



## BOARD OF DIRECTORS MEETING MINUTES

**ASSOCIATION NAME:** Birch Bay Village Community Club

**DATE AND LOCATION:** November 20, 2025

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

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

✓ David Wilbrecht	✓ Bob Whale	✓ Dan Nedved
✓ Randy Ambuehl	✓ Mathue Totten	
✓ Patrick Ryan	✓ Dave Owen	

**BOARD MEMBERS EXCUSED ABSENCE:**

**STAFF MEMBERS:** David Franklin General Manager, Natasha Bialuski, Assistant General Manager, Justine Brooks, Executive Secretary and Bookkeeper, Jonah Douglas.

**COMMUNITY MEMBERS PRESENT:** There were 4 people in person and 5 people via Zoom.

**CONFIRM QUORUM:** David Wilbrecht and David Franklin announced a quorum achieved.

**III. ADOPTION OF AGENDA**

**MOTION TO:** Approved the agenda with the addition of Safety and security Minutes to consent agenda.

MOTION BY: Patrick Ryan      SECONDED BY: Bob Whale

APPROVED: X NOT APPROVED:      TABLED:      DIED:

IN FAVOR: 7      OPPOSED:      ABSTAINED:

**Revisited MOTION TO:** Approved the agenda with the addition of Safety and security Minutes to consent agenda and adding under New Business Waving \$3,000 construction fee for 12C-020.

MOTION BY:      SECONDED BY:

APPROVED: \_\_\_ NOT APPROVED:      TABLED:      DIED:

IN FAVOR: \_      OPPOSED:      ABSTAINED:

**IV. HOMEOWNER PRESENTATIONS**

**James Pace (12C-020)** - Had his home burn down on August 4, 2025, he came to the Board meeting to request that the Board waive the construction fee of \$3,000. He would pay the performance deposit of \$3,000. During the fire Mr. Pace stated that he had suffered a third heart attack and after was unable to go in and salvage items and that he had to hire that out. He currently has JTM Construction hired to do the work on repairing the home.

The Board of Directors asked if they could revisit the adoption of the agenda to add this as a topic under new business (see revisited motion of agenda).

**Llew Johnson (009-005)** - asked to bring to the Boards attention that there are a number of people distressed in regard to the logs that were retrieved from Rodgers Slough and put at Sand Dollar Park. He is not concerned about the location of the logs or the size but of the advertisement that stated that members could use this wood as firewood. The burning of driftwood that has been floating in seawater is a health hazard as it puts carcinogens into the air. Llew offered to answer any questions or concerns that anyone had regarding this matter.

**V. HEARINGS**

**a. Ticket Hearing**

There was one person who requested a hearing.

- i. **Foster (12C-088)** Speed Citation – They sent an email during the meeting, and they were too busy at work to be able to attend the Board meeting and asked if they could reschedule for a different meeting. The Board agreed and this hearing will be held at the December Board Meeting.

## VI. CONSENT AGENDA

- a. Approval of October 23, 2025, Board Meeting Minutes
- b. ~~ACC – Accept Draft Minutes of November 4, 2025~~
- c. Lakes and Drainage – Accept Minutes of November 3, 2025
- d. Buildings and Grounds – Accept Minutes of November 6, 2025
- e. Marina Committee – Accept Minutes of October 28, 2025
- f. Finance Committee – Accept Minutes of October 29, 2025
- g. 64.90 Task Force – Meeting Notes November 14, 2025
- h. General Managers Report
- i. Action Item List
- j. Correspondence
- k. Safety and Security – Accept Minutes of November 10, 2025 (added with adoption of agenda)

**MOTION TO:** Approve consent agenda with the addition of Safety and Security Committee minutes and to remove b. ACC Minutes for discussion

MOTION BY: David Wilbrecht    SECONDED BY: Bob Whale

APPROVED:   X   NOT APPROVED:    TABLED:    DIED:

IN FAVOR:   7      OPPOSED:    ABSTAINED:

Dave Owen asked that the ACC Minutes be removed from the consent agenda and be sent back to the ACC due to the additional item in their minutes regarding the Landscaping Complaints. In the past it seems that the Village has not enforced the 4-foot or 6-foot vegetation rule in the back yards of properties and that the rule is not an enforceable rule. BBV does not have a view protection and that for these types of complaints it should be considered a neighbor-to-neighbor dispute / resolution. The Board discussed the impact that this would have on the members in the Village and the thousands it would affect. The Board is asking the ACC to put a hold on this and to notify the members that this will be put on hold for the time being. The Board also discussed the changes with 64.90 and how this section of the current Declaration is moving forward to the new one and that the Lightner/Shoemaker Appeal case needs to be incorporated with the changes.

