

**Lacamas Shores Homeowners' Association
Board of Directors' Meeting
Minutes**

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Date and Time: Monday, June 27, 2016 at approximately 7:05 PM

Type of Meeting: Regular Monthly Meeting

Location: Parker Road Fire Station, Camas, WA

Participants: Matt McCants (President), Tom Kelly (Vice President and ALCC Liaison), Charlene DeJong (Treasurer), Marie Tabata-Callerame (Secretary), Steve Marrinan (City Liaison), Steve Nelson.

Absent: Ron Boyce

Audience: Included Kelly Green, Dick James, Casey Watrous, Richard Arnold, Dirk Swanson (Boat Dock Specialist), Mike Harnish, Linda Harnish, Trixie Schultz, Mark Guthrie, Frank Haylett, Betty Haylett, Steve, Bang, Eric Hoff, Cindi Marrinan, Dan Foster, Rich Geenty, Bob Price.

The President Matt McCants called the meeting to order at approximately 7:05pm, **called roll** and confirmed a quorum. **Proof of Notice** was stated as by email to the Board members, email to homeowners, posted on the website, and Nextdoor.com. While the purpose of the meeting is to conduct Board business, comments are accepted on agenda items from Homeowners.

Approval of the Minutes – Steve Nelson motioned to approve the May 5th regular meeting minutes. The motion was seconded and passed unanimously. The draft minutes for the Board's June 11th meeting with City Administrator Peter Capell and City Manager Robert Maul were discussed. Steve Marrinan had submitted his own notes to the Board directly before the meeting without comparing them to the draft minutes. Approval was tabled to allow Marie to incorporate Steve M's notes into the minutes. Steve M. motioned to approve the June 24, 2014 of the Board's primarily Executive Session meeting with the attorneys. The motion was seconded and passed unanimously.

REPORT OF OFFICERS

President's Report - Matt read the following statements:

Court Case Update:

Michael and Cynthia Ontkian filed a lawsuit against the Lacamas Shores Homeowners Association in Clark County Superior Court on May 4, 2016 (Case No. 16-2-5262-8). The Ontkians' first Complaint alleged a claim for adverse possession. This claim for adverse possession was abandoned in the Amended Complaint filed on June 9, 2016. Washington State law RCW 36.70A.165 prohibits the taking by adverse possession of land designated as open space that is owned by a homeowners association. In the Amended Complaint they are now seeking a

prescriptive easement to use a portion of the common area for a garden and patio area. The Association is defending this lawsuit on the basis that the use was permissive and there is otherwise no allowable basis for obtaining a prescriptive easement against a common area. The Association has filed a counterclaim asserting a claim for Declaratory Relief affirming that the Association is the owner of the property.

The HOA's attorney is Doug Foley and Associates of Vancouver, WA. The Board is acting on the membership's behalf and has been advised that due to attorney-client privilege we are unable to answer questions regarding this case.

Lake Road Accident/Mailbox Update

Sometime during the early morning hours of Friday June 24, 2016 C. Noah of Washougal, WA fell asleep at the wheel heading south on Lake Drive. He crossed the center line of the road jumped the curb and collided with one of the Lacamas Shores HOA's cluster mailbox units. The car continued to slide along the HOA's privacy wall and finally hit and knocked over a city fire hydrant. The driver was taken to the hospital with a head injury. The City of Camas case number is 16-661. Insurance has been notified. Our HOA is named in the accident report and we will have our insurer settle the claim with the driver's insurance. The Board will do it's best to get a replacement mail box unit ASAP. In the meantime, those Lacamas Shores residents affected will need to pick up their mail from the Camas post office.

Treasurer's Report

The only special expenses submitted were the preparation costs for the July 4th Celebration, which is currently under budget.

REPORT OF COMMITTEES

July 4th Celebration – Matt gave Committee Liaison Ron Boyce's report as Ron was in Italy. Sarah Bang, head of the July 4th Committee, had reported that they were currently running under budget. The cost of a professional chef was being rolled into the cost of the food. The bounce house company used last year was no longer available, but the new vendor provided a savings cost with a larger sectioned bounce house. They were still looking for volunteers for the grill and bounce house supervision. Steve M asked about whether a parade permit had been obtained. Matt did not know and suggested he ask Sarah Bang.

