

**WTMC Annual Meeting  
December 12, 2020  
Questions and Answers from the Annual Meeting**

**Q1 How many people do we have employed during the summer?**

A1 (Gowans) Target is usually 16, with a minimum of 12.

**Q2 Is this time for the questions about budget or just any question in general?**

A2: Yes, this is the time to ask your questions

David informed attendees, to keep sending in questions, he has 8 so far, if you have questions, please keep sending them in. Type questions on the right side.

**Q3 Do you need volunteers for any of these projects?**

A3 (McIntosh) Yes, we need volunteers. We have asked for volunteers on our website. We have been asking for many years. If you want to help with projects, please visit our website or contact the office.

**Clarification:** David Huhs would suggest, that it would be helpful, that people provide their name and maybe a lot number or something. If we don't get to these questions now, to get to them later, but if it is just posted as anonymous, that is going to be hard for the board to respond to a particular question. (I don't know what the normal protocol is) Are you planning to go down all of these questions? I was talking with Lisa beforehand, and because Michelle is not here, and for the scope of the meeting, my understanding was, these types of questions, we will answer what we can at this time and questions that don't get answered will be printed out and answered later. We will answer what we can at this time.

**Q4 Is there a plan in place to help homeowners who are struggling during the pandemic with HOA dues? I.E., not going after them for their dues? This should be put on hold until after the pandemic to help struggling homeowners.**

A4 (Huhs) I am the attorney that is collecting those dues, so I will answer the question generally, This is a legitimate question, that the homeowners may want to know about collections.

David Huhs, WTMC HOA attorney, introduced himself stating that he is WTMC attorney and represents HOA's and their governing documents, contractual matters, enforcement matters, property right matters, and also, collecting unpaid dues. Starting with past president, Steve, concerned about delinquencies that were quite egregious, because many owners have not paid in quite a long time. A plan was created to focus on lowering that number, so that everyone paid their fair share, and not relying on a few people. In this case, 80% pay and letting the other 20% just didn't want to pay. This Board has been, in my experience, extremely workable with homeowners, the intention is the homeowners should reach out to the Board and they can regarding the delinquency as long as it is not in collection in my office. There is no Governor Proclamation, Federal Proclamation or anything that restricts and HOA collecting dues. The reason for that is like a government not collecting taxes, and while it may be possible to delay a tax filing just a little bit. Everyone needs to pay taxes because that is what funds the organization. At the same time, I don't think the Board or I exist unaware of the pandemic, or are insensitive to the effect the pandemic has upon you, me, or everyone else. There is a balancing act to be played during this pandemic of collecting dues and funding the association, but legally, there is nothing that would stop this association from proceeding with many of its collection remedies that are out there. The County, due to being worried about the spread of this virus at the court house, had stayed sheriff sales, that has been lifted, restrictions

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on garnishments have been lifted by the state, so generally I don't recommend that my clients impose greater restriction on themselves, than what the state would impose. But I do think this Board is sympathetic, caring and understanding and aware of the pandemic and would take that into consideration on how they pursue collection.

**Q5 We live in Hidden View and have wondered what will happen with the plans to make a walking path on a portion of 178th Ave E**

A5 (David) This stems from a tree management project (178<sup>th</sup>) that we did earlier this year, where we cleared a bunch of trees in the first block or two of our road foot print on 178th. Our hope was to build a path for the kids to walk up and down the side of the road. Our intent has not changed, we would like to get to it this year. I have to come down there to speak to a couple of neighbors very specifically, about drainage, once this has been figured out, I should be able to act and get something done there.

**Q6 Also there's a dead tree leaning over 50th St at 178th Ave E. Can that be remedied out of the Hidden View road fund?**

A6 (Gowans) Depending on the foot print location of the tree, if it is on 178<sup>th</sup>, we can use our forest management/road funds to take care of it with our logger. If it is on the foot print of 50<sup>th</sup> Street, the private owners of 50<sup>th</sup> street are responsible for it.

**Q7 Can you please post meeting agendas prior to monthly meetings and the minutes once approved?**

A7 (Courneya) Yes, we will make this happen. They will be posted to the website once approved, and as an owner, you can login to the website and access the information under meeting minutes.

**Q8 Instead of having people's boats towed couldn't we have an on-call person who will let them out and save a \$100 for the people whose truck and trailer are locked inside the gates. I feel we throw money away on calling a tow truck company when it could be revenue for us Thank you,**

A8 (David) I have been delegated a large part of how we operate the waterfront parks. I operate them based on the rules that were put in place by the Board. If the operation or rules have to be adjusted, the Board makes that decision. The Board is the deciding body that does that.

