

December 2001

Lagoon Point Newsletter

WARNING: ADULT CONTENT

The following contains syllabic violence, big words, mental carnage, and psychological nudity. In other words, don't expect any bunny stories. Sit down with an appropriate beverage, and hang on.

When I took this job, I didn't expect to be loved by all. In fact, I was sure some people would actively dislike me, when I took firm stands on issues, but "Que sera, sera." What will be, will be. There's nothing like letting fly with the unvarnished truth to raise the visibility and hackles of special interest groups. Bill O'Reilly (my hero) of The FoxNews Channel does that all the time. People must like hearing the unvarnished truth however, because he's #1 in the TV ratings in his category, and has a couple of #1 best sellers.

I knew I would have to spend lots of my time to work to improve Lagoon Point, a lot of which would go unrecognized. I predicted resistance, and even hostility from some unnamed and unknown sources, but if my ideas of what LP could become were accurate, I would have many more allies, friends, and helpers from our community than opposition to achieve those goals. My expectations of 2 years ago were accurate; it has come to pass in spades. I just wish my stock picking abilities were as accurate as those predictions.

--Steve

THE LATEST IN A NUTSHELL:

(Call this opinion if you like but it's based on fact.) ONCE UPON A TIME Lagoon Point Improvement Club had been driving on both sides of the road. It didn't know it was doing wrong; there was always space in which to move as there was little traffic. There were no problems, and everybody was happy.

When a new president was elected, everyone was happy. The new president was very smart, and thorough with details. Lagoon Point seemed to be on the way to greatness. The new president was busily doing his homework getting ready for his term, when he found some ancient Lagoon Point laws from the dim past. They clearly state "YOU MUST DRIVE ON THE RIGHT

SIDE OF THE ROAD. DRIVING ON THE LEFT IS ILLEGAL".

As this future president was very smart, and thorough with details, he realized this was a big deal, and it needed to be explained to everyone very quickly, because once you KNOW you are breaking the law, you are no longer doing things "in good faith". Several board meetings were held, and everyone agreed that this must be dealt with NOW.

A notice was sent to all the lot owners in far flung places, to give 30 days notice according to the bylaws. It basically said, "We must fix this quickly, or we will not be able to maintain the common properties."

*Unfortunately, a few residents decided that they liked driving on both sides of the road, and rather than dealing with the truth of being confined to driving on one side, they would rather **blow up the bridge** in front of us instead. They convinced a **minority** of LP residents to "drink the Kool-Aid" and the **minority** voted to blow up the bridge.*

In the curious and conflicting words of Aaron Lowin/Linda Armstrong, they wanted "to avoid a split within the community."

If you haven't fallen off your chair yet, keep reading.

RESULTS OF THE VOTE TO AMEND BYLAWS

The vote at the meeting was supposed to be a voice vote, but we ran out of time as another group was in line for the use of the hall. Therefore, the vote will be posted on my front porch for a week or so. You may come by at any time during daylight hours, to have a look at 3643 S Steelhead Dr.

Say "Hi" if you like, or not. Alternatively, I will supply it via an email attachment as a Word '97 document.

My email: jsbond@whidbey.com.

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1. Of 380 memberships, some of which have 2 votes as a married couple, there were a total of 190 votes cast. (**Less than 50% turnout.**) A 2/3 majority of votes cast was required to amend the bylaws as per Article VII of the bylaws. **61% of those who voted, voted to**

adopt the bylaw changes from the committee (116). **39% voted against** adopting the bylaw changes (74). **A minority of the LPIC members defeated the changes to the bylaws.** Prior to the vote, the members were advised that should the first motion fail, any votes for the following amendments would be invalid since they were predicated on passage of the emendation of the legal problems created in the original bylaws.

2. Club dues will remain at \$50 per year. There will be no reduction of dues to \$17 per year, nor an annual assessment of \$65 to carry out the obligations accepted by the LPIC in the 1977 Resolution adopted by the Lot Owners of the Plat and View Lots of Lagoon Point, for the maintenance, development and upkeep of the common properties.
3. The voting of the membership of Lagoon Point will remain at one vote per member as opposed to the emendation suggested of one vote per membership. In other words, both spouses of a marital community will still have full votes in LPIC matters.
4. The LPIC Board of Directors will no longer have indemnity (protection) from prosecution for the expenditure of LPIC dues on the maintenance, development and upkeep of the common properties, since we have learned that it is patently illegal. **There are therefore NO FUNDS available to the LPIC for the fulfillment of their obligations to the Lot Owners.**
5. Lot owner issues may not be addressed in the LPIC Newsletters after this issue, and we will not be able to expend monies for winter storm damage to the common properties, or to pay the electric bill for the street light at the corner of Westcliff Drive and Smugglers Cove Road, weeding of Lot "E", paying taxes for the common properties, etc.
6. The LPIC dues collected from club members may only be used for the benefit of the LPIC's social activities since these are not "pro rata" funds. Since the Board of Directors can no longer legally expend the Lot Owners' funds

