



# Kala Pointer

The Kala Pointer is a Monthly Publication of the Kala Point Owners Association

January 2020

## President's Message

Joe Englander, [kpoaboard\\_englander@kalapoint.org](mailto:kpoaboard_englander@kalapoint.org)

The Cassandra Cache initiative for emergency supplies failed by 27 votes, 188 to 161. The requirements for decision were 50 percent + 1 vote. While we thought the same method would apply to the budget referendum, a Washington State Law came into play that surprised almost everyone. I was made aware of this law only a couple of days before the vote count. The Budget passed 186 against, 165 for, and 252 not voting but counted as “for.” What? Why? Because state law says a majority of members must reject in order for an HOA budget not to pass.

Late in the afternoon of Sunday, December 8, I read an email from a former president of the KPOA Board of Directors (BOD) about a relatively new law specifically affecting ratification of budgets for Washington Common Interest Ownership that affects our Condo Associations and probably the Time Shares. Only the next day, Monday, was I able to actually confirm the appropriate Revised Code of Washington (RCWs, which are Washington’s state laws) that had implications for KPOA.

It turns out that an RCW that was applicable to KPOA’s budget ratification has been on the books for more than 20 years. RCW 64.38.025.3 states that a majority of the members, not just a majority of those voting, must reject a proposed budget or it is ratified; RCW 64.90.525 reinforces this but adds that assessments are also approved. Although most in Kala Point were ignorant of the law, we had previously always been in compliance as there had never been a significant probability of enough negative votes for it to come into play. I am certain that if any member of Kala Point Owners Association had been aware of it, we would have

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**And now we welcome  
the new year. Full  
of things that have  
never been.**

Rainer Maria Rilke

### January Kala Pointer Staff

*Editor:* Suzanne Eggleston  
*Copy Editors:* Marilyn Berry,  
Mike Burk, Hilary Newell, Gail White  
*Chair:* Suzanne Eggleston  
*Secretary:* Hilary Newell  
*Advertising:* Gail White  
*Masthead Photo:* Mike Burk

### January Contributors

Marilyn Berry  
Mike Burk  
Suzanne Eggleston  
Anne Englander  
Joe Englander  
Angela George  
Nancy Leeds  
Pat Miles  
Dale Moses  
Hilary Newell  
Terry Rose  
Scott Rovanpera  
Bob Segui  
Diane Slovik  
Social Plus  
Brian & Jenny Vervynck  
Bob Winfrey

### February Newsletter Deadline

Deadline for the February 2020 issue of the *Kala Pointer* is January 17.

**Submit your articles to:**

[YourKalaPointer@kalapoint.org](mailto:YourKalaPointer@kalapoint.org)

Our *Letter to the Editor* policy can be found at

[KalaPoint.org](http://KalaPoint.org)

**2019–2020 Board of Directors**

Click names to Email

President **Joe Englander**Vice President **Kim Titus**Secretary **Dale Moses**CFO **John Oliveira**Director **Jean Erreca**Director **Tom Gillespie**Director **Dan Kimball**Director **Steve Reed**Director **Scott Rovanpera**

Email the Entire Board

**2019–2020 Committee Chairs**Architectural: **Caroline McNulty**BMAC: **TBA**Elections: **TBA**

Emergency Preparedness (EPC):

**Anne Englander, Joyce Wenz**Finance: **John Oliveira**Grounds: **Keith Larson**Internal Controls: **David Harrah**Personnel: **Joe Englander**Publications: **Suzanne Eggleston**

Social Plus:

**Char Quandt, Diana Zinn, Patti Biazzo**Tree: **Mark Kleinman**

## What Happened at the December 2019 Board Meeting?

**Dale Moses, KPOA Board Secretary**

Your KPOA Board of Directors met at 1:50 p.m. on Tuesday, December 10, 2019, in our KPOA Clubhouse. All nine Board members were present and there were 22 people in the audience. In the hour prior, the Board and about 40 people had met to receive the result of the voting for the 2020 budget and the Cassandra project (see the separate articles on these votes). Board meeting documents were available prior to the meeting on the KPOA website (under the Members pull-down menu, then Board Meeting Files). Items from this meeting included:

- Only one input came from the audience at the beginning of this meeting — probably because there had been an extensive discussion at the Budget Reconciliation meeting immediately prior to this meeting.
- There were 28 correspondence items that came to the Board since the last meeting, many concerning the budget vote and the recent information on the computer hack. A list of all inputs is available [here](#).
- The agenda had several references to the results of the budget and the Cassandra votes and how the outcomes were determined. Everyone should thoroughly understand how and why these two votes came out as they did.
- We discussed a recent incident where two pit bulls attacked a dog on the beach. We will wait for the full Sheriff's report to see if KPOA wants to create some rules on this problem.
- We discussed the backup of cars at the gate on Thanksgiving because of our tradition of closing it on holidays. A motion to do a test of leaving it open this Christmas was not approved by the Board (vote was 2–7).
- Committee reports were presented.
- Because the Cassandra vote failed, we deleted mention of that in the 2019 Board goals.
- Member inputs at the end of the meeting included more discussion on the votes, including an idea of doing a re-vote on the budget as well as what happens to emergency preparedness with Cassandra out of consideration.

The Board adjourned at 3:41 p.m. If you would like to learn more about this Board meeting, feel free to listen to the recording of the meeting (available from the office) or send an [email to the Board](#) on a specific topic. ♦

The Kala Point community is a common-interest residential homeowner association (HOA). When purchasing or building within Kala Point, homeowners agree to follow the HOA's governing documents, which include: Conditions, Covenants and Restrictions of Record (CC&Rs); Rules and Regulations; By-Laws; and detailed Administrative Policies and Procedures (APPs). APPs are Board-enacted rules. The protective umbrella of these governing documents works in the best interest of all homeowners ensuring higher standards of neighborhood appearance and enhancing the collective value of the homes.

## What Happened at the Board's December Budget Review Meeting?

Dale Moses, KPOA Board Secretary

Your KPOA Board of Directors met for a Special Board meeting at 2 p.m. on Wednesday, December 20, 2019, in our KPOA clubhouse. All nine Board members were present and there were 56 people in the audience. The reason for this special meeting was to review the recent vote on the budget and decide future actions. Because of state law requiring a majority of all members to deny a budget, this 2020 budget had passed in spite of having 186 votes against it and only 165 for it.

