

BAYSHORE BEACH CLUB, INC.

BOARD OF DIRECTORS MEETING

Saturday February 18, 2023

In Attendance

Kenn Apel, President	Division 1
Kate Guptill, Director	Division 1
Tom Hurt, Vice President	Division 4
Carolyn Gardner, Corp Sec	Division 5
Vivian Mills, Director	Division 6
William Nightingale, Director	Division 7
Michael Vest, Director	Division 7

Absent

Steve Sager, Director	Division 3
Storr Nelson, Director	Division 5

President Apel welcomed everyone to the hybrid clubhouse and zoom meeting, and Corporate Secretary Gardner determined a quorum was present. The Board of Directors' Meeting was called to order by President Apel at 1:00 pm.

President Apel reminded the members that the BOD would not take member comments until specific times, except if the BOD asked a question of a member.

President Apel asked if there were any changes before accepting the minutes of the Board of Director's meeting of January 21, 2023. No changes were requested.

Approval of the January 21, 2023 BOD Minutes:

Motion: President Apel moved and was seconded by Vice President Hurt to approve the minutes of the Board meeting on January 21, 2023. Motion passed 7-0.

Apel	Yes	Vest	Yes
Hurt	Yes	Guptill	Yes
Nightingale	Yes	Nelson	Absent
Sager	Absent	Mills	Yes
Gardner	Yes		

Approval of the January 30, 2023 Emergency BOD Minutes:

Motion: Corporate Secretary Gardner moved and was seconded by Director Mills to approve the minutes of the Emergency BOD meeting on January 30, 2023. Motion passed 7-0.

Apel	Yes	Vest	Yes
Hurt	Yes	Guptill	Yes
Nightingale	Yes	Nelson	Absent
Sager	Absent	Mills	Yes
Gardner	Yes		

GOOD NEWS:

1. *Thank you, member Paula Brubaker, of the Bayshore Artisan’s for spearheading the playground equipment for Mackey Park. Note: Playground equipment for Mackey Park was voted Number 1 on Bayshore’s recent surveys and fireside chats, and was the main reason the equipment was purchased. Members also commented that the playground equipment would be a great place for their grandkids to play.*
2. *The corner of Corvette and Convoy is now paved.*
3. *Thank you, Roger Smith, for arranging the items in the Bayshore garage to make room for the playground equipment until the installation at Mackey Park.*
4. *Thank you, member’s Roger Smith and Rod Couch, for acquiring 8 picnic tables for Mackey Park. Another thank you to Roger Smith for covering several clubhouse duties while Facility Manager Tunison is out on leave.*
5. *Thank you, member and photographer, Kerry Terrel who has given Bayshore rights to one of her photographs. The photograph is a scenic picture of Bayshore, and is displayed in the February Breeze and on the website.*
6. *A special thank you to BOD member, William Nightingale, who performed CPR on a woman who drowned, and brought her back to life. Update from Director Nightingale, she is recovering well. President Apel awarded Director Nightingale with a package of *Life Savers*.*

President Apel reminded members that only reports with action items will primarily be discussed.

REPORTS:

FINANCIALS: Report Submitted. No action item.

FACILITIES: No Report. *Verbal note:* During a recent walkthrough with the architect Bayshore hired to prepare a proposal for ADA compliance at the clubhouse, the architect noticed that the top part of the handrail on the stairwell going up to the second floor of the clubhouse was loose. After discussion with President Apel, they determined the handrail needed repair and also decided adding another handrail would help provide more safety overall.

Motion: President Apel moved and was seconded by Director Mills to hire Darrin Goodrick to install appropriate handrails on the stairwell leading to the second floor of the clubhouse, as quickly as possible, for safety reasons. Motion passed 7-0.

Apel	Yes	Vest	Yes
Hurt	Yes	Guptill	Yes
Nightingale	Yes	Nelson	Absent
Sager	Absent	Mills	Yes
Gardner	Yes		

Vice President Hurt stated the handrails should include a total cost not to exceed \$300.00.

Amended Motion: Vice President Hurt moved and was seconded by Director Mills to add a cost limit of \$300.00 for the new handrails. Motion passed 7-0.

