

Commissioners

From: Barb Fink <BPS@Hughes.net>
Sent: Wednesday, January 1, 2014 10:28 PM
To: Commissioners
Subject: Website Email - Opposition to Appointment of Open Board Position Candidates Craig Kreider and Timothy Mueller

Greetings,

My name is Barbara Fink and I am a taxpayer in Ravalli County. I was told that Mr. Craig Kreider and Mr. Timothy Mueller have both applied for open Board positions.

I am writing because I am opposed to the appointment of Craig Kreider or Timothy Mueller to fill any open Board seat at this time. I am not familiar with what credentials they may respectively bring to offer the citizens of Ravalli County; however, I am acquainted with them personally through various interactions within my community.

I live in a gated community and both Mr. Kreider and Mr. Mueller are also members of my community.

Mr. Mueller and his wife have posted a "private drive" sign on the road which leads to their property. This community has the right to use this road according to the recorded covenants and has done so for the last 30 years. When I inquired of the Board about the possibility of having a turn-around put at Mr. Mueller's property line so vehicles could turn around safely without trespassing, Mr. Mueller wrote me a very unfriendly letter advising me that the road was a "private drive" according to the Certificate of Survey and that he would post a sign and to quit harassing him. The Certificate of Survey does show the road leading to Mr. Mueller's residence, as well as several other roads within the community, as a "private drive". However, our community covenants grant the entire community use of all existing roads located within the community. Mr. Mueller's "private drive" (along with all other "private drive" roads in our community) has been open for use by all community members for over 30 years. Mr. Mueller has chosen to ignore the right granted to community members regarding use of the roads within our community by closing his "private drive" to community access.

Mr. Mueller also refuses to recognize a recorded 60 foot road use easement (30-foot from center of road on each side). Mr. Mueller placed boulders and embedded fence posts on the inner shoulder of a portion of our community road. Community members had been driving about two feet into the shoulder in order to avoid a road hazard to minimize vehicle damage. Mr. Mueller claimed the right to block the shoulder. His action narrowed the existing road to less than 20 feet wide and forced all community members to traverse the road over the road hazard. When asked about his action, he threatened to "go nuclear" if he is forced to remove his barrier. It is my opinion that Mr. Mueller's actions regarding his "private drive" and violation of the recorded road use easement are self serving and not in the best interest of the community. He is intentionally disregarding the community's recorded rights contained within our community covenants.

We have a five-member governing board entrusted to enforce our community covenants - Karen Mueller (Timothy Mueller's wife), Craig Kreider, and Adam Kreider (Craig Kreider's son) currently hold three of the five governing board chairs. These three members can overrule and collectively decide as a board *majority every board* action. The board has chosen to ignore and not address Timothy Mueller's actions.

The community governing board recently mailed out published meeting minutes of a recent *homeowners' association* member meeting (the last meeting prior to this was held in 2009). In those notes they lied about me, stating I had performed an "illegal act" by recording the meeting and that I was currently being investigated by law enforcement. *The board had filed a complaint with the City Police stating I had illegally recorded our homeowners meeting. The Board*

was notified in writing by the City Police that I had not committed any crime and that the investigation was being closed. This letter was sent to the Board 20 days before they mailed out their meeting minutes. Kreider and Mueller intentionally disregarded the law enforcement determination that I had committed no crime and published what they dreamed up, not what was real. Additionally the Board then used community funds to pay their attorney in an attempt to have the court order that the recording of the meeting be destroyed. After it was all said and done, the Court ruled that the recording was to be returned to me and that the Board's argument to destroy the tape was "unpersuasive and, frankly, disturbing". Both Craig Kreider and Timothy Mueller attended the hearings regarding return of the tape and supported the destruction of the only true and correct record of what transpired at our homeowners' meeting.

As an aside, we are an unincorporated community. There are no written bylaws or regulations regarding the administration of our little mini-government. The governing Deed of Restrictions focuses generally on the conservation and preservation of the lands contained within the community. There are no administration duty requirements. There are no terms of service or defined duties (other than to act in the community's best interest) for the governing committee - once elected you are on the board indefinitely until you resign. There are no requirements for regular member meetings and no requirement to disclose to the community board actions. There is no requirement for budget approval or financial disclosure to the community regarding income/expenses of community funds. The governing board takes advantage of the lack of required accountability and does not voluntarily fill in these voids. They operate behind closed doors and do not communicate with the community. I have voiced my concerns regarding lack of accountability and requested financial and board action information both verbally and in writing. The response has been to ignore my concerns and requests; to lie about me in writing to the entire community; and to use community funds to pay their attorney to attempt to legally suppress me. Prudent use of community funds would dictate, in my world, that legal action be a last resort, not a first resort, when dealing with community member inquiries and/or actions. Board fiduciary responsibility and accountability is nonexistent because it is not required. Democracy, in our little homeowners association, is not based on the principal of majority decision-making by our community members, but solely on a consensus of three board members without the input and participation of the community as a whole.

I would encourage the Commissioner's to reject the application of both Craig Kreider and Timothy Mueller. I would encourage both applicants to prove their worthiness of a public position by showing they can uphold the administration of law within their own residential community before allowing them to administer and enforce laws relating to County matters. These two candidates need to prove they can administer and operate within this small community in an unbiased manner and make a positive difference before they graduate to public administration responsibilities for Ravalli County. I encourage the Commissioners to reject these two candidate applications at this time.

Thank you,

Barbara Fink
Ravalli County Resident of Constituency
2700 Whiskey Jack Lane
Hamilton MT 59840



Commissioners

From: Barb Fink <BPS@Hughes.net>
Sent: Thursday, January 2, 2014 8:41 AM
To: Commissioners
Subject: Correction - Opposition to appointment of Karen Mueller, not her husband Timothy

Greetings,

I would like to correct my earlier email regarding opposition to appointment of Timothy Mueller and Craig Kreider. I understand that Karen Mueller, not her husband Timothy, has applied for an open board position. I am opposed to Karen Mueller being appointed for any open board position at this time for the reasons stated in my email. Please substitute "Karen Mueller" in place of "Timothy Mueller" in my prior email.

I apologize for the confusion and appreciate your consideration of my concerns. I can be reached at 370-8768 if you have any questions.

Regards,

Barb Fink