



BOARD OF DIRECTORS MEETING MINUTES

ASSOCIATION NAME: Birch Bay Village Community Club

DATE AND LOCATION: November 21, 2024

I. CALLED TO ORDER AT: 2:00 PM by David Wilbrecht

II. ROLL CALL - BOARD MEMBERS PRESENT (check box):

- | | | |
|-------------------|-----------------------|--------------------|
| ✓ Dave Owen | ✓ Terry Sullivan | ✓ Mathue Totten |
| ✓ David Wilbrecht | ✓ Bob Whale | (Zoom & In person) |
| ✓ Randy Ambuehl | ✓ Bev Franklin (Zoom) | |

BOARD MEMBERS EXCUSED ABSENCE:

STAFF MEMBERS: David Franklin General Manager, Justine Brooks, Executive Secretary, and Patrick Heaviside, Harbor Master.

COMMUNITY MEMBERS PRESENT: There were 6 people in person and 11 people via Zoom.

CONFIRM QUORUM: The President, David Wilbrecht, asked David Franklin to conduct a roll call. David announced a quorum was achieved.

III. ADOPTION OF AGENDA

MOTION TO: adopt the agenda with additions to the parking lot of review of RCW 64.90 and Bylaws and the addition of Reserve Transfers as item IX.b.

MOTION BY: Dave Owen **SECONDED BY:** Randy Ambuehl

APPROVED: X **NOT APPROVED:** **TABLED:** **DIED:**

IN FAVOR: 7 **OPPOSED:** **ABSTAINED:**

IV. HOMEOWNER PRESENTATIONS

Merete Rhoades – Spoke regarding the denial of an reverse mortgage FHA loan due to the BBVCC Covenants due to rights of refusal. In April 2024 the Federal law changed regarding the FHA loans. Federal laws out rank the State laws and with this new change no one will be able to get an FHA load due to the Covenant wording.

David Scheirman – Thanked the Compliance office for reestablishing publication on the radar speed sign statistics and spoke regarding the statistics from this year compared to a year and a half ago. As well as from a Safety Committee perspective, wondering why no citations have been issued.

Leanne Keel – Had concerns regarding maintenance employees working in the same area for days and doing the same work in the areas and believes that their time could be better used in different areas of the village.

V. CONSENT AGENDA

- a. Approval of October 17, 2024, Board Meeting Minutes
- b. ACC – Accept Draft Minutes of November 5, 2024
- c. Lakes and Drainage – Accept minutes of November 4, 2024
- d. Marina – Accept minutes of October 22, 2024
- e. Buildings and Grounds – Accept Minutes of November 7, 2024
- f. Safety and Security – Accept minutes of November 4, 2024
- g. Golf – Accept Minutes of October 1, 2024

- h. Communications with the Board
- i. General Manager’s Report

MOTION TO: approve consent agenda items a, b, c, e, g, h, and i.

MOTION BY: Bev Franklin SECONDED BY: Dave Owen
 APPROVED: X NOT APPROVED: TABLED: DIED:
 IN FAVOR: 7 OPPOSED: ABSTAINED:

The Marina Meeting minutes were removed and there was a discussion regarding multiple items on the minutes. The punch list and when those items are to be completed was discussed. Emergency Water cabinet installation was discussed and what is needed to be able to get those items installed. The motion to change the marina usage fee to \$8 a foot was also discussed, and further discussion was moved to the 2025 Fee Schedule.

The Safety Meeting minutes were discussed, including the Security Policy Work groups 31 items that were approved 8 months ago and there are still outstanding items. Post Orders which the committee would like to change to Gate Standing Officer Procedures. Paper bar codes, speeding issue and AEDs for approval and training.

MOTION TO: approve consent agenda items d and f.

MOTION BY: Bev Franklin SECONDED BY: Dave Owen
 APPROVED: X NOT APPROVED: TABLED: DIED:
 IN FAVOR: 7 OPPOSED: ABSTAINED:

VI. FINANCIAL REPORTS

Financial Reports were presented by David F. and Bev F. The Village is performing well. There is a column added to the report that shows the remainder of the funds for those budgeted items. The Maintenance labor for capital projects has not been allocated yet but will be working on that. The Club house is a bit over and that is due to the new AV system that has been installed. Any net profits at the end of the year will go towards the Reserve fund.

The financial will be posted on the website.

MOTION TO: Approve the financials as presented.

MOTION BY: Bev Franklin SECONDED BY: David Wilbrecht
 APPROVED: X NOT APPROVED: TABLED: DIED:
 IN FAVOR: 7 OPPOSED: ABSTAINED:

VII. OLD BUSINESS AND VOTING AS NECESSARY

a. Elections Tellers Report and Certification of Election

MOTION TO: Resolve, that the Board of Directors hereby certifies the tellers report of the budget election held on November 1, 2024, as presented, and authorizes the implementation of the approved budget as adopted by the electorate.

