

# Lagoon Point Newsletter

January 2005

**\*\*\* Special community meeting on proposed bylaw amendments: Saturday January 29, 10:00 \*\*\***

February regular LPIC Board meeting: Tuesday, February 1, 2005, 6:30

March regular LPIC Board meeting: Tuesday, March 1, 2005, 6:30

*All at the Greenbank Clubhouse*

## **From the President** by *Linda Armstrong*

Dear Friends and Neighbors: As I begin my turn as President of LPIC, I am struck by the similarities of our small community to the state and nation today. Like the rest of the country we seem divided into two mutually exclusive camps regarding dredging Lot C. But I think the notion of only two opinions is wrong. Most of us believe compromise is possible. We can bridge our differences of opinion and craft a mutually acceptable solution to the issue of how to share the cost of dredging Lot C. The first thing for us to do is to get started and gather the information we need to plan the project and get the permits to do the work. In my mind this is the most important, but not the only, goal of the Board for 2005. With the planning information in hand we will be in a better position to create a proposal that will gain the support of a majority of lot owners on all sides.

I welcome your suggestions for a workable compromise. Now and at any time, send your ideas to me, by e-mail ([LPIC@whidbey.net](mailto:LPIC@whidbey.net)) or by regular mail (LPIC, PO Box 123, Greenbank WA 98253) or by phone (360-678-1425).

## **Board meetings to be more open** - *By Linda Armstrong*

The Board is taking the following steps to encourage community participation in our self-governance and to keep the community informed of what the Board is working on.

- All Board mtgs are open to LPIC members (except Executive mtgs re legal matters and named lot owners).
- At the start of the Board meeting the agenda will be handed out to all attending.
- Public comments will be invited at the start of each mtg and before every vote (3 mins/speaker).
- The Board often has agenda planning meetings between regular meetings. These too will be open. For dates, times and location, ask your Area Rep or the Secretary ([alowin@earthlink.net](mailto:alowin@earthlink.net), 678-1425)
- At Board meetings the President will report on correspondence received and answered.
- Board minutes will be available to LPIC members, after minutes are approved. To keep costs down we are looking into distributing minutes to requesting members by e-mail or/and posting them on the web.

## **Update on delinquent assessments** – *by Bill Schmid - Treasurer*

A third of previously delinquent lot owners paid up in December. But some 29 owners still owe us \$10,230. Most of these delinquencies are for the 2004-05 Maintenance Budget assessments that were due July 1, 2004. Per our LPIC bylaws a 5% penalty was added to these delinquent accounts on January 1, 2005. We are taking lengthy and sometimes expensive legal steps to collect assessments unpaid for over a year. Our bylaws require liens be placed when assessment payments are one year late. As of December 31, 2004, LPIC had 15 liens in place. And in 2004 LPIC initiated legal action against six very overdue lot owners. Four of the six have since paid in full. One has made special payment arrangements with the Board. The 6th case has a continuance.

Our delinquencies represent a good portion of our annual maintenance and administrative budget. Our ability to pay our ordinary maintenance and administration bills is badly hampered by these non-payments. The cost of collecting these delinquencies depletes our budget further.

All our assessments were properly approved by a majority of the lot owners, voting by mail. They are legal debts against the properties. There is no justification for simply ignoring your bill. The Board can approve payment plans to stretch out payments for lot owners who need that relief. If you are in such a position, consider requesting a payment plan.

Questions? Please contact me by mail ((LPIC, PO Box 123, Greenbank WA 98253) or phone 360-222-3305.

## **Our budget at mid-year – by Bill Schmid - Treasurer**

As approved by the LPIC lot owners, our July '04 – June '05 annual budget is \$33,995 (\$65 per lot X 523 lots). Of this, 73 percent (\$24,895) goes for maintenance of our common properties and administration of the LPIC homeowners association. The other 27 percent (\$9,100) goes to our Long Term Reserve Fund. You can see the detailed budget on the LPIC website.

