

ADMIRAL'S COVE BEACH CLUB
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NEWSLETTER – November 2016

NOMINATIONS FOR BOARD OF DIRECTORS:

Three new Directors for the Board will be elected this year. The nomination forms are on the website or available by calling the number above. Nominations are due by Nov. 30th.

MOTIONS TO BE CONSIDERED AT THE ANNUAL MEETING:

As provided by Article IV, Section 5 of the Bylaws, motions to be presented for consideration at the annual meeting should be provided to the Board at least 28 days in advance of the meeting to allow time for the motion to be included in the meeting announcement to the membership.

GROUNDS & BUILDING COMMITTEE

After a weather delay, we finally got our Fall Work Party in on Saturday, October 29th. Several large jobs were completed: the parking lot was graded again; a large pile of donated firewood was split and stacked; the grass was mowed; brush was cut down, and a fallen sign was reinstalled. Thanks to all who turned out to help.

A reminder that 40' sections of irrigation pipe were sourced from Farmer's Supply and are available free to bluff property owners to use to divert water from their properties over the bluff down to the ditch to help prevent further erosion. The Club requests that the pipe be utilized/installed by Dec. 2017.

Other work parties will be scheduled as needed. We are always looking for volunteers to help us maintain our beautiful club assets!

SOCIAL COMMITTEE

The Committee has a coffee every Tuesday morning in the club shelter at 10:00 - noon. All are welcome, so please join us.

There will be a Thanksgiving leftover get together on Saturday November 26th, from 1 - 3 p.m. Bring Thanksgiving leftovers or snacks to share. We will also be making holiday swags and/or wreaths. Bring your scissors, ribbon, and decorations. Greens will be provided. Weather permitting, we will have a bonfire. Please RSVP to Rick or Debi (360-678-9391) by Tuesday, Nov. 22nd.

Movie night will continue after the New Year. The movie will be on Friday evenings at 7 p.m. in the club shelter. Bring your own beverage. We will have popcorn.

A Christmas party is being planned for December 18th from 2-5 PM in the shelter. There will be treats, games, prizes, and a gift exchange. More information to come.

Thanks to Greg Behan for arranging the AED class at the shelter. It was very informative and much appreciated. We should all be informed on how to use the AED (Automatic External Defibrillator) which is located in the shelter. If anyone is interested in a class, contact Dennis at 206-229-0632.

Additional message about the AED from Greg Behan, ACBC Board Member, of Whidbey Island Emergency Services:

As some of you already know, the Admirals Cove Beach Club Tuesday morning coffee group recently hosted a "Hands only CPR and AED" training. In my opinion, it was a great success. Given the success we had with this group, I would like our members to know that additional classes are available and free of charge to our residents. I am also willing to provide this to any group of people on the island, such as civic groups or other clubs our members may be involved in, their work places, or any other group of people. I believe that this is a very important and easy to learn life saving skill that we should all share and encourage others to learn. As a side note, there are (recent) Sudden Cardiac Arrest survivors in the cove who survived their event because there was someone performing CPR on them prior to the arrival of Emergency Services.

Greg

POOL MAINTENANCE & IMPROVEMENT COMMITTEE

The Committee had been meeting to work on the pool refurbishment, but is on hold until the courts or membership gives the club direction.

The dressing rooms were painted and new partitions installed this year. Hand rails, diaper changing stations and new lockers were also added. The outside restrooms have now been repainted. The pool and building has been winterized, water shut off and tanks drained, antifreeze put in toilets etc. There is water at the hose stand by the shelter and the outside restroom near the shelter is open year around. The heater in the outside restroom is to keep the water from freezing, not to heat the restroom as that room is not insulated. The thermostat is set on low for that reason.

Thank you to all who showed up and worked at the work parties this year. We accomplished a lot of the maintenance items on the list of things that need to be done. Looking forward to getting more done next year.

POOL OPERATIONS & SAFETY COMMITTEE

In 2016, the pool was open from May 28th – May 30th and again from June 11th – September 5th. During the weekends of Memorial Day, Fourth of July and Labor Day we had three free swim days and picnics for Members in Good Standing.

In previous years, we had a salaried individual manage the pool office/operation. Because of the commitment by community volunteers to staff the office, for the past two years we have been able to staff the office and help keep the pool open to members, their families and guests at a reduced cost to the Cove.