After nearly an hour of discussion, the Board approved a motion to have the Finance Committee review the approved budget with an eye toward reducing our total expenditures. There was some discussion



on asking for a 10 percent reduction but this did not make it into the motion. CFO John Oliveira thought the Committee could come up with something for the Board to review by our February Board meeting.

Following this vote there was considerably more discussion on the budget, some specific items such as Information Technology and staff pay as well as Washington State's voting regulations for homeowner association budget votes. We may seek another legal opinion on how these regulations interact with our own current CC&Rs even though our own attorney has already given us guidance which we have followed.

The meeting adjourned at 3:55 p.m. If you would like to learn more about this Special Board meeting, feel free to listen to the recording of the meeting (available from the office) or send an [email to the Board](#) on a specific topic. ♦

## A Response to Austin Walker's Letter from KPOA's Attorney

*While it is not our normal practice to publish communications from our attorney, the issues raised in Mr. Watkins' recent letter to the Board of Directors, which he decided to publish, has been widely quoted and discussed by our membership. The response of our attorney is published here in its entirety.*

December 26, 2019

Austin Watkins, Attorney at Law  
Port Townsend

Re: Kala Point Owners' Association – Budget Ratification

Dear Mr. Watkins:

As you know, I represent the Kala Point Owner's Association (the "KPOA"). The Board has asked me to respond to your December 19, 2019, email to the Board.

In your email you assert that you "have been censored by this Board, their committees, and employees, and essentially called a liar in writing." We

are not aware of any instance in which the Board or any committee or employee of KPOA has censored you or called you a liar. If you have anything to support these statements, please provide that to me so that I may review it with the Board.

You also again raise in your email the issue of the previously proposed Cassandra project. Although the Board from the start made it clear that the project would only proceed if approved by the membership, you filed a lawsuit without waiting for the membership's vote in which you asserted a number of objections to the project. I have in previous correspondence addressed the issues you raised in that lawsuit — although I of course did not, as you claim in your email, tell you that the Board can do whatever it wants. You thereafter dismissed your lawsuit with prejudice prior to the membership's vote, thereby foregoing the opportunity to present your claims to a court. The Board thus does not see any reason to continue to discuss your objections to the Cassandra project.

In your December 19 email you further accused the Board of engaging in illegal action by deeming that

[Continued on page 8](#)



## New Posts on Kala Point's EPC (Emergency Preparation Committee) Website

**Anne Englander, Co-Chair EPC**

Be sure to check out two recent posts on Kala Point's EPC website ([epc.kalapoint.org](http://epc.kalapoint.org)), both highlighting, in different and dramatic ways, the need for personal and community preparedness.

**Mark Miller** presented "**An Optimist on a Dark and Stormy Night**" during the recent Town Hall sessions. The 20-minute podcast is a powerful description of ways in which our area is vulnerable. Mark is a member of the county's Incident Management Team and a Kala Point resident.

**Steven Eberlein**, from the American Red Cross Cascades Region, was in Sri Lanka during and following the devastating 2004 tsunami. His recent TEDx Portland talk on "**Why We Don't Prepare for Earthquakes**" encourages us to acknowledge and plan for the risks posed by a Cascadia Subduction Zone earthquake.

Click on the name of either podcast to listen. To see and hear more, visit [epc.kalapoint.org](http://epc.kalapoint.org). ♦

## Board Candidates Sought for 2020 Elections

**Mike Burk, Interim Chair, Elections Committee**

Our Board of Directors is composed of representatives you elect to govern the Kala Point Homeowners Association (KPOA). Each year, three of the nine board members rotate off the board, and we elect three new directors to replace them. This coming July, Joe Englander, John Oliveira, and Kim Titus will end their three-year terms; the Elections Committee is now seeking candidates to fill the three vacancies and help guide and manage our Kala Point community.

Consider running for the Board and getting involved by volunteering some of your time and talents to our neighborhood. It's not a difficult job; you need common sense, communication skills, and a willingness to make decisions on behalf of Kala Point residents.

Ideally, candidates are familiar with Kala Point rules and regulations and may have participated on one or more committees, although this is not a requirement. Once elected for a three-year term, each director serves on two committees, one as a Board representative, and the other as a Board alternate. The time required is usually the equivalent of one to two days per month. This includes one Board meeting (held the second Tuesday of each month), one or two committee meetings, reading and responding to Board emails, and doing limited research on topics under discussion.

If you're interested in being a candidate for the Board, please contact me ([mike@mikeburk.com](mailto:mike@mikeburk.com)), our General Manager Keith Larson, or any current Board member. To be considered for the July election, you must declare your intention to run, in writing, to the General Manager ([gm\\_larson@kalapoint.org](mailto:gm_larson@kalapoint.org)) by Wednesday, April 15.

We'll be holding a "Meet Kala Point" social event on January 25, 4–6 p.m. at the Clubhouse, to acquaint our newer residents with how Kala Point operates and is governed. If you are interested in serving on the Board or want to learn more about how it and our various committees work, please join us.

One more official Elections Committee reminder: Member Submitted Resolutions must be completed and submitted to the Board by February 23, which marks 20 calendar weeks prior to the Annual Membership Meeting. For complete information on the procedures for such resolutions, see **APP IX-2, Elections Committee Procedures #12** (Procedures for all Member-Submitted Resolutions to be voted on at the Annual Membership Meeting). ♦

## Kala Cares In Memoriam

**Jim Burke**  
**Barbara MacLean**

**Continued from page 1**

changed the language in the voting packet and our governing documents that have been in error for the past 20 years so that they harmonized with the RCW. But ignorance, and even misinformation, are not excuses for not following the law. Any misleading statements in the voting packet were regrettable, but — according to our attorney — not legally important. We are all only required to follow the law; we are not required to know it, even though following the law may imply knowledge. In this situation, unfortunately, that was not the case.

**Participate in your KPOA government proactively — don't leave it to others to do.**

On Monday, no one knew what the vote count would be and no one could foresee the impact the RCWs would have. Based on the number of assessment full-pays received—the only indication we had of what the votes might be—it was thought the budget would pass and so there was no reason to raise any flags. There was already a scheduled BOD meeting the next day, Tuesday, so I decided in the interest of transparency that I would inform everyone at the same time at the Budget Ratification Meeting by reading the applicable law prior to the reading of the voting results.

