



February 2014

Editor: Ken Hoover

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Commodore's Log

Committees To Study Fleet Upgrades

By **Michael Delaney**
Commodore

When I took the Commodore's position in the fall, I formed two committees, the Marina del Rey Committee and the Channel Islands Harbor Committee. This was a continuation of the committee structure used by Richard Windebank for the past two years. I asked Richard to chair the MDR Committee, and I chaired the CIH Committee.

I think the committees are good in that they address local issues. The MDR and CIH committees report to the Commodore with recommendations for Board consideration. I asked each committee to develop a five-year plan. The five-year plan would provide a guideline for membership levels and fleet upgrades or expansion. CIH developed a five-year plan in 2008 that led to the expansion of the CIH group from three boats to the current 16 and membership from a handful to 220.

Both the MDR Committee and the CIH Committee started the process with surveys of the local membership. Each committee developed their own surveys as there are no club guidelines for developing a five-year plan. The initial MDR survey was contentious due to the questions and specifically those addressing Happy Ours.

The Committee Chair then proposed position papers for and against retaining Happy Ours to be followed by a second survey. This survey, which asked if Happy Ours should be retained or not, was identified as binding. This was not proper as the committee can only make recommendations to the Board. It was also perceived by many members that the second survey was from the Board, which it was not. The survey was withdrawn by the MDR Chair at the meeting in January. Richard Windebank will no doubt address this in his MDR Committee Report in this newsletter.

<p>Island Cruising</p> <p><i>Cruising schedules for coming months.</i></p> <p><i>Page 3 and 4.</i></p>	<p>Legal Considerations</p> <p><i>Our lawyer explains the legal nature of our club.</i></p> <p><i>Page 5.</i></p>	<p>Become An Instructor</p> <p><i>Fairwind will host Instructor Qualification Clinics.</i></p> <p><i>Page 7.</i></p>
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Due to the confusion that developed from the MDR Committee survey, I have formed a new committee that will examine the process for reviewing the fleet and making recommendations for replacements and upgrades. The committee consists of Marv Brown (MDR), Gilbert Tseng (MDR), Alan MacGovern (CIH), and Bob Chatenever (CIH). This committee will examine the process and return their findings and recommendations to the Commodore and Board.

The CIH survey has been completed and is in the process of being reviewed. The survey asked about boat preferences, usage, plans to move up, desired fleet configuration, etc. The summary of the results should be available for the next newsletter pending the recommendations of the committee described above.

Two motions were presented to and passed by the membership. The first provides authorization to negotiate MDR slip relocation. The motion reads “To authorize Michael Delaney (Commodore), Richard Windebank (Jr. Staff Commodore/MDR Port Captain), and Mark Boykin (Secretary/Legal Counsel), to negotiate an agreement with ES Ring, LA County Beaches and Harbors, or other entities for new slips to replace the Bar Harbor slips.”

The second motion addresses sailing into Mexican waters. There is currently no requirement for members to get Board approval to sail Fairwind boats into Mexican waters. It is very important to verify that the proper insurance and documentation be obtained in such instances. The motion adds Standing Rules: Section III Paragraph H. “A member must receive Board approval prior to taking a Fairwind vessel into Mexican waters.”

MDR Fleet Seeks New Home

By Richard Windebank
MDR Port Captain

January was a pretty active month in MDR. We have made good progress towards finding a new home for our fleet but there is still much work to be done. None of these things happen as quickly as we would like, but as long as we get the best result in the end, that’s OK. We can stay in our current slips until June 19 so we have a little breathing room to complete our negotiations.

I continue to be hopeful that we may be able to move over to “G” basin and to be located near to our friends at Santa Monica Windjammers. But it will probably take another month or two before a final resolution is reached. Meanwhile, we can expect more slips to open up in Bar Harbor, and we are hopeful we may be able to move Generosity over to our 2400 dock. Also, the end tie is now vacant and, although we cannot move Happy Ours there, we can do so for Work Days, as long as it remains vacant.

We have recently brought in some talented new members and we will continue to be selective as to the candidates who best fit the Club. We are mindful of our training limitations and do not want to overload this voluntary resource. We will be hosting two Instructor Qualification Courses shortly for ASA201, 203 and 204, to further increase the number of Instructors we have. These will be held in Marina Del Rey but are open to candidates from both harbors.

