

Special Board Meeting Minutes
Nine Mile Ranch Homeowners Association
Executive Session
December 1, 2020

Due to the Coronavirus this Board meeting was held telephonically. Board members present; Kirk Johnson, Brian Rabe, Rick Lewis, Brett Coffman, Don Charnholm, Pam Lewis, Susan Stewart and Stacey Johnson.

Meeting is being recorded by secretary only.

Purpose of meeting was to address attorney letters received representing Association member James Mathis and Wayne Naysnerski. Attorney letters are threatening litigation against the HOA unless the Board calls a Special Membership Zoom meeting.

Meeting was called to order at 7:00 pm.

Actions Taken in Executive Session

Motion made by Brian Rabe: Pursuant to Bylaws, Article III, Section 2 whereas 10% of members can call a special membership meeting that the Board call Special Membership Zoom meeting. Seconded by Kirk Johnson. Motion passed 6 to 2: Pam Lewis and Stacey Johnson voting no.

Motion made by Stacey Johnson for her to contact HOA Attorney Miller & Chase to facilitate the Zoom meeting for the Special Membership Meeting. Seconded by Brian Rabe. Motion amended by Brian Rabe to included that Andy Chase, attorney, be present at the meeting. Seconded by Rick Lewis. Motion passed 6 to 2: Pam Lewis & Don Charnholm voting no.

Motion made by Kirk Johnson to vote on the following:

1. WHEREAS every HOA member has a right to require the Board to receive and attend to certain communications at the official HOA address (P.O. Box 332, Oroville, WA 98844), these communications which could including any of the following contents:

- a. official requests for inspection of HOA records,
- b. official proxies,
- c. official requests for membership meetings,
- d. receiving member payments,
- e. communicating changes of official notice addresses,
- f. questions regarding a Lot Owner's personal account with the HOA,
- g. official written assent to the removal of a director(s), and
- h. any other official correspondence/solicitation as allowed by law and governing documents,

and;

2. WHEREAS the HOA BOD email address is provided to the membership from the Board as a courtesy to Lot Owners for their convenience, not as a venue for harassment.

3. WHEREAS directors are volunteers and have no obligation to bear harassment and/or intimidation from Lot Owners or any other person, be that harassment coming through email, HOA post office box, or any other form or source of communication, and;
4. WHEREAS the Board has withstood consistent voluminous undue email harassment from Lot Owner James Mathis over a period of seven months so far, such harassment described as the following:
 - a. approximately (73) pages of emails received from Mathis which in total include voluminous frivolous and unfounded implications or direct accusations of director wrongdoing,
 - b. (12) statements of either direct threat or insinuation of threat of legal suit, against both the HOA and the directors individually, including one threat through an attorney, statements which are generally laced throughout emails with the obvious intent of trying to intimidate directors into acquiescing to his demands or false legal claims,
 - c. repeated and continuous veiled 'disclaimers' from Mathis accompanying his harassments/intimidations – descriptive words used copiously like “alleged”, “in my opinion”, and “likely” - used with the obvious intent to attempt to limit his legal liability while making continuous harassing claims and threats/intimidations against the Board,
 - d. repeated defamatory personal claims about directors, including widespread promulgation throughout the HOA membership of false accusations that threaten certain constitutional rights, and also including undue unsuccessful attempts to have state enforcement agencies prosecute Board members based on false and unsupported claims,
 - e. repeated and continuous harassments/intimidations in emails which are laced in junction with exorbitant numbers of requests for HOA documents, at such a volume and tone as to be on par with that like what happens in civil court discovery proceedings, including that often the only way to identify his official documents requests within the emails is to have to also wade and parse through pages or paragraphs of frivolous mean-spirited harassments and veiled intimidations, and;
 - f. repeatedly asserting, without substantiation, that Board members are constantly “under investigation” and obviously using this as a way to intimidate, and;
5. WHEREAS Mathis' harassment causes undue delays in genuine HOA business being conducted by the BOD, and;
6. WHEREAS the Board possesses email proof that Mathis is either one or the responsible party for the anonymous “fix-9mr” website that has for months promulgated volumes of conjecturous egregious defamatory claims to the membership and public at large about directors, and;
7. WHEREAS the directors have continuously resisted spending HOA funds on attorney counsel and/or response to Mathis' emails content as much as possible, and that the directors wish to continue to avoid spending HOA funds as much as possible, including avoiding seeking an anti-harassment court order against Mathis if possible, and;
8. WHEREAS the Board deems it to be very important for the health and success of the HOA that James Mathis' actions be hereby cast into the official HOA record for future volunteer directors and all HOA members to be aware of;

THEREFORE BE IT RESOLVED that all email communications from James Mathis are hereafter blocked from being received by BOD email addresses, and that a copy of this motion will be sent to James Mathis via USPS.

Seconded by Rick Lewis. Motion passed 7 to 1: Pam Lewis voting no.

Motion made by Don Charnholm to have attorney letters, received from Mr. Mathis' and Mr. Naysnerski's attorneys posted to the website along with report/update regarding Special Membership Zoom meeting. Seconded by Brett Coffman. Motion passed unanimously.

Motion made by Kirk Johnson to file lien on Mr. Wayne Naysnerski for fines charged to date. Seconded by Brian Rabe. Motion failed: 4 to 4: Don Charnholm, Pam Lewis, Susan Stewart & Rick Lewis voting no.

Meeting adjourned at 8:42.