If there had been enough positive votes, knowledge of the law would have again made no difference. It seemed to me that informing the BOD separately or even calling an Executive Session at 1 p.m. on December 10 while Members were waiting in the Clubhouse would appear both to lack transparency and to be conspiratorial if the budget failed; further, it might not fall under the aegis of a legitimate Executive Session as there could not be a legal question of not following an RCW. The BOD was made aware of the applicable RCWs at the same time as the rest of the membership in attendance.

If we had announced following the vote count that the budget failed because a majority of the votes cast were negative, that would have been both wrong and incorrect; the RCW says the budget passed because it was not rejected by a majority of members (voting or not). Although this methodology does not conform with expectations or common sense or even our KPOA documents, it is a state law and our attorney advised us to follow it.

We initiated a request for an opinion from the State's Attorney General regarding whether, in our particular situation, we are applying the law correctly. However, as the chief law officer of the state, the Attorney General provides official opinions on questions of law at the request of designated public officials on issues arising in the course of their duties. Thus only certain officials and governmental bodies can request Attorney General Opinions, such as the governor, state officers, the Washington State Legislature and its committees (see RCW 43.10.030(5) and (7)). Citizens and attorneys in private practice are not authorized to ask the Attorney General for an opinion.

The Board is very aware of the sentiment of those who voted against the budget. And for that reason, even without hearing from the AG, the Board approved a motion directing the Finance Committee to reexamine the 2020 Budget. The CFO promised to return with concrete results by the February board meeting, the second board meeting of 2020; the first meeting occurs too soon to complete such an assignment.

Now, I can understand that you may be unhappy with the results as they stand. The Finance Committee and the Board originally approved a budget that they thought was appropriate and best for Kala Point. If there had been more member participation in the formulation of the budget at the outset, it might have been a different budget, one that Kala Point as a whole would have accepted and we would never have confronted the quirk in the RCWs. What can you do about it? Something you can do is participate. Participate in your KPOA government proactively — don't leave it to others to do. Help KPOA get it right in the first place.

The Elections Committee is holding an event on January 25 at the Clubhouse starting at 4 p.m. where you can learn what the BOD and Kala Point Committees do and how they actually operate. Join in so you can effectuate the changes you want. ♦



# January Calendar of Events

Suzanne Eggleston

## January 1

### New Year's Day holiday



**First Day Hikes.** Come to Fort Worden and choose between a self-guided tour with stations along the way with docents providing information, a park ranger-led walk on military history, or a park ranger-led natural history hike. Meet at the USO parking lot; wear sturdy shoes and appropriate clothing for the weather. **TIME:** 1–3 p.m. **COST:** Free. **LOCATION:** Fort Worden, 200 Battery Way. **CONTACT:** [bill.drath@parks.wa.gov](mailto:bill.drath@parks.wa.gov), [fortworden.org/](http://fortworden.org/)

## January 2

**“Inhale the Future”: A 2020 Vision, Movement & Creativity Play Day.** Paint or write your vision for 2020 through journaling, collaging, painting and/or poetry. Enjoy stretching, rest, meditation and a mindful community. The afternoon will conclude with gentle restorative yoga to embody intentions, final meditation and closing ceremony. **TIME:** 9 a.m.–2 p.m. **COST:** \$75. **LOCATION:** Madrona MindBody Institute, 200 Battery Way E. **CONTACT:** [info@madronamindbody.com](mailto:info@madronamindbody.com), 360.344.4475, [madronamindbody.com/](http://madronamindbody.com/)

## January 11, 18, 25; February 1, 8, 15

**Yard & Garden Lecture Series.** Six different lectures showcasing gardening in the Pacific Northwest, including backyard sanctuaries for bees,

deer-resistant gardening, horticultural therapy, designing with foliage, climate change gardening, and herb lover’s garden. Weekly door prizes, information for all levels of gardening and sales tables will be available. **TIME:** 10 a.m.–12:15 p.m. **COST:** \$55 for the series; \$12 for individual event. Purchase online or at PT Garden Center, Shold’s Nursery, or by calling 360.301.2081. **LOCATION:** Port Townsend Community Center, 620 Tyler St. **CONTACT:** [jcmgf.org/](http://jcmgf.org/)

## January 12

**Lecture: Recent Changes in Large Whale Occurrence and Threats in Washington.** John Calambokidis, research biologist, author and a founder of nonprofit organization Cascadia Research, will speak about the biology of marine mammals and the impacts of humans. **TIME:** 3 p.m. **COST:** \$5. Free to students, teachers, and PTMSC Octopus and Orca Donor Circle members. **LOCATION:** Fort Worden Chapel, 200 Battery Way. **CONTACT:** Marine Science Center at [info@ptmsc.org](mailto:info@ptmsc.org), 360.385.5582, [ptmsc.org/](http://ptmsc.org/)

## January 16

**The Germans: Philosophy Lecture Series.** This series by Wes Cecil, PhD, explores the life and intellectual influence of Danish philosopher Søren Kierkegaard on German philosophy, science and the world of ideas. **TIME:** 6–7 p.m. **COST:** Free. **LOCATION:** Fort Worden Commons, 200 Battery Way. **CONTACT:** [PT@pencol.edu](mailto:PT@pencol.edu), 360.385.4605, [pencol.edu/](http://pencol.edu/)

**Concert: Chuck Brodsky.** Storyteller, songwriter, troubadour and modern-day bard Chuck Brodsky will perform finely crafted songs that tell stories of oddball and underdog characters. His music celebrates the goodness in people, the eccentric, the holy, the profound, the courageous, the inspiring and the beautiful. **TIME:** 7:30 p.m. **COST:** \$15; buy tickets [here](#). **LOCATION:** Rainshadow Recording Studio, Fort Worden, Building 315. **CONTACT:** [npearsall2@gmail.com](mailto:npearsall2@gmail.com), 360.301.0291, [facebook.com/](https://www.facebook.com/)

## January 20

### Martin Luther King holiday

# January Calendar of Events

## January 23

**SVER Concert.** The Norwegian/Swedish band SVER (Olav Luksengård Mjelva, fiddle and hardanger fiddle; Anders Hall, fiddle and viola; Leif Ingvar Ranøien, two-row accordion; Adam Johansson, guitar; and Jens Linell, drums) perform “epic Nordic folk.” **TIME:** 7–9 p.m. **COST:** \$15-\$25 (sliding fee scale) at the door. **LOCATION:** Quimper Grange, 1219 Corona St. **CONTACT:** [quimpergrange@gmail.com](mailto:quimpergrange@gmail.com), [quimpergrange.com/](http://quimpergrange.com/)

