

**BIRCH BAY VILLAGE COMMUNITY CLUB, INC.**  
**POLICY RESOLUTION NO 25-12-19-13**

**PURPOSE:** To Establish a Policy, which will allow Birch Bay Village Community Club, Inc. Management to collect unpaid annual assessments, special assessments, and dues owed to the BBVCC from Members.

**WHEREAS,** the Board of Directors of BBVCC is charged with the responsibility of collecting annual assessments, special assessments, and dues owed to BBVCC.

**WHEREAS,** from time to time Members become delinquent in their payments of these assessments and other charges.

**WHEREAS,** the Board deems it to be in the best interest of BBVCC to adopt a uniform and systematic procedure for dealing with delinquent accounts in a timely manner, and further believes it to be in the best interest of BBVCC to refer these accounts to an attorney for collection.

**WHEREAS,** this Policy Resolution amends and revises Policy Resolution 21-2-21-13.

**NOW, THEREFORE, BE IT RESOLVED:** That the following steps shall be taken by the BBVCC Management to collect overdue unpaid monies.

1. Annual Assessments are due January 1<sup>st</sup> and shall be paid in full no later than January 31<sup>st</sup>.  
The Member may elect to pay the Annual Assessment in full or in accordance with one of the following:
  - a) semi-annual, equal to one half of the annual assessment plus a \$15 fee
  - b) quarterly, equal to one quarter of the annual assessment plus a \$10 fee to each payment
  - c) monthly, equal to one twelfth of the annual assessment, plus a \$5 fee to each paymentThe first payment with fee is payable no later than January 31<sup>st</sup>. The member will sign an agreement describing the payment terms, except that no agreement is required for annual and semi-annual payments. The second semi-annual payment is due and payable the first day of July. Quarterly and monthly remaining payments are due the first of each quarter or month.
2. If a Member has not paid the annual assessment by January 31<sup>st</sup>, or has not agreed to an alternative payment plan, the General Manager is instructed to issue an additional invoice demanding payment plus a late fee equal to 10% of the balance owing.
3. The February letter with invoice shall state that if the defaulted assessment plus late fee is not paid by the last day of February, the Board will propose suspension of certain Membership amenities and rights (declaring a Member “not in good standing”), and implement the right to record a lien in the land records of Whatcom County against the property (including legal fees, interest, and lien fees). The Board will set a date for the Pre-Sanction Hearing, which will follow the Hearing process as outlined in BBVCC Bylaws at Section 7.9. The Member will be sent a certified letter advising them that they have the right to address the Board on the date specified. The letter is to be sent at least fourteen (14) days prior to the Hearing.
4. The process described in paragraph 2 will be followed any time a scheduled payment is not made as scheduled. If the defaulted installment plus late fee is not paid by the end of the time period as stated in the letter the Board will follow the process outlined in paragraph 3.
6. Members who owe past assessments and have been declared “members not in good standing” may

DATE OF ADOPTION: \_\_\_\_\_

be offered a payment plan at the sole discretion of BBVCC Management or Board. Once a payment agreement is signed by the Member and office personnel the Member will be allowed vehicular use of the private roadways with entrance through the "visitor" lane. Barcodes and access to amenities will remain restricted until all past due assessments, fees or other monies owed are paid and the account is brought up to date.

7. Upon recordation of a lien with Whatcom County, the BBVCC attorney will send a copy of the lien with his cover letter to the owner of record to include notification of possible foreclosure.
8. If, after eighteen (18) months from the due date above, amounts are still delinquent, Management is directed to refer the member's account to BBVCC's attorney for collection. Additionally, Management is directed to consult with the Association's attorney and turn over for collection any account where the owner files or is subject of a petition for relief in bankruptcy or a lender has commenced any action for foreclosure of its lien against any property. The Board may refer any account to BBVCC's attorney at any time.
9. Once a Member's account has been referred to BBVCC's attorney for collection and the account remains delinquent, BBVCC's attorney is authorized to take such further action as they, in consultation with the Board President and the General Manager, believe to be in the best interest of the Association, which includes, without limitation:
  - a) filing suit against the delinquent homeowner for money due;
  - b) instituting a foreclosure of the Association's lien;
  - c) filing a proof of claim in bankruptcy; or
  - d) seeking the appointment of a receiver.

THIS RESOLUTION was adopted by the Board of Directors on \_\_\_\_\_, 2013 and takes effect on \_\_\_\_\_, 2013.

BIRCH BAY VILLAGE COMMUNITY CLUB, INC.