LPIC expenses to date are within our budget. However we are over budget on three line items: **Legal** expenses for collecting delinquent accounts, **Bookkeeping** due to setting up the Quickbooks accounting system and changing the budget from a calendar to a fiscal year; and **Long Term Reserve Fund – Jetty Repair** – the latter due mainly to the few lot owners who are still delinquent in their 2003 jetty assessments. The Board expects to end the fiscal year within budget, but unless delinquent owners pay their assessments we may have to draw on money from the contingency fund

## **Committees and Assignments for 2005** *(Is your name on this list?)*

At the January 11 Board meeting the Board settled on Committees and assignments proposed by the president. Thank You !! everyone who volunteered for committee assignments. For 2005 the committees and assignments are as follows.

**Finance Committee**: Bill Schmid, Bob Bennett, Roy Blackwell, Mike Stevens. This committee is responsible for overseeing income, spending, and debt collection, pre-meeting review of monthly financials, budget planning for next year. The Membership & Assessments and Budget committees will be subsumed in the Finance Committee.

**Waterway Committee**: Bob Vierra, Andy Messer, Steve Bondelid, Bob Bennett, Frank Roberts. This committee is responsible for monitoring the community-owned lots and improvements on those lots and, to the extent volunteers are available, maintaining and repairing those lots and improvements within the funds available in the annual maintenance budget.

**Environment and Public Improvement Committee**: Judy Miller

Program and Publicity: Change to **Special Events Committee**, with separate chairs for St. Pat's Day, July 4th Garage Sale, Fishing Derby, Holiday Party.

**Neighbors in Action Committee/Neighbors helping Neighbors**: Margo Lane & Carole Holmes

**Fishing/Security Committee**: Bob Vierra & Bill Schmid

**Volunteer Committee**: Ernie Clayton and the Area Reps (a local band?)

**Nominating Committee**: Ernie Clayton and the Area Reps

**Records Committee**: Paula Ratcliff, Aaron Lowin, Bill Schmid

**Dredging Planning Committee**: Entire Board

## **Does this opportunity knock for you ? Vacant Board position - Area 2 Representative**

The Board is eager to fill the vacancy for the Area 2 Representative. Any LPIC member who breathes, owns a lot in Area 2 (South of Westcliff Drive, and between Smugglers Cove Road and Lagoon View Drive – see map on last page) and is paid up on their assessments is eligible. The time commitment is about 6-8 hours per month. Meet your area neighbors, meet your Lagoon Point neighbors, Participate in our community self-governance. Guaranteed to Liven Up your Life! Beats watching television. Apply early as we can appoint only one person.

## **Two proposed bylaw amendments** - by Aaron Lowin, LPIC secretary

In this newsletter you will find two proposed bylaw amendments, for your review and comment.

The Board reviewed these proposed amendments at its January meeting and approved distributing them to the community for review and comment. A community meeting on these amendments will be held Saturday, January 29<sup>th</sup>, (ck dt) 10 AM, at the Greenbank Clubhouse. Then, the Board at its February 1 meeting will review the feedback and decide whether to change any language and how to proceed. A vote by mail could occur in March.

We want your comments! Please forward them by e-mail ( [LPIC@whidbey.net](mailto:LPIC@whidbey.net) ) or by regular mail (LPIC, PO Box 123, Greenbank WA 98253) or by phone to the president, Linda Armstrong (360-678-1425). We'll read every one.

### ***So why do we need these bylaw amendments ?***

#### Why the amendments to the bylaw on penalties when assessments are not paid on time (Article II, Sec. 2)

This bylaw amendment is urgent. It is needed to help us get back the full costs of collecting unpaid assessments.

Collecting unpaid assessments is expensive, especially when we have to engage our attorney and if we have to go to court. The court does award us some costs, but generally less than our true expense.

Our attorney advises that the court is more likely to award us our true full costs of collection if our bylaws explicitly identify each of those costs: legal costs, court costs, collection and administrative costs. To make this clear, this proposed amendments specifies each of the financial penalties and collection costs that will be added to a lot owner's bill if an assessment is not paid on time.

This is the only material change these amendments would make. All the penalties for non-payment that this amendment describes are already in our bylaws. This amendment simply lists the penalties and our cost elements individually and clearly so the court will award us our true full costs. These amendments do also clarify some wording in the Penalties bylaws.

#### Why the amendments to the Board of Directors election calendar (New bylaw to replace Article III plus amendment to Article V, Section 1)

These amendments would eliminate the awkward four-month "lame duck" problem that occurs between our elections, now held around Labor Day, and January 1, when the new Board members take office. During these four months retiring Board members may lose interest, yet the new-elected eager Board members can't yet participate and vote.