## January 24–25

**Stange Brewfest.** Nearly 40 breweries and cideries will be presenting their wares at the 16th annual celebration of Pacific Northwest brewers. Music from LoWire and Snug Harbor on Friday night; Joy in Mudville, Babycakes and The Lucky Brown Band on Saturday night; entertainment from master chainsaw carvers. **TIME:** 5 p.m.–midnight on Friday; 1 p.m.–midnight on Saturday. 21+ only; no dogs. **COST:** \$40. **LOCATION:** The American Legion, 209 Monroe St. **CONTACT:** [info@strangebrewfestpt.com](mailto:info@strangebrewfestpt.com)

## January 25

**Student Wearable Art Show.** Come be inspired by local student artists sharing their Wearable Art creations. At the same time, these early efforts help develop emerging wearable art artists honing their skills and craft. **TIME:** Shows at 2 and 3 p.m. **COST:** \$10; free for students. **LOCATION:** Key Center Public Theatre, 419 Washington St. **CONTACT:** [info@keycitypublictheatre.org](mailto:info@keycitypublictheatre.org), 360.385.5278, [facebook.com/](https://www.facebook.com/) ◆



## Recurring Kala Point Clubhouse Events

**Board Meeting:** Second Tuesdays at 1 p.m.

**Bridge:** Mondays at 11 a.m.

**Exercise Class:** Monday, Wednesday and Friday, 9 a.m. Bring hand weights. If interested in attending, call AJ Laverty, 360.379.6386

**Tai Chat:** Tuesdays and Thursdays, 9–10 a.m. 24-form Tai Chi with breaks for chatting. All are welcome. Libby Nordlund, 425.273.4933, [eanordlund@aol.com](mailto:eanordlund@aol.com). ◆

## KPOA Facility Hours

### Administration Office

Monday–Thursday: 8:30 a.m.–2:30 p.m.

Friday: 8:30 a.m.–1 p.m.

### Clubhouse

Monday–Sunday: 9 a.m.–8 p.m.

### Pool

Closed

### Jacuzzi and Sauna

Monday–Sunday: 9 a.m.–7:45 p.m.

## My New Year's Resolution

*Nancy Leeds*

The new year seems like the perfect year to stop apologizing for everything. I'd like to replace “I'm sorry” with “thank you.” Instead of saying, “Sorry I'm late” I'll say, “Thanks for waiting for me.” Instead of “Sorry for the mess,” I'll say, “Thank you for accepting me unconditionally.” “Sorry I haven't called sooner” can be “Thanks for being a friend and understanding my preoccupations.” “Sorry honey, but dinner is late again” can be “Thanks honey for offering to help with dinner.” Well, maybe this last one won't work, but you can't blame me for trying.

I'm hoping this resolution will not only shift the way I think and feel about myself but also improve my relationships with others who now get to hear my gratitude instead of my negativity.

I know changing a habit isn't easy. Wouldn't it be nice if it was as easy as getting fat?

Wish me luck, my friends. ◆

Continued from page 3

KPOA's most recent budget has been ratified by the membership, stating that the Board "relies in part on Casey v. Sudden Valley Cmty. Ass'n, 182 Wn. App. 315, 328, 329 P.3d 919, 925 (2014)" for the proposition that RCW 64.38.025(3) overrides the governing documents. As neither I nor the Board is aware of it expressing such a position, I also ask that you provide to me anything that supports your assertion.

Turning to the legal arguments in your letter, you only refer in your email to the Homeowner Association Act, chapter 64.38 RCW. But in 2018, the Washington legislature enacted the Washington Uniform Common Interest Ownership Act (WUCIOA), chapter 64.90 RCW, which includes provisions applicable to KPOA.

The WUCIOA applies to any HOA formed after July 1, 2018, as well as any HOA formed prior to July 1, 2018, that elects to be governed by the WUCIOA. See RCW 64.90.095. Although KPOA has not elected to be governed by the Common Interest Ownership Act, certain provisions are nonetheless applicable to KPOA.

RCW 64.38.025 as amended now states that:

(3) **Except as provided in RCW 64.90.080, 64.90.405(1) (b) and (c), and 64.90.525**, within thirty days after adoption by the board of directors of any proposed regular or special budget of the association, the board shall set a date for a meeting of the owners to consider ratification of the budget not less than fourteen nor more than sixty days after mailing of the summary. Unless at that meeting the owners of a majority of the votes in the association are allocated or any larger percentage specified in the governing documents reject the budget, in person or by proxy, the budget is ratified, whether or not a quorum is present. In the event the proposed budget is rejected or the required notice is not given, the periodic budget last ratified by the owners shall be continued until such time as the owners ratify a subsequent budget proposed by the board of directors. (Emphasis added).

The above referenced RCW 64.90.080 states in pertinent part as follows:

(1) Except for a nonresidential common interest community described in RCW 64.90.100, **RCW 64.90.095, 64.90.405(1) (b) and (c), 64.90.525 and 64.90.545 apply, and any inconsistent provisions of chapter 58.19, 64.32, 64.34, or 64.38 RCW do not apply, to a common interest community created in this state before July 1, 2018.** (Emphasis added).

(2) Except to the extent provided in this subsection, the sections listed in subsection (1) of this section apply only to events and circumstances occurring on or after

July 1, 2018, and do not invalidate existing provisions of the governing documents of those common interest communities. **To protect the public interest, RCW 64.90.095 and 64.90.525 supersede existing provisions of the governing documents of all plat communities and miscellaneous communities previously subject to chapter 64.38 RCW.** (Emphasis added).

RCW 64.90.405 in turn states in pertinent part as follows:

(1) An association must:

...

(b) Adopt budgets as provided in RCW 64.90.525;

(c) Impose assessments for common expenses and specially allocated expenses on the unit owners as provided in RCW 64.90.080(1) and 64.90.525.

Finally, RCW 64.90.525(1)(a) states in pertinent part as follows:

(1)(a) Within thirty days after adoption of any proposed budget for the common interest community, the board must provide a copy of the budget to all the unit owners and set a date for a meeting of the unit owners to consider ratification of the budget not less than fourteen nor more than fifty days after providing the budget. **Unless at that meeting the unit owners of units to which a majority of the votes in the association are allocated or any larger percentage specified in the declaration reject the budget, the budget and the assessments against the units included in the budget are ratified, whether or not a quorum is present.** (Emphasis added).

