

JBMI BOARD MEETING
December 20, 2011
Jantzen Beach Super Center- 6:30 pm

Officers Present: Chuck Hindenburg, Margaret Puckette, Ginny Sorem

Directors Present: Leonard Myers, Ron Schmidt, Sher Shepps, Bruce Broussard, Jerry Perkrul

Moorage Management: Pam Pariseau

Absent: Ivan Karmel, Berni Pilip

Certificate Holders Present: 1525, 1533, 1555, 1613, 1627, 1647, 1651, 1647, 1667, 1663, 1671, 1693, 1715, 1719, 1779, 1817, 1827, 1851, 1883, 1871, 1895, 1951, 1991, 1995, 1999, 1973, 1975, 1995, 1871, 1999, 2003, 2007, 2011, 2035, 2045,

Board introduced themselves.

Meeting called to order at by the president, Chuck Hindenburg.

Secretary's Report

Minutes from November meeting were reviewed. Berni Pilip, the secretary, is out of town. Sher Shepps had some questions about the special investigator working only on BOLI cases. Ron Schmidt explained that a motion had been approved to include any complaint against a director when working in the capacity of director.

November 29. Criminal behavior as board member was omitted. Berni will be asked to clarify prior to approving minutes.

Manager's Report

It's not busy, seasonal. There has been no theft or vandalism. There was an obscene letter on a car.

There are two new tenants; one new resident.

The parking lot is clean; there are no leaves. Snow shovels have been purchased and put on each ramp.

Pam reminded folks to keep a trickle of water in the faucets when the weather freezes. Ball valves have been installed.

There has been a trench dug in the speed bump so the water no longer puddles at the mailboxes near Ramp 6.

Christmas trees can be dropped off in the parking lot for \$5; it's a good cause for Friends of Putnam Field for field rehabilitation. Do not put trees into the river.

The sewer pumps are complete and are of high quality. The project came in at \$17,000 under the projected cost.

Open Questions

Dave Hume 1663 wanted to know who paid to send out Berni Pilip's and Chuck Hindenburg's letters to the moorage. Chuck shows receipt that there was no additional charge for Berni's letter. Chuck admits printing and distributing, and mentioned the threats made at the last meeting when questioned about hiring security.

There was a letter signed by "A Neighbor" that was available on the door. People wanted to know why it was allowed to be unsigned. Sher Shepps said it was never allowed previously and it was sent a bad precedent. Chuck said he allowed it because of retaliation and that threats had been made at the last meeting.

Ned Schmidtke 1827 said there is to be no shouting, raise hands per the By-Laws.

There was a lengthy discussion about the special investigator and why she was investigating the complaints she was. Lynette Perkrul was very upset that she was being investigated.

Sher Shepps moved to make Rob Wirtz a full time employee retroactively to April 21, 2011. Jerry seconded the motion. Ron Schmidt moved to table the motion since it was not the proper venue to discuss employee issues. Ron Schmidt, Leonard Myers, and Bruce Broussard voted to table the motion. Sher and Jerry Perkrul voted against. Motion to table passed.

Rob Wirtz asked why Pam and Don received Christmas bonuses and why he didn't.

There were more questions about Rob being full time. Sher wants to know what the problem is. Sher remembers it being discussed back in June. (Because of BOLI complaints, legal had advised no personnel changes be made). Heated discussion followed. Chuck called for a five minute break.

Chuck reminded the board that there was bonus money in the budget for four employees and that full time employees were to receive bonuses per the agreement without additional board approval. Sher moved to give Rob a Christmas bonus. It was seconded. Bruce, Sher, Ron, and Jerry Perkrul voted to give Rob Wirtz a Christmas bonus; Leonard abstained.

Karen held up a signed contract for the investigator two days before the board meeting.

Committee Reports

Architectural Committee

Alex Alexander. There will be a 2012 walk through. The committee needs criteria to review.

Nominating Committee

Sher Shepps. Packets have been sent out which invite people to run for the board. Candidate statements are due the end of January. Candidates who have submitted will be introduced at the January board meeting.

