

WAKE UPDATE

June 14, 2010

At the last Board meeting (the last until September), we noted that **Nancy Joseph** is going to act as a "Paddling Events Coordinator" and will be contacting members about initiating/leading paddle outings and trips. We hope that members will assist her in offering a range of paddles that will accommodate our membership, from beginners to "experts."

Debbie Bailey has signed on to be club Treasurer and will be assuming her duties in the very near future. Debbie is a beginning-level paddler but wants to be an active member who acts in a supporting and organizational role and will be handling much of the "on land" management of the Symposium on June 19th. She has years of experience working for Whatcom County and has a background in compliance and financial management. She and husband Ray live near Gooseberry Point. Debbie and Ray designed and made the "Top Gun Award" for the kayak leg male and female winners of Ski-to-Sea this year, on behalf of WAKE.

The Board is currently "short" a couple of At-Large positions, due to the resignation of Mac Carter and Norm Nielsen moving to Seattle, and we desperately need those positions to be filled. New members will bring in fresh perspective and ideas. Board members meet once a month (September through June) and handle administrative tasks essential to running the club, so please consider becoming a board member! Under club bylaws, the current board can appoint new members for the remainder of each year, and elections are held in December at the Annual Members' Meeting and Holiday Party.

Carol Spano is now handling Webmaster duties for WAKE. Please send information to her via info@wakekayak.org.

Second Call for Symposium Instructors and Helpers

Saturday, June 19, 2010, is the annual WAKE Symposium, starting 8:00 AM at Lake Padden.

Registration at 8:30

Save the date!

Three on the water sessions will include concurrent classes in: Introduction for New Paddlers, Beginning and Advanced Strokes, Self and Assisted Rescues, Safety Gear and Risk Assessment, among others. We will end the day with a fun and crazy skills contest. At the next WAKE monthly meeting, Tuesday, June 19 there will be a brief program introduction; and an announcement will be sent by email to the membership before the Saturday Symposium.

We have a great initial crew of outstanding instructors including **Chris Mitchell, Dave Harris, Dan Moos, Dave Peebles, Jim Graeser, Ray Bailey and Ted Wang**. It would help if we could get about 2 or 3 More Instructors. Contact Dave Church at churwater@earthlink.net or 371-7574 if you can join the "Staff."

But, to make it all happen we need more Volunteers for the Potluck, set up and tear down. The potluck should start at 12:30 and requires transporting and set up of serve ware and beverages as well as tear down and returning of supplies. If the potluck volunteers arrive before 8 am they may have first choice of classes. Debbie Bailey has volunteered to direct the whole operation. If you're willing to give her a hand, please contact her (baileyray@msn.com 384-4901).

SPACE STILL AVAILABLE FOR WAKE GULF ISLANDS TRIP

There are still some spaces left for the July 26-August 1st Gulf Islands paddle trip. This is going to be a spectacular trip, with plenty of opportunities for both paddling and relaxation. Go to <http://www.wakekayak.org/Assets/summer10.gulfislands2.pdf> for all the details, and/or contact Ted Wang at ted@wakekayak.org for additional information.

Deadline for commitments and deposits is June 25th.

To the WAKE Membership:

The Board of Directors of WAKE and I (“we”) wanted to communicate with you about what appear to be some lingering questions and possible confusion about that “favorite” topic of discussion: liability. More specifically, club and personal liability as it pertains to WAKE activities. We recognize that, for some of you, this is “boooooorrrrrinnnggggg,” but we hope that in the end, this will be helpful and informative.

The question we often hear is: “why can’t we just go paddling?” along with various complaints about complying with paperwork requirements. As individuals, we may agree with those complaints, but as board members, we have to be prudent. We, too, would rather “just go paddling.”

However, we have to cope with a nasty reality, an “inconvenient truth” if you will, that we live and function in a society that allows anyone to sue for whatever reason they may see fit; and the courts have awarded huge dollars. Club officers and paddle organizers/leaders could individually have to pay damages if a court so ruled. Even if the decision goes against the plaintiffs, the legal fees for defense can be crippling. We want to make it clear that the board and I don’t like this situation either!