**Q9 I would like to ask, put on a list for issues that need to be addressed: I would like our Bylaws to be reviewed and potentially amended to address rules for AIRBNBs. We have a full time non owner-occupied house next to us. It's been a complete nightmare. full time party house all summer with HUGE party's every weekend for 4 months.**

A9 (Huhs) It gets into legal issues and legality of enforcing short term rental restrictions. Referred April to take a look at a landmark case in Washington State, Wilkenson v Chiwawa Communities Association. I will get you a case site for that. This can be googled on line and it will explain very well, some of the issues that relate to this question and why it is a legal question. I think that this will probably answer this question today, without me having to give actual legal advice. The name of the case is Wilkinson v Chiwawa Communities Association. It was decided in 2014 by the Supreme Court of Washington. In brief, I have litigated this case, the general holding of that case, unless there is an existing restriction on the ability to have short term rentals in the covenants, adding a new restriction would likely require unanimous consent of the owners. In this case, there is a lot of issues that could arise from that, particularly, because various divisions have different sets of covenants, etc. Suffice to say that it is not something that can be addressed without a fair

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amount of legal consideration. Take a look at that case and hopefully that helps frame what the legal issues are around that question.

**Q10 Statement: Thank you for the new gravel in the Bankers Spit Parking lot.**

**Q11 Statement: David is doing a fabulous job on the parks**

A10-A11(Gowans) We appreciate those positive remarks, Thank you!

**Q12 Any updates on Bankers Dog Park? There was supposed to be a meeting last Jan/Feb to discuss it.**

A12 This is a passionate question. The board wants input from the community. Then COVID-19 happened. We are considering alternatives to an actual meeting. An effort will be made to make sure everyone is aware of it.

**Q13 Why did the meeting go quiet?**

A13 (Moderator) The live feed we are monitoring still has audio, please check your pc settings.

**Q14 Will the green belt behind West Tapps Dr E be cleared and be receiving some of those bare root trees?**

A14 There will be bareroot plants planted. David has been collecting seeds as well. He will be planting in March. As well as 192<sup>nd</sup>.

**Q15 Can you use something for future meetings other than MS Teams (like Zoom). Unless you join the MS monopoly system, you can only join anonymously.**

A15 We will be looking into alternatives. Zoom seems to work well, but further research will be done to make sure it can accommodate our needs.

**Q16 When will a locked gate be installed at Bankers Spit?**

A16 We are working on this. This is a bigger project because of the location, near water, we anticipate forward progress on this, this year.

**Q17 Who is speaking. The attorney? Name and law-firm please.**

A17 (Huhs) Attorney for WTMC, has been for a number of years. Law firm is Laurel Law Group. Attorney since 2006, has represented hundreds of Community Associations. Active in the Washington State Chapter of Community Association Institute. This is his area of practice, and real estate law.

**Q18 Are members allowed to contact you the attorney directly as a member in good standing for questions?**

A18 (David Huhs) No, you can image the issues that would arise if owners were emailing the Attorney and requesting legal advice. That would be conflict of interest. I don't represent owners because they are in good standing, it is the responsibility of owners to stay in good standing, but this does not entitle owners to an HOA Attorney or the associations attorney to give you advise. What you may like may differ than the association. It would not be good for the association to pay for Attorney to give one owner legal advice. If we multiply that by the number of owners that would likely to take advantage of such, "free legal advice", it is pretty obvious why the only people that can give me direction are the people that you elect, who are the board. I do understand wanting access to the Associations attorney, but you can also understand from the associations position

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and an attorney position we wouldn't be engaging individual owners, particularly not on legally sensitive issues. If there is an issue that is subject to judicial hearing or proceedings, we would

not talk about that anyway. What I hope that I have been able to offer is some general concepts to answer some general questions regarding assessment collection, short term rentals, and in this case, offering understanding as to why I would be constrained in responding to you. I would request that you not look me up online and email me, as I would have to ignore you and I mean that respectfully.

**Q19 What is the Facebook page? Whose Facebook page is that attached to?**

A19 West Tapps Maintenance Company. General information will be posted.

**Q20 Please clarify what the issue is with Banker' Spit.**

A20 In general, Banker's Spit is a dog friendly park, we have rules in place, based off of past encounters of park patrons. One rule is to have a dog on a leash if others are present. Some people do not agree with this and would like to discuss alternatives. We will look at survey possibilities to gather more information on this. We are navigating the electronic options.

**Q21 Can you please send us a detailed breakdown of funds?**

A21 Financials are included in the meeting minutes