

BAYSHORE BREEZE



Photo by Brett Sturgeon

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Editor's Message

Happy Valentine's month to all! Many things have been happening in February. Be sure to read the BOD meeting minutes when available. Questions about Bayshore's tax exempt status, trespassing, dogs on leashes etc. Also, see the President's message contained in this issue. You'll notice a March calendar of events. Since the Breeze comes out after the BOD meeting, the current month's activities are over before you know what they are. Let us know if this works.

PRESIDENT'S MESSAGE

The Bayshore Breeze is the official publication of the Bayshore Beach Club Board of Directors.

The Breeze is emailed to Bayshore property owners, with hard copies available at the Bayshore office.



Photo by Roger Harris

Bayshore's 501c4 Tax Status

The IRS designated Bayshore the 501c4 tax status in December 1964. Why was that important? According to the IRS, a 501c4 is a tax-exempt status given to an organization that operates to promote social welfare within a community. For a 501c4 organization to maintain a non-profit status, it must not conduct activities directly or only for the members. “The non-profit organization must share the facilities and must be free for the enjoyment of the general public”. Bayshore lost its 501c4 status in 1983. In the subsequent years, Bayshore paid annual taxes between \$16.6K to \$22.4K (in today's currency). Bayshore appealed the IRS decision and was given 501c4 status again in 1985. As part of the appeal process, Bayshore said (in 1983) that “beach access areas, the parks, the playground (and roads), are for the use and enjoyment of the general public....part of the clubhouse was open to the general public and the pool was used by the children from Waldport.” Bayshore has been a 501c4 organization continuously since 1985.

The Breeze welcomes letters to the editor, but submission of a letter is not a guarantee that it will be printed. The Breeze will not print letters that are personal attacks on an individual or group or include knowingly false information. Letters may be edited for length and are limited to 250 words. Anonymous

It is important to note that, across 40 years, Bayshore has offered parts of the clubhouse and pool to the general public. For example, back in 1981, the American Contract Bridge League used the clubhouse. Current groups using the clubhouse (e.g., quilters group, Mah Jong players, Book Club) also include non-members. Starting in 1983, outside groups have been invited to use the pool on a HIGHLY limited basis: in 1983, the Waldport Lions Auxiliary used the pool from June 13-24th. In the '80s, children from the Waldport school district used the pool for swimming lessons (one hour per day for two weeks, so essentially 10 days¹). All of these activities help maintain Bayshore's 501c4 status (i.e., it is not paying taxes out of its budget like it did when it lost 501c4 status).

To continue to ensure Bayshore meets what it told the IRS in its appeal for the 501c4 tax status, the Board is investigating what organization might wish to use the pool for a limited period of the summer pool season. As part of that process, the Board will ensure the organization will provide its own certified swimming instructor. For the record, the Board minutes of October and November 2022, and January 2023 also contain information about Bayshore's 501c4 status and what members' dues pay for.

¹ ten hours is less than 1% (.006%) of the total number of hours the pool is open during the summer.

letters are not accepted.

We still need more volunteers for these Committees:

Elections Committee

Planning committee

Beach Access Task Force

Communications Committee

Safety Committee

Policy and Procedure Committee

PLEASE CONSIDER VOLUNTEERING NOW!

Since the above information was provided in the February meeting, some members have asked follow-up questions. Answers to two of these often-asked questions are provided below.

Possible Liability Regarding Use of Facilities by the General Public

The Board has heard from several members who questioned whether allowing a non-member group to use the pool on a limited time basis (e.g., 10, 1-hour lessons) puts Bayshore at greater risk for liability. The Board sought advice from legal counsel and was advised that if an individual falls or slips on one of Bayshore's properties, regardless of whether the individual is a Bayshore member or a person from the general public, Bayshore has insurance to deal with any potential liability claims.

ADA Accessibility

The Board also has heard from several members regarding the fact that the clubhouse and pool are not currently accessible to all individuals, be they members or guests. As discussed in the February Board meeting and also summarized in the upcoming minutes, the

FYI: Minutes from previous Board meetings are available [here](#).



Photo by Nadine & Neil Scott



Photo by Megan Hanselman

Board is working on creating greater accessibility for its facilities (see information re: Phases 1 and 2 of the clubhouse and the new playground equipment at Mackey Park). The Board also is working with Bayshore's attorney to put together a policy to address how the board is working toward fair housing/equal access to its facilities.

