

**JBMI Board Meeting**  
February 21, 2012 – 6:30 PM  
Jantzen Beach Super Center

Officers Present: Chuck Hindenburg, Berni Pilip

Directors Present: Ivan Karmel, Leonard Meyers, Jerry Pekrul, Ron Schmidt

Absent: Ginny Sorem, Sher Shepps, Bruce Broussard

Management: Pam Pariseau

Certificate Holders: 1613, 1627, 1653, 1657, 1741, 1751, 1811, 1851, 1871, 1901, 1927, 1947, 1973, 1991, 1995, 1999, 2007, 2011, 2035, 2045, 2049

Chuck opened the meeting. The board introduced themselves.

**Secretary's Report**

Jerry Pekrul moved to accept, Ivan Karmel seconded, the December 20, 2011 board meeting minutes. Motion passed unanimously with four votes.

Jerry moved to accept, Ivan seconded, to approve the January 17, 2012, board meeting minutes. The motion passed to accept the minutes unanimously with four votes.

Jerry moved to accept, with a minor typo change pointed out by Ivan, the minutes of the Special Meeting on the Complaint Committee February 6, 2012.. Ron Schmidt seconded. Minutes accepted unanimously.

**Manager's Report.**

Vandalism. Someone tried to steal a truck after drilling out locks and key. The truck was abandoned at the East Gate when there was no gate key to open the gates.

Alex Alexander said people are getting over fence by the old *Best Buy*.

Pam asked if there were any comments about the *Complaint Log*.

Ivan said that it's easy to put one foot on the blue concrete and then step on the card key box and get over the fence. He knows from personal experience.

Pam has asked security people to walk between cars.

Wheels have been replaced on Ramp 1 and Ramp 2.

**Treasurer's Report**

Pam gave the Treasurer's Report since Ginny was not present. Not all of the reports are available at this time.

Bookkeeper comes in once a month or quarterly to reconcile. Ivan asked how long she had been here. Ivan said he came across a document on the web by a CPA. It was a handbook by Swenson and he found it while searching "JBMI" online. Chuck suggested the board review it, and Ivan will put it up and send it to make it available to board and members.

Pam said the bookkeeper is retiring and it was suggested that now might be the time to find another one.

All of Home Depot's expenses were on a credit for a return so there are no expenses showing. Sometimes an expense will appear more than once; the expenses are prorated to different accounts, i.e. the west gate, the east gate, and Columbia Crossings.

### Budget Review.

Pam said in October moorage fees went down to \$275. \$8 is going into reserve account. Pam recommended budget cuts for 2012 to make budget balance. Some came out of maintenance labor (Don Woods), west gate, etc. to balance the budget. A total of \$27,000 was cut from the budget. There is a ten-day requirement for the budget to be available before the Annual Meeting which is why there had been an attempt to have a telephone board meeting.

Ivan moved to approve cuts as proposed by Pam, Leonard seconded.

Ginger Mumford asked why we didn't use email for the monthly billings. Pam explained that emails change and then the email system crashes.

Alex Alexander asked about legal for 2012. Pam said with BOLI, By-Laws and CRC, legal will not be reduced.

Budget changes passed unanimously with four votes.

### **Complaint Procedure**

Committee members are Rick Pariseau, Carol McFarland, and Ivan Karmel. Ivan said that the draft document was circulated, and Randy objected saying that it wasn't circulated. Pam said it has been available in the office, but Randy retorted that being available in the office is not the same as being circulated.

Ivan said nothing has been decided, it is still being formulated, and it was suggested to incorporate what the 2008 board had used. Ivan didn't know that there had been anything in writing. Ivan thinks we should have a better institutional memory. He thanked Lauren Heald for the email comments. Ivan wants more comments, and the document is available in the office. There are some inconsistencies with the Enforcement Resolutions and the proposal. There are many consistencies between the 2008 guidelines and the 2012 proposal. There are issues about confidentiality and recusals. They are suggesting staggered term every six months. Margaret thought that six months wasn't really enough time. They feel that there needs to be a finite term. Berni suggested "in training" members so that if a member was gone or had recused themselves that a decision could still be made in a timely fashion.

Ivan asked what is a policy verses a resolution.

Chuck said that these resolutions were all a result of the BOLI complaints.

Ivan said the committee needs to reconcile the inconsistencies between the different documents.

In 2008, it appears that the Board was more willing to delegate responsibility to the moorage management, but the committee wants to be able to validate complaints also. Ivan says the committee wants to have some teeth. John Heald thinks that Ivan is going in the right direction, looking at both sides whereas the 2008 complaint policy appeared to be more complainant oriented and the 2011 Enforcement Resolution seems to side more with the target of the complaint.

Alex Alexander thinks the board needs to make the final decision not the committee. Rick says that if they make a decision they expect the board to agree with it, unless they have a really valid reason legally referred to as "abusive discretion."

Sherre Vanegas says that there are four or five complaints that are over a year old. Sherre says that things need to be done.

Ivan asked Pam how many complaints needed to be addressed. Pam said 5 or 6 are still open.

Chuck asked Pam to identify those complaints that need to be dealt with.

Ivan thinks that by the weekend there will be a proposal in place.