Apel	Yes	Vest	Yes
Hurt	Yes	Guptill	Yes
Nightingale	Yes	Nelson	Absent
Sager	Absent	Mills	Yes
Gardner	Yes		

PLANNING COMMITTEE: Report Submitted. No action item.

LONG-RANGE RESERVE/PHYSICAL ASSETS: No Report. Vice President Hurt mentioned the Long-Range Physical Asset committee will have topics for discussion during next month’s BOD meeting, and would like more time to review previous chair, Craig Jacobs, past work on the committee. Vice President Hurt stated if the BOD pursues past chair Craig Jacobs plans, there would be a significant increase from the \$500.00 limit that is currently required for BOD approval. Corporate Secretary Gardner requested proposals to review for next month’s BOD meeting.

SAFETY COMMITTEE. No Report.

POLICIES AND PROCEDURES COMMITTEE. Report Submitted. Action Items: approval of rental policy and forms.

Vice President Hurt stated #11 on the Bayshore Beach Clubhouse Rental Policy which reads, “A member must file their homeowner’s insurance policy before the event at the clubhouse”, should be deleted. A short discussion took place concluding that liability at the clubhouse would fall on Bayshore, not the home owner, and the only requirement for insurance is when alcohol is served at the event.

Motion: Director Nightingale moved and was seconded by Director Mills to remove #11 from the Clubhouse Rental Policy that states member must file homeowners’ insurance before a clubhouse event. Motion passed 7-0.

Apel	Yes	Vest	Yes
Hurt	Yes	Guptill	Yes
Nightingale	Yes	Nelson	Absent
Sager	Absent	Mills	Yes
Gardner	Yes		

Motion: Vice President Hurt moved and was seconded by President Apel to accept the Clubhouse Rental Policy with the deletion of #11 on the clubhouse rental policy. Motion passed 7-0.

Apel	Yes	Vest	Yes
Hurt	Yes	Guptill	Yes
Nightingale	Yes	Nelson	Absent
Sager	Absent	Mills	Yes
Gardner	Yes		

Motion: President Apel moved and was seconded by Director Mills to accept the Backyard Rental Policy for Organizations and Groups. Motion passed 7-0.

Apel	Yes	Vest	Yes
Hurt	Yes	Guptill	Yes
Nightingale	Yes	Nelson	Absent
Sager	Absent	Mills	Yes
Gardner	Yes		

Note: Director Vest confirmed with Chair White that the Policies & Procedures manual did have a form particularly for Organizations and Groups under Clubhouse rentals dating back to at least 2017.

President Apel suggested adding a signature line for the office coordinator to indicate the rental agreement went through the correct procedures. Chair White stated she would add a signature to all four agreements.

Motion: Director Vest moved and was seconded by Corporate Secretary Gardner to accept the Clubhouse Rental Policy for Organizations and Groups. Motion passed 7-0.

Apel	Yes	Vest	Yes
Hurt	Yes	Guptill	Yes
Nightingale	Yes	Nelson	Absent
Sager	Absent	Mills	Yes
Gardner	Yes		

Motion: President Apel moved and was seconded by Corporate Secretary Gardner to accept the Check off List for the Clubhouse Rental Policy. Motion passed 7-0.

Apel	Yes	Vest	Yes
Hurt	Yes	Guptill	Yes
Nightingale	Yes	Nelson	Absent
Sager	Absent	Mills	Yes
Gardner	Yes		

Director Vest then asked Chair White if the committee was going to update the Policies & Procedures manual with changes approved by the BOD in September and October 2022: 1) update the fine schedule; and 2) remove the Road District reference under the Planning Committee section. Chair White replied she would accomplish this soon.

President Apel mentioned to the BOD and members that the Waldport High School requested information to possibly rent the clubhouse for their prom this year.

SOCIAL COMMITTEE: No Report.

COMMUNICATIONS COMMITTEE: No Report.

