

Letter to Editor | Be sure to vote in Eastsound Water election

September 11th, 2024 | 2 Comments



||| FROM RANDALL GAYLORD |||

Members should be sure to vote in the Eastsound Water recall election even though this election lacks checks and balances we are accustomed to for removing public officials from office.

When a recall of a public official is made, the Prosecuting Attorney prepares a ballot synopsis and sends it to a judge to determine its sufficiency. The County Auditor prepare a secret ballot to be mailed using familiar procedures and instructions. These checks and balances are missing in the process being directed by the Eastsound Water Board.

If you are a member of Eastsound Water, you should have received by mail one ballot for each active or inactive membership you hold.

Unlike public elections, it is possible to vote by designated another person or “proxy” to vote your interest. A place to do that is found on every ballot. Simply fill in the box on page 1 to select the person who by proxy will vote your interest and then sign the ballot on page 2. I have selected Mr. Brian Ehrmantraut as my proxy. As a former director of Eastsound Water, Mr. Ehrmantraut is well informed and will perform the task with the best interests of all members of Eastsound Water.

Two petitions for recall are on the same ballot. The “First Petition” – a request to recall four directors: Templin, Cleveland, Nigretto, and Nelson — is based upon these four directors’ inaction by not holding accountable Mr. Dan Burke, the general manager, for financial wrongdoing in making payments to himself that were noncompliant and excessive. Further it is claimed that these four board members failed to act to provide Eastsound Water treasurers access to the bookkeeping records to allow the treasurers to do their job. These grounds appear to be good and sufficient.

The “Second Petition” is a request to recall three other directors: Anderson, Claus and Cook. The Second Petition was submitted by Mr. Eli Sanders who I understand does not have a membership interest. This raises a procedural issue regarding sufficiency that should have been addressed by the Board before finalizing the ballot.

The charge of Mr. Sanders is that the three directors each filed a declaration under oath with Judge Loring that was “contrary to the best interests of EWUA.” In a written order, Judge Loring acknowledged she considered the declarations of these three directors and other documents. Directors have a right, like anyone else, to submit papers to a judge. Whether the judge considers the papers is up to the judge. Parties in the lawsuit can ask the judge not to consider all or portions of the documents. The proper way to address the filings was for Eastsound Water to ask the judge to “strike” the declarations, but no such motion was made. A director should not be removed from office because he or she submitted truthful declarations under oath that were considered by a court. In my opinion, this is not sufficient grounds for recall.

By designating Mr. Ehrmantraut as my proxy, my membership interest will be voted “FOR” the recall of four directors in the First Petition and “AGAINST” the recall three directors in the Second Petition.

6 Comments



Alex Phillips September 11, 2024 at 6:38 pm - [Reply](#)

Can someone explain to the group how an individual who has no vested or legal connection to a member controlled organization can input themselves into the governance process. This seems highly unethical and moreover could compromise the validity of the election and the voting process.

I do not know Mr. Sanders, but I would assume that he would be making some kind of public presentation relating to his recall effort. Up until now, I don't think his name has been mentioned in any of the factual documents relating to this issue.



Michael Riordan September 11, 2024 at 8:05 pm - [Reply](#)

If even half of what Randy says above is true, Eastsound Water needs another attorney. For if the majority board faction is so upset about the affidavits filed by the minority members, why didn't she simply move to strike these affidavits at the hearing? Instead of running up her tab by counseling the majority in its attempt to recall the minority board members?? Does she need the billable hours? And why is she representing one board faction against another instead of the Association and its best interests?

And if all of what Randy says is true, Eastsound Water needs another general manager. Talk about mismanagement!

3.



James Cook September 12, 2024 at 1:48 pm - [Reply](#)

There's never been a legitimate reason to recall the minority members of the EWUA Board (Anderson, Claus, Cook). There's still no legitimate reason. The majority's (Nelson, Nigretto, Cleveland, Templin) effort to recall the minority (curiously initiated by non-EWUA member Eli Sanders' petition) is simply reactionary and punitive. A classic, "Oh yeah....well, I guess we'll recall you." It has no merit. But, it does have the effect of gathering and focusing majority loyalist anger at the minority for recalling the majority. More importantly, it deflects from the seriousness of the minority complaint, that the majority is either unwilling or incapable of carrying out its Board member responsibilities.

I have been an EWUA Director for 9 months now and have never received a comprehensive financial brief from a competent Board Treasurer. Both Tenar Hall and Carol Ann Anderson were relieved of their Treasurer duties after requesting unfettered access to the books. Members...that means you haven't received a comprehensive financial brief either! \$2.2 million in annual billings and you don't know how those funds were managed nor how they were spent. This is a profoundly disturbing pattern. A pattern producing doubt, uncertainty, anxiety, anger and likely future lawsuits. It is past time to change the EWUA Board culture. At this point, a recall of the majority is likely the best, if not difficult, first step. Much work remains.

4.



Mike Douglas September 12, 2024 at 4:29 pm - [Reply](#)

I find it alarming that so few people think they can manipulate this community. I don't think it's working but it has certainly caused a disturbance.

Brian Ehrmantraut, Randall Gaylord, and Elisabeth Britt are sitting Board Commissioners for Orcas Island Fire & Rescue. I don't closely follow the OIFR headlines but I know enough to understand that they have been going through a significant upheaval with the board, staff, and volunteers. It seems like they have their hands full. Why are these 3 people so intent on getting involved in EWUA politics? Not just speaking their minds and discussing with their friends but going out of their way to bring down another Board of Directors, fire another leader of a vital community service, and destroy another work environment. Don't they have their own mess to clean up?

