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04/18/2013 11:25 AM RESOL
LAKE CUSHMAN MAINTENANCE #63424 Rec Fee: \$74.00 Pages: 3



After Recording Return To:
Lake Cushman Maintenance Co.
3740 N. Lake Cushman Road
Hoodsport, WA 98548

Document Title:

Lake Cushman Maintenance Co. Board of Directors Resolution No. 07-12 Adopted by the Lake Cushman Maintenance Co. Board of Directors at the October 13, 2012 Board Meeting, and amended at the October 25, 2012 Board Meeting.

Purpose: Firearms Resolution

Grantor:

Lake Cushman Maintenance Co.

Grantees:

Public

Legal Description:

Lake Cushman Div. 1, Lot 1 Additional Legal Descriptions on Page 2

Parcel Number:

42329-50-00001 Additional Parcel Numbers on Page 2



LAKE CUSHMAN MAINTENANCE COMPANY

Lessees Organization For The Lake Cushman Development

3740 N Lake Cushman Road, Hoodspport, WA 98548-9711

(360) 877-5233 FAX: (360) 877- 6713

TOLL FREE: 1-888-777-6443

Resolution 07-12

Firearms

WHEREAS, the Articles of Incorporation of the Lake Cushman Maintenance Company (LCMC) provide for the exercise of powers of control, interpretation, amendment, cancellation, annulment and/or enforcement of covenants, reservations, restrictions, liens, and charges imposed upon said property; and

WHEREAS, the LCMC Bylaws vest LCMC with the authority to, among other things, make such rules and regulations not inconsistent with law, the Articles of Incorporation and Bylaws, as the LCMC Board of Directors deems appropriate; and

WHEREAS the LCMC Board finds that the possession and use of firearms and other dangerous weapons within the platted development of Lake Cushman, where such firearms and other dangerous weapons are capable of producing harm to humans, domestic animals or property and are possessed or utilized in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate others or that warrants alarm for the safety of other persons, animals or property, poses substantial risk to the life, safety and welfare of LCMC residents and other third parties and property within the platted development; and

WHEREAS the Washington State Code defines "firearm" as a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder (RCW 9.41.010); and

WHEREAS various sections of the Washington State Code further identify "dangerous weapons" as including firearms, sling shots, sand clubs, metal knuckles, various knives, daggers and other cutting or stabbing instruments, dirks, pistols and spring pistols, nun-chu-ka sticks, throwing stars, and air guns (including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas);

NOW, THEREFORE BE IT RESOLVED that in the interpretation of any LCMC governing instrument or regulatory provision pertaining to "firearms," that term shall be interpreted to include all firearms and dangerous weapons, including but not limited to those specified above, where such firearm or dangerous weapon is capable of producing harm to humans, domestic animals or property and is possessed or utilized in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate others or that warrants alarm for the safety of other persons, animals or property.

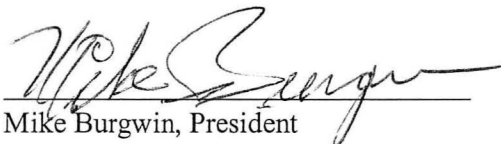
BE IT FURTHER RESOLVED that violation of any LCMC governing instrument or regulatory provision pertaining to firearms as that term is defined herein, shall be defined as a major violation punishable by a fine amount not to exceed \$1,000.00 and enforced in accordance with LCMC Policies and Procedures as existing or hereafter amended.

BE IT FURTHER RESOLVED that in no instance shall any LCMC governing instrument or regulatory provision pertaining to "firearms" be administered in a manner contrary to the right of the individual guaranteed by Article 1, section 24 of the state Constitution to bear arms in defense of self or others; nor shall any LCMC governing instrument or regulatory provision pertaining to "firearms" be applied to marshals, sheriffs, prison or jail wardens or their deputies, correctional personnel and community corrections officers as long as they are employed as such, have completed government-sponsored training and certification, and are acting in their employment capacity; or other duly authorized government employees acting in their employment capacity.

WASHINGTON CONSTITUTION - SECTION 24 - RIGHT TO BEAR ARMS. *The right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men.*

Passed on October 13, 2012 and amended October 25, 2012

Attest:


Mike Burgwin, President


Sandra Eaton, Secretary



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MINUTES

Board of Directors Meeting

October 25, 2012, 9:00 a.m.

Director's Board Room

President Mike Burgwin called the meeting to order at 9:00 a.m. in the LCMC Board Room. Present were Mike Burgwin, Dave Curley, Sandra Eaton, Dave Shelley, Tracy DeLeo and Harvey Schulz. Doug Whitby, John Dienes and Eugene McKenna were excused. There were members of the LCMC Finance Committee present, and two community members were signed in.