The amendment shifts Board elections to November, with results announced in December. New members still take office January 1. This is the only substantial change this amendment makes.

Minor changes: Other dates are adjusted to fit with a November election. The nominating process would start in July and, as now, the final list of candidates is set at the Annual Meeting of the Membership. The Annual Meeting may still occur on Fishing Derby day, or (new) it may now be on a different date. (Our experience is that in the party atmosphere of the Fishing Derby potluck it is difficult to get serious about nominations.) Also new: Area Reps would have to own property *in the area they represent*. The amendment also deletes the Board's present power to disqualify a Director for failing to attend two consecutive meetings (impractical) or "for any cause deemed insufficient" (ambiguous and controversial). And the amendments clarify some wording in the nominations and elections bylaws.

**Amendments to Article II, Section 2 (Penalties)**

**Section 2: (Penalties)**

Any lot owner whose lot owner fees or assessments and related accrued penalties are not fully paid (or full payment postmarked) by the specified due date, without prior written [payment](#) arrangement with the [Treasurer](#) and approved by the Board of Directors, shall be subject to the following penalties for each fee or assessment remaining unpaid, whether or not [assessment](#) or fee statements have been received by the lot owner. (As noted above, billing statements are sent to the lot owner's recorded address).

**(a)** When immediately past due: a \$5 late fee [per lot](#) shall be charged to the lot owner's account.

**(b)** On the first day of each subsequent calendar quarter, an additional late fee [of \\$5 per lot](#) or five percent (5%) of the outstanding balance, [whichever is greater](#), shall be charged to the lot owner's account, this continuing until the bill is paid in full, including all accrued penalties..

**(c)** When a fee or assessment is one (1) year late: a lien shall be placed on the lot(s) owned and the full cost of filing and satisfying said lien shall be charged to the lot owner's account. On approval of the Board of Directors further collection efforts may be commenced. [All costs incurred in attempting to collect the amounts due, including all attorney, court and collection costs, shall be charged to the delinquent account.](#)

**(d)** When a fee or assessment is three (3) years late: foreclosure proceedings may be initiated by the Board of Directors, provided [seventy-five percent \(75%\)](#) of all Board members concur in the action. All unpaid amounts due under Section 2 (a), (b) and (c) above, plus all costs incurred in attempting to collect the amounts due, as well as the costs of foreclosure proceedings, [including attorney and court costs](#), must be paid in full by the delinquent owner to forestall the loss of property.

**Replace existing Article III and amend Article V, Section 1**

**New Article III: LPIC Board of Directors**

**Section 1: Composition of the Board of Directors**

The LPIC Board of Directors shall consist of twelve Directors: six Officers, specifically, a President, Vice-President, Treasurer, Assistant Treasurer, Secretary, and Assistant Secretary, and six Area Representatives, one from each of the six Areas defined in Article V of the Constitution. The voting authorities of a Board position may not be shared by more than one person.

**Section 2: Qualifications for Office**

All Directors and candidates for Board positions must own property in the plat of Lagoon Point, and may not be delinquent in their LPIC fees and assessments, including any penalties. Area Representatives (and candidates for those positions) must own property in the Areas they represent.

**Section 3: Terms of Office**

The six Officers shall each serve for one year. The Area Representatives shall serve for two years: the representatives for Areas One, Three and Five to be elected in even-numbered years, the representatives for Areas Two, Four and Six to be elected in odd-numbered years. All Directors shall serve from January 1 following their election to the December 31 that ends their period of office.

**Section 4: Nominating Candidates for Election to the Board of Directors**

The Nominating Committee shall consist of the six Area Representatives. At the July regular meeting of the Board, the President shall direct the Nominating Committee to recruit Lagoon Point lot owners to stand for election to the Board later that year. A call for volunteers to run for office shall be published in the newsletter following the July meeting. The Nominating Committee shall verify that each nominated person is eligible and willing to run for the office in question.

At the annual meeting of the membership the Nominating Committee shall present to the Board its recommended nominations for candidates to stand for election. The President shall at that time invite additional nominations from the floor. The Board of Directors shall confirm that each nominee is eligible and willing to run for the office in question. All nominated eligible candidates shall be included on the ballot.

The subsequent newsletter shall carry an announcement of the upcoming election, a description of the voting process, a roster of the candidates, and a brief statement by each candidate.