This month, we have encountered more difficulties with the review of “Happy Ours” and our attempts to develop a Five Year Plan. The thought of replacing any of our existing boats seems to be the most difficult issue we ever have to deal with. All boats have their own following and these discussions produce passionate and emotional responses. Those responses can even be divisive, and damaging to the cohesive spirit of our members.

In our recent surveys, we tried to be as objective as possible but not everyone viewed it that way. Well intentioned as we were, we probably did err in saying that the decision of the members, as recorded in the survey, would be final. We were challenged on whether or not this was permissible under the rules of the Club and we accepted that there was some basis for the objection. So we agreed to expunge the survey which brings us back to square one. We are probably no closer to forming a five year plan than when we started.

So, where do we go from here? We will probably do nothing for the time being and just let the dust settle. The subject has been tabled to the next Membership meeting, probably in three months time.

On a somewhat unrelated subject, I have decided to cut back on my own involvement in the leadership and administration of MDR and FYC. Normally, assuming Mike Delaney serves a second year as Commodore, which I very much hope he will, I would remain on the Board for another year. I will not do so. I will retire from the Board on September 30 and relinquish my position as MDR Port Captain at that time. By then, I will have happily served five years on the Board and it will be a good time to pass the baton to new leadership who can take us to the next level. I have told Mike Delaney that I will help in every way I can to facilitate the succession and achieve a smooth transition.

By then, I hope we will be well settled in our new home and ready for the next chapter of Fairwind’s exciting future. This is truly an amazing Club that offers so much to all of us as members and makes a very positive contribution to the community. I look forward to supporting the Club with the same enthusiasm as I have in the past and I am confident that the Club will continue to go from strength to strength. Thank you for your contribution to the success of this great Club.

MDR’s Summer Cruise Schedule

By Mark Zierten
MDR Cruise Chair

June 20-22, First Timers' Cruise, Two Harbors (Features Summer Solstice Cookout)

July 24-27 Adventure Cruise, Little Harbor (Camping, Hiking, Fishing, Free Diving, Mermaids) 4-day cruise

August 8-10 Kids' Cruise Two Harbors (Games, BBQ, S'mores)

September 10-14, Multi-Island Cruise Offshore (Maybe Santa Cruz & Santa Rosa)

CIH Cruise Schedule for 2014

By Scott Kelly
CIH Cruise Chair

Here we are in February already, and we've got a great list of dates that we've reserved for Club Cruises. I've reserved a few more dates this year than last, expecting a high level of participation in these eagerly awaited cruises.

One of the great benefits of FWYC are our Club Cruises. Here's an opportunity for club members to spend the weekend sailing with other club members, overnight in pristine and beautiful anchorages, and increase our sailing knowledge in a really fun social setting.

This is a great opportunity for our newer members, particularly those who have not experienced a cruise to the islands, to cruise with an experienced skipper and crew. And for our more experienced members, it's a great opportunity to start new friendships, re-kindle old friendships, and impart some of our knowledge to the less experienced as we have been given that experience by others over the years.

Here's the schedule for the year, so please put the dates on your calendar in advance. A month before the cruise there will be a general announcement by email, and at that time please let me know if you'd like to sign up as skipper or crew.

If you've got any questions, comments, to sign up, or just to simply say hello, please email me at: scottmkelly@aol.com.

What's better than a weekend cruising our beautiful Channel Islands!

Saturday March 1	Whale Watch
Saturday March 15	St. Patricks Day BBQ
Fri-Sun April 4-6	Santa Cruz Cruise
Fri-Sun May 9-11	Santa Cruz Cruise
Fri-Sun June 6-8	Santa Cruz Cruise
Fri-Sun July 11-13	Santa Cruz Cruise
Fri-Sun Aug 8-10	Santa Cruz Cruise
Fri-Sun Sept 12-14	Santa Cruz Cruise
Fri-Sun Oct 10-12	Santa Cruz Cruise
Fri-Sun Nov 7-9	Santa Cruz Cruise
Saturday Dec 13	Parade of Lights

Our first Cruising Event of 2014 is the Whale Watch on Saturday, March 1st.

Our very own Channel Islands National Park and National Marine Sanctuary is one of the premier whale watching destinations on our planet. Over the past 10 years, the population of Humpbacks, Blue, and Gray whales in the Santa Barbara Channel has grown tremendously with multiple sightings common during a whale watching expedition.

This is a day sail event. We'll be sailing out of the harbor at 10 am and be back well before dark. Please email me to reserve a spot for this very popular annual CIH event.

If you've got any questions, comments, or to sign up, please email me at: scottmkelly@aol.com.

