

**ACBL Unit 179 Board Meeting
November 15, 2020 Meeting Minutes
Online via "Zoom"**

Date: November 15, 2020

Board Members:

Present: Harry Allen, Richard Chalal, Chris Clark, Bob Dietrich, Sheila Fleming, Charlynn Foust, Clifford Kent, Ken McPeak, Mike Reeslund, Pat Williams, Jim Wynalek

Absent: Sherry Howell

Others Present:

Secretary: Alison Gembar

Treasurer: Sue Atwood

Proceedings:

Meeting was called to order at 4:04 via Zoom (online meeting)

Harry Allen – Chair of Nominating Committee

Announce candidates for 2021 Election.

Nominees:

Restricted area (outside of Davidson/Williamson County):

Bob Allard

David Cochener

Open:

Michelle Bass

Dot Blue

Kevin Clark

Kathryn Hasty

Karen Kendrick

Pat Williams

Respectfully submitted by Nominating Committee,

Art Lowen

Sheila Fleming

Barbara Newman

Terry Van Dyke

The election will be conducted online via “simplyvoting.com”. As soon as the ballot is ready the election will kick off and run for 30 days.

Embassy Suites Negotiations

- Penalties in 2021 overall: The total contractual liability, for purposes of calculating the cancellation fee at this time is \$136,896. Half of that is \$68,448, which would be the cost of cancelling the 2021 tournament at least 182 days in advance. The comparable amounts for the 3-day tournament proposed for 2022 are \$40,220 and \$20,110 respectively. Pat included the \$4000 room rental that is currently in the proposal.
- The 50% cancellation opportunity is available 182 days or more prior to the event. That is January 3 or 4, depending on how you count the days, and whether they count the first day of the tournament or the day before when we set up. After that time the cancellation fee goes up to 75%.
- 2022 proposal is \$23,200 for rooms; \$8,000 for food; and \$4000 for facility rent (of which \$1000 seems to be an error, since the event is only 3 days)
- There are items in the existing contract that have changed because of the COVID-19 pandemic (free breakfast, happy hour, etc). These are things the hotel may no longer be able to live up to contractually due to the pandemic. This may be considered “non-compliant” to the original contract.
- Mike Reeslund noted that our unit is an association, not a corporation. As such, the Unit and membership do not have the same protection a corporation would have. We need to be aware of this as we go about making our decisions.
- It was noted that the contract refers to additional terms and provisions that are set forth on a website page, which no longer exists under the web address set forth. Bob will contact Maggie to obtain these additional terms and provisions. The ACBL has to approve the proposed changes to the contract, and will need to see the complete original contract. The Unit also should have in its possession a complete copy of the contract.
- Although Bob has previously spoken with the officials at ACBL and District 10 levels about the contract, and the contract has been reviewed by inhouse counsel at ACBL, it was suggested that we consult an attorney with relevant experience (ideally our Unit member, Jack Waddey) before any final decision, particularly with respect to cancellation issues and penalties.
- The defense of “impossibility of performance”; (an excuse for nonperformance of duties under a contract) was discussed which would likely be available if the ACBL cancelled our tournament. However, short of that, it may not be clear as to when or if we could successfully assert that defense. This would be a subject that should be addressed by any attorney that we consult, as suggested above.
- We are considering reducing the tournament to 3 days (Wed, Thursday, Friday). Pat suggests we consider Tuesday, Wednesday, Thursday instead.
- The latest revision from Embassy Suites shows \$1000.00 per day for the Ballroom. This is in addition to our previous understanding. This is \$4000 that we did not agree to. Bob will bring this to Maggie Moran’s attention.

- Bob will also confirm that food concession sales will apply towards the satisfaction of the food commitment.
- Chuck Wilkinson, D-10 Regional Tournament Oversight Committee, told Bob we could hold the tournament anytime in July or August 2022. Bob will check with Chuck to see if June is a possibility. He will check with Embassy Suites to see if the room rates would be impacted by moving to any other week not including July 4th.

We will meet again in 7-10 days.

Motion to adjourn

Motion approved

Meeting adjourned 4:45 pm