BUDGET/FINANCE: Verbal Report. Chair Morris discussed the budget for next year, and stated the draft for next year's budget would be ready to review at the annual meeting. Chair Morris then requested all committees that have a budget, to please submit their budget to the office by March 1st. Chair Morris reminded the members the committees who have a budget this year are the BOD, Communications, Planning, Safety, Social and the Nominating committee. The budget requests will be discussed at the March BOD

meeting for review and approval for next year's budget. This year's budget committee members are: Mary Lou Morris, Bill Uhlman, Kathi O'Leary, and Carolyn Gardner.

Chair Morris then inquired on the two budgeted items that have not been addressed yet: 1) remodel of office; and 2) Lincoln County fee for ADA compliance of \$2,000. The remodel of the office was put on hold due to the ADA compliance measures being examined (Phase 1 discussed above. Given that, there will now be enough money to pay the Lincoln County fee.

Corporate Secretary Gardner reminded the committee chairs and Board liaisons they could look at the P&L and Actual report for their committee budget details from this year, or contact Kathi O'Leary or Carolyn Gardner if in need of more information.

CANAL: No Report.

TASK FORCES:

BEACH ACCESS TASK FORCE: No Report. After a recent visit to Nye Beach, Director Mills discussed a type of wheel chair called "David's Chair" that Nye Beach had on display. The chair allows a person to stand upright in it, and gives the person ability to travel through many different types of terrain, including the beach and back roads. Director Mills stated that the chair would be good for people who have not been able to get out on the beach for a long time,

Director Mills was informed members that David's Chair would be made available from Nye beach, free of cost. The chair could be picked up from Nye beach at an individual's convenience. If Bayshore recognizes the chair is being utilized by members, Bayshore would be able to keep the chair at the clubhouse. President Apel suggested to add this information to the Breeze. Vice President Hurt suggested Director Mills look into the cost of David's Chair if Bayshore ever decided to purchase one.

BYLAWS TASK FORCE: Report Submitted. No action item. Another meeting in March and April to be determined.

ADA CLUBHOUSE TASK FORCE: Verbal Report. Member John Gardner discussed the architect's proposal, stating that the architect proposal quote was \$22,000, which included the fee for Lincoln County of \$2,000. This amount of \$22,000 is just for the architect's proposal, not the actual work. **See Attachment 1** for slides used at the meeting re: the architect's scope of services and charges.

Motion: Corporate Secretary Gardner moved and was seconded by President Apel to accept the architect's proposal of \$22,000.

Motion Discussion: Director Vest inquired if the proposal was a recommendation or a design. Corporate Secretary Gardner replied it was for the design. Director Mills questioned if member Gardner knew how much the actual work would cost. Member John Gardner replied for Phase 1 work of the reconstruction an approximate guess would be \$200,000 and the only way to know is to spend the \$20,000 for the construction plan. Phase 1 includes an elevator, but does not include changes to the upstairs restrooms or the kitchen. Member John Gardner stated the major money would be the reconstruction of the downstairs restroom/changing room.

Vice President Hurt stated the importance of staying in contact with the architect during the phase and construction work. Corporate Secretary Gardner mentioned the architect would be interacting quite a bit during the design phase and so forth, and has a lot of ADA experience.

Discussion continued with concern about consultant work and cost increase. President Apel reminded

members that the driving forces for making Bayshore ADA compliant were 1) to make this building accessible to members who have challenges in mobility; and 2) Bayshore’s attorney stated that if any member told Bayshore that it was not accessible to them, Bayshore would have to do the work anyway.

Director Vest inquired if there was a budget for ADA compliance in the long- range planning committee. President Apel replied that there was \$135,000 in the LRPA budget, and the architect is stating that \$135,000 is probably under budget by about \$65,000.00. There are grant agencies who may very well give grants to help pay, as well as dues increases. Director Vest also mentioned there could be hidden expenses due to the age of the building that can’t be determined until work begins.

Member John Gardner stated the kitchen and restrooms on the second floor were not included in the Phase 1, and he would like to get a Phase 2 proposal which would be free of cost. Director Mills stated it would make sense to have the Phase 2 proposal to fix the kitchen and upstairs restrooms.