For several years, WAKE has been struggling with this issue, and the result has been an exodus of members, an unwillingness to volunteer to lead paddle trips, a drastic reduction in programming for the club, and a general sense of discouragement. WAKE is not alone in this experience. Clubs all over the US have had to deal with the same sets of issues, with the same emotion and controversy. Nothing prevents an individual, even a group of individuals, from going paddling without worrying about liability, but the dynamic changes significantly if the activity is organized, as in a club.

Last year, I ran for our board and subsequently was elected President with two goals in mind. First: to resolve the liability issue by getting definitive information from our insurance carrier, so that we could put the necessary procedures in place; and second: to get WAKE back to paddling. I felt I could help with this, as I have a background in risk management and really want to see WAKE move forward and offer more to the membership.

So, where are we now? We have to say that it’s virtually all good news for our club on the first of those goals. It took longer and cost more than it should have, but thorough review of WAKE’s activities by our insurance carrier and a local attorney (who had to examine Washington State case law to be sure our documents were adequate in the real world), along with approving policies on waivers and paddle trip protocols, has resulted in WAKE being up to the appropriate standards. Those policies and documents are on the website for your examination and reference.

The end result is that WAKE can get back to our “business” of offering training clinics and practice sessions, along with single and multi-day paddle trips. Those who donate their time to be board members, trip initiators, and other volunteers are protected from being found liable, and suffering the financial consequences, for being involved in club activities. Until we resolved the matter, this was not so clear cut!

Here’s what we can do:

- offer paddle trips;
- give clinics on paddle skills and other topics related to our sport;
- provide opportunities to practice kayaking skills;
- share these activities with other clubs and the general public (if we so desire);
- have our program meetings;
- contract with professionals for guiding trips or giving instruction;
- cooperate with other organizations on projects of mutual interest; and
- have events like the Demo Day and Gear Swap.

In other words, we can do pretty much what WAKE has always done.

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Here's what we can't do:

- conduct formal* classes on technique;
- "certify" our own instructors or members' abilities;
- compensate a guide or instructor who doesn't carry his/her own liability insurance; and
- continue using the listserv for advertising paddles that say, "this is not a WAKE activity."

The courts have ruled that if WAKE sponsors the listserv, anything posted on it automatically becomes "officially" WAKE, regardless of a disclaimer. We don't like it, but that's the way it is.

Here's what we must do:

- comply with the policies that I mentioned earlier, particularly with regard to getting the waivers signed; and
- keep those records in perpetuity.

That's a minimal process and shouldn't cause any heartburn. A member has already signed the waiver with their annual renewal (or initial application), and that's good for a calendar year. No further signing is needed. A non-member participant, be they a member of another club, a guest, or simply the public, must sign at each event --- allowing an annual waiver for multiple events for a non-member simply results in a nightmare of bookkeeping that we don't want. That should be pretty easy.

Now, it's time to address the second of the two goals, about which I'll bet you've forgotten after plowing through the preceding paragraphs....

We (in this case, the club as a whole, not just the board) want to get out on the water. Although sea kayaking is a year-around activity in our region, summer is upon us and brings prime time for paddling. To accomplish this, we need members to "step up" and suggest paddle trips and activities and be willing to, at least, coordinate them. Your board and I can't do everything, although you'll certainly see us helping out and participating. If you follow the club guidelines and policies, you're protected and not have that worry hanging over your head.

Getting a frequent list of paddle activities will take everyone getting involved, but, after all, isn't that an essential component of being part of a club? We (all of us, again) joined to meet new paddling partners, to learn, to gain experience and expertise, to have FUN together. Now that we've put the "legal" stuff behind us, let's get out on the water!

Happy Paddling!