## VII. FINANCIAL REPORTS –

David Franklin presented the August draft financial reports. We have a new bookkeeper, Jonah Douglas, who is working diligently the last month to get the books in order. David and Jonah will be trying to get August, September, October, and November final financial reports to the Board for the December Board meeting. At this time David Franklin and Dan Nedved recognized, Sue Garrigan as an essential Finance Committee member who has been assisting with getting the BBV financial records up to date and caught an issue with the 2024 Audit and challenged the accountant with it for an issue with the special assessments. She has been working with Jonah to get the issues resolved and helping with making the process smooth for moving forward. Dan and David wanted to recognize Sue for the time and effort to get us to the point where we are at currently.

David Franklin reviewed the financial reports and noted that the current cash balance is higher than normal as we had some CD's that were at the end of their cycle and we are going to be putting that money back into CD's in the near future. David also discussed the reserve funds and that at the end of the year we are going to be transferring what is left over in the operating budget over to the reserves and doing it before the end of the year will give us a tax break.

**VIII. OLD BUSINESS AND VOTING AS NECESSARY**

**a. Golf Cart Policy Revised**

Dave Owen stated that he made the revisions to the golf cart policy that was discussed at the October Board meeting. The effective date of the policy is no January 5, 2025 with no fee.

**MOTION TO:** Approve the Golf Cart Policy with the proposed changes.

MOTION BY: Dave Owen    SECONDED BY: Randy Ambuehl

APPROVED:   X   NOT APPROVED:        TABLED:        DIED:

IN FAVOR:   5   OPPOSED: 2 ABSTAINED:

**b. Speed Enforcement Discussion from 2024**

This was an item that was discussed in November 2024 and was asked to be brought back in a year, so it was put on the agenda. The Board discussed that this went out last year, not as a formal survey but for comment. Per the RCW, state law, the Board can request the sheriffs to come on to private roads to enforce the speed limit. There was a question as to if Whatcom County Sheriffs could enforce the speed limit of 20 mph as there have been questions on putting in 20 mph signs elsewhere in Whatcom County and they cannot enforce a 20-mph speed limit outside of a school zone. Since BBVCC roads are private roads, that is not the case, they can come in and can enforce on a 20-mph speed limit. The Board discussed if BBV should allow the Whatcom County Sheriffs to come in and enforce the 20-mph speed limit. This came from a recommendation from the Safety and Security task force list and the Safety and Security Committee supports having the sheriffs enforce the speed limit. There were questions would the sheriffs be issuing BBV citations or tickets that would go on your driving record? These would be tickets that would be going on your driving record.

The Board went on to discuss the current speed camera data and how many tickets have been issued from both the speed camera and the lidar gun. It was questioned as to why more tickets have not been issued from the lidar gun. It was noted that the lidar gun is not as effective as the speed trailer. The speed trailer does not require someone to stand there and provides the same amount of detail, if not more and is more cost effective. It would be more cost effective to purchase another speed trailer and not utilize the lidar gun.

**MOTION TO:** remove Whatcom County Sheriff speed enforcement from the agenda

MOTION BY: Mathue Totten        SECONDED BY: Patrick Ryan

APPROVED:   X   NOT APPROVED:        TABLED:        DIED:

IN FAVOR:   7   OPPOSED:    ABSTAINED:

**c. Light Duty Commercial Vehicles Definition - Survey**

David Wilbrecht presented and had a meeting with Justine regarding the light duty commercial vehicles. We questioned if this should go out to the community for a survey so we put a strawman together. Do we want to expand the number to two or three commercial vehicles. It was then discussed if logo's or stickers constituted a vehicle to be a light duty commercial vehicle and there being a 5-vehicle limit. The Board reviewed the current rules 6.1 and 6.1.7

and the previous definition for light duty commercial vehicle that Dave Owen had put forward. The purpose of this is to clarify for the compliance department.

**MOTION TO:** Modify section 6 of the general rules and regulations removing the “one” in front of light duty commercial vehicle and adding “trailers.” Adding the definition of light duty commercial vehicle and removing the SUV portion.

MOTION BY: Dave Owen SECONDED BY: Bob Whale.