Vice President Hurt stated that he had once heard it said, "If your problem can be solved with money, you do not really have a problem." Members with mobility issues typically cannot have their mobility issues resolved with money! Becoming ADA compliant would be great for current members and also those who may develop mobility challenges in the future. That may even be some of us! Yes, making these changes will be expensive, but that is just the reality, but it doesn’t make it wrong. Perhaps the BOD needs to consider this idea when determining whether to raise dues each year. Bayshore dues are very low. Completing necessary ADA remodeling would be a good thing.

Motion: A vote on the motion was taken. Motion passed 7-0.

Apel	Yes	Vest	Yes
Hurt	Yes	Guptill	Yes
Nightingale	Yes	Nelson	Absent
Sager	Absent	Mills	Yes
Gardner	Yes		

Motion: Director Vest moved and was seconded by Director Mills to ask the architect for a Phase 2 proposal to include the kitchen and restrooms on the second floor of the Clubhouse. Motion passed 7-0.

Apel	Yes	Vest	Yes
Hurt	Yes	Guptill	Yes
Nightingale	Yes	Nelson	Absent
Sager	Absent	Mills	Yes
Gardner	Yes		

Motion: Vice President Hurt moved and was seconded by President Apel to accept all committee and task force reports. Motion passed 7-0.

Apel	Yes	Vest	Yes
Hurt	Yes	Guptill	Yes
Nightingale	Yes	Nelson	Absent
Sager	Absent	Mills	Yes
Gardner	Yes		

UNFINISHED BUSINESS:

1. Appoint members to the Nominating Committee: There were two members who agreed to serve on the nominating committee: 1) Deborah Nolan, who states this is a way she can get to know members; and 2) Trish Ferrell-French, who would like to help where there is a need for volunteers. The BOD already approved the Liaison, Director Vest.

Motion: President Apel moved and was seconded by Vice President Hurt to accept Deborah Nolan on the Nominating Committee. Motion passed 7-0.

Apel	Yes	Vest	Yes
Hurt	Yes	Guptill	Yes
Nightingale	Yes	Nelson	Absent
Sager	Absent	Mills	Yes
Gardner	Yes		

Motion: President Apel moved and was seconded by Vice President Hurt to accept Trish Ferrell-French on the Nominating Committee. Motion passed 7-0.

Apel	Yes	Vest	Yes
Hurt	Yes	Guptill	Yes
Nightingale	Yes	Nelson	Absent
Sager	Absent	Mills	Yes
Gardner	Yes		

2) Call for Nominations for Election Committee: The BOD will select members for the election committee at next month’s BOD meeting. The BOD asked that if a member is interested, s/he can send an email with some information about him/herself, and why the member would like to be on the committee. President Apel suggested a “Meet the Candidates” time at the April Board meeting and asked the Nominating Committee to let potential candidates know about this event.

Motion: President Apel moved and was seconded by Vice President Hurt to have a “Meet the Candidates” time either within or after the April BOD meeting. Motion passed 7-0.

Apel	Yes	Vest	Yes
Hurt	Yes	Guptill	Yes
Nightingale	Yes	Nelson	Absent
Sager	Absent	Mills	Yes
Gardner	Yes		

3) Artisan’s Group/Mackey Park Update: Member Paula Brubaker thanked all who helped remove the playset off the truck, and that she still needs help with the gazebo project at Mackey Park. Member Brubaker mentioned that if anyone wants to help prime and paint the tables obtained for Mackey Park, please let her know. Member Brubaker stated that the park needs new hardware for the swing set that is currently at the park as well as a new basketball backboard. Vice President Hurt would like to see the basketball backboard redone. Corporate Secretary Gardner stated there were enough funds allocated for the park that were unspent to cover the needed park changes. Member Brubaker stated the Artisan’s could add the basketball refurbishing to their Mackey Park projects.

President Apel made two points: 1) Big thank you, with a round of applause, for member Paula Brubaker from the Artisan's group, for all her hard work at Mackey Park; and 2) Mackey Park is being redone due to multiple comments that came from the survey and the fire side chats. The Mackey Park playground addition is member driven and reason why the work is getting done.

