

Comment by Donald Coleman 1046 Crestlane (Village X):

Board error? Or intentional deception?

RCW 64.38.120 (f) "Approval by ballot pursuant to this subsection is valid only if the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action."

- The VGC's legal documents clearly define a quorum required to present at a meeting as 75 (Bylaws, Article III E).
- If the board has received 75 or more ballots the deadline may not be extended according to the law.
- Why is the board being untruthful with the membership by declaring that a quorum is 75% (180) instead of 75 as indicated in the Bylaws?
- It appears the board is improperly extending the collection of ballots based on an untruth.

Response by Kurt Carlson 921 SE LARKSPUR (Village 2):

1. The stated quorum of 75 is beneath the 34% in RCW 64.38.040, our meeting quorum is 82.
2. The stated quorum is for an annual or special meeting, not a mail ballot.
3. RCW 64.38 was amended in 2021 during COVID as it was previously silent on mail ballots.
4. RCW 64.38 and our documents are silent on quorum requirements for a mail ballot:
 - a. The requirement of RCW 64.38.120(6)(b)(ii) is to state "percent of votes necessary to meet quorum requirements".
 - b. With a legal requirement of 67% to amend existing documents, the minimum quorum would be 161.
 - c. Case law recommends 90% approval making a desired minimum of 179 rounded up to 75% (180).
5. A quorum of 180 does exceed 82 as "the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting" as stated in RCW 64.38.120(6)(f).
6. RCW 64.38.120(6)(g) states "if the association does not receive a sufficient number of votes ... to approve the proposal ... the board may extend the deadline for a reasonable period not to exceed eleven months".

The defined quorum for this ballot was intended to ensure a reasonable end, 'yes' or 'no', well before "a reasonable period not to exceed eleven months".

Ideally, all 240 owners would vote either 'yes' or 'no'. All owners are encouraged to vote.