

Dauphin Island



PROPERTY OWNERS ASSOCIATION

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February/March 2011 Newsletter

Spring has sprung!!...or at least it seems very close to springing. After a spell of inhospitable weather we have had some very pleasant days which have prompted folks to work in their yards, clean up their boats, ride bikes, and play golf. The GulfView Grill is now open and is off to a brisk start—thanks to all who have come in and dined. Pool repairs are nearing completion and we remain on schedule to have the pool and Tiki Bar open for Spring Break. The pool pricing details are included below.

Our financial situation continues to be a major concern. Our approved budget projects a loss for the year, and while the receipt of a significant claims payment for loss of revenue due to the oil crisis and improving operational income have resulted in our being ahead of budget through January, we will still very likely end the fiscal year at a loss. We are pursuing an additional claim for revenue loss and we're hopeful that we will receive additional relief from that source. The board adopted an Expenditure Approval Procedure that will enable us to better manage the expanded scope of POA activities (this procedure will be posted for your review on our website). Golf play has been robust and participation in our recent tournament was encouraging.

There is much interest and many questions regarding the possibility of an AFRC (Armed Forces Recreational Center) or a variation thereof, being located on the island. The Town, POA, Park and Beach Board, and Sewer and Water Authority co-signed a letter in support of this potential development. This letter has been posted on the DIPOA Online Forum and will be posted on the POA website. At this point there is no additional news regarding this potential development but we will share such news when available.

The board decided at the February meeting to offer two constitutional amendments and a question for member input, for vote as part of the upcoming election. The exact wording of these proposals has been posted on the website and the DIPOA Online Discussion Forum. I will include a brief description and explanation of each below.

And finally, each of you should have received an email recently announcing the upcoming election of members of the board of directors, and explaining how to "throw your hat in the ring". Further, we will be using our new membership list and updating system for the first time and included in its inauguration will be a process for correcting any inaccurate or missing information. I will comment further on this important election below.

DIPOA Online Discussion Forum. I'm covering this topic first because I hope all members will join the forum and participate in the discussions therein. Each of you should have received an email describing the forum and offering detailed instruction about how to join. I will not reprint all of that, but will include the following instructions.

To join the forum, follow these steps:

- First, we need to verify your property ownership status. Send an email to this email address: forum@dipoa.org, and provide your name, island property address, mailing address (if different from your island address), email address, and preferably also a phone number. Again, the purpose for this step is two-fold – to verify that you are an island property owner and to update our membership database.
- Once your property ownership claim has been verified (via tax rolls or other sources), you will receive a reply from the forum email address (forum@dipoa.org), stating that you are now approved to sign up on the forum.
- Once you receive that email confirmation from us, go to this website: <http://dipoa.proboards.com>
- Click the “Register” link in the main menu bar of the forum, at the top of any screen. Fill out information in the web form and submit. You may use any user name you wish, as long as it is not already taken by another forum member.
- Check your email for a message from Proboards.com, sending you an activation code. Hang on to this code until you receive a notice that the forum moderator has approved your account.
- Then follow the instructions in the email from Proboards for using that activation code to open your account on the forum.

Thanks to member volunteer Laura Martin who put all of this together and is serving as moderator..

Utility Easement Amendment . This change would allow the POA board to approve a utility easement on any POA property without a membership vote. The amendment reflects the thinking that to require a membership vote for an easement is costly, is administratively burdensome, and would require too much time to accomplish--hence the proposal. The amendment does require a "super majority" of the board (at least seven yes votes), in recognition that any land transaction--even easements--should clear a higher hurdle. The exact language of this amendment--and that of the other items-- is posted on the POA website.

Amendment Requiring Dues Payment as a Condition of Membership. The fundamental change is to make dues payment a condition of membership, i.e. all property owners would no longer automatically be members of the POA--as is presently the case-- but would choose whether to be a member or just be a property owner but not a POA member. Those choosing to be POA members would be required to pay dues. There are a few other changes in the way eligibility for membership is derived--these done to simplify the existing language, and to make all the parts conform. There is a new provision which allows an entity to name up to four members if such entity owns that many or more parcels--and it lets groups of individuals name as many members as they have properties--e.g. If Mike, Joe, Sam, and Betty own four properties together, each is eligible for membership "tied" to a specific property. But if that group owns only three properties then one of the group would not be eligible.

This is all a bit complicated--but not as much as present--and it won't really change things much. The big change is the dues requirement as a condition of membership. Other changes include adjusting quorums from set numbers to percentages--this done in anticipation of fewer total members. And there are new provisions for setting and collecting dues--one being a cap on annual dues of \$250.

