

**BAYSHORE BEACH CLUB, INC.  
BOARD OF DIRECTORS MEETING**

**Saturday, April 15, 2023 Revised Agenda**

**Quorum**

		Attending	Absent
Kenn Apel, President	Division 1	_____	_____
Kate Guptill, Director	Division 1	_____	_____
Steve Sager, Director	Division 3	_____	_____
Tom Hurt, Vice President	Division 4	_____	_____
Carolyn Gardner, Corporate Secretary	Division 5	_____	_____
Storr Nelson, Director	Division 5	_____	_____
Vivian Løjborg Mills, Director	Division 6	_____	_____
William Nightingale, Director	Division 7	_____	_____
Michael Vest, Director	Division 7	_____	_____

**Approval of Minutes of March 18, 2023 Board Meeting**

**Good News**

**Members' Comments: Agenda Item Comments**

**Reports**

- A. Financial report:** Carolyn Gardner, Secretary/Treasurer; **Report Submitted**
- B. Facilities:** Bob Tunison, Facility Manager, **No Report**
- C. Committees**
  - a. Planning:** Michael Vest, Liaison; **Report Submitted**
  - b. Long Range Reserve & Physical Assets:** Tom Hurt, Liaison, **Report Submitted**
  - c. Safety:** Chair needed, Steve Sager, Liaison; **No Report**
  - d. Policies and Procedures:** Chair needed, Storr Nelson, Liaison; **No Report**
  - e. Social:** Chair Roger Smith, Vivian Løjborg Mills, Liaison; **Report Submitted**
  - f. Communications:** Kenn Apel and Vivian Mills, Co-Liaisons; **No Report**
  - g. Budget/Finance:** Chair Mary Lou Morris, Carolyn Gardner, Liaison; **Report Submitted**
  - h. Canal:** Chair Karin Couch, William Nightingale, Liaison; **No Report**
  - i. Nominating Committee:** Chair Trish Ferrel French, Mike Vest, Liaison; **Report Submitted**
- D. Task Forces**
  - a. Beach Access Task Force:** **No Report**
  - b. Bylaws Task Force:** **Report Submitted**
  - c. Clubhouse Project:** **No Report**
- E. Motion to accept all reports for minutes.**

**Unfinished Business**

- A.** Appointment of members to Election Committee
- B.** Update on member fine
- C.** Mackey Park update (Paula Brubaker)

Agenda Revised and sent out on April 13, 2023

- D. Hilton Drive property
- E. Plaques on donated items

### **New Business**

- A. Procedures for Requests for Fair Housing Accommodations/Modifications
- B. Membership card issue; pool use
- C. Upstairs Clubhouse (Paula Brubaker)
- D. Year in review
- E. Other

### **Member Comments**

### **Executive Session**

### **Adjournment**

### **Zoom link for Bayshore Board of Directors Meeting**

**Time: April 15, 2023 01:00 PM Pacific Time (US and Canada)**

### **Join Zoom Meeting**

<https://us06web.zoom.us/j/87921342571?pwd=bmo0dkxlbWVDTlJlMjRqOHY4TkNVZz09>

**Meeting ID: 879 2134 2571**

**Passcode: 234446**

**BAYSHORE BEACH CLUB, INC.**

**MONTHLY REPORT TO BOARD**

**March 31, 2023**

As of March 31, 2023, the 2021 Operating fund balance is \$130,998.46 (58,430 is earmarked as reserve funds to transfer for special projects)

As of March 31, 2023, the 2022 Operating fund balance was \$25,665.04

As of March 31, 2023, the 2023 Operating fund balance was \$92,067.81

As of March 31, 2023, the Long Term reserve fund balance is \$370,386.09

Accounts receivable balance as of March 31, 2023 is \$ 16,098.33

Current Liabilities including accounts payable and payroll related items total \$27,376.66 as of March 31, 2023

Contingency Fund balance as of March 31, 2023 is \$17,250.00

There were 0 property transfers in March.