Therefore, contrary to the arguments asserted in your email, the provisions of RCW 64.90.525(1)(a) expressly supersede any contrary provisions in the KPOA governing documents and a budget adopted by the Board and presented to the membership is deemed ratified unless members to which a majority of the votes in the association are allocated reject the budget. Because members holding a majority of the votes in the association did not vote to reject the budget, the budget was ratified per the express provisions of RCW 64.90.525(1)(a).

Very truly yours,

Roberts Johns & Hemphill, pllc  
Michael W. Johns  
mike@rjh-legal.com  
Cc: Client ◆





**Kala Point Elections  
Committee Presents:**

## **KPOA Volunteer Month**

January is the perfect time to get involved in Kala Point! We live in a great place — it's no secret that volunteers help keep it that way.

New(ish) and old residents are invited to a **“Meet Kala Point”** gathering to socialize, learn how our community works and find out how you can make a difference.

### **Covered topics:**

- Governance
- Board of Directors
- Our various committees
- Ways you can contribute your time and talents to your community



### **Meet Kala Point Gathering**

**WHEN:** Saturday, January 25

**TIME:** 4–6 p.m.

**WHERE:** Kala Point Clubhouse

**HOSTED BY:** The Kala Point Elections Committee



Barred Owl with Stellars • Suzanne Eggleston

## **Bluff Management Advisory Committee Tree Request Workshop**

**Bob Winfrey**

The Bluff Management Advisory Committee (BMAC) will be offering a Bluff Tree Request Workshop on Wednesday, January 22, from 1:30–3 p.m. in the Kala Point Fireplace Room. This workshop will prepare residents of Kala Point's North Sector for the 2020 Bluff Tree Request cycle (opens February 1 and closes February 28, 2020). The North sector extends from Baycliff Place north to the end of Kala Heights Drive.

The agenda for the 2020 BMAC Workshop will include the following subjects:

- BMAC Tree Request Process/Timelines
- Overview of Jefferson County Shoreline Management Plan and Critical Areas Ordinance
- Tree request options for different vegetation (shrubs, deciduous trees, conifers)
- Kala Point Geo-Technical Results for 2018 and 2019
- BMAC Tree Request Recommendations Summary & Questions

If you have questions or would like more information, please contact BMAC chair Bob Winfrey at [rjwinfrey@gmail.com](mailto:rjwinfrey@gmail.com). ♦

# Passing on Gratitude

## Homes for the Holidays

The 2019 “Homes for the Holidays” was another successful event for the neighborhood. Thank you to the many wonderful volunteers who stepped up to host and to all the guests who signed up for the holiday cocktail party.

Thank you to our hosts Charlie and Pam Hicks, Mike Blankenship and Margaret Woodcock, Louise Tragard and John Galanes, Gary Obermeyer and Kate Lore, and David and Vicky Miller. “Homes for the Holidays” would not be possible without the work from the committee who put this altogether: Nancy Machette, Diana Zinn, Patricia Biazzo, and Char Quandt.

We welcome your feedback of the event and of course ideas for future events. Happy New Year!

**Social Plus**



## Murphy Move

A heartfelt thank you for making Hugh and me feel so special and for all of you that also helped with our big move to Gig Harbor! We are so fortunate to be blessed with so many dear friends in Kala Point! We both felt overwhelmed with all the farewell parties, visits, and assistance with our move. We will miss Kala Point tremendously!

**Joanne and Hugh Murphy**



## Newsletter Praise

We have lived in Kala Point since 2016 and have owned a time share unit since 1979. We are so thankful for the work of the amazing people in Kala Point, employees and residents, who continue to serve, support and volunteer their time and talents to continue to make our community one of the most amazing places to live.

This month’s *Kala Pointer*, with the new format, was really great. Thank you so much for all the work that goes into the publication of the newsletter.

We appreciate it very much!

**Brian and Jenny Vervynck**

290 Oak Shore Drive

## Toys for Tots

A wonderful assortment of toys (see photo below) from Legos to bicycles, children’s boots, blankets and monies were donated by Kala Point neighbors to the Christmas for Children and the Toys for Tots programs.



In 2013, the local Toys for Tots program merged with the Kiwanis Club’s Christmas for Children. Now there are over 40 volunteers who collect toys donated from various organizations throughout the year. These toys are distributed to approximately 750 children in the Port Townsend, Port Hadlock, and Chimacum area.

A special thank you to the volunteers: Doug and Nancy Leeds, Jim and Char Quandt, and the many donors who made our toy collection so successful this year. It is awesome to live in a place with so many generous neighbors!

**Social Plus** ◆



## Ashleigh Brilliant Quotes

*Found by Nancy Leeds*

- ★ The closest you will ever come in this life to an orderly universe is a good library.
- ★ I'll give up my bad habits as soon as equally satisfying good habits become available.
- ★ If you don't like my opinion of you, you can always change.
- ★ Unfortunately, it's possible to be able to do something extremely well that nobody ever wants done.
- ★ Thanks to my computer, I have now achieved a much higher state of disorganization. ◆

## Beach Etiquette for Dogs: a Friendly Reminder

When using the “off leash” beach area, you must have your animal(s) under control at all times. You may do this via voice, your physical presence and/or any other means to ensure a safe and fun experience for all of our pets.

We — humans and pets — must be able to use the beach without worry of injury from someone else's dogs. Friendly dogs are typically welcomed by other owners to approach for a quick wag and visit.



There can be consequences when animals are not controlled. None of us wants to witness, be a part of or be put in a dangerous situation. Please do your part as responsible dog owners and keep animals under control to allow us all to enjoy our treasured property. ◆

## A Tribute to Don Brenner: Consummate Volunteer

*Pat Miles*



Don Brenner came into this world on February 22, 1936, and left it a better place on November 29, 2019.

Don and his wife Marilyn purchased their Kala Point lot on Cedarview Lane in 1998 and

built their retirement dream home in 2004. Full disclosure: Don was very reluctant to buy into a “rules” community but was gently persuaded by Marilyn. As the last vestiges of their new home came together, Don became a champion of the governing principles and embraced volunteering.

Don knew the value of volunteering in keeping Kala Point the special community it is. He spent nearly a dozen years on the Architectural Committee (AC), providing valuable historical perspectives, while also serving as an Internal Control Committee (ICC) member.