I-5 Committee

Barbara Nelson was excited about the ROD (Record of Decision) for the I-5 Bridge project. The decision came early. In a normal economy this would mean permission to proceed with construction and access to money, but it may take longer because of the current economic conditions. Jay McCaulley explained more about the process and what will happen now.

WOOO

Ron Schmidt discussed DSL (Division State Lands) leases. We have two leases. The insurance regulations have changed because of lawsuits. They now ask for dramatically higher coverage and limits. Pollution liability is \$24K but we are trying to get out of it because we don't have hazardous waste. We would pay fines if sewage was released, but sewage is not in the same category.

There are no eddies here so sand deposits shouldn't be a problem at JMBI so dredging probably won't be necessary. Dredging would be a nightmare with all of the government agencies involved--\$200 per month additional fee per slip at one of the moorages on the Willamette.

Title 28 (City of Portland) Water Buildings code has been expanded to include Multnomah, Washington, and possibly Columbia counties.

HiNoon

Ron Schmidt explained that we have a voice with the city. The mobile home park and JBMI now have director positions on HiNoon, the Hayden Island neighborhood association. HiNoon is dealing with issues from Lottery Row. At Salpere Bay, there may be 800 apartments built which will contribute to traffic issues on the island. He encouraged people to consider being a director. There is communication with the Oregon Liquor Commission and State Lottery and they want the OARs changed to reduce density of lottery establishments. They want the law in place before the bridge completion. There will be a major mayoral candidates meeting at Oxford Suites 1-4 PM, City Council, February 26, 2012.

Comment from Audience

John said that there was an illegal vote to table Sher's motion. Tabling a motion requires 2/3 majority not 60% so the motion to table Sher Shepp's motion to make Rob Wirtz a permanent employee was illegal. As a result, Jerry Pekarul protested the vote.

Special Assessments

Chuck stated that at the last meeting, the *Enforcement Resolutions* were adapted. That made two documents (the other was the *Employee Handbook*) that the board has adopted this year, and that as Ivan Karmel has pointed out, a procedure for the complaint process hasn't been formulated and implemented. Sher asked about complaints that had been filed earlier in the year that hadn't been acted upon. What about the complaints against Dan Florea? Chuck, after talking with attorney and Kathy Harrison, said letters went out, but Sher denies receiving a response. Chuck will give Sher copies of letters.

Pam Pariseau says that complaints have been taken care of except for the most recent. The 11/14/2011 (involving 1991) and the 11/18/2011 complaints have not been dealt with. Basically, all the November complaints and a couple from July are still pending.

Alex Alexander asked if there have been any assessments paid in 2011. Pam said there were several assessments paid. Letters have been sent for other complaints; however, the problems have not been repeated and so no assessments were charged. Pam will respond to those who signed the group complaint about the noise.

Sher asked whether the board could be notified of the results of the complaints.

There was a discussion about a spreadsheet and keeping track of results.

Open Action Items

Margaret Puckette agreed that we have no process to investigate complaints as Chuck had earlier referred to.

The Columbia Crossings shared expenses were discussed. Pam said that once we sent the legal information showing their responsibility, the bills have been paid in the timely manner.

We need to have Jill Gelineau, the attorney dealing with condemnation, to come to a meeting to present to membership the process of condemnation. We need 75% vote to change By-Laws that have been recommended. We have the wording to the recommended By-Law change that could be distributed to the membership. It was recommended that we find out what Jill's schedule is and set up a meeting. Sher volunteered to contact her.

Association Periodic Publication

Chuck says that there is a desire to take the "*Island Times*" private and break all communications with JBMI and be independent. Rick Pariseau said that he has been accused of being biased and not being fair which is why he has suggested breaking with JBMI.

Chuck said that as a board member, the member has fiduciary responsibility to the whole association, regardless of personal opinion and interest. As a board, we should be speaking as one board.

Jerry Pekrul moved that there be no change in the *Island Times* and that Rick Pariseau remain doing what he doing as is and not remove JBMI from masthead. Print what is submitted. Sher Shepps seconded.