Liens are being filed for the Bayshore members who have not paid their dues. We are sorry that we had to do this procedure. It isn't fair to those members who faithfully pay their annual dues to ignore the lack of payment. The board tries very hard to use the funds wisely for the good of all members. After the May meeting and the approval of the budget, new invoices for dues will be sent out for the 2023-2024 fiscal year.

The financial reports are prepared by:

Carolyn Gardner  
Corporate Secretary  
Board member from district 5

## Planning Committee Report to the Board of Directors, April 6, 2023

- 1) Date report submitted: March 7, 2023. Report covers March 8, 2023 – April 6, 2023
- 2) Planning Committee & Membership Update
  - a) Planning Committee continues to meet on Tuesdays from 9-11AM in the office
  - b) Since the last report, the PC met on 3/14/23, 3/21/23, 3/28/23 & 4/4/23
- 3) Since last report:
  - a) PC is continuing to clean up old files
    - i) 89 active construction files (79 approved, 10 pending)
    - ii) 47 active complaint files
  - b) New Construction:
    - i) New Construction: 0 submitted, 0 approved
  - c) Projects: (approved/submitted)
    - i) Fence – 2/3
    - ii) Carport/Garage – 1/1
    - iii) Parve Driveway – 1/1
  - d) Boat/RV Permits: none
  - e) Complaints filed:
    - i) Scotch Broom – 4
    - ii) Unapproved Structure – 1
    - iii) Unapproved Trailer – 1
    - iv) Fence Too Tall – 1
  - f) Complaint Letters Sent
    - i) Informational – 4 (Scotch Broom – 4, Unapproved Structure – 1, Unapproved Trailer – 1, Fence – 1)
    - ii) Notice of Violation – 0
    - iii) Notice of Fine – 1 (Tree)
    - iv) Refer to Board of Directors for Fine – 0

Planning Committee would like to remind members to let the office or Planning Committee know when projects are complete so we can close out files.

Regarding deferred fine for Mokmak Lake Drive property, PC continues to be in contact with owner and contractor. Lincoln County has required movement of house on lot and those details are being finalized. Fine decisions are solely up to the BOD.

**Actions for BOD meeting: none**

Submitted by Bayshore Planning Committee: Becky Hanken, Jeri Reinhart, Mark Thompson, Mike Vest (BOD Liaison), Paul Williams (Chair)

To: BBC Board of Directors  
From: LRPA Committee  
Date: 3-13-23

Committee Met Via Zoom on :

Thursday, April 6 Via Zoom. Attending, T. Hurt, B. Tunison, G. Kressley. Absent, M. Mugnai

**Item One: Proposal to BBC Board, Recommended Change in Policies and Procedures, Section 02- Accounting and Financial-Management of and Requirements of a Reserve Fund-Management of Request for Vendor Bids-When Are Vendor Bids Required?**

**Item Two: Revised Proposal to BBC Board, Proposed Clarification of Bayshore Capital Planning and Spending Limits.**

Item One: Recommended Change in Policies and Procedures, Section 02- Accounting and Financial-Management of and Requirements of a Reserve Fund-Management of Request for Vendor Bids-When Are Vendor Bids Required? (page 56)

Note: The language in the Policies and Procedures regarding

Current Language:

- 1) The bid process is required when the estimated cost of a project, item or service exceeds \$500. The project, item or service must be within the Budget ascribed and with the knowledge of the Budget Coordinator. Should the estimated cost exceed the Budget, Board approval is required.

Proposed Language:

- 2) The bid process is required when the estimated cost of a project, item or service exceeds \$2,500. The project, item or service must be within the Budget ascribed and with the knowledge of the Budget Coordinator. Should the estimated cost exceed the Budget, Board approval is required.

## **Item Two: Proposal to BBC Board, Proposed Clarification of Bayshore Capital Planning and Spending Limits (Revised)**

The Committee discussed and would recommend the following revised process and clarifications to the BOD.