4) Ideas for Providing "common areas and facilities for the use and enjoyment of the public":

President Apel stated that Bayshore was regranted 501c4 status in 1985, and to be a 501c4 organization (i.e., organization does not pay property taxes), it must share the facilities with the general public, according to the IRS. Currently, Bayshore is providing activities within the clubhouse that are open to the general public such as the quilters, Ma-Jong, and Tai Chi groups. When Bayshore sought and was given its 501c4 status, Bayshore stated its pool was used by "children from Waldport." President Apel stated that he or another BOD member could talk to the Waldport School District PTA or the Lions Club in Yachats and ask if they would like to organize swim lessons for two weeks this summer, one hour per day (similar to what Bayshore did in the 1980s). The organization would be required to provide its own certified instructor. Director Vest agreed and President Apel stated he will spearhead this. Vice President Hurt suggested asking members if they knew of an active member of the PTA or Lion's Club, and the members could be the individuals who carry the invitation to one of those organizations.

President Apel went on to clarify that the tax status had nothing to do with what Bayshore calls itself (e.g., a club, an HOA); that is, being labeled a 501c4 indicates that Bayshore is considered a non-profit organization. If Bayshore wanted to lose its 501c4 status for any reason, then Bayshore would have a large part of its funds going to taxes. Vice President Hurt commented that the amount of taxes Bayshore would pay would be equivalent to the budgeted money for the architect.

See Attachment 2 for slides used at the meeting re: 501c4 tax exempt information.

5). Alsea Resort Property Boundaries: President Apel made the point that the Alsea Resort is a member of Bayshore; it includes 11 lots.

NEW BUSINESS:

1. Property on Hilton Drive: The owner of 1805 NW Hilton Drive would like to donate his property to Bayshore. The property is unfit to build on due to septic tank issues. The owner thought the lot could be used as a community garden or something that might benefit the whole community. Director Mills stated the lot was close to her home and that when she walks by the property, she can see a huge hole on the property. The property would become Bayshore's responsibility to take care of and to fill the hole. Director Vest stated it could be dangerous for members to walk on the property.

Motion: Director Mills moved and was seconded by Director Vest to decline the offer of the lot on 1805 NW Hilton Drive.

Director Vest stated that it may not take much to fill in the hole, but Bayshore would be responsible for property tax, and that the lot has a lot of trees and mostly has a forest type of look. Vice President Hurt did not have time to look at the property, and asked if the BOD needed the motion today.

Motion: Director Vest moved and was seconded by Vice President Hurt to table the motion that declines the gift offer of lot, 1805 NW Hilton Drive, to give time for the BOD to take a look at the property. Motion passed 7-0.

Apel	Yes	Vest	Yes
Hurt	Yes	Guptill	Yes
Nightingale	Yes	Nelson	Absent
Sager	Absent	Mills	Yes
Gardner	Yes		

2. Dogs on Leash Property Reminder: President Apel reminded members that Bayshore has a policy that states pets are to be controlled at all times and leashed on club property. **See Attachment 3** for slides shown at the meeting regarding Dog Policies.

3. Trespassing Laws: Members have had discussions about trespassing. President Apel stated that Oregon Law states that a property needs very specific posting for trespassing. **See Attachment 4** for slides shown at meeting regarding trespassing laws.

4. Backyard Patio: Name and Crowd Density: Based on a request from member Paula Brubaker at the January Board meeting, President Apel would like to name the backyard patio the “Artisan’s Patio”. Discussion took place, and the use of the parking lot is not included in the Artisan’s Patio rental.

Motion: President Apel moved and was seconded by Director Mills to name the backyard patio, Artisan’s Patio. Motion passed 7-0.

Apel	Yes	Vest	Yes
Hurt	Yes	Guptill	Yes
Nightingale	Yes	Nelson	Absent
Sager	Absent	Mills	Yes
Gardner	Yes		

Motion: Director Vest moved and was seconded by President Apel to limit the use of the Backyard Patio rental to the patio area and not the paved, parking lot area. Motion passed 7-0.