Ted Wang, President

*---"Formal" refers to classes more along the lines of what's offered at the Boating Center: done by and promoted as being taught by certified instructors, designed to take someone from "never/ever," or some other starting point, to a defined level of competency, done with a standard curriculum, and advertised as conforming to some specific standard (e.g. ACA or BCU). Conversations with our insurance agent indicated that the Symposium falls into the "clinic" definition, as have our rough-water rescues and what WAKE typically does.

THE FUTURE OF THE WAKE LISTSERV

For the benefit of newer members of WAKE, the listserv (also known as a discussion group) has been around for a while. It has served as a place to trade information and commentary on paddling topics such as gear recommendations (or un-recommendations), paddling destinations, technique, and announcements of paddling opportunities. It has served as a forum for opinions and, unfortunately, sometimes became a venue for “flaming” commentary and personal attacks.

Administration of the listserv was handled by WAKE’s former Webmaster, without much oversight by the club board and without formal rules of conduct. This had the result of things occasionally getting out of hand and creating hard feelings and acrimony within the membership.

When the board was going through the review of our insurance requirements and developing the new waiver language and procedures, we discovered that the club, as well as the individual board members, could be held liable in the event of a lawsuit due to an incident during any activity posted on the listserv, even if there was a disclaimer stating “this is not a WAKE event.” The rationale is if WAKE “owns” the listserv, anything advertised there becomes an activity of WAKE. Again, this is one of those distasteful parts of the times in which we live.

A further complication has been that there are many subscribers to the listserv who are not WAKE members. So, if a non-member advertised a paddle event and there was an accident resulting in a lawsuit, WAKE and the board could be found liable.

Consequently, the board decided that the risks of continuing to run the listserv and the problems associated with administrating made continuing it ill advised. The Webmaster also made it clear that he needed to move on and wanted to end his association with the listserv. There were several board discussions about options, including forming a Google or Yahoo! Group that folks could “opt into,” if they so desired.

However, the Community Boating Center (CBC) wants to host, or sponsor, discussion forums for all boating sports on their website, www.sailpaddlerow.org. This seems to be the best solution for all concerned, and it will take effect as soon as the CBC has finished revamping their website. With luck, this will be done in early-to-mid June.

WAKE events, along with partnership activities we share with other clubs and organizations, will be sent to you via the WAKE members’ email list and will be posted on the WAKE website. For now, the listserv is still active. A notice will be sent out, both on the listserv itself and through the members’ email, announcing when it will be turned off.

Spartina Survey

Hello Paddlers!

Here is a schedule of upcoming opportunities to get involved with the Spartina Survey Program. First, some general info:

- Survey Trainings are conducted in areas with known Spartina infestations so volunteers can get a good look at the plant and learn how to ID it in the wild.
- Spartina Paddles are more informal outings where I be on the water conducting a survey, and hopefully be able to round up a few locals to come along! These are a good chance to get the scoop on the plant and the program.
- Returning volunteers: look for an upcoming email of priority shorelines so you can get out there and start surveying!
- Feel free to communicate with each other using this list, spartinakayakers@pugetsound.org goes out to dozens of kayakers from all around Puget Sound. Need to find a survey partner, borrow a GPS, or get help with trip planning- we’re here to help!

Now, on to the dates:

Spartina Survey Trainings

Saturday, June 26, 2:30-7:00 PM: Coronet Bay, Island County

Saturday, July 10, 2-6 PM: La Conner, Skagit County

Saturday July 24, 2-6 PM: Nooksack Delta Whatcom County

Spartina Paddles

Saturday, June 19, 10-2 PM: Sandy Point area, Whatcom County

Tuesday, June 22, 2-6 PM: Anacortes area, Skagit County

Thursday, July 8: Edison Slough, Skagit County

Interested in attending? RSVP to Rachel at spartina@pugetsound.org or (360)230-1353 for Spartina Survey Trainings and Paddles so I can get you the details and directions.

These are fun outings and you will be helping our endangered environment