Background:

There are five main types of planned capital asset spending:

- Maintenance of existing assets,
- Emergency repairs of existing assets,
- Planned and approved current year new capital projects
- Planned and approved long-term capital projects
- Proposed but unapproved capital projects.

Budgeting: Maintenance, emergency repairs and current year approved capital budget are included in the annual budget along with new planned and approved capital projects for the current budget year.

Capital Planning: Future planned and approved capital expenditures are included in the Long-Range Capital Plan.

Planning Guidelines:

1. All capital expenses must be approved by the Board.
2. Existing asset maintenance expenses should be funded in the annual expense budgeting process as a line item budget. There should be a reserve for emergencies. Existing asset maintenance is the responsibility of the Facility Manager with assistance, as needed, from the LRPA.
3. New capital expenses are approved by the Board during the annual budget cycle as a list of new projects for the coming year, using the capital expense approval process.
4. All approved long-term capital projects should be included in the long range capital plan.
5. The Long Range Asset Planning committee is responsible for the development of the annual capital plan and must be approved by the Board.

## Proposed Capital Expense Planning Process

1. A project (by the Facilities Manager or member's committee or group) is brought before the Board.
2. If deemed worthy to the HOA, the Board then directs the appropriate group to develop a set of options for the contract.
3. The BOD approved group researches the options, with the appropriate level of due diligence, then presents the options available to the Board, including the pros and cons of each option.
4. The Board reviews, chooses an option and approves the project. Approved projects for the planning cycle go into the annual budget and will be implemented by the Facilities Manager if it falls within the assigned responsibilities, or any committee or group of members under the direction of the BOD.
5. When completed, the BOD assigned group presents a final report to the BOD at the regular monthly meeting.

## Proposed Emergency/Unplanned Capital Spending Authorization Process:

The LRPA committee is proposing the following guidelines to follow when authorizing *unplanned* Bayshore expenditures. These suggestions address emergency or unplanned capital (asset) expenditures and *specifically exclude expenses related to regular maintenance of existing Bayshore assets* budgeted for the current year.

1. Any critical but unbudgeted expense (example, emergency repairs) up to \$2,500 may be performed by the Facilities Manager or BOD approved licensed contractors without further approval.
2. Any proposed unbudgeted expenses above \$2,500 must be approved by the Board, following the Bayshore Policies and Procedures.

## **Social Committee Report for April**

On April 6, the Social Committee got together to discuss activities and events throughout the month of December. With the upcoming election Roger Smith informed the committee that he was running for the BOD. The committee elected Paula Brubaker and Ila Hamilton to co-chair the committee for the 2023-2024 year.

The Social Committee would like to wish the following members a Happy Birthday for April: Liza Flowers, Ellen Tadin, Michael Davis, William Blazina, Dorothy Bogumil, Kai Bryant, & Debbie Charles. This month's lucky Birthday Club winner is Janet Puskar! Janet won a \$15 gift card to her favorite restaurant. Happy Birthday!

### Upcoming Activities:

April 15 – after the BOD meeting (roughly 3pm) – Ice Cream Social with all the fixin's. This is a great time to meet your neighbors and candidates for the upcoming BOD election.

May 20 – After the Member Meeting (5-8p) – Chili and Live Music. With all the members in town for the annual meeting, this will be a great way to meet new/old members. Your SC will be providing the chili, while Mike O'Donnell will be providing the music. No need to RSVP, just come and have a great time.

June 24 – Bayshore Beach Club 60th Birthday Bash - Come join us from 4-8pm out on the Artisan's Patio for food, fun, and live music from Mike Tolle. Please RSVP to the address below so that the SC knows how much food to prepare.

July 8 – Music on the Patio (6-8p) – Bring your beach chairs, some munchies to share, and your favorite beverage while listening to live music from Mark Mugnai out on Artisans Patio. Water, soda and smores will be provided by the Social Committee.

July 22 - Music on the Patio (6-8p) – Bring your beach chairs, some munchies to share, and your favorite beverage while listening to live music from Steve Cook out on Artisans Patio. Water, soda and smores will be provided by the Social Committee.

