

## Swimming Pool Collaboration Discussion

**Problem:** How does the POA legally take charge of the pool crisis and provide a “bare-bones” operation for the 2019 season?

### 1. Assumptions

- A. Residents have clearly voiced desire for a pool in 2019 (June 2018 survey)
- B. Pool property is under the jurisdiction of Allison Holdings X leases
- C. Pool must adhere to NC and county statutes, health, and environmental rules
- D. Allison Holdings X will provide liability coverage
- E. Pool season is defined as Memorial Day weekend through Labor Day weekend
- F. Pool will be operated under the guidance of the POA
- G. Residents will “join” and pay for a season pass (owners and renters)
- H. A minimum of 100 memberships may be required
- I. Access will be strictly controlled
- J. Any decision for operations is limited to 2019

### 2. Facts bearing on the problem

- A. The POA, IAW with NC GS 47F is allowed to lease common elements (property)
- B. The POA cannot expend property owner assessment monies to operate or sustain a common element (amenity) not originally identified in the declarant’s declaration of assignment (1990) to the grantee (POA). Pool operations must be self-sustaining.
- C. Local clubs have separate pool memberships and most operate without full time lifeguards
- D. The community is encumbered by WLCC legal issues (ownership, judgments, debt, etc.)
- E. Monies previously expended to date for any rehabilitation of the pool will not be reimbursed should the POA intercede for the 2019 pool season. This also includes utilities expended without a valid lease from Allison Holdings X.
- F. The POA must approve and establish a pool subcommittee (with a termination date) with proper financial controls for coordination, oversight, and operations.

G. Photo ID pool cards (waterproof)

H. Community volunteers will be required for various tasks

### **3. Potential Decision Items**

- Theme: Restricted & Controlled
- Lease request and price
- Liability coverage – from lessor
- “No Harms” release form (sample created)
- Days/Hours of Operation (sample created)
- Budget (strawman submitted to lessor)
- Rules and Regulations (sample created)
- Access Control/Passes: single vs family; guests (membership sample form created)
- Security
- No towel, food or drink service
- Membership costs TBD
- Committee Volunteers – who will step forward?

4. **Conclusions:** Yes or No? Letter to community?

5. **Recommendations / Next Steps:** TBD