MOTION BY: David Wilbrecht SECONDED BY: Randy Ambuehl
 APPROVED: X NOT APPROVED: TABLED: DIED:
 IN FAVOR: 7 OPPOSED: ABSTAINED:

b. Nuisance Dog Policy General R&Rs

The last time that this was brought to the Board there was some confusion regarding the fee schedule and some typos. Those have been fixed.

MOTION TO: adopt nuisance dog language

MOTION BY: Dave Owen SECONDED BY: Randy Ambuehl
The above motion died. There was discussion regarding the Definition of nuisance and if it was included in the packet. The nuisance definition policy was discussed as it needs to get approve before the approval of the nuisance dog language

MOTION TO: Approve Nuisance Definition Policy.

MOTION BY: Dave Owen SECONDED BY: Terry Sullivan
 APPROVED: X NOT APPROVED: TABLED: DIED:
 IN FAVOR: 7 OPPOSED: ABSTAINED

MOTION TO: Approve the Nuisance Dog Language.

MOTION BY: Dave Owen SECONDED BY:
 APPROVED: X NOT APPROVED: TABLED: DIED:
 IN FAVOR: 7 OPPOSED: ABSTAINED

c. Speed Enforcement

Speed enforcement was discussed. The Board had previously discussed bringing the Sherriff department into the Village and there was a strong response against this. We currently have the tools and devices, and we need to use them first before bringing the Sherriff in. The Board would like to bring this subject back in November 2025 to see where we are at with utilizing our current tools and devices. The comments that the Board received regarding bring the Sherriff into the community were surprisingly negative.

Speed enforcement will start as soon as training is scheduled with Trafficlogics. Staff will implement the uses of the components. There are some flaws with when to issue a ticket to the individual that is speeding. If we follow the Fine Schedule, we will be issuing a ticket to everyone who is going 1mph over the speed limit. We would rather start with communication with the members so that we are going to have the speed camera out there and will be issuing a ticket.

With the handheld how are we going to be issuing tickets with that? It will be a trial-and-error situation as there are flaws with the system. We believe that there will be more members complying with the speeding rules. The GM and Compliance officer will be using their discretion on issuing tickets.

Modifications to the speed poles and the speed camera trailer was discussed briefly. David F and Brad on a schedule to start speed enforcement as well as modifications to the speed signs. Dave Owen will be working on modifications for the speed camera trailer. David F and Dave O to get together with Bobby to discuss the modifications to the speed camera trailer and the speed signs.

VIII. NEW BUSINESS AND VOTING AS NECESSARY

a. Marina Committee Recommended Rule Change

David Luton presented the proposed changes, which included a reduction in the buffer zone from 5 feet to 3 feet, allowing for more efficient use of the marina. Change the definitions for Marina and General Marina, revise the vessel restrictions and definitions to be more concise and insert a new rule regarding shore power. These changes are for clarity for the harbor master to make the job easier.

There was a discussion regarding a previous edits to the Marina R&Rs that need to be redrafted and sent back to the Board.

MOTION TO: Move forward with these current changes.

MOTION BY: Randy Ambuehl SECONDED BY: Dave Owen
 APPROVED: X NOT APPROVED: Tabled: DIED:
 IN FAVOR: 7 OPPOSED: ABSTAINED:

Marina committee to review all versions of the marina rules including the previous edits that Dave Owen had put forth.

b. Marina Annual Lease Document Changes

With the rule changes to the Marina R&Rs there will be changes to the Annual Lease document. Staff just wanted the Board and members to be aware of this.

c. 2025 Fee Schedule

Bev presented the 2025 Fee Schedule changes. The Board discussed the proposed changes, with some members expressing concerns about the step increase and the need for better communication to the membership. The Board ultimately decided to approve the proposed fee schedule, with the \$8 per foot charge for boats over 16 feet.

MOTION TO: Approve the 2025 fee schedule as proposed. (option 1 \$8 per foot)

MOTION BY: Dave Owen SECONDED BY: Bob Whale
 APPROVED: X NOT APPROVED: Tabled: DIED:
 IN FAVOR: 7 OPPOSED: ABSTAINED:

d. Committee Member Reups and Resignations

Was presented by Justine Brooks.

MOTION TO: Approve as presented.

MOTION BY: Dave Owen SECONDED BY: Terry Sullivan
 APPROVED: X NOT APPROVED: Tabled: DIED:
 IN FAVOR: 7 OPPOSED: ABSTAINED:

e. Finance Committee

The Finance Committee Charter and responsibilities were discussed. This is a very important committee for Birch Bay Village to have. The Board supports the creation of the Finance Committee but it needs to come to the Board in a resolution form to the Board meeting. The GM will be advertising the Finance Committee in his next weekly and/or the December newsletter to get people interested and introduced to what the committee entitles.

f. Blaine School Bus Route

David Franklin discussed that parents getting students/kids to the bus stop at the lower gate (corner of Salish and Nootka) are some of the main speeders in the village. Staff had heard that Blaine school district would not come in the village due to private roads. David F. has been in communication with Dr. Granger and asked him if it is true that Blaine School District could not come into the Village due to private roads. Dr. Granger said we can but our insurance has advised against it. David would have to go to the Blaine School District Board to present this to them. David proposed the idea of having school buses pick up children closer to their homes within

Birch Bay Village, aiming to improve safety and reduce traffic congestion. The Board agreed to have David

MOTION TO: Authorize the General Manager to coordinate with Blaine School District personnel to provide school children pick up within the gates of Birch Bay Village.

