

JULY 2020

IMPORTANT NEWS AND NOTICES FOR ALL 9 MILE RANCH LAND OWNERS

PLEASE READ

This is a newsletter from the board of the 9 Mile Ranch HOA, created to inform you of important notices and issues, and we ask that you take the time to read it thoroughly.

Nine Mile Ranch Homeowners Association / P.O. Box 332 / Oroville, WA 98844

9mileranchhoa.org / email: bod@9mileranchhoa.org

SEE ENCLOSED ROAD REPORT, & SEE NEW RULES AND POLICIES ON THE HOA WEBSITE

RECENT MEMBERSHIP ELECTION RESULTS

Here are the results from the June 20, 2020 election:

- Don Charnholm and Pam Lewis are new directors, for terms of 3 and 2 years respectively.
- The vote to waive the CPA audit for fiscal year 2019/2020 passed by a vote of 87 to 37, so no audit will be conducted. This will allow the \$2700 that was budgeted for the audit to be spent on roads, placed in savings, or used for other HOA expenditures.
- The proposed 2020/2021 fiscal year budget was approved by a vote of 101 to 20.

NOTICE - NEW HOA RULES AND POLICIES

With the current board being the first elected board, and that prior developer-appointed boards did not make progress about this, we've taken on the responsibility to discover how to best resolve some problem areas of CCR compliance... you could say this is groundwork that has been much needed. Our work has led to creating some Rules and policies intended to better clarify and give guidance to both board members and HOA members about how to uphold CCRs while protecting rights and responsibilities given under the CCRs. This work will have also made it much easier for future boards to follow as elected members come and go.

Another challenge about this we've (hopefully) addressed is how to most effectively cause compliance without paying excessive HOA funds to attorneys or civil court processes. That subject led us to utilizing two 'tools' given to the HOA: 1) the ability to create durable legal Rules via CCRs Article IX, Section 22 and 2) the ability to levy fines for violations pursuant to state statute RCW64.38.020(11). These additional Rules via Article IX/22 can be made by the board that "...are consistent with the purposes of the [CCRs]", and they can only be reduced or rescinded by a 60%+ vote of the membership. The RCW regarding fining allows boards to levy reasonable fines against violations of both CCR clauses and additional Rules, such process which includes the right for violating owners to be heard before fines are instituted. This is a good tool to help pressure violators to comply. While most CCR clauses have been honored and followed by owners over the years there are several areas that have needed some enforcement emphasis recently, including excess dogs and commercial dog breeding, rentals in excess of 6 months per year, unapproved commercial enterprises, and limitations on numbers of domestic farm animals.

The full texts of the new Rules and Policies can be viewed on the 9mileranchhoa.org website. It is important that all members know these rules as they are required to be followed just like our CCRs. Please email us at bod@9mileranchhoa.org if you have any questions or comments about the following:

- **Domestic Farm Animal Density Rule:** establishes clarifying criteria for limitations on the numbers of these animals and how the Board is required to determine limitations.
- **Commercial Enterprises Rule:** establishes clarifying criteria for what businesses are allowed on the Ranch and how the Board is required per the CCRs to approve businesses.
- **Elections, Ballots and Recounts Policy:** addresses protections for keeping members' votes private, procedures for membership-requested recounts, and membership inspection of ballots.
- **Watershed Rule:** addresses owners being held responsible for negative watershed impacts caused to Ranch roads by their lot developments, including driveways, building sites, and land clearing.
- **Enforcement Rule and Fines Schedule:** specific procedures about the notification and fining process against violations, including base fine amount (\$25.00 per day) and violator's right to a hearing to contest or explain circumstances before fines are levied.

DON'T LIKE WASHBOARD?

Slowing down, especially on inclines and around corners, will help reduce washboard on our roads. The roads are drying up now so there can be no raking or grading as some moisture in the roads would be necessary. The HOA's budget is underfunded to be able to absorb the cost of a water truck. So, please observe the speed limit of 20 MPH.

PRIMITIVE ROADS ARE DRIVERS' RESPONSIBILITY

Ranch roads are rural gravel roads. There are no warning signs. Winter driving conditions can be risky and require adequate driver caution and equipment. While they are and have been good roads for all owners' use and enjoyment for more than 20 years, our roads were not originally professionally engineered or constructed to any specific standard, nor were they required to be in law. Common sense, awareness, skill and adequate autos with proper traction should always keep drivers in safety, but remember that drivers use roads at their own risk.