\_\_\_\_\_  
Harry Shearer, President

ATTESTED TO:

\_\_\_\_\_  
Terry Sullivan, Secretary

DATE OF ADOPTION: \_\_\_\_\_

**BIRCH BAY VILLAGE COMMUNITY CLUB  
BOARD OF DIRECTORS  
REGULAR MEETING  
DECEMBER 19, 2013  
7:00PM  
AT THE CLUBHOUSE  
8181 COWICHAN ROAD  
MINUTES**

**Call to Order:** 7:00pm

<b>Roll Call:</b>	Harry Shearer, President	Present
	Peter Winterfeld, Vice-President	Present
	Terry Sullivan, Secretary	Present
	Jim Lockie, Treasurer	Present
	Valery Anderson, Director	Present
	Eric Peters, Director	Present
	Ken Hoffer, General Manager	Present
	Esther Matter, Office Manager	Present (Recording Secretary)

**Agenda:**

- **Motion made by Jim Lockie, seconded by Valery Anderson and carried to accept the Agenda as printed.**

**Homeowner's Presentations:**

- **Mick Bride, Div. 9, Lot 14, ACC application:** inquired why his application was not reviewed or accepted by the ACC or board. Asked that the board look into the legalities of the situation.
- **Bob Simpson, Div. 13, Lot 7, work session topics:** Asked that the board bring the topics that they discuss during the work session to the regular board meeting so that members know what decisions were made and what issues were discussed.
  - **Eric Peters** answered that the board cannot make decisions at a work session but may concur with the President on actions; the minutes of work sessions do not need approval.
- **Ralph Falk, Div. 9, Lot 17, BBV appearance and sponsored golf pass:** Complimented the board on the appearance of the village. Brought up a concern that the sponsored golf passes allow outside people to use amenities and might be a problem when the new development goes in.

**Approval of Minutes:**

- **Approval of the minutes of the regular session board meeting of November 21, 2013:**
  - **Motion made by Jim Lockie, seconded by Eric Peters and carried to approve the minutes of the regular session meeting of November 21, 2013 as printed.**
- **Approval of the minutes of the work session meeting of December 11, 2013:**
  - **Motion made by Terry Sullivan, seconded by Peter Winterfeld and carried to approve the work session minutes of December 11, 2013 as printed.**

**Committee Reports:**

**ACC – Ken Woods**

- **New Chairman:** Tom Wright will be the new chairman for the ACC.
- **Driveway vs. parking strip:** The ACC is looking into a definition for “driveway” for the AR&Rs for clarification on driveways versus parking spaces or strips.

**Roads & Drainage – Cliff Mallory**

- **Coquitlam culvert:** The Roads & Drainage volunteers admitted that the culvert was not installed properly; it also did not help that a fire hydrant burst and flooded the area shortly after the work was completed. The volunteers would like to wait until dryer weather before fixing the culvert so that it can be fixed properly, unless maintenance is willing to fix it sooner.

#### Security – Ric Simons

- **Sheriff's crime presentation:** The sheriff's office presented a crime report of the area. The whole Birch Bay area is down in crime including the village. The sheriff receives very few calls from the village and rarely has to come in for speeding or traffic problems.
- **Guards leaving gate arm open:** Members have seen the gate arm to the members lane left open; Ken Hoffer will talk to Barb May the security supervisor, and see why and if there is a problem with the arm.

#### Financial Report:

- **Overtime line item:** A line item to show employee overtime was put on the P&L statement.
- **Income vs. expenses YTD:** BBVCC income is at about 99.7% and expenses are at 89.65% of budget as of the end of November 2013.
- **Golf passes:** Golf passes brought in \$5,322 for 2013. There has not been a problem with the sponsored players nor has there been a problem with tee times; as long as the sponsored golf passes are monitored they should not be a problem.
- **Barcodes:** Ordering barcodes alone is around \$10,000-\$13,000, but they should last 5-6 years.

#### Unfinished Business:

- **Pay at pump for fuel dock:** There were two options presented for a credit card system to be able to pay at the gas pump. One was around \$20,000 the other was around \$10,000 and a new dispenser would be about \$5,000 more. The less expensive option is not made for marinas, but should work for the dock.
  - **Motion made by Peter Winterfeld, seconded by Jim Lockie and carried to discuss the option further when more information is gathered:** what the current system is costing in administration and maintenance; how much more it will take to recoup the cost of the current system; how long it would take to recoup the cost of a new system; how long the Fuel Master system would last if it is not made for marinas; and what the charge would be on gas if a new system was purchased.
- **Lot mowing or maintenance:** Ken Hoffer did some research and spoke to the attorney and it is legal to mow or maintain properties because it is in the governing documents. The question was raised if the lot maintenance fee should include only mowing or if it should include maintenance of lots and to what extent.
  - The board asked Ken Hoffer to research the cost of mowing the vacant lots and a schedule of how often each lot is mowed; then get bids for mowing the vacant lots per the maintenance schedule.