Canoe and Kayak Recreation Club

Matt stated that the club Chair John Ulmer was looking to purchase two youth kayaks for less than \$200 each and two adult kayaks for less than \$600 each, for a total of approximately \$1600. That amount is made up for by club member dues annually collected [approximately \$1400 last year] and therefore was not coming from the regular or reserve HOA funds. John also wanted approximately \$200 to rebuild the boat house racks. Matt moved that the purchase requests for the four kayaks and the racks be approved. The motion was seconded and passed unanimously.

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Architectural and Landscape Control Committee (ALCC) – At the previous Board Meeting, a new charter was approved to allow for the ALCC to approve submissions without needing to elevate them to the Board. The authority for this is in the CC&Rs. This was submitted to the ALCC. The ALCC came back in agreement, as long as 1) they would be covered under the D&O liability insurance, 2) either the ALCC or the Board Liaison could elevate the approval request to the Board, 3) the Board liaison would vote on all projects, and 4) the Board would handle all conflicts with Homeowners. Matt stated that he has checked with the insurance company and the ALCC is covered, as it is required by the CC&Rs. Tom, Board Liaison to the ALCC, is a working member of the committee and therefore votes on all projects. Steve M and Steve N voiced concerns about future committee members and a need for more insight than the Committee alone might have. It was agreed that new construction requires a higher level of scrutiny than does a dead tree removal. It was noted that any Board Member can at any time look in the “dropbox” folder shared by the Board and ALCC members to track projects. There was discussion on the how and when projects get added to the drop box files.

Website Update – Marie stated that the new website is up and running. The Homeowners have been mailed a postcard, in addition to an email. Three signs have been posted around the neighborhood. Despite these efforts, many Homeowners are still having trouble differentiating between the new official website and the one administered by Catherine Arnold used as the official website for the past 10+ years.

Cindi Marrinan asked when or if the monthly financials would be put on the HOA’s website. Marie explained that she had not yet figured out how to create password protected webpages on the new website. Matt stated that would be something the Member’s Communication Committee would be charged to determine. Any Homeowner may request the financials.

Maintenance Committee – It was confirmed that the Baileys (our maintenance team) privately contract with vacant lot owners in the neighborhood to routinely mow their lawns using our equipment. It was discussed that while the HOA incurs a level of wear and tear on its equipment, it is a benefit to the HOA that the Baileys have taken on this duty. In the past, the HOA has had difficulty getting empty lot owners (who often live out-of-town/country) to consistently manage their lot vegetation to the proper standard. There are only a few empty lots left. It was also tangentially noted that the HOA used to have a truck, but eventually it proved more cost effective to have them use their own truck and reimburse them for gas than to buy a truck or pay mileage. Marie moved that the Board support the continued use of HOA equipment by the Baileys to properly maintain the vacant lots in the neighborhood. The motion was seconded and passed unanimously.

Boat Ramp Maintenance – Dirk Swanson, the builder of the current dock, was invited to come to the meeting and discuss the history, maintenance, and the current status of our boat dock. The dock should last 50+ years. He conducted inspections twice per year for 4-5 years. The ramp consists of two concrete slabs followed by rocks. The current problem was discussed in detail - a dip followed by a berm has been created by boats “powerloading” on to their trailers. This problem is also causing the second slab to move

away from the first slab, as the rocks are no longer supporting it and may even be coming out from underneath it. There are multiple solutions to the problem with varying price points – Dirk will put together some suggestions and costs. He noted that having volunteers to move the rocks back into the hole would be a good temporary solution.

Steve M stated that some boats are too big to use our boat ramp. Rich Geenty explained that it is not just about the length of the boat, but other factors as well, including hull shape and draw, and the water level. It was mentioned that the depth gauges on the pilings are not accurate. Rich noted that since last October when he brought this to the Board's attention, he has met three other boat owners that have damaged their props using our boat ramp. He asked that notice of the condition of the ramp go out to all Homeowners.

Matt asked that Marie send out an email to all Homeowners. Rich suggested contacting each Homeowner that has a trailer permit. Steve M will make temporary signs and a more permanent sign with pictures for the ramp. We will need to work around the City of Camas' lake drainage schedule for a more permanent solution.

