



9mileranchhoa.org
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Important news for Lot Owners to understand what has been happening recently at 9 Mile Ranch:

Three months into being a board, in August, 2018, an anonymous website popped up; <https://ninemileranchhoath.wixsite.com/mysite> . This website focuses on dissolving our HOA and states misinterpretation of our governing documents and state law. It also works very hard to discredit the Board of Directors using mistruths and deception.

Six months into being a board there were some contentious exchanges between board members and lot owners at the January Board meeting; a direct result of a group of members promoting the 'anonymous' website misinformation. Immediately following the meeting the Board adopted a Meeting Protocol Policy which has since been read before each meeting and acted upon, so there can be a fair and decent exchange between all present at a meeting.

Following this meeting the Board became aware of a "Disclaimer", written by Board member Kate Naysnerski, and petition that was being circulated by a small group of Lot Owners, through email, mail, phone calls and door-to-door. The petition is to dissolve our HOA and remove all Board members except Kate & Wayne Naysnerski (father and daughter/two of the main contributors to this group). The "Disclaimer", and other letters/documents we have seen, stated more misinterpretation, exaggerations, and twisting of truth...essentially slander.

A month and a half later Kate Naysnerski filed assault charges against Board member Brett Coffman. In her court affidavit Kate also named all other Board members (except her father, and Susan Stewart who wasn't at the meeting) as assaulting her as well. She claimed that Brett brandished his gun at the January meeting threatening her. The truth is that Kate happened to see Brett's legally-concealed weapon from under his jacket at some point, and she exploited that into her false claim. Kate also claimed she was 'assaulted' by way of 'being spit on' which is absolutely false and ridiculous. Kate dropped the case the day before the hearing, however she forced funds to be spent unnecessarily. The HOA insurance policy covers Board members in this kind of situation, as long as the accused Board members are free of negligent fault; indemnity insurance. Our insurance company evaluated this case and determined the assault charges were unfounded and reimbursed the HOA \$1,500 for attorney fees incurred. For many reasons, two weeks prior to the hearing, the Board agreed to have our meetings at the Oroville High School. This was not chosen to protect members from the board – rather, a gun-free, no-cost venue of higher stature was seen as a benefit to all. The Board is also now having a paid non-Nine Mile Ranch "witness" at our meetings so that, if necessary, the witness can

attest about any confusions as to what took place at a meeting.

The next step taken by this group was to more or less ambush the Board at the June 15th annual membership meeting, attempting to remove all Board members through votes the Naysnerskis and this small group solicited through proxy and asking for a hand vote at the meeting. According to law, all members must be provided the opportunity to vote, and many members in the audience stated very loudly that they had not received any notice of this vote. Therefore this vote is not valid, as only some members of the HOA were given an opportunity to vote. It also takes the **majority of all Lot Owners** to affirmatively vote to remove a director(s); this did not happen. On June 27th, two weeks after the annual meeting, the Board received a letter from Kate Naysnerski's attorney asserting that we are no longer a Board and demanding the board turn all accounts and records over to her immediately. Once again, misinterpreting law and costing the HOA funds for attorney fees.

It is the Board's perspective that this toxic, bullying campaign is not about the work this Board has and is doing. It's about many in this group wanting to continue violating the CCRs - the contract we all agreed to. After the Board enforced on the Lot spoken about in the annual meeting minutes, the Board unanimously agreed that as a priority the Board members themselves need to be in compliance; this is when the smear campaign began.

The Naysnerskis are not in compliance, operating a business that is specifically prohibited in the CCRs. Through their attorney the Naysnerskis have attempted to persuade that the CCRs are abandoned so they can continue their non-compliance. Others in this group have asserted the same. It has cost our HOA roughly \$3,000 so far to defend the CCRs and have the Naysnerskis cease and desist their business. This issue is still unfolding. The Naysnerski property has makeshift dog kennels encroaching on membership easements and several complaints have been received about the noise these dogs generate. Rest assured, if your property was next to theirs, it will be worth less due to this situation. It is our fiduciary duty to uphold the CCRs so that all members benefit equally from the Ranch and the rules we all agreed to.