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

**IX. NEW BUSINESS AND VOTING AS NECESSARY**

**a. Waive of \$3,000 Construction Fee – Added with Adoption of Agenda**

Jim Pace, who spoke during homeowners’ presentations that his home burned down in August 2025 and suffered a heart attack during the fire. He asked that the Board waive the \$3,000 construction fee as it is a rebuild. He has insurance and they have been asking why he has to pay BBV on top of the fees to the County.

It was clarified that the Pace’s would have to pay the \$3,000 refundable deposit and that they are asking not have to pay the \$3,000 construction fee as they are building the home exactly the way it was before.

**MOTION TO:** Waive the \$3,000 construction fee.

MOTION BY: Bob Whale SECONDED BY: Dave Owen

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

**b. Proposed 2026 Fee Schedule**

The Board reviewed the 2026 fee schedule, with David Franklin noting that the largest increase that is on it is the increase to the lien fee. The lien fee was addressed this last year and the increase that was made did not cover the full costs of filing and removing a lien from a property.

Golf fees were discussed and the unlimited golf membership is too low, compared to other golf courses like Raspberry Ridge which is approximately three times the amount. The Board also discussed the golf cart rental fee on the new golf carts that should be increased. It was asked to bring this back to the Golf Committee and have them review and bring forward a substantial increase to the golf membership.

It was then asked that both the Golf and Marina need to increase, pay to play. It was stated that with previous years’ increase to the marina that no addition increase is needed there. They were hit hard last year, and we seem to be at par with other private marinas. The only area that should be increased is the boat/tailer storage.

At this time the Board is asking for different pricing for the Golf annual fee, golf cart rental fee and the marina committee to review the boat/trailer storage fee and bring them to the December Board Meeting.

It was also noted to remove the dog park fees from the fee schedule.

**c. Fishing Survey Strawman**

David F presented and reviewed the strawman of the fishing survey with the Board.

The Board discussed the fishing strawman survey that we would like to send out before the start of fishing. The Board would like the survey to be out as long as possible. The survey will go out for the months of December and January, this way the Lakes Committee has time to provide the Village with a set of rules and educational pieces. It was also noted that with wetland and Beaver

ponds could potentially be an issue and we could get potential pushback from regulatory entities.

**MOTION TO:** Approve the survey

MOTION BY: Dave Owen    SECONDED BY: Mathue Totten

APPROVED:   X   NOT APPROVED:        TABLED:        DIED:

IN FAVOR:   7          OPPOSED:        ABSTAINED:

**d. Community Survey Results**

David Franklin went through and reviewed the results from the Community Survey and showed what the current demographics of the community are. There were some word clouds or word salad style answers that the larger the word the more it was used. On the questions where word clouds are, we would like to pull the actual data out of them so that we have a better understanding of exactly what it is that the membership wants. The plan is to incorporate this with the five-year plan. There was one question that was overlooked and it was the question regarding the marina and the question did not reflect what we really wanted to know from the membership. David Franklin will work with the consultants to get the full results and get that to the Board so they can bring their questions to David F.

**e. ACC Member Recommendations**

The ACC recommends that two of the current members be reappointed to the Committee.

**MOTION TO:** Reappoint Kevin Ryan and Rich Santi for 3-year terms

MOTION BY: Bob Whale    SECONDED BY: Patrick Ryan

APPROVED:   X   NOT APPROVED:        TABLED:        DIED:

IN FAVOR:   7          OPPOSED:        ABSTAINED:

There were some questions regarding the fact the Kevin Ryan is Patrick Ryans son and if there would be a conflict of interest but since they both have been on the committee it is a moot point.

**f. ACC Rule Revision**

The ACC is recommending that Section 3.3 of the AR&Rs be changed to correct the time and location and change the due date of applications. The time and location change is to reflect what the ACC is currently doing. The due date change is to reflect the RCW change that all agendas are to be posted 14 days prior to a regularly scheduled meeting.

**MOTION TO:** Approve the changes to AR&R Section 3.3

MOTION BY: Bob Whale    SECONDED BY: Patrick Ryan

APPROVED:   X   NOT APPROVED:        TABLED:        DIED:

IN FAVOR:   7          OPPOSED:        ABSTAINED:

**g. HR Documents**

The Board discussed the HR Documents including job descriptions and performance evaluations. These documents are still in draft form and still need work along with the employee handbook. We have had the assistance of a community member, Caprice Pine who is a retired HR professional.

David F asked if there would be a small group of Board members willing to work with Natasha on getting these documents put together and to the Board in a digestible format. Dave O, Caprice Pine and Natasha will be working on these documents together and will bring a timeline to the next Board meeting.