As active supporters of Kala Point's social gatherings and with their own flair for gracious entertaining, Don and Marilyn assumed responsibility for the International Dinner Group several years ago. For nearly 10 years, while Marilyn worked on the themes and associated recipes, Don undertook the daunting task of developing a spreadsheet to manage the dinner assignments. While declining health reduced his participation on the AC and ICC, he continued to contribute to the dinner group.

Don was a retired career Army officer who later had a second career as a manager with Paccar, a premium commercial truck manufacturer.

His enthusiasm as a member of the Kala Point family and his numerous contributions will be sorely missed. ◆

# Through The Lens



Heron Sentinel • Terry Rose



Anderson Lake • Suzanne Eggleston



Snowy Kala Point Drive; Beach View • Angela George ↑



Rainbow Forest • Bob Segui



# Through The Lens



Ferry View • Angela George



Taylor Street; Scenic Sign Shop • Bob Segui ↓



King Tide • Marilyn Berry ↓



# Committee Reports

## Architectural Committee

Meeting: November 21.

Summary: 14 projects: two completed, 11 ongoing and one new.

### Old Business:

- Approved new roofing product: “DaVinci Select Composite”
- Approved addition with variance of one corner of overhang not to exceed 10” into the setback
- Denied request for extension of trellis more than 36” on three sides of electrical transformer
- Error in approval (June) of new construction roofing not on approved list
- Refunds: Lot where roofing is completed, and Lot where Heat Pump install is completed

### New Business:

- Approved concrete paving walkway and garage apron
- Owner asked to remove old temporary electrical meter base and post
- Discussed reviewing APPs for additions and changes, to be continued in December
- New roofing product to Board of Directors

The Architectural Committee is recommending approval of a new roofing product; the DaVinci Select Composite Tile in Aged Cedar color. There was a motion to amend APP III-1 & 2 Appendix A (Pre-Approved Roofing Materials) to add “DaVinci Select Composite Tile in Aged Cedar color.”

## Emergency Preparedness Committee

Meeting: December 5.

The following issues were discussed:

- A recently published map entitled “Washington State Bridge Resiliency Assessment” was distributed showing bridge vulnerability during a Cascadia Subduction Zone event. The eye-opening map will be placed on the EPC website.
- Certified Emergency Response Team (CERT) training will take place on Wednesday afternoons, 1–4 p.m., at the Clubhouse. The training will occur over an eight-week session starting Wednesday, February 12 and ending on Wednesday, April 1. An in-field exercise will follow on Saturday morning, April 18. This training is free and open to interested KPOA

members. Anyone wanting to join the training should contact EPC chair Anne Englander.

- Planning has started for the annual potato bake/chili cookoff fundraiser for East Jefferson Fire Rescue.
- EPC will start developing topics for focused discussions on matters of importance to emergency preparation. These discussions will take place during EPC meetings.

The next EPC meeting is scheduled for January 9, 2020 at 9:30 a.m. in the Fireplace Room.

## FireWise Committee

Meeting: December 3.

Meeting highlights:

- Mike Harte distributed his latest draft of the “Kala Point FireWise Guidelines” for final review by committee members
- Steve Reed will format the guidelines into a four-fold document to be submitted to the Board for final approval
- If the Board accepts the FireWise guidelines, Steve Reed will request that the Board absolve the committee from further responsibility

## Grounds Committee

Meeting: December 3.

Meeting highlights:

- Reviewed the table of responsibilities between the Grounds Committee and the General Manager. The table is to include the Architecture and Tree Committees in order to verify all responsibilities delegated by the Board.
- A Compliance Letter was created by Steve Reed to address Grounds Committee violations. It was suggested that this cover letter comprise a check-off list of common violations that may be lodged against a lot. Compliance letters will be tracked with reference numbers and by date for chronological tracking.
- Scott Rovanpera submitted the first draft of the supplemental sign policy that will cover vehicle, safety, and general information signage. It was suggested that a variance section be added to the policy to cover miscellaneous signage issues.



## Committee Reports

### Publications Committee

Meeting: December 2

Meeting highlights:

- Discussion of roles and responsibilities for the January 2020 *Kala Pointer*
- The December *Kala Pointer* was well-received by readers
- Email announcement of January issue will include issue highlights
- The January issue will include the budget ratification and Cassandra Cache election results
- Subsequently, Angela George submitted her resignation from the committee; Marilyn Berry will assume her role on the committee

### Tree Committee

Meeting: December 4

Meeting highlights:

- Carol Houck was announced as a new member of the group.
- The next regular meeting of the Tree Committee will be on January 9, 2020, at 9 a.m.
- A special session of the committee will be held on January 13, 2020, 10 a.m., with John Bornsworth of Peninsula Environmental Group. The committee will share our goals as they pertain to the Forest Assessment being conducted by Mr. Bornsworth in 2020.
- Discussions of international standards for total percentage of a tree that can be trimmed and remain healthy. Currently the tree committee authorizes up to 15 feet from the ground at any point.
- The committee met with homeowners from lot #142 and acknowledged that errors had been made in our communications with them.
- It was noted that FireWise is under discussion and is not to be used as a reason for vegetation removal except if it meets criteria in the APP XII-2; Section B-15. Once the FireWise recommendations have been approved by the Board, changes in the APPs may occur.
- Nine of the 10 requested tree actions were approved by the committee. The tenth was not discussed because the homeowner was not home.

- A change was approved for APP XII-2, Section B-6. The following sentence has now been struck in the APP:

*“These site visit decisions are reported on separate forms which are included as part of the regular monthly meetings.”*

The reason for the change is there are no separate forms, and site visit decisions are being summarized within the agenda for each meeting. ♦

### Jefferson Public Utility District No. 1 (JPUD)

#### December 2019 Board of Commissioners (BoC) Meeting Report

Scott Rovanpera

From the Consent Calendar, the BoC awarded the tree-trimming contract on West Valley Road to Asplundh Tree Service for \$84,282. The work shall begin on January 6 and be completed by April 30, 2020. The BoC also awarded excavation services to Carl H. Johnson & Son for conduit and vault installation at the Irondale Electrical Substation in the amount of \$70,679.

The BoC approved a resolution to secure a \$5 million line of credit from the National Rural Utilities Cooperative Finance Corporation (CFC). The JPUD financial advisor suggested that a line of credit with CFC would provide financial stability in case of an emergency.

The BoC worked out the final language for the “RF Transmitting Meter Opt-Out Policy,” with contributions from the three commissioners, JPUD legal counsel, and interested members in the audience. After revising the definitions and terminology, and injecting clarity and simplicity into the document, the BoC approved its final version as a resolution.