for the maintenance, development and upkeep of the common properties in accord with the 1977 Resolution of the Lot Owners, it has voted to notify The Lot Owners in the Plat and View Lots of Lagoon Point that the LPIC can no longer function as the managers or administrators of their common properties.

7. **This letter, the last one that can include information regarding the management of the common properties per the 1977 Resolution of the Lot Owners,** is the official notification to the Lot Owners that they should find alternate means for the administration of the maintenance, development and upkeep of these common properties.

WHAT NEXT??

The vote showed that **the will of the majority** was not realized at that meeting.

Now that we've **shot ourselves in the foot**, who's going to start a Common Prop. Maintenance Plan? Bring money to the table, unless you want to dress warmly, bring cocoa, and meet at LOT "C". You cannot rent a hall for a BUSINESS MEETING with LPIC money without BREAKING THE LAW.

Where should you direct your questions?

Owen and Aaron were instrumental in the failure of the vote to change to the Bylaws. Let them know your opinion.

direct questions to: **Aaron Lowin/Linda Armstrong**
OWEN LEWIS **3412 Marine View Drive**
3537 Shell St. **(360 678-7166**
(360) 678-7166 **(206) 329-3487**
 lindaarms@earthlink.net

WHO TO BELIEVE?

The Board of Directors of Lagoon Point acquired a legal opinion which says the changes to the bylaws are perfectly legal.

At Dec. 1st meeting, three of those that opposed the bylaws changes said that they didn't like that lawyer. LPIC will get ANOTHER legal opinion just to make sure

there cannot be any doubt of the legality of the previously proposed bylaws changes.

The board voted to ask Owen Lewis and Aaron Lowin to supply the board with 2 or 3 lawyers of THEIR OWN CHOOSING. After the board's acceptance of one of those lawyers, the board was to ask that lawyer to render an opinion on the matter of the legality of the bylaws changes. The proposal was flatly rejected by Owen and Aaron. No co-operation for helping LP to function in the future was evident.

The LPIC board, wanting to unite rather than divide the community under these adverse circumstances has decided that it will not acquiesce to a small, but vocal minority who took advantage of the situation by spreading disinformation, and bringing up multiple irrelevant issues. After all, a **majority of members voted FOR the bylaws changes.**

The way I see it, this looks like the people who were so interested in "stopping a power grab by the board" are not interested in continuing on with any government of LP at all, their interest is in just letting the place go to seed. They're afraid that a legal opinion will show their opinion for what it is. Just plain WRONG.

The interests of ALL residents must be taken in to consideration, not just a few. This means maintenance of ALL AREAS of LP, not just Lot "E", or mowing the common areas.

The multiple lot owners will STILL be subsidized by your single lot membership dues. Roughly 380 membership fees pay for 532 lots worth of maintenance. One lot pays one membership fee, or almost a lot and a half worth of maintenance. 2 lots pay ONE membership fee, 5 lots pay ONE fee.

Is that fair? (ed.)

The bylaws changes would have fixed that, and PLEASE understand this. There is NO LIMIT to changing bylaws in the future. We can do it ANYTIME WE WANT with a 30-day mailed notice, and a 2/3 majority of votes at the meeting. Now that the governance of Lagoon Point has effectively been stopped by the failure of the vote to change the Bylaws, it will be much harder to make changes as the rental of any facility for conducting a business meeting, or mailings regarding any Lagoon Point

business MAY NOT BE PAID FOR WITH LPIC MEMBER FUNDS.

I will listen to ideas for the remainder of my term, and have been asked to be an active participant in the 2002 board. Please call or email with constructive ideas only. 222-3182 or jsbond@whidbey.com.

I am grateful for all the help I have received during my 2 years as president, and for all of you that bothered to get all the details of the bylaws changes before casting your vote, and who actually came to the meeting, listened to the information and VOTED!