In the meantime, to complete performance evaluations David F will utilize the old documents and see if those fit our current need or need to be amended.

**h. Marina Committee Request**

Randy Ambuehl put forward the Marina Committee request to replace the electrical panel GFR on A, B, C & D docks, which would cost approximately \$6,000. Currently there is an occasional ground fault occurring at a shore power receptacle that trips the feeder ground fault relay (GFR) located in the electrical panel for the entire dock before it can trip the receptacle GFR. This cuts power to all 20 shore power receptacles on the dock’s feeder circuit. Even though the feeder GFR’s are set to take longer to trip than the shore power GFR’s (300-400mS vs. 70mS), very high ground leakage currents, which do occur, can cause the feeder GFR to trip first. Replacing the feeder GFR’s to ones set with a 1,000mS delay (1 second), will reduce the frequency of the feeder GFR tripping first, though such an occurrence cannot be completely eliminated. The trip times are not field adjustable. With the replacement of the feeder GFR’s and the continued testing of vessel shore power receptacles, the occurrence of this issue should be minimized.

This will be voted upon during the Authorizations and Resolutions portion of the meeting.

**X. AUTHORIZATIONS AND RESOLUTIONS**

**a. Reserve Transfers**

David Franklin presented the Reserve Transfers to the Board.

**MOTION:** I move that the BBVCC board authorizes the General Manager to transfer **\$38,984.93** from Operating to Marina Reserves and to transfer **\$17,388.15** from General Reserves to Operating Reserves to balance interfund transfers as detailed in the tables presented.

MOTION BY: David Wilbrecht    SECONDED BY: Mathue Totten

APPROVED:   X   NOT APPROVED:    TABLED:        DIED:

IN FAVOR:   7   OPPOSED:        ABSTAINED:

**b. Resolution – BBVCC Volunteer Recognition Dinner**

The Board discussed the Volunteer Recognition Dinner Resolution and would like to make some changes including creating a list of volunteers that should be recognized. It was asked that this be refined and to have a not set in stone date but have it for Springtime before the Annual General Meeting. This topic will be tabled and brought back to the Board.

**c. Authorization – Marina Electrical GFR Replacement**

**MOTION:** I move that the BBVCC Board authorizes the expenditure in the amount of **\$4,535** from the Operating Fund to replace the ground fault relay modules on docks A thru D.

MOTION BY: David Wilbrecht    SECONDED BY: Mathue Totten

APPROVED:   X   NOT APPROVED:    TABLED:        DIED:

IN FAVOR:   7   OPPOSED:        ABSTAINED:

**XI. DIRECTORS COMMENTS**

There were no directors comments.

**XII. PARKING LOT**

- a. Community Mission and Vision Statement -Board Retreat September 3rd
- b. Committee Mission Statements
- c. Marina Dock Captains Safety and Compliance Checklist
- d. Golf Course Irrigation from Kwann Lake
- e. BBV Safety Manual
- f. North Fence Cleanup

**XIII. EXECUTIVE SESSION**

**MOTION TO:** move into executive session at 4:45 pm to discuss personnel matters, possible violations of governing documents and possible legal issues.

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

The Board moved out of executive session at 6:10 pm.

**XIV. RATIFICATION OF EXECUTIVE SESSION ACTIONS**

**MOTION:** I move that the Board of Directors ratify the decision made in executive session regarding speed citation matters. Specifically, the Board affirms the decision to uphold the speed citation issued to division 3 lot 13, in the amount of \$75. This motion ratifies the action taken in executive session and authorizes staff to proceed with all necessary notifications and record updates.

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

**MOTION:** I move that the Board of Directors ratify the discussion made in executive session regarding a division 9 lot 99 the Board affirms the decision to double the fines of each citation after the first 3 of the 19 citations, make them a member not in good standing and turn off the bar codes to the owner, and request a hearing with the member.

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

**MOTION:** I move that the Board of directors authorize the General manager to distribute employee benefits in the total amount of \$28,000, as discussed in executive session. This motion ratifies the Board’s action in executive session and authorizes the General Manager to complete all necessary administrative steps to implement the benefit distribution, contingent upon employee review.

MOTION BY: Dan Nedved      SECONDED BY: Patrick Ryan  
APPROVED:   X   NOT APPROVED:      TABLED:      DIED:  
IN FAVOR:   7   OPPOSED:      ABSTAINED:

**XV. ADJOURNMENT**

a. The meeting was adjourned at 6:13 pm.

**MOTION TO:** adjourn

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

Minutes Approved By: \_\_\_\_\_  
Board Secretary