#### New Business:

- **Resolution change on collecting unpaid dues:** The resolution concerning unpaid dues and money was reviewed and altered by the attorney; the changes were presented to the board.
  - **Motion made by Valery Anderson, seconded by Eric Peters and carried to approve the changes to the Resolution concerning unpaid assessments with the alteration to remove "and other monies" so that it only pertains to dues and assessments (see attached).**
- **Members owing lot maintenance and other fees:** There is currently a need for a policy on collecting monies owed that are not dues or assessments.
  - **Motion made by Eric Peters, seconded by Peter Winterfeld and carried to have the attorney write up a resolution concerning the collection of all other monies owed (not dues) with the parameter that action would be taken after 60 days.**
- **Employee Handbook:** New changes were made to the employee handbook including some dress code changes, new policies, etc.

- **Motion made by Peter Winterfeld, seconded by Terry Sullivan and carried to accept the changes to the Employee Handbook with the alteration to remove “if at all possible” under Employment section G: Attendance.**
- **Dredging permit fees from ERM:** The permit fees were higher than ERM originally estimated. ERM needs board approval for the overage.
  - Motion made by Jim Lockie, seconded by Valery Anderson and carried per roll call vote (4-0) to approve the additional permit fees.** Peter Winterfeld, aye; Terry Sullivan, aye; Jim Lockie, aye; Valery Anderson, aye; Eric Peters, abstained.
- **Larson Gross audit proposal:** Larson Gross presented a proposal for a 1-year and 3-year contract to perform BBVCC audits starting the year ending 12/31/14.
  - **Motion made by Peter Winterfeld, seconded by Jim Lockie and carried per roll call vote (4-0) to hire Larson Gross for a 3-year contract starting for the year ending 12/31/14 and to be finished after April 15<sup>th</sup>.** Peter Winterfeld, aye; Terry Sullivan, abstained; Jim Lockie, aye; Valery Anderson, aye; Eric Peters, aye.

#### Correspondence:

- **Coquitlam culvert complaint:** Ken Hoffer has been communicating with the owner; no action needed.
- **Kitamat drainage reimbursement:** Ken Hoffer sent notification denying the request; no action needed.

#### Manager’s Report:

- **BP donation status:** Ken Hoffer left a message with the BP representative, Scott McQueery, who is on vacation until January 6, 2014.
- **Parking lot lighting:** Lightning Electric offered to install a pole extension and light for free to try out and see how it works. The contractor recommended putting the extension and light on the three poles and they should supply the whole parking lot with light without disturbing the neighbors.
- **Front gate lighting:** The electrician should be in tomorrow weather permitting.
- **Professional reserve plan:** Three companies were recommended by Larson Gross to conduct a professional reserve plan for BBVCC per law. Ken Hoffer has spoken with one company: Pacific Crest and will look into the other two: Bach & Associates and Association Reserves. The reserve study will be done after the audit is complete.
- **Pro Shop power expenses:** The power bill for the past two months at the Pro Shop has been a couple hundred more than normal. The board might want to consider negotiating the power bill if the Pro Shop chooses to stay open in the future.
- **Marina Software program:** The office looked into a program that will help consolidate marina information and get everything digital. It also links with Quick Books so it will help out with bookkeeping as well.
  - **Motion made by Eric Peters, seconded by Peter Winterfeld and carried to authorize the president to approve the purchase of the software program not to exceed \$4,000 after the office has checked into references for the company.**
- **Winch for maintenance truck:** The maintenance looked into the cost of a winch for the new truck which will run around \$2200.
  - The board would like the winch purchase tabled until it can be put in the budget.
- **Washer/Dryer for maintenance shop:** Maintenance has been looking into options and prices for a washer and dryer for the shop.
  - The board would like to see options, plans, and costs before making a decision.
- **Birch Bay Water & Sewer bill for foreclosed property:** Ken Hoffer and Peter Winterfeld have been negotiating with the Birch Bay water commissioner on the BBVCC foreclosed property. They offered to pay half by the end of the year if the company would waive the rest.

#### Non-Compliance:

- No comments were made on the non-compliance list in the packet.

**Other Board Business:**

- **CC&R revision update:** Eric Peters apologized for the delay in the CC&R draft and stated that he had been studying other associations CC&Rs to no avail. He will have a draft ready of the CC&Rs for the board to review during the first quarter of 2014.
- **Committee vacancies and applications:** Ken Hoffer explained the process of applying for committees. Vacancies come available in November and the committee recommends applicants to the board. A resolution was found about filling committee vacancies which stated that the chairman was to inform the office of a vacancy, and the office puts an announcement in the bulletin, applicants then have 25 days to submit an application.

**Adjourn:**

- **Motion made by Jim Lockie, seconded by Peter Winterfeld and carried to adjourn the meeting at 9:28pm.**