Understanding The Legal Nature Of The Club

By Mark Boykin

Secretary

Editor's Note: *Fairwinder Mark Boykin is an attorney practicing in Woodland Hills and the club's general counsel.*

The process under which the Executive Board sought to survey the members regarding Happy Ours, and the resulting discord at the meetings on Jan. 25, demonstrates that there is a substantial misunderstanding of the legal nature of the Club in much of the membership. I will attempt to explain the legalities involved so that this will not be an issue in the future.

Fairwind is a non-profit, mutual-benefit corporation, meaning that we do not pay taxes, even if we generate more revenue than expenses, as long as we devote all of our assets to furthering the purpose for which the Club was formed - making sailing available to the members. Further, as a corporation, individual members are not personally liable for the debts or obligations of the Club. In other words, if there were an incident in which a damage award was entered against the Club that exceeded the insurance coverage and the amount that could be obtained from liquidating all of the boats and any other assets, none of us could be pursued personally for the excess. I believe the likelihood of such a large award against the Club is small, but it is not zero.

To obtain the benefits of corporate existence, we have to observe certain formalities. A corporation is often referred to as a "fictitious" entity, because it is treated as a "person" for purposes of the law, but is really only a relationship among people. So, there are three components to the Club: the members, the Board and the corporation. Logically, the Club exists for the benefit of the members (hence, "mutual benefit"), but the members are not the Club. The members elect an Executive Board to manage the Club; the members do not directly make the decisions about management, except in very limited circumstances. Management by the members, as in directly voting to retain or dispose of any boat, could result in the corporate existence being invalidated and all of us being unlimitedly and personally liable for anything that happens.

With regard to the replacement of a boat, I believe the people who founded Fairwind and served on the Board over the years received solid legal advice and followed it. The mutual-benefit-corporations law prohibits the members from voting on sales of less than substantially all of a corporation's assets, unless a Bylaws provision provides for such a vote; such a provision is not included in our Bylaws. Additionally, the Standing-Rules provisions on replacement of boats require an exhaustive process be followed in acquiring a boat, but do not address the decision to replace an existing boat; if it were construed as such, it is an open question whether or not that could be considered a part of the Bylaws. If so, it could result in the loss of corporate protection. I would not recommend that the members enact such a provision, because we could, again, be personally liable for a serious incident. And I don't have to tell anyone who has been involved in litigation how expensive it would be just to defend ourselves in court if it came to that.

This is avoided by having such decisions made by an elected board of officers. The downside to that is that the Board can, and actually should at times, make decisions that are unpopular with the members, but that is exactly why the members are shielded from personal liability. They don't make the decisions. The remedy if the members are dissatisfied with what the Board does is not to make decisions themselves, but to vote out the individuals on the Board.

In summary, there are advantages to corporate existence, but there are disadvantages, as well. Just as most of us joined the Club to sail at a fraction of the cost of owning a boat individually, but are often not able to have access to a particular boat exactly when we want to take it out or for the length of time we want to use it, the Board cannot make the Club exactly what each of 400 members want it to be. Those disparate desires have to be balanced, not only against each other, but also against financial realities, by a formal board. It is my observation and belief that the Board attempts to discharge its obligations to the Club in good faith and, while we work together well, we have had disagreements on policy which we have consistently put aside when a decision is made by majority vote, mainly because the Board is comprised of members and we all share a common interest in sailing. The members of the Club may see differently how best to advance that interest, but I hope that we can resolve any disputes in a civil fashion and accept that the decisions the Board makes are what a majority of Board members thinks are in the best long-term interests of the Club.

The Happy Ours Debate Heats Up At Jan. 25 Meeting

By Stu Meisner

At the tense Jan. 25 meeting regarding, a decision whether to replace Happy Ours was postponed. After receiving strong response, which included a petition endorsed by 52 members, MDR Committee Chair Richard Windebank and Commodore Michael Delaney decided to table the vote and the Commodore assigned a committee to develop boat replacement policy. This committee will have two members from each harbor. The MDR Committee Chair and Commodore explained their earlier course of action leading up to the survey as a long range general assessment of club needs.

Critics asserted that the assessment process lacked authority because it asked whether to “replace” Happy Ours without following the procedure for “Replacement of Existing Boats” in Section VI of the Standing Rules. Specifically, the rules require that a Boat Selection Committee be “formed of members who represent *a cross section of sailing interests.*” Critics asserted that members who know and value performance cruisers like Happy Ours were left out of the process of informing the membership and designing the assessment until the end. They also asserted that if members are asked to vote to replace Happy Ours, they should know what would take its place.