Aug 19 - Music on the Patio (6-8p) – Bring your beach chairs, some munchies to share, and your favorite beverage while listening to live music from Mike Tolle out on Artisans Patio. Water, soda and smores will be provided by the Social Committee.

Oct 28 – Halloween Party – Details to follow.

Dec 16 – Holiday Party – Details to follow.

The Social Committee is always looking for new members and ideas to help bring the community together, if you'd like to get involved or want to RSVP for any of the events above. Contact us at: [social.bayshorebeach@yahoo.com](mailto:social.bayshorebeach@yahoo.com)



## **BUDGET COMMITTEE REPORT**

**April 15, 2023**

**The Budget Committee met on March 24<sup>th</sup>.**

**Each line item in the Income and Expense categories of the budget was discussed. Amounts were adjusted for the 2023-24 budget year using the actual amounts spent through February 2023.**

**The committee discussed the need to increase the dues by \$10 and transfer funds from the Reserve Fund so the Income and Expenses would balance. It was decided to have funds in the Contingency Fund for expenses that aren't covered in the budget.**

**Submitted by – Mary Lou Morris**

NOMINATIONS COMMITTEE REPORT  
TO BAYSHORE BEACH CLUB, INC.  
BOARD OF DIRECTORS' APRIL 15, 2023 MEETING

On Monday, April 3, 2023, the Nominations Committee met and received one application for an opening on the Board Of Directors. That application was filed at the Bayshore offices before noon on Friday, March 31, 2023 as required. No other applications were filed by the deadline.

The one valid application received is for the opening for Division 3 on the Board of Directors.

The Nominating Committee reviewed the Application filed by Bayshore member, Roger Smith who lives fulltime in Bayshore. Attached is Roger Smith's relevant biography.

The Nominating Committee finds Roger Smith is a Bayshore Beach Club, Inc. member in good standing. Accordingly, the 2023 Nominating Committee presents to the Board of Directors for approval at the April 15, 2023 BOD meeting, Roger Smith's application to run in the May, 2023 election for the open seat on the Bayshore Beach Club, Inc.'s Board Of Directors representing Division 3.

The Nominating Committee will continue to accept applications from members interested in running for the Board of Directors to be nominated from the floor at the annual members meeting in May. Members interested in running from Divisions 2, 3, 4, or 6 can still request an application from the office. Completing the application and submitting it to the Bayshore office prior to the May meeting will help the Nominating Committee complete vetting of those candidates prior to being nominated at the May meeting.

Thank you.

2023 Nominating Committee

## **Bylaws Task Force Report**

March 30, 2023

In attendance: Kathie Boian, Gary Brown,, Elaine Ferguson, Kate Guptill, Kathi Lenz, Storr Nelson, John Westhafer, Debbie White

Excused: Brittany Bryant

Task Force met to review work that has been accomplished and organize future tasks.

The Task Force discussed the following:

1. Debriefed informational meeting. Very poor turnout.
2. Discussed revisions to Article XIII according to ORS94.574. We are a Class 3 HOA
3. Finalized DRAFT revisions to the Bylaws.
4. New flyer.
5. Discussed ideas for Member Meeting: Call for nominations for candidates for BoD from the floor, submit Bylaws Task Force final report, entertain questions, hand over to BoD
6. Decided to send out DRAFT revisions to Bylaws via email to all members.

### ***ACTION ITEM:***

***The Task Force requests the BoD to authorize Zoom participation at the May 2023 Annual Member Meeting.***

***Members could be vetted by giving their member # and Bayshore address***

Scheduled next meeting for April 13, 2023

Respectfully submitted,

Elaine Ferguson Chair  
Bylaws Task Force 2022-2023

**Meeting:** April 12, 2023 (6:00 to 7:30 pm) Next meeting (In-person/Zoom) May 10<sup>th</sup> @ 6:00pm

**Attendance:** (Zoom) Elaine Ferguson, Kathi Lenz, & Debbie White, Gary Brown & Storr Nelson (Board Liaison),

Elected Kathi Lenz as Chair – Vote was unanimous.