Approval of Minutes, Sandra Eaton

Several corrections need to be made to the October 13, 2012 Board Meeting Minutes. They will be corrected and presented for approval at the November board meeting.

Board and Committee Reports

Finance Committee, Dave Shelley

The LCMC Managers and Finance Committee members were present to go over the Budget Process Goal Milestone Report. Dave explained that these folks had worked together to come to this point in the budget process. The objective of this report was to review the results of the goal setting part of the process and to gain alignment and approval for the direction that the Finance Committee was going with the 2013 goals. Dave presented the spreadsheets for each department showing five-year plans that the managers had put together, and the specific goals for 2013. The committee produced an "A" list and a "B" list of projects, which were discussed by those present. The "A" list contained items that the managers and committee felt were priority. The "B" list contained items that would be considered if the budget covered the "A" list. There was a discussion about employee salary performance increases and/or COLA increases. Tracy made a motion to look at the salary ranges and compare them to similar position within the County vs. a COLA. Harvey Schulz seconded the motion. The motion carried unanimously with 6 yes votes. The board had the opportunity to make suggested changes to the priority of proposed budget items. There was discussion about moving some of the projects into this year to get them done now. There was a discussion about purchasing the Buffalo Blower. This will be put in the budget. Dave explained that the next step was for the Finance Committee to put figures on the "A" list items. Dave commented that one effective way to fund capital improvements was borrowing from the savings, such as was done for the parks this year. Possibly if needed, they could remove some of the items from the "A" list and as a last resort, talk about raising fees. There was a discussion about the possibility of raising user fees. Dave Curley made a motion that the Finance Committee proceed in the direction that Dave Shelley proposed. Tracy DeLeo seconded the motion. The motion carried unanimously with 6 yes votes.

Secretary's Report, Sandra Eaton

Sandy reported that the Spring Newsletter would go to the printer that day.

Personnel Committee Report, Dave Curley

Dave reported that he was open to input on the Draft General Manager Class Description the Personnel Committee had submitted to the board.

Dave Curley made a motion to approve the Parks Maint. Lead Worker Classification Description. Dave Shelley seconded the motion. The motion carried unanimously with 6 yes votes.

Dave reported that he had done some research on the tasks that the employee who picks up balls on the driving range does. The Class Description for driving range employee was being developed by the Personnel Committee.

General Business**Golf Course Retail Operations Manager, Mike Burgwin**

Tabled until the next meeting.

PrimeVest Corporate Resolution for Ing Annuity, Dave Shelley

Dave explained that this is documentation required for an annuity that was purchased by LCMC last April. Dave Curley was not comfortable with the document that would give any one officer the authorization to buy and sell securities. Julie was asked to contact West Coast Bank to ask what would happen if LCMC refused to sign the resolution. After contacting Kurt Chase at West Coast Bank, and speaking to Edward Jones office, Julie reported that this policy was already in place at Edward Jones, and gave the same kind of authority there. Kurt Chase offered to come to a meeting with the board to discuss this. Julie explained that more than one person may be listed on the form. If nobody signs the form, there is nobody authorized to do anything on the account. The LCMC attorney had advised that the board draw up an investment policy. Dave Shelley will draft an Investment Resolution to be considered at the next board meeting. The Prime Vest resolution will be addressed after that.

Park Citation Appeals, Betty Woodall – Security Manager

Mortimore Park Citation Appeal: Betty explained that the lot owner used an expired boat pass for a vehicle pass. There was no attempt by the lot owner to contact Security throughout the weekend. Westside Security is able to issue guest passes. After reviewing the circumstances, her recommendation was to uphold the fine. Mike Burgwin made a motion that the fine be upheld. The motion was seconded and carried unanimously with 6 yes votes.

Stolzman Park Citation Appeal: Betty explained that the ticket was issued because the member would not adhere the decal to the vehicle. He wrote a letter stating that he did not want to put the decal on and asking LCMC to modify their standards. Betty's recommendation was to uphold the fine. Sandra Eaton made a motion that the fine be upheld. Harvey Schulz seconded the motion. The motion carried unanimously with 6 yes votes.

Firearms Resolution Enforcement Procedure/ Fine, Mike Burgwin

Mike recommended that Security be the enforcing department for the Firearms Resolution. Russ Sage, Control Committee Chairman, explained that he had originally recommended up to a \$4,000 fine based on the Control Committee policies. He felt it made more sense to have the fine be the same as the Fireworks Resolution, \$1,000. Dave Curley made a motion that the Firearms Resolution be amended to state "a fine of \$1,000" instead of "a fine of up to \$4,000." Dave Shelley seconded the motion. The motion carried unanimously with 6 yes votes.