Bruce Broussard suggested that if something is written about a person, that the person being written about be notified and given a chance to respond in the same newsletter, not a month later.

Ron Schmidt pointed out that back in November of 2009, it was approved by the board that all letters be passed to moorage manager so they could contact people about a response. This caused an outcry in the community about censorship and the board rescinded the decision several months later.

Ron Schmidt thought there might be a couple problems. Ron doesn't think Rick shouldn't be responding to the letters and he also thinks he shouldn't be related to a JBMI employee as it may affect impartiality. Rick said he would not respond to letters.

Chuck suggests that JBMI Board has its own publication to communicate with the community. It was stated that the president was supposed to communicate and that the president used to send information out to moorage in the printed newsletter distributed with invoices.

Pam said that everything has gotten blown out of proportion. The last two years have not been good for JBMI. Heated discussion followed.

A three minute recess was called.

Bruce moved to amend the motion as follows: that if a person is mentioned in a letter, that he be notified and given a opportunity to respond so both letters appear in the same publication. Ron Schmidt seconded.

Sher Shepps thought they needed to ask Rick whether he would be willing to do it. Rick said no.

Jerry Pekrul thinks this would be censoring the newsletter.

The motion to amend was approved, 3 (Bruce Broussard, Leonard Meyers, Ron Schmidt) to 2 (Jerry Pekrul and Sher Shepps). Someone said that the maker of the motion has to agree to the amendment for the motion to be amended.

Jerry moved to table the motion, Ron Schmidt seconded. The motion was tabled with a vote of 4 (jerry, Sher, Ron, Leonard) to one (Bruce).

1851 slip

Pam says the person did not pass background check when she rented in the past.

BOLI update

On the 29th of December, Chuck will tell the membership everything he can about the first BOLI case involving Don Woods.

Lack of Teamwork on Board

Chuck said that there has been a split in the board since he took office. When people take a position on the board, they have to do what is best for the Association. The good of the Association has not been served. There have been many bad things done, and bad things said.

Margaret Puckette said that the vote about the GAP was a problem with transparency, and the behind the scenes negotiations with GAP management was not good for the Association. She said that the bridge is broken, and Chuck replied that the bridge had been broken before he ever took office.

Jerry said the problem started with the first meeting when Chuck put all assessments on hold, and that's where it started.

Bruce Broussard said that there used to be a process but it stopped. Directors would be assigned to complaints and go out and try to resolve them. Jerry wanted to know why the assessments were put on hold. Chuck explained that we had not been following the legal law, the By Laws, and HOA type laws for years. Chuck said he knew of no due process once members were assessed. Chuck said these were three avenues on which we were not covered. The attorney presented us with the issues and this is why we have been working on these processes. Jerry said the process worked for thirteen years and now we have employees quitting, BOLI complaints, etc. Chuck said the BOLI complaints and Art quitting happened on Jerry's watch before Chuck took office.

Margaret Puckette said that the two major questions have been answered: assessments and GAP.

Sher Shepps pointed out that some members of the board always seemed to know what was going to be discussed. This showed lack of teamwork and a totally closed process. When she brought up questions about GAP management, the questions weren't answered. Sher said that they were asked to vote immediately on a management company and she asked questions about the proposed management company, but they went unanswered. Chuck admitted that he shouldn't have allowed the vote to happen, but people weren't willing to discuss it, there was only shouting and yelling. Bruce asked why he wasn't notified about his alleged association with GAP. Margaret says that she had never been checked with on comments she had supposedly made either.

Rick Pariseau was contacted about 8 months ago about a possible recall but he thought it would never happen; it would have to be cataclysmic event. The GAP incident was that cataclysmic event.

Ron Schmidt stated that they can talk about due process all they want, but he had run on a platform of "due process" because the November and December meetings of 2010 don't show quorums. On the last day of Margaret Puckette's term of presidency, she filed two assessments against Leonard Myers of \$250 each, saying that someone had accused him in a BOLI complaint. He stated that 1) BOLI never adjudicated it, 2) the Board never adjudicated it, and 3) Myers was never given an opportunity for a hearing. Ron did not think this was due process.

