

Message From Your President

The Villages of Garrison Creek: Proposed Governing Documents

This is my monthly message to you. Some of you receive this by email and for those who are without email addresses on record with the association, it is mailed.

Dear Members:

I understand this is my third message on this topic but due to the importance of these documents and member comments, I feel it necessary to clarify some issues presented.

Some of you may have received a recent message put forth by some of our members that listed their areas of concern. Prior to addressing concerns regarding the governing documents themselves I need to clarify the voting process taking place currently. At the end of the voting period initially set, due to having failed to reach a quorum, the Board decided to extend the election until June 16, 2023. Washington State law allows an extension period up-to as much as 11 months. The ballots thus far have **NOT BEEN OPENED and remain in a sealed and secure place. Obviously no counting of these ballots has occurred so the board does not currently know how many YES or No votes there are. The ballots are being picked up at the post office by a neutral person who no longer lives in the villages and will only be opened and counted at the close of the election in the presence of observers.**

If you have not already voted, please do so. Your Board supports voting YES.

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Some of the other concerns we have received include the following:

The proposed documents place too much power in the hands of too few homeowners.

Overall, the Board has considerably less power under RCW 64:90 and these revised documents. The State of Washington invests every HOA Board with broad

authority to conduct the business of the association in the best interests of its members, consistent with its own CC&Rs and state law. These powers have been exercised by every VGC board throughout our twenty-five year history. The revisions presented for your consideration do not increase the power of the officers and directors of our HOA. The template for our documents came from our attorney compliant with 64:90. In many cases powers were removed from the template (never powers added). The documents are actually intended to and written in such a way as to enhance member participation and control.

There was a lack of member input on certain topics in the governing documents.

The document revision has occurred over a four year time period with the documents posted on the website seeking member input. These documents have been written by a committee that gathered extensive comments from many VGC members. We have had monthly board meetings with opportunities provided for member comment. We held a series of public meetings asking for member input. Additionally, we have offered to meet with members at the Gazebo to answer questions members may still have.

Rental Restriction Practicality

The section on rentals is flexible and advisory, not limiting. Rental limitations are legally enforceable only if they are in the CC&Rs and that provision has been approved by 100% of the HOA members. Short of that, members of the board have heard from realtors who believe that language in our current and proposed document referencing an ideal percentage ceiling for rentals underscores our vision and preference for a community comprised primarily of owner-occupied homes and has motivated some prospective landlords to seek investment properties/units elsewhere. I believe that restrictive language, though more aspirational than legally enforceable, still helps protect owner-occupied home values. There is an exception clause provided as well that includes family and hardship cases.

ARC/VCR concerns

The Architectural Review Committee (ARC) in our current documents is autonomous with no accountability to the board or members. The new

documents give an avenue for appeal, input from the board and members, and more freedom for homeowners.

Both the VRC (Village Review Committee) in the proposed documents and ARC in current documents have the right in certain circumstances (e.g.: emergencies such as main water, electrical, natural gas, or irrigation leaks, or breaches of land use standards) after written directives for voluntary remedies have been repeatedly ignored, to enter a homeowner's property to remedy such concerns. State law gives HOA's this right and mandates responsible exercise. Such use has occurred very few times in the last two plus decades. There is nothing new in the proposed revision of the CCRs or other documents that changes the VCR's authority to act in these situations nor suggests that its use will be needed more frequently than in the past.

Loss of Homeowner Due Process

Some members have incorrectly alleged that the new documents eliminate a homeowner's ability to make legal claims against the board by surrendering your ability to file a lawsuit against them for damages or harm they may inflict upon you. It is the right of every concerned homeowner to file suit against the association in pursuit of righting a perceived wrong if they believe such action is necessary. By law, the revised CC&Rs do not, and cannot abrogate a homeowner's right to legal recourse.

Present Lawsuit

As for the lawsuit presently winding its way through the judicial process, it was originally filed by two homeowners in Village 10 who then added the "Hawk Hill Association" representing the owners of homes in Village 10. This lawsuit sought to reverse the exits of property (Myra Road Commercial acreage adjacent to Myra Road, Regency Skilled Nursing facility, Walla Walla Housing Authority property, and the property owned by Phase Five Development across from the Gazebo) that had been voted on and successfully passed by a significant percentage of homeowners in December 2017. These actions had been initiated at the then developer's (Doug Botimer) request. Subsequently, the matter was heard by the Walla Walla Superior Court who dismissed the lawsuit with prejudice. This ruling was appealed by the initiators of the lawsuit to the

Washington State Appeals Court. The Appeals Court ruled that the exits were legal. This ruling has now been appealed by Mr. Coleman and Hawk Hill Association to the Washington State Supreme Court. The plaintiff's have every right to do so but it does seem that they continue to try to adjudicate it in their messages.

Member Email

Mr. Miller notes in his most recent message that the board has declined to share a membership email list with him. This is true. Doing so would raise many privacy concerns and Washington state law does not require it in its list of items that are available to members for review. Many members have thanked us for this.

In conclusion, The Villages of Garrison Creek is a wonderful place to live and a great place to be involved in your community. The board members over the past few years have advocated for excellence in our common area maintenance, have opened board meetings to member input on all issues, and sponsored community events bringing neighbors together. Right now, we have several very important issues we are having to solve. These include issues with severe water-pressure problems in 2 Villages, a major water leak somewhere that is wasting water and costing \$125 a day, an infestation of aphids causing a sticky syrup all along Garrison Village Way and other places, all while building a new bridge across one pond and replacing roads in two villages. This just illustrates that because we have an aging infrastructure we need to have not only a healthy operating budget but also a robust reserve fund to meet these needs and to avoid special assessments for homeowners.

The Board extended the voting time to allow more members time to vote. We believe that a small percentage of homeowners should not be making this decision for everyone. We trust our members to know what is important and what is needed for the future of the Villages of Garrison Creek.

Again, if you have not voted please do so.

Respectfully,
Linda Olson, VGC MPMA President