Kenn Apel

Sand Removal

Members have asked about issues regarding sand removal, particularly in the southern part of Bayshore/Oceania . After consultation with the chair of the Special Road District, Board President Kenn Apel made the following statement at the July 16, 2022 Board meeting (see minutes of that meeting): "Members can continue to remove sand on their property from the side of their house that faces the Oceania, using either a company or doing so themselves. Members may not push sand onto the road. If that occurs, there is a \$2,000 fine that can be levied via the Planning Committee."

Through discussions with the Bayshore Special Road District, the Sheriff's Department and Oregon State Parks will coordinate at an enhanced level to enforce compliance of rules and laws regarding the movement of sand within the Bayshore community.

BAYSHORE CALENDAR OF EVENTS



Aerial photo by SRWD



Photo by Roger Kronick

March

April 2023

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
26 X	27 X	28 X	1 Senior Fit 9a – 10a Beg. Tai Chi 11-12:15 p	2 Mahjong 12:30 – 3:30 p	3 Senior Fit 9a – 10a Quilters 10a – 4p	4
5	6 Senior Fit 9a – 10a Knitters 1:30p – 4p	7 Plan Comm Mtg 9-11a	8 Senior Fit 9a – 10a Beg. Tai Chi 11-12:15 p	9 Mahjong 12:30 – 3:30 p	10 Senior Fit 9a – 10a Quilters 10a – 4p	11
12 Discussion Book Group 3:30 pm – 5:00 pm	13 Senior Fit 9a – 10a Knitters 1:30p – 4p	14 Plan Comm Mtg 9-11a	15 Senior Fit 9a – 10a Beg. Tai Chi 11-12:15 p	16 Mahjong 12:30 – 3:30 p	17 Senior Fit 9a – 10a Quilters 10a – 4p	18 BOD MEETING 1:00 PM – 3:00 PM
19	20 Senior Fit 9a – 10a Knitters 1:30p – 4p St. Patrick's Day	21 Plan Comm Mtg 9-11a Road Dist Mtg. 1:00-3:00 pm	22 Senior Fit 9a – 10a Beg. Tai Chi 11-12:15 p	23 Mahjong 12:30 – 3:30 p	24 Senior Fit 9a – 10a Quilters 10a – 4p	25
26 Discussion Book Group 3:30 pm – 5:00 pm	27 Senior Fit 9a – 10a Knitters 1:30p – 4p	28 Plan Comm Mtg 9-11a	29 Senior Fit 9a – 10a Beg. Tai Chi 11-12:15 p	30 Mahjong 12:30 – 3:30 p	31 Senior Fit 9a – 10a Quilters 10a – 4p	1 X

SOCIAL COMMITTEE UPDATE

The Bayshore Social Committee would like to wish the following members a Happy Birthday for February: Roger Harris, Amy Smith, Anne Baisch-Lewis, Mark Lutz, Rebecca Hayden, Maureen Hall, John Hall, Annette Talbot, Cheri Galvin, Denise Kaiser, Isabel Hanselman, Andy Burlet, Mary Blazina, Fiona Riley, Craig Shafer, Stephen Fitzgerald, & Ronda Rueff. This month's Birthday Club winner is Claire Magee! Claire won a \$15 gift certificate to Fresh Mexican. If you want to participate in the Birthday Club, please send your name and birth month to: social.bayshorebeach@yahoo.com.

Your Social Committee is working on bringing you more music this summer out on Artisans Patio, and possibly Mackey Park. If you are a musician who would like to perform, please send an email to the email address above. We will be celebrating Bayshore's 60th birthday at this year's meet & greet (June 24th).



Photo by Kate Lansing

Pets of the month



Photo by Megan Hanselman



Photo by Nadine and Neil Scott

This is Zeus. This is Zeus. Zeus is one of the most friendly and loving pups You will ever meet. He loves all types of adventure, but his favorite is frolicking on the beach chasing his ball!

Mike & Karen Vest



Photo by Norm Galvin



Photo by Norm Galvin



This is Chula (left) and Roo (right). They are “The Chugs”, Chihuahua/Pug mixes. They celebrate many holidays including the Fourth of July, Halloween, and Easter. Roo is disabled. He cannot straighten his front legs but he can walk, run and jump. When he gets tired, he hops into his roadster. I’m his Ruber driver.....lol Jane Margulis

If you sent in photos and a biography on your furbabies and don’t see them, please take heart. We are publishing one or two a month so have faith. Your baby(ies) will soon be immortalized. Keep sending in those photos and biographies!