As stated, we are all bound by these contracts. All of us - Board members and Lot Owners - have governing documents and state law to follow. If you want change, or would like to remove directors or change the CCR's, may we suggest using the legal avenues in our governing documents and state law to make the changes you seek; the Board will assist you. Or, become elected or appointed to the Board. You can then be a part of making decisions as well as learn a deeper understanding of the issues in running our HOA.

The Board has been encouraged by many members to address some of the issues this campaign has brought forth. We were told at the AMM that we have not done enough to protect the optics of this situation and we have let the rumors and lies grow rather than letting everyone know what is really going on. To be honest, we were not about to go door to door to educate people. We truly hoped that people would seek to find out the truth rather than blindly believing these falsehoods. The reason for this newsletter is to set the record straight and provide feedback around the lies that are being spread about this Board.

The following are facts refuting some of the rumors we have heard:

- No policy, intent, or act of the BOD/ACC members to trespass onto private property ever occurred, and in a single circumstance an apparently abandoned and potentially hazardous junk trailer and shed were inspected according to CCR permission and circumstances.
- No director or road manager was paid for any service, period.
- No discussion or consideration has been given at any time to purchasing a truck by the HOA.
- No person convicted of sexual assault was sought to be hired to do the HOA snow plowing (although the Board was solicited by such a person).
- No Board member commercial enterprise was approved, and no membership request for business approval was denied by this Board, although prior Boards have denied proposed businesses. Director Kirk Johnson's construction business was determined as not under the jurisdiction of the CCRs because he leaves and returns to his Lot each day, having performed his work somewhere other than on his Lot, just like any other person who has a job away from their land (ask for documents).
- This Board does listen to members input. We have had members tell us that they bought here because of the covenants and want them enforced, we also have members telling us to "live and let live" by not enforcing CCR's. We've had members tell us to raise the dues, others telling us not to. We've had members supporting Board members being reimbursed for expenses, including mileage, while others have said volunteers should pay for HOA expenses while volunteering. Just because the Board may not take action in the direction a member wants does not mean we don't listen. Through study and discussion the Board arrives at it's decisions. Ask us and we can explain and/or provide documentation for you.
- The covenants have not been abandoned. The Board and HOA attorney believe it is clear that the CCRs are indeed still valid.
- The Board/ACC is not driving around, nor have plans to, looking for non-compliance. We can only guess that this rumor came from discussion by BOD/ACC members to re-create ACC records that have been lost due to a house fire and prior ACC members refusing to turn over records.
- The Board is not a 'click always outvoting' the Naysnerskis. What is true is that the Naysnerski's have voted with the Board 92% of the time which can be verified in the Board meeting minutes.
- There is not "selective enforcement" happening. HOA boards have a fiduciary duty to address non-compliance. If something is reported to us, complained about, or we know about it, we will address it. We seek to help Lot Owners comply. The Board cannot approve a direct violation of the CCRs, nor can it grant a variance for this. Compliance is being addressed uniformly, starting with the members of the Board of Directors.
- The Board has never demanded the Naysnerskis "get rid of their dogs". The Board has required the Naysnerskis to cease and desist commercially breeding their dogs while allowing for attrition; keeping their adult dogs, not to acquire new ones until population is under the allowed 2 dogs.

This Board is staffed by long-time professionals ready and willing to give their time and knowledge for the sustainability of Nine Mile Ranch, but this bullying campaign is taking away from other HOA work that needs to be done. It has also cost our HOA thousands of dollars and creating needless upheaval in the community. Please support your HOA by rejecting unproven solicitations and rumors and always question us directly if you have concerns. We want you to be informed.

This Board has also worked hard to provide transparency via newsletters and the HOA website, which has all of the information any lot owner needs to understand what the Board is doing for all 9 Mile Ranch owners. This website has numerous reports, policies and all Board meeting minutes. The information there might answer questions or concerns you may have. Otherwise, come to the Board meetings, email us, call us or send us a letter. We would love to provide you with any additional information about anything you need to understand better. But we ask you, please do not believe rumors - seek to find out the truth first