Too Late For Agenda

Kokanee Gazebo

Mike reported that there are issues at Lake Kokanee regarding parking and TPU construction. The LCMC managers were recommending that a moratorium be placed on gazebo reservations at Kokanee due to parking problems and possible construction. Dave Curley made a motion that a notice be placed on the counter in the office stating that reservations for the Lake Kokanee gazebo be held to 9 guests. Tracy DeLeo seconded the motion. The motion carried unanimously with 6 yes votes.

Green Belt Requests for Action

Mike Burgwin reported that he had received a letter from Russ Sage, recommending that all Green Belt requests for action go directly to the Operations Manager, Randy Bruff, and not through the Control Committee. Tracy DeLeo made a motion to accept Russ's recommendation. Dave Curley seconded the motion. The motion carried unanimously with 6 yes votes.

Control Committee Board Representative

Harvey Schulz volunteered to be on the Control Committee. Dave Shelley made a motion to appoint Harvey Schulz to the Control Committee. Dave Curley seconded the motion. The motion carried unanimously with 6 yes votes.

Executive Session, Personnel Matters

The board took a 10 minutes break at 10:00 then went in to executive session.

The board reconvened the regular open meeting at 11:54 a.m.

Dave Curley made a motion that the board approves the November 17 letter to Casey Lewis with the changes that they agreed to. Dave Shelley seconded the motion. The motion carried unanimously with 6 yes votes.

Dave Curley made a motion to approve the settlement agreement and release drafted by Kristin French, with the addition of the statement that the LCMC Board had approved the document on 10/25/12. Harvey Schulz seconded the motion. The motion carried unanimously with 6 yes votes.

Dave Shelley made a motion to increase Julie McGrady's salary by \$1.50 per hour while she is interim manager of the Pro Shop, retroactive from the date she was appointed interim manager. Tracy DeLeo seconded the motion. The motion carried unanimously with 6 yes votes.

Adjourn

Tracy DeLeo made a motion to adjourn the meeting at 12:04 p.m. Dave Shelley seconded the motion. The motion carried unanimously with 6 yes votes.

Future Meetings

November 10, 2012 Regular Board Meeting 9:00 a.m.

Approved at the November 10, 2012 Board meeting.

Attest:

Sandra Eaton, Secretary

Date



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MINUTES
Board of Directors Meeting
October 13, 2012, 9:00 a.m.
Director's Board Room

President Mike Burgwin called the meeting to order at 9:00 a.m. in the LCMC Board Room. Present were Mike Burgwin, Dave Curley, Sandra Eaton, Dave Shelley, Tracy DeLeo, Doug Whitby and John Dienes. Eugene McKenna and Harvey Schulz were excused. There were 12 community members signed in.

Approval of Minutes, Sandra Eaton

Doug Whitby made a motion to approve the September 27, 2012 Board Meeting Minutes. Dave Shelley seconded the motion. The motion carried unanimously with 7 yes votes.

Board and Committee Reports

Treasurer's Report, Dave Shelley

Dave Shelley gave the Treasurer's Report. The complete report is available at the LCMC Office and will be posted on the LCMC Website. Harvey Schulz has withdrawn from the Finance Committee due to family matters. John Dienes made a motion to accept Harvey's resignation from the Finance Committee. Mike Burgwin seconded the motion. The motion carried unanimously with 7 yes votes. John Dienes made a motion to approve the Treasurer's Report. Tracy DeLeo seconded the motion. The motion carried unanimously with 7 yes votes.

Secretary's Report, Sandra Eaton

Sandy reported that the deadline for articles for the Fall LCMC Newsletter was 10/12/12 – so everyone should have their articles in. Bob Grandaw has sold a record number of ads for the newsletter. Doug Whitby made a motion to approve the Secretary's Report. Mike Burgwin seconded the motion. The motion carried unanimously with 7 yes votes.

Control Committee Report, Tracy DeLeo

Tracy reported that since the last report on September 8th, 2012, the Control Committee had taken the following action: Three Building permits were issued, 10 Tree-Cutting permits were issued and the committee was working on 8 open violation cases. No cases had been closed since the last report. Dave Shelley made a motion to approve the Control Committee report. Tracy DeLeo seconded the motion. The motion carried unanimously with 7 yes votes.

Personnel Committee Report, Dave Curley

Dave reported that the committee had put together a short article for the website, informing the community that the board was looking in to the possibility of a General Manager, and asking for public input. The committee should have the draft classification description for the General Manager to the board early the following week. Dave asked the Board's permission for the committee to start working on a contract for the GM. The contract would be intended to fully describe everything that the board would expect of the individual in terms of how they would relate to the company. There was discussion as to whether this person would be a contractor or employee.