Common Area Jurisdiction RFP/RFQ – Matt recapped the Board's meeting with the City of Camas Administrator Pete Capell and Manager Robert Maul. One of the three discussion topics was who/what has jurisdiction over Meadowlands Park (see Minutes for the June 11, 2016 Board Meeting). At that meeting, the City advised the Board to hire a wetland professional to enter into discussions with the State Department of Ecology and/or the Army Corp of Engineers.

There was discussion about:

- the need to maintain Meadowlands Park.
- the definition of the word "maintain".
- the results of the prior polling of the Homeowners for a \$10,000+ wetland delineation report.
- the requirements within the CC&Rs to maintain the stormwater treatment facility
- surveying the neighborhood.
- whether the Army Corp of engineers reviews reports or creates their own report.
- and what limitations an RFP would have.

Meadowlands Park includes a large stormwater management facility. At the time of its creation it was illegal to discharge stormwater into the Lacamas Lake shoreline wetlands. Thus, Meadowlands Park was developed to pretreat the water. The current maintenance policy (i.e. leaving the property untouched) is leading to some issues, such as unhealthy trees that are falling over, mosquitos breeding in standing water, level spreader malfunction, an overgrowth of non-wetland trees, etc. Steve N said we should work with the City, but the City has told us that in order to do so, we must hire a professional to communicate and possibly give a report to the State.

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It was suggested that the Board clearly articulate to the community why there is a need to do anything to the area before spending any money.

The purpose of the RFP was clarified as to give us an idea of what a consultant would cost to work with the state and determine what agency has jurisdiction over the area. It is to our HOA's benefit for the City to be the only agency having jurisdiction over it, as opposed the State and Federal agencies. Such benefits include decreased regulation, resulting in less regulatory hoops to jump through, and decreased costs for any maintenance or other actions that might be taken.

Matt explained that this RFP is not for making decisions about what to do (or not do) with the area – the Common Area Land Use Committee is being formed to start that discussion. It would be premature to spend HOA money now to make changes to Meadowlands Park without thoroughly researching, discussing, and allowing neighborhood input. But that does not mean we are going to refuse to have an open discussion about the issue, as has been the case in the last decade. While a small group placed a tangential question on the ballot, there had been little to no two-way discussion about this topic. Who has jurisdiction over our HOA Common Area must be determined before the Common Area Land Use Committee can intelligently discuss any plans for the area.

Matt stated that he reviews bid proposals for wetlands remediation and restoration every week. It is not uncommon for owners of wetlands to have a maintenance plan – we currently have no plan. Steve N was concerned that if we start maintenance now, we might be required to meet the current 2014 standards. Fortunately, that is not an issue because the original permit standards are legally deeded to our HOA property (see the Deed of Dedication). Steve M asked about a maintenance plan. Richard Arnold stated that there was always a maintenance plan, consisting of discussions with the City over the years and there has been no confusion.

It was agreed that Tom Kelly will forward a draft RFP to the Board for comment and discussion at the next meeting.

New Committee - Membership

At the last Board Meeting, the Board Members planned to recruit volunteers for each committee, to be discussed at this meeting and the membership determined. Marie confirmed that notice of the new committees and two requests for volunteers had been emailed out.

ByLaw Update Committee – Gordon Morrison, Mike Niquette, and Board Member Tom Kelly

Members Communication Committee – Karen Stanley, Steve Bang, Patrick Lambert, Board Secretary Marie Tabata-Callerame. After discussion of the purpose of the Committee Casey Watrous volunteered at the meeting.

Strategic Planning and Homeowner Engagement Committee – Dave Lofstead (in September), Kim Seneker.

Internal Audit Committee - Kathleen Price, Gary Henderson.

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Common Area Land Use – Steve Bang, Pat Lambert, Frank Haylett, Bob Price, Susan Stuck, Jim Callera, Crawford Tuttle, Eric Hoff, Matt or Chuck Martinez. Also Board Members Matt, Tom, Steve N, Steve M, and Marie.

There was discussion regarding the necessity to require each volunteer to submit a statement of their credentials before allowing them to serve on a committee. Mike Harnish offered suggestions for the types of questions to ask each candidate and offered to mail them to the Board. Cindi Marrinan stated that she believed each candidate should be asked if they have ever had a felony conviction. Marie will put something together and send it out to the volunteers discussed. Many volunteers were willing to be on more than one committee – Marie will ask if those homeowners have preferences.