Ron continued saying that for the whole year, he has asked that the personal attacks stop, but they have continued, and told Margaret that she has not been able to drop the "harassment" tag. He also said that in the original BOLI response, the attorney wrote that Margaret's statement "seems to be driven more by emotion than information. The tone of the responses needs to stay professional and neutral. Further, I would not use the term harass or harassment..."

Secondly, you put out documentation to others in your group judging other directors in "blatant harassment" when there is no harassment; you concocted harassment events which did not happen; and attempted to concoct legal methods to sue directors to make them suffer financially and devise ways of involving others in those lawsuits." (Ron placed the documents on the table)

Thirdly, the November 21 letter refers to an attached document that has Margaret Puckette as the contact. The information sheet contained libelous information including \$40,000 for part time management, which was not true, implies \$39,000 for legal fees which was the accused party's fault which had already been taken on by the moorage for things that Margaret had done, BOLI costs of \$100,00 each when insurance covered it, BOLI fines of \$50,000 each when no fines had been mentioned by the attorneys or BOLI, and that management decisions would increase moorage fees to \$600 per month, and on and on. Margaret said that she didn't care. Chuck said that she had put her name on the documents as Vice President.

Ron Schmidt moved that Margaret Puckette be removed from office for cause.

Leonard Myers seconded.

There was uproar from audience about retaliation and "Kangaroo Court".

Margaret said it was retaliation for being on the Recall Committee. Bruce asked for Margaret's comments. Margaret said everything she has done is legal. They have an attorney. Margaret is good with this. It won't change her involvement. Leonard Myers said that two attorneys have said that her actions on the last day of presidency were not correct. Chuck said there have been threats on both sides and asked Margaret what is the number one issue that the moorage has been faced with since she was president. It was the BOLI issues. Margaret said it wasn't true; it was the assessment issue and GAP. Chuck said the BOLI complaints need to be put to rest but Margaret has done everything to undermine the process. Chuck said the complaints went to BOLI before he was even elected.

Margaret said she wanted the vote to get it over it so she could sit in the audience and throw spitballs.

Chuck asked Margaret if she had a response to his email when she said:

"We have two things, one is criminal behavior and lawsuits not caused by employee problems but because of harassment by board members former and sitting board members in addition to the settlements and lawsuits. Oh yes you will pay for it, besides the settlements we don't know the amount we have potentially fines up to \$150,000 per complaint. We don't like criminal behavior on the membership or anyone especially board members".

Margaret responded that sexual harassment is criminal behavior; and that she didn't care, that's not libelous.

Rick Pariseau said that the members elected the board to represent them, and to make sure that when the board votes, that they are representing the members. Ron Schmidt commented, "or the best for moorage." There was an outcry of disagreement from the audience. He continued by saying that "the last days of her presidency were some of the worst days of this moorage when it comes to legal issues."

Bruce asked if there was any way for compromise.

Ron said that Margaret's methodology of pointing out people not on her side by saying "he harasses, he harasses, he harasses" has gone on for fourteen months. A tiger doesn't change its stripes. She continues to smear reputations and says they are guilty without adjudication. We have directors here that are fearful of looking in the direction of employees for fear of being written up. It's not the employees, it's the way they have been managed.

Jerry pointed out that there are complaints that Chuck has said he acted upon and Chuck says he had and Jerry says he has not.

Ron Schmidt, Bruce Broussard, and Leonard Myers voted to remove Margaret, Jerry Pekarul and Sher Shepps voted against. Motion to remove Margaret Puckette from office was approved.

Treasurer's Report

Ron Schmidt asked about the sources of miscellaneous income.

Aging Reports.

Many are still paying previous moorage fees.

Jerry moved to remove Chuck from office. Motion died from lack of a second.

Respectfully Submitted,



Berni Pilip
Secretary