The other classification description that the committee was working on was a Parks Maintenance Lead Worker. There was currently an employee working under this classification. When the committee made the Maintenance Worker classification a "one size fits all" this lead position was not considered. There is also an employee who picks up golf balls for the golf course and has no classification description. Dave asked the board to consider whether this should have a classification description or whether it should be treated as a job specific task. Dave hopes to address these three items at the next board meeting. The next Personnel Committee meeting is scheduled for November 1, 2012 at 9:30 a.m. Tracy DeLeo made a motion to approve the Personnel Committee report. John Dienes seconded the motion. The motion carried unanimously with 7 yes votes.

Parks Committee Report, Bruce MacDonald

Bruce reported that for the most part, it was a pretty good summer. The parks were full, but unlike years past, they were full of the right people. The Park Hosts and Security did an excellent job keeping people out of the parks that didn't have the proper passes. The office issued 2,886 regular decals, 202 Westside decals, 702 regular boat decals, 77 westside boat decals, 512 Annual Passes, 44 Westside Annual Passes, 423 3-day guest passes, 388 3-day boat launch passes. There were 246 citations issued, of these, 28 were fined. As of September 25th, there was over \$33,000 collected from park fees, which goes toward the new dock in Division 9 Park and the piling replacement in Divisions 1 and 3 Parks. The committee met last month, looking at manager's reports, reports from Park Hosts and Requests for Action. The committee has some suggested changes for the Parks Policy. They are also discussing some procedural changes. Sandy made a motion to accept the Parks Report. Dave Shelley seconded the motion. The motion carried unanimously with 7 yes votes.

Parks Committee Resolution, Mike Burgwin

The revised Parks Committee Resolution states that there will be a minimum of 2 board members and a maximum of 3. The term "member advisory group" committee will be removed, as this is a board committee. The requirement for a certain number of members from each district will be dropped. Dave Shelley made a motion to approve the Parks Advisory Report. Dave Curley seconded the motion. The motion carried unanimously with 7 yes votes.

Pro Shop Committee Report, Tracy DeLeo

Tracy reported that the committee had been formed in April of 2012 and had been meeting weekly for the past six months. Tracy presented the board with the proposed business plan for the pro shop, which they consider to be a working document. Tracy explained that the goals and objectives of the committee were to bring in more public resources to the course and to break even in profitability, to consolidate golf course accountability, define marketing opportunities and enhance a friendly golf environment. Tracy reported that the deficit that the golf course has been operating under is escalating every year, and has increased 49% between 2006 and 2011. Pro Shop expenses had increased 2.7%, and golf course maintenance expenses increased 25%, while revenue only rose 1.1%. The committee did a rate comparison with other comparable courses. LCMC fees fell below the others.

Dave Shelley reported that he reviewed the reports generated directly from the point of sale system for 2011 and to date for 2012. Dave presented several graphs, one of which showed types of rounds played. This graph showed that less than 10% of the golf rounds was public play, and that 61% of rounds played were played by purchasers of Annual Memberships in 2011. The average price that those Annual Members paid was 5.05 per round, and they account for 30% of all revenue. The driving range and cart rentals make money, but only about 7% of the revenue.

Tracy reported that the conclusion of the committee was that LCMC needs to hire either a general manager or a golf course manager to implement the business plan. They also recommend signage

on Hwy 101 and 119 to increase public awareness of the course, and doing newspaper ads in the Journal with coupons, giving out flyers at local stores and real estate offices, and running special coupons on the golf course website. They would add a golf Marshall, beverage cart, and more employee training and consolidation of staff. They suggest eliminating couples pricing and revising the fee structure by possibly eliminating annual memberships and substituting punch cards and looking at bundling products. They suggest implementing a 10-year plan for maintaining and improving the course.

Harv Gadberry reported Lake Cushman was one of only two driving ranges in Mason County, the other being Salish Cliffs. There is no irrigation on our driving range, and about two-thirds of it is unusable during the summer months. The committee suggested adding a sprinkler system, removing the existing bunker and relocating it, adding a chipping green. Harv commented that some people don't like hitting off mats. The estimated cost was about \$6,000 if it were done by an outside contractor. With the LCMC crew doing a lot of the work, we could save about half of that. The committee wanted to promote the driving range and that fact that we have golf carts available. Dave Shelley made a motion to approve the Pro Shop Advisory Committee report. Dave Shelley seconded the motion. The motion carried unanimously with 7 yes votes. The board thanked the committee for their excellent work.

