



# NEWSLETTER

## MAY 12, 2014

From the Board of Directors:

As your elected ACBC Board of Directors, we recognize that there has been conflict, contention and many rumors within the community. There have also been court actions with clear findings of fact and orders. We want to take this opportunity to tell you where we are coming from and show you our reasoning. The documents we reference are posted on the owned and operated official ACBC website, [www.admiralscovebeachclub.org](http://www.admiralscovebeachclub.org). Please go to this source to verify what we're saying.

If you own property in Admiral's Cove, you are a member of ACBC because membership conveys forward with your deed regardless of whether your realtor and title company provided you with that information or not. The only way to "opt-out" of dues and assessments is to sell your property (**Close v. ACBC, No. 10-2-00479-8, Finding 5**).

The ACBC Articles of Incorporation, (**AOI, Article V, Sections 1 and 2**) as reflected in our Bylaws (**Bylaws, Article II**) are very clear that the primary responsibility of the Board of Directors' is to maintain and operate its athletic and recreational facilities, for the benefit of it's members; this includes the pool, playground, shelter, road, lake, and beach access. As a community, we have done a poor job of keeping up with maintenance through the years and have fallen out of compliance with legal requirements such as the Americans with Disabilities Act. In addition to a responsibility to make major repairs, we have a legal responsibility to become compliant. All of this will require substantial expenditures, which can no longer be postponed and are now due.

Last year's ballot with options of decommissioning or renovating the pool and its building and the subsequent assessment was restrained by the Court as invalid. Judge Hancock stated, "The Board has no authority under the Bylaws to decommission the pool," noting original deeds which include the pool with membership in ACBC (**Wilbur & Frederick v. ACBC et al, No 13-2-00741-4, Conclusions of Law #4**).

As your Board, we have concluded that the ACBC Bylaws, Articles of Incorporation, Covenants, original deeds, and the findings of the Court in the Close Decision firmly place the burden of maintenance, operation, and funding for ACBC owned property and facilities on the shoulders of all ACBC members. We are exploring whether the pool can be safely and cost-effectively opened at all this year, and looking at alternatives for both the staging and funding of the full renovation of the pool and its building, as required for compliance with current codes and requirements. Yes, this will cost money and will mean an assessment and probably somewhat higher dues in the future. It is a result of deferred maintenance, poor planning, and no reserve funding. Our goals are to minimize the cost of renovation and to plan for and fund future maintenance so that we limit the need for additional assessments.

We truly hope that you will support us in this. These are your facilities. This is your community. These are extensions of your property, which should add value and enjoyment to what you own. Let us do it together and do it well.

### The 2013-2014 ACBC Board of Directors

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# OTHER NEWS FROM ACBC

## MAY 12, 2014

**Board Meeting Date Change:** Effective in June, the Board of Directors meetings will be on the third Saturday of each month in the Shelter at 2pm. All are welcome. This is a good time to ask questions and get acquainted with your neighbors. **The June Board Meeting will be on June 21, 2014 at 2:00 PM in the Shelter. Due to a previously scheduled reservation, the July meeting will be on Sunday, July 20<sup>th</sup> at 2 PM.** Subsequent Board Meetings will be on the 3<sup>rd</sup> Saturday of the month.

**Opening The Pool:** A committee is evaluating whether the pool can be opened this year. A number of repairs are needed and we don't know whether the expense will be prohibitive at this time. We would hope to open for July 4<sup>th</sup> through Labor Day. If this is not practical, we will commence renovation as soon as possible. We will use the website to let you know about pool openings, hours and fees if we are able to open this summer.

**Pool Facility Building and Pool Renovation:** To continue operating, beyond whatever time period we can open this summer (assuming that's feasible), the entire pool facility needs renovating to bring it up to code; this includes a complete modernization of the pool building while bringing it into compliance with the American with Disabilities Act (ADA). Pool improvements include adding the required second main drain, new plumbing, replacing skimmers and loose ladders, and complete resurfacing among other items. Last year's assessment anticipated all repairs costing about \$650,000. One member calculated that \$39/year/member contributed to a reserve fund at zero interest over the 50-year life of the pool would have provided funds for this project with no assessment required. Unfortunately, ACBC has not been building reserve funds for the kind of projects you would expect with 50-year-old facilities. Check the official website for the consultants' reports on the existing conditions of the pool and building.

**Ballot to Approve Funding Source:** The delegated ACBC committees are working very actively to complete the three tasks assigned to them by the October 2012 motion and to comply with Judge Hancock's Temporary Restraining Order. **Task 1**, the facilities needs assessment, was reviewed and accepted by the committees. **Task 2** (developing funding/payment options) is now front and center. Once that is completed, the committees will complete **Task 3**, to report to and work with the Board to include funding sources that will be included in the ballot for presentation to the membership. All three tasks should be completed by July 15<sup>th</sup>. Because a Special Assessment requires a membership vote, the Board, in order to follow the court order from Judge Hancock, needs to look to the membership for guidance in how that money is best raised. As we refine the project and study options for funding, we will keep the community up to speed at Board meetings and on the web page. Look for the ballot in your mail in the coming months. If you have questions or comments, direct them to your Board members.

**Official Website:** The new and only official ACBC web address is: [www.admiralscovebeachclub.org](http://www.admiralscovebeachclub.org). If there are items you would like to see posted, please contact Suzy Palmer ([suzypalmer1@me.com](mailto:suzypalmer1@me.com)) or Carol Delahanty ([caroldchina5@yahoo.com](mailto:caroldchina5@yahoo.com)). The site currently has key court documents, minutes, dates, Bylaws, Standing Rules and contact information posted for your use. We have a newly designed site in the works, but the address will remain the same. It will have an updated look and new format so please let us know what you think about our "new face".

**New Contact for Shelter Reservations:** If you would like to make a reservation for the Shelter please obtain your reservation form on line (or give us a call) and mail your Reservation Request Form to Carol Delahanty, PO Box 366, Coupeville, WA 98239. Please contact her at (360)-678-0426 to check Shelter availability.

**Volunteers Needed:** We always need help with clean up and maintenance and we need a chair for the Social and Welcoming Committee. Please call any of the committee chairs or Board members if you have any special talents or a little time. We welcome all offers. This is a wonderful way to keep our costs down and our spirits up.

### Standing and Special Committee Chairs

#### Grounds and Building

Nate Palmer (360) 639-6050

#### Budget and Finance

Dennis Egan (206) 229-0632

#### Social and Welcoming

*Needs a chairperson*

#### Pool Maintenance & Improvement

Doug Smith (360) 672-0629

Suzy Palmer (360) 639-6050

#### Long Range Planning

Dustin Fredericks(425) 444-1710

#### Bylaws

Kurt Blankenship (504) 236-24

#### Pool Operation and Safety

Harry Lynam (360) 678-1183

#### Nominating Committee

Russell Chamberlain

#### Ad Hoc - Communications

Carol Delahanty (360) 678-0426