

December 24th 2014

## **Happy Holidays ACBC, the board loves you.**

### **Your Vote Does Not Matter**

At the December 20th board meeting the Directors affirmed that your vote doesn't matter! In January of 2014, you voted by mail-in ballot to keep the dues for 2014 at \$138.50. The amount of \$138.50 was explicitly called out on your ballot and passed by over-whelming majority. But, the board voted at the meeting to overthrow your vote by increasing the dues for 2014 retroactively and including the extra charge with another dues increase for 2015 on the next bill.

The bylaws do not give the Board the power to overrule or throw out a membership vote. The vote passed by over-whelming majority - 183 YES and 57 NO. This board provides a lot of lip service to the importance of the governing documents but doesn't walk their talk. I obtained a legal opinion that confirmed that neither the ACBC corporate documents nor the RCW provides any opportunity for the Board to vote in this fashion. Per the attorney providing the opinion, the board has acted beyond its power – ultra vires.

### **Scrooge is a Board Member**

The Treasurer (Steve Morrow) proposed some changes to the standing rules. These changes outlined how the board will be charging you more if you pay your bill late (woohoo we want to be an HOA so we'll start acting like one (this worked so well when Sid tried it)). There was a kind offer in his proposal that I agree with. Steve proposed that the Club offer members with limited income (\$12,000 or less) a 20% break on dues and assessments. I think this is in line with the intent of the club which is about neighborhood and recreation. But, when it came time for discussion, Dustin Frederick said he felt that it just wasn't fair for folks less fortunate to pay less. In the most cold-hearted manner he requested that this be stricken from the updates to the standing rules. So, all board members kowtowed and they removed the exemption. Merry Christmas ACBC members, please send money now!

### **Da Pool, Da Pool!**

The board voted unanimously to send out an assessment ballot as soon as possible to the membership to refurbish the pool in the amount of \$1700. They commented that this would be a pro-pool assessment request and there would be no option to remove the pool. Before voting, one board member (Fred Salmon) questioned as to whether this action would 'piss off the judge' and cause them more issues. I think Fred's spidey sense was on the money but the arrogance of his fellow board members tossed his opinion aside. They managed to convince him that this was in line with the TRO and what the judge wanted. They then agreed to embark on an 'aggressive marketing campaign' to convince the membership to vote yes to assess themselves \$1700.

I think the order of these events is significant. Many folks (me included) are not going to pay dues because of the disregard for the bylaws with the dues increase for 2014 and the board knows that. As a result, only the pool supporters will end up paying and voting and pass the assessment by simple majority. It was quite a grandstand event. This appears to be an attempt to fix the vote. I smell a shiny new lawsuit coming – get ready to pay another big insurance deductible and meet another defense attorney!

A significant amount of time was dedicated to how members could pay for the \$1700; the Board assumes it will pass. This conversation started with discussion of lavish payment plans and ended with the board deciding that members could pay in 2-3 payments. Suzy suggested that members just get a loan and pay them (lol).

### **What happens if the vote fails; it always has in the past?**

A question asked during the member forum riled Dustin to a personal rant. The question of what would happen if the vote doesn't pass followed by the statement I thought you were allowed to assess without a vote was raised by Harry Lynam? Dustin's response was that he interprets the bylaws to indicate they can assess without a vote; they are specifically charged with maintaining the pool and this would be allowable with no vote required. He raised his voice and said the reason he filed suit with Bob Wilbur was to gain this clarity from the judge in writing that the board had this power of assessment. He barked that this must be ruled so the community can go forward. Some member of the audience (don't know his name) said, I guess if it isn't ruled then you'll sue yourself or the judge, next. I think this guy is catching on.