

Position Paper – North Fork Landowners’ Association Proposed Name Change

Background: At the August 2013 Business meeting of the North Fork Landowners’ Association (NFLA), extended debate took place regarding a motion to change the name of the Association back to its original version, the North Fork Improvement Association (NFIA). Strong opinions were expressed both for and against the motion. As a result, the issue was referred to the Board of Directors for deliberation and to come back to the Association with a recommendation to be considered at the August, 2014 Business Meeting:

*“At the July meeting, Larry Wilson submitted the following proposed by-law change:
**“Be it resolved that the name “North Fork Landowners Association” be changed to:
 “North Fork Improvement Association.”***

....Larry Wilson made a motion to withdraw the proposed bylaw amendment and request that the BOD take up the question and come to the membership next year with recommendations. On a voice vote, the motion to withdraw the proposed bylaw amendment passed overwhelmingly.” NFLA August 2013 Business Meeting Minutes

The Board of Directors is composed of the elected officials (President, Vice President, and Secretary/Treasurer), the past President, and four Directors (two from North of Whale Creek and two from South).

History: The North Fork Improvement Association was founded in 1947 with their original Bylaws adopted on June 9, 1947. The NFIA filed their Articles of Incorporation with the State of Montana in August, 1953. President was Dr. George E. Rockwell, Vice-President was Esther Day, Secretary-Treasurer was Ruth Sondreson, and Directors were Oliver J. Terrian, Harry Holcomb, Edward Olmstead, and John Slifer. From the Articles of Incorporation, *“The general purpose of this corporation shall be to promote the general welfare of the community of the Upper Valley of the North Fork of the Flathead River, being that portion of such valley bounded by the international border on the north and by Big Creek and a line extending east from the mouth of Big Creek through said valley, to construct, reconstruct, own, operate, maintain and regulate the use of a community building in which meetings of the corporation and other community functions may be held.”* In addition, the Bylaws most recently revised August 4, 2012 includes: *“The association shall pursue the interests of all North Fork landowners, regardless of permanent residence, and encourage and facilitate their participation in association activities.”*

Membership: *“Active members shall be those real estate owners and/or resident adult members of their immediate families living in the upper valley of the North Fork of the Flathead River within the State of Montana, as defined in the purposes of this corporation. Associate members shall be any individuals, firms or corporations who are interested in the community. Associate members shall be entitled to all privileges of the members, except that they shall not hold elective office nor shall they vote.” (Bylaws Article II Section 1).* Active and Associate

members must also be current in their payment of dues for the fiscal year September 1 through August 31 (*Bylaws Article II Section 2, and Article V*).

Name Change: After much discussion and deliberation, the name of the North Fork Improvement Association was changed to the North Fork Landowners' Association at the business meeting held in August, 2005.

To the majority of the members voting at that meeting, their feeling most likely was that the name change would more accurately reflect the purposes of the organization – an organization of landowners. Some had felt that the North Fork Improvement Association was a misnomer – that the North Fork itself did not need to be “improved.” One of the big issues on the North Fork dealt with whether to improve (pave) the North Fork Road or not. This issue had become such a divisive topic in the Association that the focus needed to be redirected. By the time of the name change, many of the landowners in the North Fork fell into one of two camps – the “improvers” or the “preservers.” Changing the name to “Landowners' Association” was an attempt to portray the Association as an organization for everyone – regardless of their viewpoint. While there is general agreement on many noncontroversial issues, with the broad spectrum of interests and opinions present on the North Fork, it is clear that on many issues the Landowners would not be able to agree on what should be improved.

The action of changing the Association's name caused significant turmoil to many members. One member said it was as if her husband had decided to change his name. Many long term members of the Association valued the historical relevance of the NFIA name – which conjured up memories of many Old-Timers on the North Fork, including the initial members of the Board of Directors. With the name change, many felt that the Association was turning its back on those who had done so much to make the North Fork and the Association what it is. Others were upset that the vote took place when they were not physically able to be on the North Fork – and proxy votes are not allowed. As life-long members, they felt the name change was done without their voice being heard or their vote counted. With the combination of these feelings and others, despite the good intentions of the name change, deep resentment of the change resulted.