If you live here, or nearby, and are upset with the result of the vote but didn't bother to come to the meeting, what can I say? I'm not your mother. Next time, (if there IS a next time) SHOW UP FOR THE VOTE.

A proxy vote sounds convenient, but can be dangerous. With the large percentage of absentee, and potentially mis-informed votes available, a smooth talker can take control of LP and vote his agenda. (How many of you signed that petition without reading or fully understanding it? And you LIVE HERE!)

I don't want to sound like sour grapes; just remember what I said about the unvarnished truth.

We all signed off on the covenants and responsibilities of them when we bought our property. Anyone who refuses to pay the "pro rata" (per lot) costs of maintenance is ducking his responsibility to the community. It's printed in black and white in the EXISTING bylaws! If this community is going to survive as a nice place to live, WE MUST PULL TOGETHER AND WILLINGLY PAY OUR PRO RATA RESPONSIBILITY WITHOUT WHINING.

Read the Bylaws Article II, especially ArticleII, section 3.

IF YOU ARE NOT WILLING TO ABIDE BY THE BYLAWS, SELL YOUR PLACE AND GO AWAY!

End of sermon. If you've read this far, get another appropriate beverage. You deserve it.

Steve

FROM ANDREW MESSER (LP Div.2 lot owner)

At the December 1st LPIC meeting, I had intended to propose a revision to the "1977 Resolution" that would have corrected deficiencies with the way voting on budgetary matters is conducted, the way assessments are allocated and would have provided for absentee voting. Unfortunately, there was no time left to do so at the end of the Dec. 1st meeting.

Due to the failure to ratify the LPIC proposed by-laws, I am now abandoning revision of the "1977 Resolution" in favor of proposing the establishment of a Lagoon Point Home Owners Association. The total work required organizing a homeowners association is about the same as having to both: revise the "1977 Resolution" and yet again revise the LPIC by-laws to coincide.

RCW 64.38 (passed in 1997) regulates homeowners associations and it applies to the Lagoon Point Lot Owners. A homeowners association is the correct way to manage our common areas. I have inquired of an attorney and have been advised that the legal fees to set up an association are not excessive.

I plan to attend the January 12th LPIC function, and would be happy to discuss this proposal and accept volunteers for a committee to pursue this effort.

**Message from the new President, 2002 LP Board of Directors
LP Special Meeting January 12, 1-4 pm**

The 2001 LP Board of Directors scheduled a coffee and social gathering and reserved the Greenbank Progressive Club, for January 12th from 1-4pm. Due to the **majority** support for continued LP community property maintenance, expressed in the 116 to 74 vote on December 1, and the responses received from the LP Questionnaire requesting **immediate** action, I have called a special meeting on that date. We will address the need for annual and special assessments to fund ongoing LP upkeep and maintenance and hopefully come to some resolution on the matter.

John Mott

WATER DISTRICT NOTE

During the next 60 days, the South Whidbey Fire Dept. will be making periodic pressure and flow tests on our fire hydrants. This may cause a slight reduction of water pressure, but should not give any extreme pressure changes, as we have had in the past. It may also stir up some lightly colored water. If this occurs, please let the water run for several minutes, and it should clear up.

With the addition of our new pressure reducing system near the bridge, we should be able to furnish whatever water needs the Fire Dept. might need in case of a fire.

Should you have a question, please call one of the commissioners.

Pat Connors - 678-6334

Jack Maxwell - 678-5548

Don Smith - 222-3148

BULLETIN BOARD

FOR SALE: Freestanding wood fireplace, excellent condition. \$300.00 OBO. Contact Joan Lotto 222-3142/678-4966.

KEYS LOST AT XMAS PARTY: If anyone has a bunch of keys that has a Kingdome ID tag on it, please contact Carol Keaton at 360-222-1959, or Steve Bondelid at 360-222-3182. There is still a \$25 reward, no questions asked, as it was so crowded that evening, the keys may have dropped into your "stuff."

FOUND: A mottled dark green and beige glove with a leather palm, left at the Greenbank Clubhouse on Dec. 1. Call Steve at 222-3182 or stop by 3643 S. Steelhead Drive.

LP WEBSITE

www.whidbey.net/greenbankhome/lagoon_point/

EMAIL OPTION

Email hilde@whidbey.com with your name AND mailing address if you would prefer the newsletter by email.

For board meeting minutes, send a SASE request

to: LPIC

P.O. Box 123

Greenbank WA, 98253