MOTION BY: David Wilbrecht SECONDED BY: Bev Franklin
 APPROVED: X NOT APPROVED: Tabled: DIED:
 IN FAVOR: 7 OPPOSED: ABSTAINED:

Mathue Totten Left the meeting via Zoom to come to the meeting in person.

g. AED Purchase/Training

There was a discussion regarding the purchase of AED and the training. BBV currently has 2 AEDs that are outdated and this is just a rehabilitation of what we already have. The Safety Committee has done the research and provided two options, Zell and Phillips brands of AEDs to choose from. The Phillips option would be the better option as it comes with customer service and training.

MOTION TO: Adopt the recommendation to purchase 4 Phillips AEDs and provide follow-up training for the cost \$5,637.54 from the operating budget.

MOTION BY: Dave Owen SECONDED BY: Bev Franklin
 APPROVED: X NOT APPROVED: Tabled: DIED:
 IN FAVOR: 6 OPPOSED: ABSTAINED:

h. Reverse Mortgage Qualification & Covenants Section 7 & 8.j

The Board and Merete Rhoades discussed the issue of a reverse mortgage and the potential need to amend the covenants to remove a clause that is hindering the process. David F explained that the clause, which was part of the original covenants, was never intended to be enforced and has no benefit to the community. However, due to a new HUD provision, the clause is now causing problems for potential buyers and others that would like to do a reverse mortgage. The board agreed to seek legal advice on the best way to proceed, with the possibility of amending the covenants at the next annual meeting in June.

Mathue back in person at 4:56pm.

IX. AUTHORIZATIONS AND RESOLUTIONS

a. Expense Authorization for Golf Carts

The Golf Committee recommended that the Board purchase 4 golf electric golf carts. The Board discussed the options that are available and what would be the most economical for the Village at this time.

MOTION TO: move forward with the acquisition of 4 gas golf carts for the cost of \$33,000 to be funded by the General Reserves.

MOTION BY: Terry Sullivan SECONDED BY: Bev Franklin
 APPROVED: X NOT APPROVED: Tabled: DIED:
 IN FAVOR: 7 OPPOSED: ABSTAINED:

b. Reserve Transfers

MOTION: I move that the BBVCC Board authorizes the General Manager to transfer \$750 from General Reserves to Marina Reserves; \$3,003.73 from Operating Reserves to Road Reserves, and from Operating Reserves to Marina Reserve for \$11,018.25 as detailed in the tables above.

MOTION BY: David Wilbrecht SECONDED BY: Mathue Totten

APPROVED: X NOT APPROVED: TABLED: DIED:
 IN FAVOR: 7 OPPOSED: ABSTAINED:

X. DIRECTORS COMMENTS

a. Compliance with the Corporate Transparency Act

David and Bev asked that this item be put on the agenda. As all board members should be aware we have recently asked for information including drivers' licenses to be provided. As of January 1, we have to do this. CAI took Janet Yellen to court to get community associations exempt from this act and they were unsuccessful. There is a government page where you can input all the information yourself. David F will be sending a link regarding this with the details.

XI. PARKING LOT

- a. Committee Mission Statements
- b. Ping Pong Club Application
- c. Marina Dock Captains Safety and Compliance Checklist
- d. RCW 64.90
- e. Bylaw Revisions

XII. EXECUTIVE SESSION

MOTION TO: Move into executive session to discuss

- a. Discuss Likely or Possible Litigation Matters
- b. Personnel Matters

MOTION BY: Dave Owen SECONDED BY: Terry Sullivan
 APPROVED: X NOT APPROVED: TABLED: DIED:
 IN FAVOR: 7 OPPOSED: ABSTAINED:

The Board came out of executive session at 5:57 pm with the following outcome.

MOTION TO: Approve annual employee bonus to not exceed \$10,000. The treasurer will work with the GM on the amounts.

MOTION BY: Bev Franklin SECONDED BY: Bob Whale
 APPROVED: X NOT APPROVED: TABLED: DIED:
 IN FAVOR: 7 OPPOSED: ABSTAINED:

XIII. ADJOURNMENT

- a. The meeting was adjourned at 6:00 pm.

MOTION TO: adjourn.

MOTION BY: Dave Owen SECONDED BY: Terry Sullivan
 APPROVED: NOT APPROVED: TABLED: DIED:
 IN FAVOR: OPPOSED: ABSTAINED:

Minutes Approved By: _____
 Board Secretary