Common Area Planting Plan for Behind the Gecho Property – Due to the request of multiple Homeowners to revise the plan to take into consideration future views, the Board decided to ask for a revised plan. The City has given Peter Gecho an extension until July 16th. Since the last meeting, Peter submitted a plan which required revision and has been resubmitted a second revised plan. There was discussions regarding the number of trees (20 trees planted three deep in a 15'x 40 wide' area), the blending with the adjacent common area, having some of those planting spread to improve to other common areas in the neighborhood, the desire hold Gecho to the contract as agreed, and the desire to get the plantings completed quickly.

The Board looked at both plans and some pictures of the area and listened to neighbors' comments, Steve N moved to approve the original plan changing only the ten 100-foot trees to smaller trees. The vote was 3 ayes (Steve M, Steve N, and Charlene) to 2 nays (Marie, and Tom) with Matt abstaining due to prior recusal. The smaller trees should be of the same caliper. When asked, Frank Haylett stated that his preference was for smaller than 60 feet. Steve M and Tom said 40 feet max would be a suggestion.

NEW BUSINESS

Richard Arnold's Statements – Richard stated that there inaccuracies in the minutes and he would like to know how that would be handled. Richard made negative and harsh allegations about Marie Tabata-Callera and then also made a complaint about Tom Kelly. He handed the Board written statements and requested a response "very quickly". Steve M asked to have them emailed to the Board, to which Richard agreed.

Traffic Committee Status – The Board unanimously agreed that they were disappointed with the polling of the members on the issue of traffic signs because it is a safety issue. Matt noted that there have been neighborhood dogs hit by speeders.

Steve M noted that in cases where there is an issue of safety, it is not proper for the Homeowners to make decisions about the proper operation of the HOA. Certain decisions of safety and/or legal obligation are within the purview of the Board.

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Eric Hoff had been unable to stay to the end of the meeting, but Casey Watrous was present to answer questions. Marie asked if the committee might be able to reconvene and brainstorm two or three other suggestions that cost less than the two signs at \$5000 that were proposed in the polling question. Casey explained that they had brainstormed it thoroughly and that the only other suggestion that was likely to be effective was for the City to install additional stop signs. The City had previously stated that they would not do it as there had been no major traffic accidents (an indicator of whether more signs are needed). Marie mentioned that she had spoken to Jeff Englund, the Senior Engineering Technician, and the main traffic contact at the City, at some length before the Traffic Committee was created. Jeff had initiated a request for another stop sign, but it was denied. Steve M volunteered to go with Casey and talk to the City again. Casey noted that had worked for a drainage issue before.

Governing Documents Forum – Tom discussed the need for people to understand the Lacamas Shores HOA’s governing documents. The CC&Rs are an agreement that Homeowners make when they buy a home. It can be an asset that protects their property value or a liability when people do not know their rights and obligations. People may not have their copies of their governing documents. Casey suggested starting by giving people the information in small bites, like in a newsletter or email to pique their interest. The first topic might be “What are the CC&Rs?”, the second “What is the purpose of the CC&Rs?” and another topic would be “What happens if I violate the CC&Rs?” Once interest is generated, then a forum could be scheduled. This should be a topic for the Strategic Planning Committee.

Marie asked to add “Homeowner Liability to the HOA” to the Executive Session. [It was noted on the agenda that the topic of ethics complaints would be tabled until July due the Board interview step.]

Matt thanked people for coming and the meeting was adjourned at approximately 9:50 pm for a break. When the meeting reconvened, the Board adjourned to an **Executive Session** at approximately 10:00 pm in order to discuss property complaints. The Board returned from Executive Session to the Regular Session at approximately 10:35 pm.

Marie moved to approve the Executive Session Minutes from May 16, 2016. The motion was seconded and passed (3 ayes – Matt, Tom, Marie, 3 abstentions since the members were not present at that meeting – Charlene, Steve M, and Steve N).

Tom moved to adjourn the Board Meeting at approximately 10:36 p.m. The motion was seconded and passed unanimously.

Marie Tabata-Callerame, Secretary

Date

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Matthew McCants
President

Date

Tom Kelly
Vice President/ALCC Liaison

Date

Charlene DeJong
Treasurer

Date

Ronald Boyce
At-Large

Date

Stephen Marrinan
At-Large/City Liaison

Date

Stephen Nelson
At-Large

Date