Apel	Yes	Vest	Yes
Hurt	Yes	Guptill	Yes
Nightingale	Yes	Nelson	Absent
Sager	Absent	Mills	Yes
Gardner	Yes		

Motion: Director Vest moved and was seconded by Director Mills to limit the occupancy of the backyard rental of the Artisan’s Patio to 45 people. Motion passed 7-0.

Apel	Yes	Vest	Yes
Hurt	No	Guptill	Yes
Nightingale	Yes	Nelson	Absent
Sager	Absent	Mills	Yes
Gardner	Yes		

5. Vandalization of Bayshore Signs: President Apel mentioned he noticed signs in the east parking lot that had been vandalized. One sign had been ripped off the post. President Apel encouraged everyone to keep an

eye out, as some folks are tearing down signs specifically in the east parking lot, which is not a neighborly thing to do.

MEMBERS COMMENTS:

Member Pam Sturgeon: Member Sturgeon appreciates the information regarding the 501c4, and feels it wouldn't have been an issue for her if she had this information previously. A CPR class would be great for the public, as she didn't want the public using the pool and clubhouse. Secondly, regarding trespassing signs, she asked whether she was allowed to put up trespassing signs. President Apel stated members are not allowed to put up signs that are political and commercial, but trespassing signs are state law, and Bayshore needs to follow what the state law is.

Member John Stotts: Member Stotts stated he would like to know about the senior dune buggy as he has some grandkids that would love to play on it.

Member Ray Gamel: Member Gamel asked that if there was an Artisan's Patio rental, would a member still have beach access in the back of the clubhouse. President Apel replied yes, the beach access and parking lot would still be open to member use.

Member Roger Smith: Member Smith asked whether the Bayshore Social Committee activities at the clubhouse or at Artisan's Patio would fall under the same rules as a clubhouse rental. President Apel stated that the Social Committee is part of Bayshore so the Social Committee would not be required to rent either spaces and could close the parking lot, if necessary, for one of its events.

Elaine Ferguson: Member Ferguson asked whether the Board needed to vote on the Waldport Senior Prom's use of the clubhouse. President Apel stated it would be handled like any other organization renting the clubhouse so no vote was required.

Adjournment.

Motion: Director Mills moved and was seconded by Director Vest to adjourn the Board Meeting. Vote was taken, motion passed 7-0.

Apel	Yes	Vest	Yes
Hurt	Yes	Guptill	Yes
Nightingale	Yes	Nelson	Absent
Sager	Absent	Mills	Yes
Gardner	Yes		

Minutes prepared by Kathy Drossel, Bayshore's Office Coordinator

Attachment 1: Scope of Architect's Services

SCOPE OF SERVICES

The proposed basic services will be normal architectural/engineering services to include the following:

- 1. Relevant architectural work (design, construction documents, specification of materials, design and detailing of anything built into the building),*
- 2. Relevant structural engineering (engineering to comply with current codes for wind and earthquake loading),*
- 3. Relevant mechanical and electrical design (design and documentation of mechanical/plumbing systems together with selection of fixtures and fittings, design and layout of electrical systems to include lighting and switching),*
- 4. Relevant civil engineering as pertaining to grading of exterior, connections to public utilities, and sidewalk areas,*
- 5. If requested, construction and bidding services, (selection of contractors, construction review when necessary, obtain bids from contractors and work with the selected contractor during the construction phase, review the construction as necessary to make sure it complies with the drawings, review and approve payment request from the contractor).*
- 6. If the owner would like to hire MEP and civil engineers, they would be additional to the fee indicated for the architect. This project is of limited scope and these services could be provided by the selected contractor on a design build basis.*
- 7. A specification writer would be desired and have worked with Linn West out of Yachats. His fee is not included in the A/E fee indicated below.*

ARCHITECTURAAL/ENGINEERING SERVICES

The fee for the above services is broken down as follows:

As-built plans	2,000.00
Design	8,000.00
Construction Docs	10,000.00
Permitting	2,000.00
TOTAL	22,000.00

A retainer of 10% is requested – 2,200.00 – which will be credited to the final invoice. Authorized reimbursable items and services of any consultants required to complete the project are billed on a direct reimbursement basis. Again, I am pleased to submit this proposal and look forward to working with you on this project. If you have any questions prior to your acceptance of this proposal, please call on me.