The policy allows residential customers to replace the standard JPUD radio frequency (RF) transmitting electrical meter with either a digital or analog meter that does not transmit RF waves of current. There is building evidence that some people are highly sensitive to RF current, and exposure to this energy causes health issues for them. ♦

## Meet the Snowberry

Suzanne Eggleston



White berries are the only adornment this time of year of the otherwise bare Common Snowberry. The deciduous *Symphoricarpos albus* is native to North America and is a member of the Caprifoliaceae family, which includes the honeysuckle.

The Snowberry does best in dry woodland settings. It can handle drought spells as long its roots have had a chance to anchor themselves deep into the soil. The plant can also tolerate poor soils where other plants may fail.

The shrub can grow to two to five feet tall and four to six feet wide in a rounded thicket. Its limbs are multi-branched, slender, and have brown, shreddy bark. The leaves of the Snowberry are typically thin, oval, and light green on their upper surfaces and paler below.



In the spring, look for pink-white flowers that are bell-shaped appearing in small, dense clusters at the ends of the branches. Flowers give rise to the white fruit, called

drupes, which can grow 3/8" in diameter.

The shrub's waxy berry-like drupes are edible for birds, but some speculate that the berries are not that tasty, which may explain why the white berries often persist into late winter.

*Be aware that all parts of the plants are poisonous to both humans and dogs.* ◆

## Kala Lily's January Gardening Tips

Diane Solvik

January is a vacation month for gardeners, with not a lot to do. It's a good time to dream about your summer garden and enjoy shopping or trips.

For some winter color, fill your hanging baskets with pansies, primroses and ivy. Hang them near a window so that they are visible from inside the house. For a taste of the spring to come, cut a few branches from shrubs, crush the stems, and put them in hot water. Bring them into the house where you can place them in a vase and watch them bloom and come into leaf.

As for houseplants, you may enjoy paperwhite bulbs. Place the bulbs in a tall vessel to support the plant, then add water. Remember that you should not water blooming Christmas cactus or the blooms will fall off.



*A 40-year-old Christmas cactus nurtured by Diane since her daughter was young.*

Spread Sluggo over your entire garden late January or early February. The baby slugs are hatching, and you can stop them in their tracks before they begin to eat. Cut the leaves off your hellebores when the new buds begin to form encouraging more prolific and larger flowers. The only exception to this would be hellebores that have leaves and flowers on one stem.

Plant any bulbs you have left over — they won't grow in the bag! It's also a good time to plant winter flowering shrubs such as witch hazel, daphne or forsythia. If planted now, you will enjoy the blooms next winter. Snap weeds are sprouting despite the cold — 10 minutes of hoeing now equals two hours of weed pulling later. Cut your ferns this month but be careful not to damage the new fronds. ◆



# Yard & Garden 2020 Lecture Series

## SAVE THE DATES!!

Six Saturdays, 10 AM – 12 PM  
January 11 thru February 15,  
2020

- Maintaining a healthy bee population
- Deer Resistant Gardening
- Horticultural Therapy
- Designing with Foliage
- Climate Change Gardening
- Herb Lover's Garden

*Tickets on sale in December 2019*  
*[jcmgf.org](http://jcmgf.org)*



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## Get To Know Your Neighbors

### Harvey and Karen Putterman

*As told to Marilyn Berry*

Volunteer...volunteer...volunteer! This is the one word that would best describe Harvey and Karen. Since moving from Connecticut to Port Townsend in 1997, they have had a remarkable history of volunteerism. Their commitment and enthusiasm have been a thread woven through many facets of our community.



*Harvey and Karen*

Prior to their retirement, Karen worked as a dental hygienist. Harvey taught high school, later becoming the school's English Department Chairman. They explored several locations having access to water and the arts as retirement possibilities. As we all know, Port Townsend met those requirements. Upon retirement, they moved to the Port Townsend area before settling in Kala Point 15 years ago.

Because of their community involvement, it's quite possible you already know or have seen Harvey and Karen. They originally volunteered at the Port Townsend Visitor Center. Since then one or both have been active in Centrum events, Key City Public Theater productions, Rawson Concerts, politics, the Northwest Maritime Center, the Youth Music Fund, the Wooden Boat Festival, and lastly the Northwind Arts Center, where Karen is currently the volunteer coordinator.

All this has not gone unnoticed. They earned a nomination for the Warren Magnuson Award, an award given annually to the best political volunteers. Additionally, they were joint recipients of the Angel of the Arts Award in 2010 from the Port Townsend Arts Commission, which honors a volunteer who has made a noteworthy contribution to the arts.

Within Kala Point, Harvey served as Chair for the Grounds Committee, and Karen is Treasurer of Social Plus. They don't let age slow them down. Harvey goes to the Port Townsend gym and has recently joined the Socrates conversation group, while Karen does water aerobics and is an accomplished weaver.

The list of their involvement and accomplishments is long. We are thankful to call them our own.

### The Rodrigues/Ridgway/Babcock Family

*As told to Marilyn Berry*

The family moved to Kala Point this past fall from Port Ludlow to be closer to the Port Townsend schools and work, bringing with them their three dogs (Bella, Briar and Daisy) and cat (Miss Kitty). In looking for a new home, their list of "must-haves" included a neighborhood with a community pool. Luckily, the Kala Point house they fell in love with fit the bill.

While Colleen, Tammy, and Almany are new to Kala Point, they are not new to Port Townsend; some of you may already be familiar with them. Colleen became the Clinic Manager for Jefferson Healthcare in 2014 after nearly 28 years in the hospital industry. Prior to becoming a Firefighter/Paramedic for East Jefferson Fire Rescue (with which she's been for 20 years), Tammy was a Pharmacy Technician. Lastly, Almany is a 7th grader at Blue Heron Middle School.



*Tammy, Colleen and Almany pose with Santa.*

Their hobbies are as varied as they are. Colleen enjoys scrapbooking, while Tammy enjoys spending time with her seven grandchildren. Almany stays active with dancing, volleyball and basketball. ♦



## Winter Pickleball Fun

*Hilary Newell*

There's lots of activity at the lagoon pickleball courts this winter. Every Monday, Wednesday and Friday from 10 a.m. to 12 p.m. and 1 to 3 p.m., there are as many as 12 people playing pickleball. Players from all levels — beginner to advanced — are welcome in open play. We learn new things and improve our skills every time we play.