Bylaw Voided re: Number of Directors

Our Bylaws at Article IV calls for that the core elected five board members appoint at least (4) fellow directors, all those possessing the qualifications of "...one member being or having been a licensed forester, one member representing the protection of wildlife interests, one member representing the community of Oroville...". This clause has been advised by HOA legal counsel to be in conflict with RCW 64.38.025(2) which prohibits board members from electing fellow board members except in the circumstance of appointing a vacancy. So per legal counsel, at the March 14, 2020 board meeting the board unanimously declared in part as follows: "the Board recognizes that the Bylaw language in Article IV, Section 4 regarding the Board selecting directors is unlawful and thus may be ignored." This means that the 9MR board shall legally consist of (9) director positions whom are all elected by the membership or – in the event of vacancy – appointed by the Board for the remainder of the term.

NO MORE THAN TWO DOGS ALLOWED

Be aware that our CCRs limit dogs to two per Lot; please be on notice that the board is and will continue to uphold this requirement.

WILL YOU CHOOSE TO KEEP THE CCRs?

Short and to the point... As you may recall there is a Lot Owner/prior board member who has been ignoring CCR clauses regarding limitations of dogs, commercial dog breeding and commercial business approval for a number of years. He has now recently added encroaching the HOA easement to the list of violations, having installed a permanent fence and large boulders that block a portion of the roadside easement; this action violates the membership's right to use the roadside easements and it causes trouble for wintertime road maintenance.

The member has caused the HOA to spend about \$3800.00 in attorneys fees to address his violations so far. The board has attempted every form of diligent communication available and has fined the member as well; anyone is welcome to request copies of all communications to him. **The board has done all it can; now its up to you, the membership.** The board has been advised from legal counsel that if the HOA does not follow through with legally enforcing on the member that the HOA will risk losing the right to enforce at least some of the provisions of the CCRs (legally termed "abandonment"). Soon the board will send a mailing to everyone outlining options that can be taken from here forward, including a court ordered injunction against the member. The mailing will also likely include a direct communication to you from the HOA attorney about the subject. You may be asked to consider spending \$40 - \$80 per lot for a one-time special assessment to legally pursue the member; is it worth it to you to spend \$80.00 to save the CCRs or a portion of it?

HOA MEETINGS POSTPONED or UNATTENDABLE

Due to continuing state restrictions limiting public gatherings because of COVID-19, the in-person June 2020 Annual Membership Meeting remains postponed until restrictions are lifted in a way that will reasonably allow a physical meeting of the membership to take place. Also, board meetings are being held telephonically until COVID-19 restrictions are adequately changed; see website for meeting minutes posted, and you can also request an audio recording within two weeks after a meeting. Please watch the HOA website for further notice. Upcoming scheduled regular meetings:

- October 10, 2020 regular board meeting
- January 16, 2021 regular board meeting
- March 31, 2021 regular board meeting
- June 19, 2021 annual membership meeting
- July 10, 2021 regular board meeting
- October 9, 2021 regular board meeting

MILEAGE REIMBURSEMENT for ROAD VOLUNTEERS

At this point the management of road maintenance is thankfully performed by volunteers on the Road Committee. The current auto mileage reimbursement rate for volunteers when performing HOA work is \$.58 per mile, the same as the current federal and state rates for tax purposes. That rate may be accurate for commuter-type travel on paved roads using a smaller car but it is inadequate for V8 trucks and vans touring rough steep Ranch roads during road maintenance assessment touring, such touring which involves driving relatively few miles while leaving an auto running for hours; this adds up to much higher fuel costs. A recent report from the Road Manager (see website, report entitled, "V8 Road Tour Reimbursement Calc 2020"), using actual fuel costs incurred, suggests a reimbursement rate of \$1.08 per mile, which is typical of similar industry-related circumstances.

The board is looking at adopting various mileage reimbursement rates to more accurately reimburse volunteers under different circumstances. If you'd like to comment about this subject or help by offering your own knowledge about accurate reimbursement rates please email or write the board at the contact points on the front page.