There are lots of different opinions about how members will vote, and --if this passes--how it will affect the total number of members and the total amount of dues received. It's hard to say re. either, but keep in mind that of the 2800 plus members we have maybe as many as 1000 pay dues in a good year and we typically have maybe 500-600 who vote in regular elections. One effect that this change would likely have is to create a smaller, more focused group of members who are interested and want to be involved--and can thereby be more effective.

Removal of the "members only" Deed Restriction. The common property owned and operated by the POA was originally deeded to the POA by the Mobile Chamber of Commerce in 1953. The Deed which conveyed the property to the POA contained language that the property was to be kept and maintained forever as a recreational area for the exclusive use and enjoyment of those persons who shall be and remain members of the POA. As most are aware, the facilities were operated as a "members only" club for many years, but this was changed in the aftermath of Hurricane Frederic when the facilities were opened to the public. A majority of the Board believes that it is in the best interest of the POA to remove or eliminate the enforceability of this language for two reasons—to adjust our governing document to conform to our current reality; and to remove or have declared unenforceable what could be a barrier to receiving public or quasi-public funding/investment for improvements to our property. The removal of the restriction could possibly be accomplished by several means, e.g. a revised deed, a "friendly" lawsuit seeking judicial declaration, etc., however, prior to incurring the legal expense for determining exactly how to accomplish it, the board wishes to have a vote of the members indicating support or opposition to the initiative.

New Pool Pricing and Details of New POA Offerings.

NON POA MEMBERS:

Summer Family Pass \$275.00
Adults \$6.00 per day unlimited
Children 12 and under \$4.00 day unlimited
Weekly family pass \$75.00 unlimited

DUES PAYING POA MEMBERS:

Summer Family Pass \$225.00
Member and Guest of dues paying POA member:
Adults \$4.00 per day unlimited
Children 12 and under \$2.00 per day unlimited.
Weekly family passes for dues paying POA members \$60.00 unlimited

DUES PAYING POA MEMBER

Annual golf, pool and beach \$450.00

Family pass includes members of the immediate household.

Upcoming Election for Board Members and Amendments. It's time for any and all candidates for the board to declare. As in the past, the election results will be announced at the annual meeting to be held at the Isle Dauphine Club, Saturday, May 14, at 11:00. This year we will elect four (4) directors—three (3) for three (3) year terms, and one (1) for a one year term. Each voter will have four (4) votes—the top three (3) will fill the three (3) year terms and the fourth will fill the one year term. Some of the incumbents will likely run for reelection and others may not. But in any case we need a robust slate of candidates so now is the time to get involved and help make a difference.

The process for becoming a candidate is as follows: Send the POA a statement of your desire to run, by email, fax, US mail, or hand delivery. The statement should include a short (a max of about 200 words) description of who you are and normally an explanation of why you consider yourself a good candidate, what issues you consider important, etc. It is not uncommon for candidates to send out additional mailings as the campaign progresses, to better explain positions, answer questions, etc. Candidates are encouraged to include email addresses so that they may be contacted by voters. **Statements must be received no later than 5:00 PM on Friday, March 25, 2011,** but I encourage you go ahead now and not wait.

The election materials will be mailed in late March/early April and will include a proxy, details of the amendments and question re. the deed restriction, information about the board candidates, and the ballot. Voting will be in person at the annual meeting or by written proxy in advance, but we encourage everyone to vote by mailed-in proxy so as to streamline the vote counting and enable the results to be announced promptly. We are considering using an outside party to receive, certify, count, and record the votes. We also plan to continue the use of a secret ballot so as to ensure that the votes of individual members will remain private.

Another detail. Our Constitution states that amendments are passed by a majority of those voting, but the state law that we're governed by requires a 2/3 majority for amendments. So these proposed amendments will require at least a 2/3 majority to pass.

Conversion to New Database. We are in the process of converting to a new database for our membership. This process has required us to merge our list with the list provided by the Tax Assessor. It is very important that we get your information correct. Your information for the next election will show all of the data that we have on your property. Please review this information carefully, and correct any part that is not accurate. We are particularly interested in correcting and expanding our email list as this is the fastest and lowest cost method of communication. The updated database will be very helpful to us in the future but it will take a lot of effort to get it right. We appreciate your patience during the transition!

Next Meetings. The next meeting of the POA board will be **Saturday, March 19, at 9:00AM**, at the Isle Dauphine clubhouse. First, note that this is a change in starting time from our normal 11:00 AM start on Saturdays. This is being done to see how the new time works, and to allow time for a special informational session to discuss the amendments following the routine board business. Other meetings for the year are scheduled at the clubhouse as follows:
Apr 20, 2011 (Wed) 6:00 PM
May 14, 2011 (Sat) 11:00 AM (Annual Meeting)

Bruce Jones
POA President