**Section 5: Voting and Assuming Office**

The Board of Directors at its October regular meeting shall set a November election date. Voting for Board candidates shall be conducted by mail-in ballot as provided for in Article I, Section 2, of these bylaws.

Election results shall be announced at the December regular Board meeting and in the subsequent newsletter. Newly elected officers and Area Representatives shall take office on January 1 of the next year. Original ballots shall be retained for three years.

**Section 6: Removal of Directors**

A Director shall resign or be removed from office if they no longer own property in the plat of Lagoon Point or if they become delinquent in their LPIC fees, assessments or penalties. An Area Representative shall resign or be removed from office if they no longer own property in the Area they represent.

**Section 7: Filling Board Vacancies**

If a Board position becomes vacant, a majority of the remaining Directors may appoint a person to fill the vacant position until the term expires.

**Amendments to Article V (Meetings)**

**Section 1:**

There shall be a single annual meeting of LPIC held in late August or early September at such time as determined by the President and/or Board of Directors. Notices for this meeting shall be given at least 30 days prior to the date.

## Division 2-3-4 lot owners take note: Meeting to revise covenants *by Andy Messer*

A second meeting is planned for all Division 2, 3 and 4 lot owners at the Greenbank clubhouse at 10:00 AM, Saturday, February 26<sup>th</sup> to review the draft covenant revisions to date, in preparation for mailing out the final version for vote. Additional information will be provided prior to the meeting. The current covenants remain in effect until July 14, 2005. The covenant revision process needs to be completed by May 2005.

If you have questions, suggestions or if you would like to participate in working-group meetings prior to the February 26 meeting, please contact your Area Representative:

Area 5 (Division 2) Tom Heerhartz 360-678-7787  
Area 6 (Divisions 3 and 4) Janet Bondelid 360-222-3182

## Volunteer as chair for the St Pat's Day party

Wanna party? Saturday March 19 (early evening). Yes, but we need someone to organize it. Even easier if two people take this on together. So, how about taking this on together with your neighbor. Ask them. Beats watching television. And remember: No Chair, No Party.

## BULLETIN BOARD *Ads will run twice unless otherwise arranged.*

*To add your ad or delete it, e-mail: [lpic@whidbey.net](mailto:lpic@whidbey.net) or call 678-1425*

- Missing person: One Area Two representative for the Board. Once-in-a-lifetime opportunity, no sales experience necessary. Contact your LPIC President, Linda Armstrong: [lindaarms@earthlink.net](mailto:lindaarms@earthlink.net) or 678-1425
- **LP HERON** Hooded & regular Sweatshirts, T's! Any size and color, they Benefit "Neighbors Helping Neighbors", our own voluntary LP help organization. Call Margo Lane 360-222-3209
- Need sewing done? Experienced seamstress. Many baby afghans, a few baby quilts made up, can take orders, great handmade gifts for a shower. Call Monica Vierra 678-6310
- Hi, my name is Maddy Ess and I would like to walk or take care of your pets for you. My rates negotiable & reasonable. 678-2913.
- Need anything done around the house? Odds and ends, babysitting, yard work?! Please contact me, Elena Caldwell, I would love to help you out! Rates are reasonable. 678-9332
- Dock space For RENT (Lot #37 Steelhead Drive) Call Marv Earl 253-631-0750 (2<sup>nd</sup> x)
- For sale: 1997 Pontiac Sunfire SE Sedan 4D (AC/cruise/tilt wheel/power door locks/am-fm-cassette), 78000 miles, runs great and looks sharp, \$2000. Call Gary 360-678-1952 (2<sup>nd</sup> x)
- For Sale: 1993 Grady White Fishing Boat, 20' 4", Beam 8' 1", Yamaha 175hp outboard, Galvanized Tandem axel trailer, loaded with extras, \$24,000.00 Call Rosalyn Williams (206) 365-2873 or Keith Williams (206) 605-0200 (2<sup>nd</sup> x)
- Lost: Two salmon fishing poles on Smugglers Cove Road 9/19/04. Reward, please call Ray 360 321-1624. (2<sup>nd</sup> x)
- Furnished 2-bedroom/2bath home on Steelhead Drive. 52' dock space. Available Nov. 1 through May 2005. \$1500 per month. Please call Hal Thorsvig at 206 232-5298. (2<sup>nd</sup> x)