Mornings are for those of us who are relatively new, though there are experienced players who continue to guide the newbies in improving our games — all while having a whole lot of fun!

I had never played pickleball before learning of the “Learn Pickleball Clinic” this past spring. Several veteran players volunteered to teach a beginners’ class over several weeks, and I was immediately hooked. Serving, dinking, lobbing, the double bounce rule, slamming, and “staying out of the kitchen” are some of the basic skills and rules we worked on. Before long, we were playing actual games.



*All-weather pickleball enthusiasts include (from left): Don Meister, Fred Harris, So Sae Meister, Susie Gorski (front), Suzanne Eggleston, Louise Tragard, Scott Love and Jim Gorski.*

There may be another “Learn Pickleball Clinic” later this spring if there is enough interest. Watch for details in the *Kala Pointer*. Pickleball is an excellent source of exercise and more importantly, it's guaranteed fun! ♦

## C.E.R.T. Training Class for Kala Point Offered February–April

*Anne Englander, Co-Chair EPC*

After you've taken care of yourself and your family in an emergency, you'll want to help your friends and neighbors. Here's a great way to get trained to do just that: take a CERT class. We're making it easy by offering a class right here in Kala Point beginning in February.

The nationwide Community Emergency Response Team (CERT) program educates volunteers about hazards that may impact their area and trains them in basic disaster response skills, such as fire safety, light search and rescue, team organization, and disaster medical operations. Using this training, CERT members can assist others in their neighborhood during an emergency, when professional responders are not immediately available to help.



The Emergency Preparedness Committee has made arrangements with the Jefferson County CERT team to use their qualified instructors to teach a Kala Point CERT class at our Clubhouse. The basic CERT course is a total of 24 hours (three hours per week spread over eight weeks), plus a practical exercise. Training sessions will occur on Wednesday afternoons, from 1–4 p.m., starting Wednesday, February 12, and running through Wednesday, April 1. The in-field exercise will be on Saturday morning, April 18.

This training is free and open to interested KPOA members. You don't need to be young and strong to take it – there are tasks suited to everyone. Kala Point has several trained CERT members, but we want more. This is valuable training for everyone on how to manage emergencies on our own until the professionals arrive.

If you're interested in taking the CERT class or want to find out more, contact Anne Englander, [anne.englisher@gmail.com](mailto:anne.englisher@gmail.com) or 360.316.9339. ♦

## Know What's Below — Call Before You Dig

Scott Rovanpera

Known as “Safe Dig” in Washington State, it is the legal responsibility for any person planning to excavate in areas known to have underground utilities (electric, telephone, fiber optics, cable, natural gas, water, and sewer) to contact the local Utility Underground Location Center to have these utilities marked. A simple 8-1-1 phone number will connect you with a person that will



**Know what's below.  
Call before you dig.**

take your information, or you can call 1-800-424-5555. The location center is open 24 hours a day, 7 days a week. They accept calls from contractors, homeowners, or anyone planning to dig with hand or mechanical tools.

You can also file an underground location marking request at [www.callbeforeyoudig.org](http://www.callbeforeyoudig.org); select Washington State, then choose homeowner. Once a staff member at the call center emails you a password, you can logon to request a utility locate. The website has unique advantages, as you can upload all your information without having to wait on a long phone queue.

As found in the Revised Code of Washington (RCW) 19.122.030, a contractor or homeowner must call 8-1-1, the 800 number, or logon to the website two (2) business days before commencing any excavation. Within Kala Point, Jefferson PUD is responsible for locating all electrical and water lines. WAVE or CenturyLink are responsible for cable lines. There are no sewer, storm drain or natural gas lines buried underground within Kala Point.

The homeowner or contractor must mark the area to be excavated with white spray paint applied on the ground of the worksite. The typical markings are two white border lines that encompass the area to be excavated, marked with the date of the marking, and the words “Utility Locate.” This is especially important if you plan to dig holes to install fence posts or shrubs within the common area in front of your home. As seen in the photo (left), there may be many utilities buried right



where you might want to dig. Note the white mark for the post hole to be dug, the orange paint marking telephone, and the red paint marking electrical service originating from the vault at the top of the photo.

I had the opportunity to learn the hard lesson of not verifying all utilities before excavating on my property using a contractor to determine the percolation capacity of my septic system leach field on the side of my garage. The contractor called 8-1-1 and requested utility locates on my property. What wasn't marked was the electrical utility, originating from the vault across the street from my property. I remarked to the contractor that there were no “red” paint marks for electrical service. He notified the excavating contractor of this missing utility, but unfortunately, the excavator chose an area to dig where my electrical service crossed my property.

The mini-excavator severed all three electrical cables buried 24 inches below grade. A Jefferson PUD crew took an hour to arrive and immediately isolated the power from the vault and removed my electrical service meter in order to make repairs. It took JPUD four hours to restore my electrical service.



### Lessons learned from my unfortunate incident:

1. If utilities are not marked at the dig site, wait until they are marked.
2. Never dig until the utilities are marked, even if your excavation must be postponed.
3. Utility locating is an approximate science, depending on the sophistication of the marking equipment. If unsure, hand dig carefully, or request equipment better suited for the job until the underground utility is verified.

If you plan to dig any holes on your property, please call 8-1-1, or go online to request an underground utility locate. It's the safe thing to do; it's the smart thing to do; and it's the right thing to do! ♦

# Neighborhood Classified Ads

Neighborhood Classified Ads cost only ten cents per word. Please pay at the Kala Point office when you submit your ad.

## WANTED: RENTAL

Retired attorneys from Seattle would like to rent a house or condo in Kala Point for the months of July & August. Prefer king (or at least a queen bed). Non-smokers, no pets, and will have no visitors during that time. We've owned unit 21D in the timeshare village since it was built. Please respond by email to [LFinegold@gsblaw.com](mailto:LFinegold@gsblaw.com) or [SharonFinegold77@gmail.com](mailto:SharonFinegold77@gmail.com)

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## Kala Pointer Newsletter

Kala Point Owners Association  
1760 Kala Point Drive  
Port Townsend, WA 98368

### Remember: Hang Those Parking Tags!

Please provide your visiting family, friends, and guests with 2020 Kala Point Hang Tags all year long.



*Botanical clip art throughout newsletter came from [freepik.com](https://www.freepik.com).*



*Nancy Leeds*

There should be a little wine truck that drives around the neighborhoods in the evening playing French music; we would hear it and run out with our money and our glasses.