With the committee's task being complete for now, Mike Burgwin asked the Board to dissolve the Pro Shop Committee. Dave Curley made a motion to dissolve the Pro Shop Committee. Doug Whitby seconded the motion. The motion carried unanimously with 7 yes votes.

General Business

Firearms Resolution, Mike Burgwin

Dave Shelley made a motion to approve the Firearms Resolution. Tracy DeLeo seconded the motion. The motion carried with 6 yes votes. Doug Whitby abstained. The resolution will be published in the Fall Newsletter in summary form.

PrimeVest Corporate Resolution, Mike Burgwin

Will be Resolution 05-12 – Authorizing individuals to act on behalf of LCMC. Tabled until the next meeting.

Manager Orientation, Mike Burgwin

Mike reported that Julie had suggested an orientation for new managers.

Liability Waiver/Hold Harmless, Mike Burgwin

Dave Shelley made a motion to approve the use of the Lake Cushman Maintenance Company Volunteer Release and Waiver of Liability dated 2012. John Dienes seconded the motion. The motion carried unanimously with 7 yes votes.

Mortimore Appeal

The fine had been paid; however, Mr. Mortimore was asking to be reimbursed due to the circumstances he explained. Tracy pointed out that his property is not accessible by any road, in which case he is eligible for two free three-day passes. The board will have Security Manager Betty Woodall review the appeal. A copy will go to the Parks Committee.

Public Comments

Betty Widing stated that LCMC can do donations, so she felt that LCMC could donate to Firewise for the lighted sign. Bill Sostrich of Firewise spoke briefly about the sign project, explaining that they had a Civil Engineer helping them to comply with the state. They were now requesting \$1,000, down from the original \$1,500, from LCMC toward the sign. Dave Shelley stated that the funds were available. Bill explained that the sign was just amber not full

color. Doug Whitby made a motion to approve a donation of \$1,000 to Firewise to be used in the purchase of the lighted sign. Dave stated that if he voted for this, it would be with the understanding that there was going to be a procedure developed that defines what LCMC's rights are to put information on the sign, and how we go about doing it. Bill Sostrich committed to providing that. Dave Curley seconded the motion. The motion carried with 6 yes votes. Dave Shelley voted no.

Casey Lewis asked when the Pro Shop Manager job would be posted. Mike responded that the board is working on a job classification, and when it is complete, everyone will be notified. Casey also asked if she could expect a response on her email. Mike responded that she would get a response.

Karla Toellner brought up a fine she received for not adhering her sticker to her vehicle. She had appealed, but the appeal was rejected. Dave Shelley commented that the purpose of the policies is not to collect money, but to correct a particular type of behavior. He felt that this was achieved in this instance. Dave Shelley made a motion to rescind the Toellner's \$50 fine because they have put in place a permanent solution to the problem. John Dienes seconded the motion. The motion carried with 6 yes votes. Doug Whitby abstained.

Casey Lewis asked where the money would be coming from to make the improvements on the golf course. Mike explained that these were just suggestions, and if any of the suggestions were acted on, they would have to be budgeted for. The board will make any final decisions on pricing on the golf course.

Bob Grandaw reported that it had been suggested to him that a Frisbee golf facility be put in at the Division 10 ball park. Sandy Eaton explained that it was her brother that had made that suggestion, and he was willing to donate the equipment for this.

Chuck Bevens made a request to have the ball park in Division 10 gated. Mike Burgwin will discuss this with Randy Bruff.

At 10:40 a.m., John Dienes made a motion to adjourn open session and take a break. Dave Shelley seconded the motion. The motion carried unanimously with 7 yes votes.

Executive Session, Personnel Matters

The board returned from break at 10:58 and Dave Curley made a motion to go in to executive session. Dave Shelley seconded the motion. The motion carried unanimously with 7 yes votes.

The board returned to open session at 12:07 p.m. Tracy DeLeo made a motion to go back in to executive session at 12:08 to discuss an issue that had been forgotten. The board returned to open session at 12:13.

Doug Whitby made a motion to adjourn at 12:13. Dave Shelley seconded the motion. The motion carried unanimously with 7 yes votes.

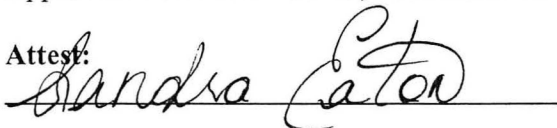
Future Meetings

October 25, 2012 Regular Board Meeting

November 10, 2012 Regular Board Meeting

Approved at the November 10, 2012 Board meeting.

Attest:



Sandra Eaton, Secretary

Date