

## Clarification About Some HOA Facts

Click onto blue highlighted words for greater details.

1. **Rake purchase:** For qualified analysis about the reasons for the rake purchase please see the document entitled, “Rake Purchase Report” on the 9mileranchhoa.org website (look under the “Reports” section).
2. **All elections have been conducted validly from the most complete membership list possibly available.** The official membership list of owners of each Lot – and therefore the right to vote for each Lot – is of course the same list used to bill each and every owner for assessments. The list of owners and all billing has been controlled and maintained for over 20 years by official board members of Nine Mile Ranch and has been passed from board to board through the accounting records; the Declarant has had nothing to do with this whatsoever. The records have been kept digitally on-line since at least 2008, so the archive has not been subject to corruption or destruction in physical content. To our knowledge and direct experience, whenever a mailed yearly or other official billing is returned to the HOA as undeliverable or a past-due member is non-responsive, the official list of ownership has been constantly updated through the following ways:
  1. comparison to official county tax records, and
  2. comparison when escrow companies contact the HOA at the time of sale of a property.In fact, sales through escrows have even corrected inaccuracies *in county tax records*. Currently there are (4) Lot Owners out of the total 310 lots who are non-responsive to the addresses registered under county tax records. It is suggested that our official membership list may be more accurate than official tax records.
3. **We clearly interpret that the HOA is required to provide snow plowing on all roads.** This has also been an issue that prior Boards have come to the same study and perspective about. Every plat map for Nine Mile Ranch, all which are encumbered under the CCRs and run with the titles of all Lots, note the following words: “SNOW PLOWING WILL BE PROVIDED BY THE NINE MILE RANCH HOMEOWNERS ASSOCIATION.” Further, while there are no *specific road machining techniques* stated in the CCRs regarding maintaining roads – like grading, ditching, or gravel replenishment – it is implied that any and all measures shall be taken – including snow plowing if necessary – in order to maintain roads (Article V, Section 1), to maintain every Lot Owner's right to use the easements without interruption (Article III, Section 1), and all of this within the scope of what Owners can reasonably expect for a residential recreational development (CCRs, BACKGROUND, Section B). There are other collective implications. Please [click here](#) for greater details.
4. **All directors and officers have been duly placed according to state laws and governing documents.** There are two state laws that govern the placement of directors of our HOA – RCW64.38.025(2) and RCW24.03.100 – and there are two provisions in our Bylaws (Article IV, Sections 4 and 5). In consideration of these applicable governing clauses, and in consideration of the order of precedence of these clauses as advised and verified by HOA attorneys last year,

all directors have been [duly placed](#) since the Declarant relinquished his right to appoint directors in 2018.

5. **All director voting powers, duties and offices are held and conducted in strict accordance with applicable laws and governing documents.**
  1. No director has acted outside the power for a single vote per director on each and every Board action.
  2. No single director or officer has unilateral decision-making capacity; every decision is made by Board resolution and/or Board delegation.
  3. All officers are and have been duly elected into place by the Board of Directors.
  4. All directors have equal right and access to all HOA records at all times, including to on-line financial account records, and no director has been denied access at any time.
  5. No expenditure is ever taken without Board approval.
  6. All actions taken by committees and delegated positions are disclosed to the entire Board as they happen at any time.
  7. The Board has long-established financial internal controls and disclosure procedures that ensure ongoing mandatory oversight.
  8. There is no capacity within the Board administration and systems for any single director, officer, committee or groups of directors/officers/committees to act in self-interest without every single director being able to either know about it or have the opportunity to prevent it.
  
6. **The Board conducts all discussions and business in strict accordance with state laws and governing documents.** Per RCW64.38.035(4) requirements, all Board actions and deliberation are taken in open meeting or executive session with the exception of Bylaw-provided 'actions taken without a meeting' at Article VI, Section 4. Each and every action is entered into immediate meeting minutes for the record and all meeting minutes are made available to the membership within weeks. Per RCW24.03.115 and Bylaws Article IX, committees conduct work and deliberation between meetings. As stated, infrequent Board actions are taken outside of a meeting according to Bylaws Article VI, Section 4, and those actions are deliberately restricted to only what the Board unanimously regards as critical to the function of the HOA and would be detrimental to the HOA to wait until the next meeting to conduct. Per state law, HOA attorney advise, and established Board policy, all substantive Board and committee emails are kept on record.
  
7. **As shown by HOA records, no Board member has ever performed a paid service to this HOA nor has any been considered to be hired. There are no conflicts of interest.** In April 2018 Association member Brett Coffman offered a helpful estimate number to the prior interim Board regarding budget planning for tree felling expenses, as this kind of work was in his professional experience and knowledge. His number was used for helpful budget planning purposes only and he submitted no proposal about it. It is possible that a future Board may consider hiring him, but not while he held or holds a director position. Furthermore, it is lawful for a director to be hired to perform a non-director service (like tree trimming) as long as that director recuses themselves from voting on the issue... but as stated, no such action

has been taken or given consideration to.