Critics suggested that a process should be developed in advance that could be routinely applied and perceived as fair, even by those at risk of losing a favorite boat. The assignment of the four member committee, made before the meeting and including at least one member who values performance cruisers, appears to do just that.

Your Chance To Become A Certified ASA Instructor

By Shar Campbell
MDR Fleet Captain

This is your chance to become an American Sailing Association-certified instructor through the Fairwind Yacht Club.

Fairwinder Dave Lumian, an ASA instructor evaluator, has agreed to conduct two Instructor Qualification Clinics for members during April and May.

An IQC is rigorous. You will learn a lot, but it will take some advance preparation. You'll be expected to demonstrate your teaching ability, knowledge and seamanship, both on the water and in the classroom.

You will join other Fairwinders who are qualified to train and check out members on our boats. And, you'll be a more confident and knowledgeable sailor.

The IQC is open to both MDR and CIH members, but will be held in Marina del Rey on the dates below.

Don't attempt to sign up yourself through the ASA website. You won't get the Fairwind discount that way. Instead, download the application, fill it out, write Fairwind on the top, and mail it in with your check.

Contact me at fleetcaptain@fairwind.org if you need more info.

Here's the details:

ASA IQC 201 ("Instructor Qualification Course", Basic Keelboat Instructor)

When: April 11-13, 2014

ASA IQC 203 & 204 (Basic Coastal Cruising Instructor)

When: May 9-11, 2014

The American Sailing Association was organized to establish national standards for sailing instructor certification in the United States. We take experienced instructors and expert sailors and give them the tools they need to become certified sailing instructors.

ASA Sailing Instructor clinics test existing skills and knowledge while teaching a structured curriculum and proven presentation techniques. ASA certified sailing instructors have proven they measure up to a national standard which is used by more than 90% of the commercial sailing schools in the country. Take the challenge and attend FYC's upcoming ASA Instructor Qualification Clinics (IQC).

First, view this short video entitled, "IQC are you ready?" <http://www.asa.com/instructor-become-an-instructor.html>

ASA Keelboat (201) Instructor

- ASA member in good standing
- 18 years of age or older
- Possess at least 3 years sailing experience
- Have teaching experience or can demonstrate an aptitude for clearly communicating sailing concepts to the novice sailor
- Capable of performing the standards described in the ASA International Log Book

ASA Basic Coastal Cruising (203 & 204) Instructor

- ASA member in good standing
- 18 years of age or older
- Possess at least 3 years sailing experience
- Have teaching experience
- Capable of performing the standards described in the ASA International Log Book

MDR's After-School Program Begins March 11

Plans are under way for the upcoming "After School Program" that we jointly host with the Boys & Girls Club of Venice and the L A County Sheriff's Department. Typically, the kids arrive at the Sheriff's Station at 3 PM, we take them sailing and they are collected at 5 PM. So, volunteers are there from about 2.30 PM till 5.30 PM.

We already have a good list of volunteers, especially skippers. We are a little short of crew and would welcome more volunteers. We

usually have one skipper and one crew on each boat, together with three or four kids.

There will be two sessions:

First Session: Five weeks on Tuesdays and Thursdays, from March 11 thru April 10.

Second Session: Five weeks from April 22 thru May 22

We will be using two Capri 22's for both sessions, one of which belongs to the Sheriff's Department and the other is Generosity.

This is a fun program and an opportunity for us to share our love of sailing with a new generation of budding young sailors. Please contact Richard Windebank (richard@windebank.com) or Katherine Conway (kconwayt@yahoo.com), if you would like to participate. I promise you will not regret it!

--Richard Windebank



Channel Islands Harbor Workday Heroes Jan. 19

By Harry Kane
CIH Rear Commodore

Excellent turnout once again.

Angelsea

Alan MacGovern
Chuck Carter
Rob Lee

Sorella

Jeff Birdt
Paul Aist

MK III

George Schreiber
Chris Collins
Scott Hickman
Jesse Lumsden

Island Side

Richard Ingram
Charlie Garcia
Manny Koch
Jane Thomas
Jeff Harley
Mike Ross
Miles Detrixhe

Zephyr

Ron White
Ron Skare

Freedom Too

Tom Kelleher
Woody Hill
Robert Hemple
Phil Lewis

Sand

Paul Hermanson
Curt Allison
Lee Prather
Joe Peixoto

Desert Wind

Bob Chatenever
Robert Martin
Dave Payn
Justin Kov

Companionship

John Staples
Talaat Elwan
Barry Kessler
Rush Clark

Sweet Deal

Corey Chase
Marco Tortonese

Turning Point

Michael Hallahan
Mal Usher

Driftwood

Bob Meyer
John Perry

Capri 14

Dave Nichols

Again Richard Ingram came through, he worked on Island Side's broken starter mounting bolt and was able to extract the broken piece from the engine, install a new bolt and get the boat ready to sail in time for the open house.