### **Old Business**

- Bid process & language combining both committees (Tabled until further direction is received)
- Election Committee (Tabled till after elections and Bylaws are finished)
- HOA Parking Lot & Grounds (Tabled till summer)
- Rental Agreements for Organizations and Groups (forms) – submit both for action  
(This is another opportunity for the inclusion efforts for the 501c4)
- Check list – will submit for action
- Rental agreement (policy) – will submit for action

### **New Business**

- Can Zoom be used during the member meeting and allow attendees to vote and participate?

Discussion centered around what tools zoom has and how to work voting. It is doable, but we will need more time to develop the procedures and rules around how this can work.

**Next Meeting** – Wednesday - - May 10<sup>th</sup>. 2023 6:00 Pacific/7:00 Mountain

The meeting in March will be dedicated to the By-laws Taskforce

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**Assignments** TBD

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**Action Items for April 15<sup>th</sup>, 2023 BoD meeting - - [None at this time](#)**

**BAYSHORE BEACH CLUB**  
**RESOLUTION OF THE BOARD OF DIRECTORS**  
**Establishing Procedures for Requests for Fair Housing Accommodations/Modifications**

At a regular meeting of the Board of Directors (“Board”) of the Bayshore Beach Club, Inc. (“Association”), for which homeowners had notice and the opportunity to attend, held virtually via Zoom and in-person on March 18 2023, at 512 NW Oceana Drive, at the time of 6 pm, the Board resolved as follows:

WHEREAS, a Board meeting convened at the time and date set out above;

WHEREAS, the Association Secretary, by signing below, attests that pursuant to the Association Bylaws at Article III, all Board members were provided notice of the meeting (or by their attendance waived notice) and a quorum of the Board was present; and

WHEREAS, the Association is organized and empowered to exercise all of the powers and privileges conferred to it by the Declaration of Covenants and Restrictions and all subsequently recorded supplements and amendments, the Association’s Bylaws, its Articles of Incorporation, and the Oregon Planned Community Act (ORS 94.550, *et seq.*), to administer, manage and operate the Association for the benefit of its members; and

WHEREAS, Declaration Article V, ORS 94.630, and ORS 94.640 provide that the Association acting through the Board shall have all of the powers and duties necessary for the administration of the affairs of the Association; and

WHEREAS, ORS 94.630 gives the Board the authority to adopt and amend on behalf of the Association detailed rules and regulations governing the common property and use of lots as may be necessary and appropriate to assure the peaceful use and orderly enjoyment of the property; and

WHEREAS from time to time, the Board receives requests from owners and residents for accommodations or modifications for persons with disabilities as that term is defined in the Fair Housing Act; and

WHEREAS the Association is required to make reasonable accommodations or allow modifications to rules, policies, practices, or services when such accommodations or modifications are necessary to afford an equal opportunity to use and enjoy a dwelling because of a disability (a physical or mental impairment which substantially limits one or more major life activities) in accordance with ORS 659A.145 and the Fair Housing Act; and

WHEREAS the Board finds it in the best interests of the Association to adopt a procedure for owners and residents wishing to make such requests, and to adopt a procedure for the Board’s consideration of those requests; and

NOW THEREFORE, BE IT RESOLVED that the Board adopts the process set forth herein for accommodation/modification requests and responses thereto:

An owner or resident wishing to request an accommodation or modification because of disability must submit a request to the Board. The request needs to include the following information:

- A statement that the request is for reasonable accommodation/modification;
- A statement regarding the disability and major life functions that are limited;
- A statement regarding the accommodation/modification that is requested; and
- A statement regarding the relationship between the disability and the requested accommodation/modification.

It is preferred that the request be in writing to promote a clear understanding of the request. A form is attached (Attachment A) that may be used to make the request, but the form is not required.