Photo by Roger Harris

NOMINATIONS COMMITTEE UPDATE



Bayshore needs you!!



Photo by Jon French

*The Nominations Committee has started putting together postcard announcements and application packets for Bayshore members to apply to run for the Board of Directors. The Committee plans to soon mail postcards and send emails to all members explaining the application process, the deadline for applying, which Board positions are open for election, and how to obtain an application to run for one of the open Board positions. The current Board positions that are open are Divisions 2, 3, 4, and 6. These are all 3-year terms that will expire in 2026. **The deadline for applying to run for a Board position is March 31st.** We hope many of you will consider running for one of the*



Photo by Robert Haselhuhn

open Board positions. Why would you consider running? Board President Kenn Apel said it so well last year in the March 2022 Breeze: “Bottom line for me: Serving as a board Director is a superb way to learn more about your fellow Bayshore members while giving back to the community. You also will learn more about how Bayshore has operated over the years, and the founding documents that guide our community, such as the C&Rs, Bylaws and Policies and Procedures.” (Small excerpt from Kenn’s article). Please start thinking about applying and look for our postcard. Bayshore needs you!



Photo by Brett Sturgeon

“The heart of a volunteer is never measured in size but by the depth of the commitment to making a difference in the lives of others” ~Deann Hollis

BYLAWS TASKFORCE UPDATE

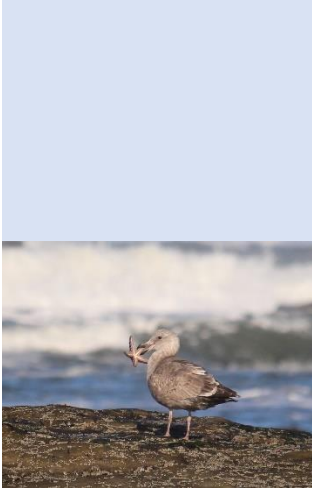


Photo credit google images

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The Bylaws Task Force held its first informational Q & A meeting on Saturday, February 18 in person and via Zoom. The Task Force shared its work and entertained questions.

First, the Task Force reviewed the levels of authority of our documents. Our HOA is governed first by federal law, then Oregon state laws (ORS), and Lincoln County statutes, ordinances & rules. Finally, there are the Bayshore documents. The most powerful are the Declarations of Covenants & Restrictions (C&Rs), then the Articles of Incorporation, the Bylaws, and, lastly, Policies & Procedures. The Bayshore documents must align with all federal, state, and county rules.

Of the five tasks that the Task Force was charged with, three tasks have been completed and the Task Force started the fourth:

- It reviewed Oregon Law regarding HOAs,*
- It evaluated the current Bylaws and updated them for appropriate language (example: Chair for Chairman),*



Photo credit to Bayshore member



Photo credit google images

- *It provided reports of our progress to the BoD and via the Breeze, and*
- *It eld the first meeting for member input.*

Differences between state law and Bayshore's Bylaws include wording on the quorum for the Member Meeting (ORS94.655) and the requirement to use Roberts Rules of Order (ORS94.657) at our meetings. Our current BOD does use Roberts Rules of Order and we are still working out exact wording on the definition of a quorum.

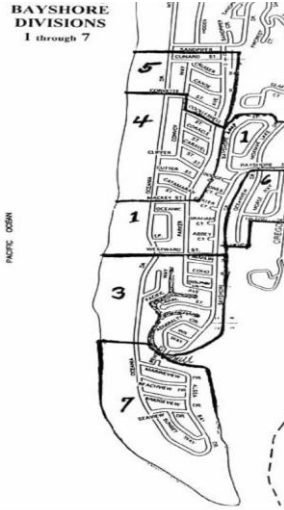


Photo by George Kressley

The Task Force also discussed the positions of Secretary-Treasurer and Corporate Secretary. The Task Force suggests that these positions be redefined. Perhaps the skills sets needed for these positions are enough different that dividing the Treasurer position out and combining the duties of Secretary and Corporate Secretary may work better.

Questions from the membership arose about having the Task Forces work reviewed by an attorney and ways to conduct the election to revise the Bylaws. If you have questions or comments, you may email the office and it will be forwarded to the task Force. The Task Force will continue to meet. The next informational Q & A session is scheduled for Saturday, March 18 at 11:00 am in the

Bayshore division map



Clubhouse and via Zoom. Hope to see you then! Elaine Ferguson, Chair of the Bylaws Task Force