It was determined that the committee will continue to develop the complaint procedure, resolving the inconsistencies, recusal policy, etc., but there would be no action on individual complaints until after the election. It was suggested that there be no action on individual complaints, the oldest first, until after the elections.

Rick Pariseau suggested the necessity of a separation between the *Complaint Committee* and the *Architectural Committee*. Ivan says the *Complaint Committee* has no intention of dealing with architectural issues. The By-Laws specifically address the separation of architectural issues.

### **Committee Report**

#### WOO

Ron Schmidt reported that the only new issue is an emphasis on information on the CRC project.

#### HiNoon

There is a big issue with West Hayden Island and the proposed use by Port of Portland regarding a freight bridge. The Port is trying to scramble away from their \$100 million bridge commitment that they made if they develop the west end commercially. Bill Wyatt from the Port says that there is no commercial justification for the bridge. HiNoon's position is that the city needs to annex the property and hold the Port responsible for a bridge so all that traffic doesn't end up on the current streets that the city doesn't even maintain now.

During the next 30 days there will be test pile driving down 200 feet. Might be a lot of vibration. On Hayden Island the test site will be near the ODOT building at the south end of the I-5 bridge.

Sunday, February 19 from 1-4 PM at Oxford Suites, there will be a candidate forum with three major mayoral candidates and a few candidates running for city and Metro offices.

#### Architectural Committee

Barbara Nelson reported that she needed have much to report, and are waiting until after the election.

### **Unfinished Business**

Pam said that Jill Gelineau suggested a March meeting for CRC and By Laws. The Annual Meeting will not be long enough. Sherre Vanegas says it is important for everyone and not just A, B and C rows.

Margaret Puckette said that she has no news on the 30-day injunction and the Recall, and it is now at day 35.

### **New Business**

Investigator Report. What do we do with the findings? Ivan says that he is somewhat disturbed by the comment made by the "Recall Committee" saying that the results of the report were "very basic and inconclusive." Ivan doesn't think the report was inconclusive, and he thought it had been agreed to keep the report confidential. The subject of the report was a complaint made by an employee against board members; the employee also being a member of the JBMI organization, and the board member being a member of the organization. Ivan says it bothers him that someone has already interpreted what this report says, especially when that may not be an accurate interpretation of what the report says.

Ivan says that this is one of two reports that we have paid for, but the second report we have not seen yet. Some want these reports to be made public and others do not. Ivan says it is a sensitive topic. These are some of the problems that result when you have members being employees, members being on the board, etc. It appears that the community wants access to the report. Chuck says the investigator is a member of the bar and that the message from investigator was "attorney client privilege." Chuck says the members say that they had a right to know because the JBMI community is the client. Rick Pariseau asked whether the board paid for the report or whether the moorage paid for it. The moorage paid for it so the members are the clients.

Charlie asked whether it has been settled. Ivan says that there is no case at this time. Ivan moved that we release both investigative reports.

Karen Trusty doesn't think it would be good to "show the laundry."

John Heald thinks Rob Wirtz should see the report before it is released. Karen agrees with Barbara Nelson that the report should not be released until after the election.

Margaret Puckette wants to make a determination when it should be released. Chuck asked Jerry Pekrul and Jerry said it was slanted against Rob and made him out "to be a lying piece of crap."

Once a quorum is established, you can't break a quorum by abstaining. If two recuse, then there is still a quorum.

Jerry moved to amend the motion so Rob could have the report two days before release. Rob would like two weeks. Ivan Karmel responded that there are two others who are also involved.

Margaret Puckette's previous statement said that Rob Wirtz had called BOLI and said that he was told he might have a case.

Jerry would like to retract his amendment and change it to two weeks. No second. Now at original motion that Rob Wirtz could have two days to review the report before the general release. Tie vote, Ivan Karmel for the two days. Jerry Pekrul voted against. (Leonard Myers and Ron Schmidt were recused because they were part of the report.)

John Heald had a point of order that the president could not vote. After a break, no one could find in the By-Law where the president could actually vote to break a tie. Apparently, the By-Laws have not been followed in previous years.

Jerry made a motion that Rob get the report a week before general release. Ivan seconded.

Ron, who had recused himself in the previous vote, amended motion to release report immediately. He stated that the report would vindicate him completely. Motion to amend fails. Ivan and Jerry voted to release report to Rob Wirtz immediately and to the rest of the community members in a week.

#### **Other Issues**

Ivan said that the board had asked to approve the ballot because there had been some confusion on the 2011 ballot, the JBMI version of the "hanging chad." The chair said it had never been done in the past. Ivan said that the issue had been corrected, but he was concerned that the board had not approved it when they had requested to do it. However, when checking the minutes, the request had not been recorded and Berni apologized because she had remembered that it had been discussed.

Another issue was discussed concerning the president voting to break a tie. Barbara said that in the past when there was a tie, the president requested that the board work on it to resolve the problems. Sherre Vanegas requested that it be in the minutes that there is nowhere in the current By-Laws that allows the president to vote in a case of a tie. It was suggested that we have an odd number of directors so a tie cannot happen. The By-Laws require three to six directors so this may be a possibility.

Respectfully Submitted,



Berni Pilip  
Secretary