Within 14 days of submission of the request, the Board will acknowledge receipt and advise in writing whether Medical Verification is required. If the Board requests Medical Verification, the owner or resident will be asked to have the attached Verification Form (Attachment B) completed by a Qualified Individual (as defined on the Form). An owner or resident may choose to submit the Verification Form with the original request instead of waiting for a request from the Board.

Upon receipt of the Medical Verification, or if no Medical Verification is requested, the Board will consider the request at the next Board meeting, but in no event shall consideration be more than 30 days from either the initial request or receipt of the Medical Verification, whichever is later.

In reviewing the request, the Board will consider the following factors:

- Whether the requesting owner or resident meets the definition of a person with a disability under ORS 659A.104 or the Fair Housing Act;
- Whether the information presented shows a connection between the disability and the accommodation/modification requested;
- Whether the accommodation/modification requested is reasonable;
- Whether the accommodation/modification will cause an undue financial or administrative burden on the Association;
- Whether the accommodation/modification would change the fundamental nature of the functioning of the Association; and
- Other information provided that relates to the factors listed above.

The Board will send written notice of its decision within 7 days of the meeting. The decision may be an approval, an approval with conditions, or a denial.

If an owner or resident wishes to appeal a decision of the Board, the owner or resident must submit a written request for a hearing within 14 days of the notice of decision. Failure to timely submit a request for an appeal waives the right to an appeal. The Board shall consider the appeal as a request for reconsideration of its initial decision.

All information relating to the request will be kept confidential, and any hearing relating to the request will be held in executive session.

BE IT FURTHER RESOLVED that the Board directs the Secretary to notify all owners about this Resolution in accordance with the Bylaws. This Resolution will be effective from the date of notice.

BE IT RESOLVED.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

BAYSHORE BEACH CLUB, INC

By: \_\_\_\_\_  
Kenn Apel  
Its President

ATTEST: The above resolution was properly adopted.

By: \_\_\_\_\_  
Carolyn Gardner  
Its Secretary

**Attachment A**  
**Sample Form Request for Reasonable Accommodation/Modification**

Dear Bayshore Beach Club Board of Directors:

This is a request for reasonable accommodation/modification. I have a disability that limits the following major life functions: \_\_\_\_\_.

Because of my limited ability to \_\_\_\_\_

\_\_\_\_\_,

I need \_\_\_\_\_

\_\_\_\_\_.

Therefore, please make an exception to the following rule/provision/policy:

\_\_\_\_\_

\_\_\_\_\_.

I need this accommodation in order to \_\_\_\_ live in my Lot \_\_\_\_ use and enjoy the Common Areas.

[Include any additional relevant details regarding the specifics of the request.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_].

Sincerely,

Name

Address

Phone Number

Email Address



**Attachment B**  
**Sample Verification for Reasonable Accommodations/Modification**

Name of person requiring accommodation/modification

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Description of accommodation/modification being requested

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I understand that under federal and state law, an individual is disabled if they has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. Major life activities include walking, seeing, hearing, speaking, breathing, thinking, communicating, learning, performing manual tasks, and caring for oneself.

Impairments also include such diseases and conditions as orthopedic; visual; speech and hearing impairments; Cerebral Palsy; autism; seizure disorder; Muscular Dystrophy; Multiple Sclerosis; cancer; heart disease; diabetes; HIV; mental retardation, mental and emotional illness; drug addiction; and alcoholism. This definition does not cover any individual who is a drug addict and currently using an illegal drug, or an alcoholic who poses a direct threat to property or safety because of alcohol use (224 DFR Part 8.3 and HUD Handbook 4350.3, (Exhibit 2-2).

I certify that \_\_\_\_\_ has a physical/mental (circle) disability that meets the definition stated above.

I verify that this request is directly related to their disability and is necessary to afford them the opportunity to access housing, maintain housing, or fully use/enjoy housing. (Necessary indicates necessity as opposed to only the matter of convenience or preference).

I recommend that the request for \_\_\_\_\_ be approved.

I certify that the information above is true and correct.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Professional Title: \_\_\_\_\_

Name of Clinic, Hospital, etc.: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Email Address: \_\_\_\_\_