And special thanks to the gang that helped on Desert Wind, we were able to drop the mast, replace the frayed headstay, raise the mast and tune the rig in time for open house sailing! Thanks all.

I apologize if I missed anyone, but it is possible you didn't sign in. I think I missed some Angelsea people due to that boat being on E dock and the signup sheet on F dock, if I missed you I'm sorry, but you can be sure your help is greatly appreciated.

FREE DOCKWALKER TRAINING



This workshop trains volunteers to become "Dockwalkers," who conduct face-to-face boater education about environmentally-sound boating practices.

Receive free educational materials to distribute to boaters at marinas, boat launch ramps, boat shows, and special events. The efforts of Dockwalkers increase boater awareness about clean and safe boating, thus improving the recreation experience in California while helping to preserve its precious wildlife habitat and water quality.

2014 Southern California Trainings

March 15th, 2014 – Dana Point

10 a.m. to 12:45 p.m.

Aventura Sailing Association

24707 Dana Dr, Dana Point, CA 92629

April 5th, 2014 – San Pedro

10 a.m. to 12:45 p.m.

Cabrillo Yacht Marina (San Pedro)

224 Whalers Walk, San Pedro, CA 90731

March 22nd, 2014 – Marina Del Rey

10 a.m. to 12:45 p.m.

Del Rey Yacht Club

13900 Palawan Way, Marina Del Rey, CA

April 26, 2014 – Oceanside

10 a.m. to 12:45 p.m.

Oceanside Yacht Club (Hetrick Room, 2nd floor)

1950 Harbor Drive North Oceanside, CA 92054

For information visit our website at www.BoatingCleanandGreen.com (Dockwalker Tab)

YOU MUST REGISTER TO ATTEND

Training presented by the State Parks Division of Boating and Waterways and the California Coastal Commission's Boating Clean and Green Program, the Bay Foundation in partnership with the US Coast Guard Auxiliary and the US Power Squadrons



Funding or assistance in Dockwalkers training provided by these organizations

To register please complete the information below and mail it to CA State Parks Division of Boating and Waterways/CA Coastal Commission 45 Fremont St., Ste 1900, San Francisco, CA 94105 or email to yamatuk@coastal.ca.gov Fax (415) 904-5216

YES! I WOULD LIKE TO BE A DOCKWALKER

TRAINING LOCATION: _____

DATE: _____

NAME OF PARTICIPANT: _____

ORGANIZATION: _____

ADDRESS: _____

PHONE: _____

E-MAIL: _____

Membership Guide: Where To Go For What

Update Contact Information for Membership Roster – Vice Commodore, Lynn Erickson.

Pay Dues – Fairwind Yacht Club, P O Box 627, Oak View, CA 93022

Training and checkout - Fleet Captain (Shar Campbell for MDR; Jim Guinn for CIH)

Cruising: Cruise Chair (Mark Zierten for MDR; Scott Kelly for CIH)

Racing: Race Chair (Mark Arbing for MDR)

Report an Accident - Safety Officer/Rear Commodore (Marv Brown/ Glen Jagodzinski for MDR; Michael Adams/Harry Kane for CIH)

Gear broken on boat - Specific Boat Chief (from Fairwind Website) + Rear Commodore (Glen Jagodzinski for MDR; Harry Kane for CIH)

Submit Articles for Newsletter – Editor, Ken Hoover kenhoover@me.com

FYC Officers - www.fairwind.org

Coast Guard - Channel 16 or 310-732-2043

VHF Calling Channels – 9 and 12.

Membership interaction – Email: fairwindmembers@yahoogroups.com

Join Member’s interaction group - <http://groups.yahoo.com/group/FairwindMembers/> and press the button to join

Updates to website: webcontent@fairwind.org

Fairwind on Facebook: www.facebook.com/Fairwindyc

February Club Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17 President's Day	18	19	20	21	22
23	24	25	26	27	28	