This summer, we had 3,872 swimmers, 112 in one day, and we sold 477 swim passes. This does not include the passes given to Members who paid their Pool Assessment in full. Pool administration collected \$9,915.00. Club membership obligations (dues, assessments, monthly payments) collected totaled \$8,861.05

LAKE ECOLOGY & LAKE OUTFLOW COMMITTEES

This past summer was another challenging season for our lake. We had a large, sustained bloom of filamentous algae throughout most of the lake, and more seriously a bloom of blue green algae that tested positive for toxins. Other tests confirmed that the water is stagnant and has too many nutrients, contributing to the algae blooms. In order to promote better flushing of the lake, the Lake Ecology and Outfall Committees recommended to the Board that we modify the Tide Gate to allow a controlled amount of salt water to flow into and out of the lake while also controlling the level of the lake. The Board granted preliminary approval to explore this remedy, and instructed the committees to meet with the county for a Pre Application meeting before moving forward. At that meeting we will find out what permits are necessary, which government organizations we will need to work with, and what the next steps are. The committees are also exploring how best to strengthen the 50 year old outfall pipe that runs underground connecting the lake to the sound.

We also want to remind Admirals Cove residents to regularly inspect and maintain their septic systems to help keep our lake clean. Surface and ground water from up the hill may be contributing to the nutrients causing the algae blooms.

BYLAWS COMMITTEE

The Bylaw committee met on Sept. 14th and discussed the following: adding an index to the front of the Bylaws to make it easier to quickly locate relevant sections; minor tweaks to several sections to make them clearer; increasing the time for advance notice of motions to be presented at the annual members meeting in Article IV, Section 5 from 28 to 35 days; amending article XI, Section 2 to allow greater delegation of authority to committees with ultimate authority to be retained by the Board; amending Art. XII, Sects. 2 & 3 to combine the duties and responsibilities of the two Pool committees. Another meeting will be held in November to consider changing the two Lake committees from ad hoc to standing. The Committees final recommendations will be presented to the Board for consideration and approval.

NOMINATING COMMITTEE:

The Nominating Committee has published the nomination form and signs have been posted around the Cove soliciting nominations for the three Board positions up for election this year. Nominations should be submitted by no later than Nov. 30th.

MESSAGE FROM THE BOARD

The Board would like to take this opportunity to state its position regarding the recent decision by the Court of Appeal in the pool lawsuit. The Court of Appeal pointedly did not invalidate the 2016 vote in favor of the pool assessment. It merely held that the former Board did have the option to include removal of the pool on the 2013 ballot. The case is not over. The Court of

Appeal remanded it back to Island County Superior Court for further proceedings. We expect that Court to affirm that the 2016 vote as the latest expression of the will of the community.

Assuming that happens, any member who has requested and been issued a refund will be re-invoiced for the assessment. The Board is also considering other ways to affirm the 2016 vote, which passed by more than twice the margin of the 2013 vote.

In addition, as was decided by the Island County Superior Court in 2011 in the Roger Close vs ACBC case, all property owners in Admiral's Cove are members of ACBC. A copy of the Court's decision can be found on the website at acbc-whidbey.org. That decision was not appealed and is final. Specifically, the Court held that

A property owner would be unjustly enriched if he or she could retain the benefits conferred by Admiral's Cove's amenities without paying for the benefits and, thus, the law implies a contract to pay dues imposed according to Admiral's Coves obligations to act fairly and within the scope of the corporate function outlined in the Articles of Incorporation and By Laws.

Roger Close vs ACBC, 10-2-00479-8, Superior Court of Washington for Island County, paragraph 4.

As the Court stated, it is simply unfair for some property owners to chose not to pay their dues and assessments while others do (75% of the members are paying) when all dues support the amenities and operations of the Club. The amenities include assets other than the pool, such as the shelter (which is frequently rented by members for various functions, including birthdays, family reunions, military functions, etc.), the road along the lake, the lake itself, the playground, the bluff, and the beach. **All** members benefit from these amenities. The *Close* decision also specifies that membership is mandatory and that opting out is not a choice. Please take the time to read it.

The Board has been and will continue to exercise the legal authority to collect the payments by filing actions in small claims court against owners who refuse to pay. The authority to do that derives from the Board's general obligation to preserve and maintain the Club's assets and from the decisions of the Island County Court. A number of small claims actions have been filed and have resulted in significant collections. Once again, it is simply not fair to the 75% who do pay for the other 25% to be allowed to ignore their lawful obligations. The Board's efforts to collect will continue. That being said, the Board has been and will continue to be very generous and understanding in accepting payment plans proposed by Members for whom paying either the dues or assessment all at once is a hardship. The Board is acting in a compassionate manner consistent with its fiduciary obligations to the membership as a whole.

The Court of Appeal's one comment about property owners being "eligible" to be members of ACBC is **not** the holding of the case. That issue was not the object of the Corliss appeal and thus was even not before the Court of Appeal. The decision did nothing to overrule or change the Roger Close decision.

The Board sincerely regrets that some in the community have such misguided opinions, but we are obligated to adhere to the requirements imposed by the governing documents and the law.