## Watch your speed



The speed limit throughout Lagoon Point is 20  
enforced 24 / 7

**neighbors are watching you !**

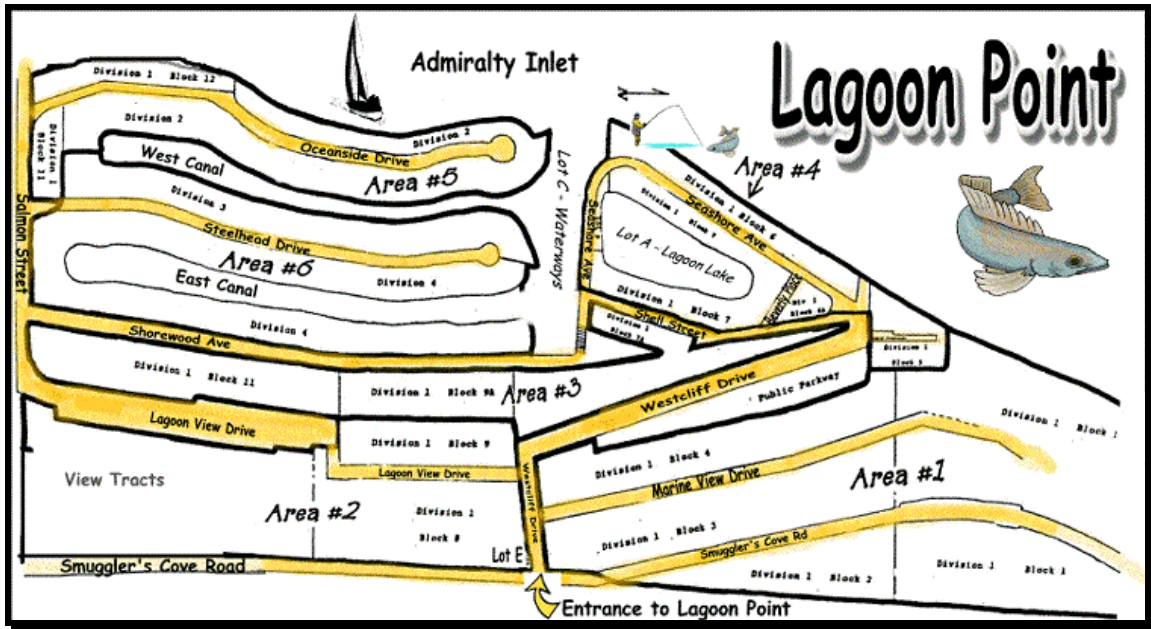
**20 MPH is really S L O W.....** Relax. Slow down. Be your neighbors and enjoy the pace of the island. Please friends, relatives, visitors, and your contractors in a hurry.

Fine Schedule for Speeding
1-5 mph \$91
6-10 mph \$101
11-15 mph \$132

**MPH – radar  
Your**

considerate of  
caution your

**Note:** The monthly Newsletter is not currently distributed by e-mail (under discussion). Back issues are posted on our website: [www.lagoonpoint.com](http://www.lagoonpoint.com), under Newsletter.



**Contact your 2005 Area Representative:**

- |        |                |              |              |
|--------|----------------|--------------|--------------|
| Area 1 | Bob Vierra     | 360-678-6310 |              |
| Area 2 | (vacant)       |              |              |
| Area 3 | Roy Blackwell  | 425-347-9312 |              |
| Area 4 | Mike Stevens   | 206-542-7139 | 360-678-3689 |
| Area 5 | Tom Heerhartz  | 360-678-7787 |              |
| Area 6 | Janet Bondelid | 360-222-3182 |              |

LAGOON POINT IMPROVEMENT CLUB  
P.O. Box 123  
GREENBANK, WA 98253  
RETURN SERVICE REQUESTED

U.S. Postage  
Greenbank,  
98253  
Permit 1



The Speed Limit Throughout  
Lagoon Point is



Thank You for Your  
Cooperation

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Or send us your comments by e-mail ([LPIC@whidbey.net](mailto:LPIC@whidbey.net)) or by regular mail (LPIC, PO Box 123, Greenbank WA 98253) or by phone to the president, Linda Armstrong (360-678-1425). We'll read every one.