For some, the name “Landowners' Association” brings up visions of a Homeowner's Association – where covenants and Architecture Committees dictate what color you may paint your house, or what improvements you can make to your property, and where membership in the HOA is mandatory. There are significant differences, however, and an attorney on the Board has pointed out that the mandatory obligations imposed by homeowner associations arise from deed restrictions rather than the voluntary membership found in our landowner association. Some feel that the Landowners' Association implies that all property owners in the North Fork are members, which is not the case, and that the Association represents the majority of the landowners in the North Fork, which it does not.

Others have suggested instead of a change back to the North Fork Improvement Association, that a new name without the connotations of the divisiveness that surrounded the name

change would be a reasonable solution. The “North Fork Community Association” has been suggested. But some point out that the North Fork is not necessarily a Community in the traditional sense of the word, which implies an identifiable townsite or village. Board member Allen Chrisman’s tongue-in-cheek suggestion of taking wording from the intent of the Association from the Articles of Incorporation (The North Fork Welfare Association) was unanimously rejected by the Board for good reason.

Many have pointed out that some long term members have left the Association because of the name change and the turmoil it caused. Others have vowed to leave if the Association changes the name back to the Improvement Association. Still others have pointed out that these hard feelings and divided opinions have been present since the Association was incorporated. Walt and Hazel Hammer left the Association in its early days due to a real or imagined slight. With the strong opinions held by nearly everyone in the North Fork, it is unrealistic to expect that one name would find favor with all, or even that the Association would be able to meet the needs of all landowners.

A poll of the current members regarding the name change would be useful, but would include the cost of an additional mailing in a budget that is being cut to match expenditures with the dues revenue we anticipate on a yearly basis. And then again, a poll of active members in good standing would not gather information from those individuals who have left the Association but would return with a change in the name.

In consideration of the request to change the name, one issue the Board has to consider is the cost of changing the Association’s name. This includes the material cost of checks and other printed materials, the labor involved in changing the name on accounts held by the Association, the labor and cost associated with changing the website, and the labor and cost of changing the name in the State of Montana records as well as any other records necessary to keep our 501(C)(4) status. Because so much of the labor provided to do these tasks is voluntary, the Association needs to be careful of over burdening those who provide these specialized services at no cost.

Alternatives:

- 1. Retain the current name, North Fork Landowners’ Association**
- 2. Change the name back to North Fork Improvement Association**
- 3. Change the name to something other such as North Fork Community Association**

Discussion: The Board recognizes the strong feelings held by nearly every member regarding the name of the Association. The Board also recognizes the valid points made in arguments for and against a name change, including adopting a new name altogether. In its considerations, the Board very strongly feels that simply changing the name will not restore unity, nor heal hard feelings created by the change and the proposal to change it back. And while the Board acknowledges the loss of history with the change from NFIA to NFLA, the Association has

striven to be welcoming to all, and focus on issues that bring the entire community together rather than divide it.

The Board also recognizes that any change to the name would need to be approved by a two thirds majority of the active members in good standing present at the meeting where the vote was scheduled (*Bylaws Article VII*), which would be the August 2014 meeting. The Board feels that it is extremely unlikely that a proposal regarding a polarizing issue like the name change could be passed by two thirds majority and implemented without alienating a number of current members. In the words of one Board member, “the wear and tear on the chicken ain’t worth the price of the egg.”

Decision: In considering the name change, the Board has tried to seek out and listen to all interests represented by the landowners in the North Fork. The Board itself represents diversity in opinion on what the name of the organization should be.

The Board members are in full agreement, however, that a name change – either back to NFIA or to some other name – would not necessarily garner universal (or even majority) support and would not adequately resolve the hard feelings created by the change in the first place.

Recommendation:

- 1. *The Board of Directors recommends to the Association members that the Association take no action to change its current name as no proposed change would effectively resolve the underlying issues.***
- 2. *The Board also recommends that the Association:***
 - a. *continue to value and respect the History of the North Fork Improvement Association and the individuals involved in founding the Association;***
 - b. *respect the continuation of that organization as the North Fork Landowners’ Association;***
 - c. *focus on continuing to invite all North Fork landowners to participate in the Association,***
 - d. *and continue to strive to represent those interests as best as possible.***

Action: This recommendation will be presented to the June, 2014 Business Meeting for Members to consider. The Board plans to have the issue on the Agenda for the August, 2014 Business Meeting for discussion and action as requested by the membership at the August 2013 meeting.

Recommended by: *Karen McDonough, President; Donna Harrison, Vice President; Bonny Ogle, Treasurer; Debo Powers, Past President; North Directors Larry Kinsolving and Allen Chrisman; South Director Alan McNeil. May, 2014.*