Most KP members would welcome a change in the community from distrust and divisiveness to common decency and mutual respect for others and their legitimate rights. That change would benefit both community and property values.

Annual KPOA Membership Meeting

**Sunday,
July 11,
1:00 p.m.
Chimacum
High School**

**It is very important
we all try to attend**

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