As far as Mr. Sanders being engaged and filing a petition for recalling Anderson, Cook, and Claus, he can do this as an Authorized Agent for an EWUA Member, which he is. Steve Smith is an Authorized Agent for an EWUA Member, and he's been terrorizing EWUA for years under that provision.

The minority board members of EWUA claim that there is no reason for them to be recalled. If anyone is looking for a reason, here are a few:

– Since Jim Cook and Carol Anderson took their positions on the Board, they immediately joined Ron Claus and the 3 of them took the wheel for Steve Smith and Tenar Hall to disassemble the

board and fire the General Manager.

- They denied knowing or working with Steve Smith until all of them were found meeting with him at the library. Only after a video of the meeting was circulated did they admit to working with him.
- They prevented any Board business from being done.
- They stopped work on the Bylaws.
- They stopped work on the Employee Handbook.
- They fought over meeting minutes.
- They disputed election outcomes.
- They postponed signing the Acknowledgement of Fiduciary Duties and Responsibilities, which protects member's private information among other things, only to say that it would be handled with the Bylaw updates, which may never happen at this point.
- They've proposed changes to the Articles of Incorporation which may be necessary and even make sense, if they could get anything done at all. But it was used to derail efforts on the Bylaws.
- They claim that none of the 12 financial audit recommendations have been implemented but have done nothing as sitting board members to implement or uphold them.
- They provided information to the court that was used against EWUA in a lawsuit.
- They're asking to overreach financial oversight duties to prove their outlandish claims of financial malfeasance when EWUA already allows them appropriate access to financial documents and reports.
- They support and recite claims that hundreds of thousands of member's dollars are unaccounted for or are being misspent when all they can prove is that the GM ordered a laptop and sent it directly to his house, didn't provide receipts for a few miscellaneous expenses, and paid himself some well-deserved PTO, with witnesses, instead of taking the time off.
- They claim, as Jim Cook does above, that there are no comprehensive financial briefings available, but the GM gives a financial report at every board meeting.
- They refuse to support the General Manager, who has done an excellent job of running the company and improving work conditions to retain valuable employees. The GM upgraded the vehicle fleet, tools, system redundancy, enterprise software for AR and AP, increased benefits, and developed employee housing. He built a 40,000 gallon storage tank, is bringing a new well online in Eastsound, brokered an inter-tie with two satellite water systems, brokered an Operation and Maintenance agreement with Rosario, Doe Bay, and Olga, and now supports Moran State Park water system, and more and more and more. They want to fire this man and ruin his reputation to justify their actions. It's disgusting. The GM highlights are stated at every Board meeting and should be a testimony to the value of the GM but instead are drowned out with petty fighting and refusal to participate in voting, and yes, the recall.
- They have spent more time trying to run a recall and fire the GM than they have fulfilling their duties as Board members.
- If all these financial allegations are true, then why hasn't EWUA been sued over any of it? EWUA has been sued 3 times for holding a flawed election, but all 3 cases were dismissed because there was no evidence that anything had been intentionally malicious or illegal. There are plenty of lawsuits flying around, why are none of them about financial malfeasance?

One might say that all of this could have been avoided, all of the legal fees saved, Bylaws approved, Employee Handbook approved, Articles of Incorporation re-written, Fiduciary Duties and Responsibilities signed, 12 Financial Audit recommendations implemented and upheld, GM

supported, work environment could be thriving, and the community might be engaged in the success of a resilient water operation , if Jim Cook, Carol Anderson, and Ron Claus had never been part of the Board in the first place.

Indeed, we should be sure to vote in the Recall Election.

To prevent the few, but entitled members of this community, from joining and destroying our Boards, our leadership, the workplaces of our vital community resources, and the very fabric of our community.

Let all this community be well informed, and let the majority determine how we move forward.

Support the people in your community who you feel will support you. Not through their claims of wrongdoing by others, but by their actions of making a positive difference.

Jim Nelson, Teri Nigretto, Mike Cleveland, and Leith Templin are trying to save the water company. Support them by designating Mr. Stolmeier as your proxy, use your membership interest to vote “FOR” the recall of three directors in Petition No. 2 and “AGAINST” the recall of four directors in Petition No. 1.



Steve Schaefer September 12, 2024 at 6:37 pm - [Reply](#)

Very well said, Mike



Robert Austin September 12, 2024 at 7:38 pm - [Reply](#)

Ah, yet another non-member of EWUA weighs in with a strong opinion, this time under the name “Mike Douglas.” “Mike,” you probably are not aware of the fact that Brian Ehrmantraut had previously served on the Board of EWUA for roughly a decade, primarily as board President, and since he’s also a member of EWUA, has an interest in the dysfunction from the current “board majority” and manager. If you look up Randall Gaylord, you might find that he was our county prosecuting attorney for many years, and is likely more attentive than most to the legal nuances and issues created by the current general manager and both last year’s board, and four members of this year’s board. Elisabeth has actually spent time managing a water system, unlike the current manager and four “majority” board members.

Yes, all three have stepped up to the plate to try to help solve the issues at Orcas Fire and Rescue as new commissioners this year, and they’ve likely noticed similar issues with EWUA. If you’ve attended any of their monthly EWUA meetings, as I have, you might understand why they are working towards helping impose some sanity upon what has become a very not-funny comedy of errors. Your criticisms are misplaced and I suggest you re-think them carefully. But I don’t think you have a vote anyway, since you’re not a member of EWUA, right?