TIME TABLE

The earliest I could start this project would around June of 2023. Design phase would be 2 months with construction drawings 2.5 months, City approval/permitting 1.5 months and construction 6-8 months (estimate, depending on lead time for materials and equipment). This would allow for completion to be around June/August 2024.

Attachment 2: Information on Bayshore's History as a 501c4 Status

Questions re: Need for Providing Areas for General Public

- Why is the BOD brainstorming on this topic*?
 - Bayshore was (re) granted the status of 501c4
 - A 501c4 is a **tax-exempt organization** that exists to promote causes related to social welfare. 501c4 organizations are commonly active in political and advocacy related causes. For a 501c4 organization maintain a nonprofit 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”.
 - What happens if Bayshore loses its 501c4 status?
 - It loses its tax-exempt status.
 - It will need to pay taxes, which affects the overall annual budget

*Information available in October and November, 2022 minutes

Reminder

- Bayshore has long said (since 1983) that beach accesses, the parks, the playground (and roads), are for the use and enjoyment of the general public. It also said **part of the clubhouse was open to the general public and the pool is used by the children from Waldport.**

Item 3. Common areas such as beach access areas, the park, playground, roads (our roads are maintained by the Bayshore Special Road District and most of the maintenance required is because of the general public) are for the use and enjoyment of the General Public. Part of the time our clubhouse is open to the General Public and the pool is used by children from the City of Waldport. All governmental bodies be they City, County, State or Federal have areas, which at times, are restricted to the general public; all quasi governments have them.

Bayshore originally deemed a 501c4 (December 1964), then the IRS decided to rescind that categorization (April 23, 1983), then Bayshore appealed (August 20, 1985), and Bayshore got it back.

Historical Examples of Clubhouse Being Open to the Public

- 2/19/81: American Contract Bridge League used clubhouse once/month = \$20/night
- 4/16/83: Waldport Lions Auxiliary used pool from June 13 -24th
- 4/18/87: Children who take swimming lessons at Lions Swim Program and use pool once a week with adult supervision. Lions must supervise.
- 7/18/87: “To retain non -profit status, need to be open to other non - profit organizations. Discussed rentals and use of clubhouse.”
- 5/21/88: Lions Auxiliary can use pool.
- 4/15/89: Use of pool by Parent Teachers Association . PTA provided instructor/supervisor*.

*Dorothy Bogumil

Examples of Previous Costs of Taxes Paid by Bayshore When Not a 501c4

- 1980: \$6,168 (today: \$22,394)
- 1981: \$5,756.91 (today: \$18,944)
- 1983-84: \$5,551.69 (today: \$16,673)

Attachment 3: Dog Policies

Dog Policies

- Bayshore:
 - Pets are to be controlled at all times, and excrement must be immediately removed from roads and right-of-ways. Excessive barking is prohibited (Guidelines for Determination)
 - Dogs must be leashed while on club property. Owners must clean up after their animals (Policies and Procedures)
- Beaches:
 - As a general rule, Oregon's state and town beaches allow leashed dogs, and in many cases, off-leash dogs are also permitted as long as they're under voice control of the owners. Another general rule includes cleaning up after your pooch.
- Oregon: ORS 6.08.040 and 609.095
 - The dog's keeper shall not permit dog to run at large within the boundaries of the city except on the premises owned or controlled by the keeper of the dog. Once off keeper's premises, keeper must have complete control by leash, cage, or other means sufficient to prevent escape or injury to persons and damage to property. Can call Lincoln County Animal Services and Protection (541-265-0777)

Aug 15, 1981

Attachment 4: Trespassing Laws

Trespassing Laws

based on ORS 164.005, 164.205, 105.700, 164.245

What Constitutes Trespassing in Oregon?

1. Oregon defines trespassing as entering or remaining unlawfully in or upon the premises or property of another person absent specific permission from the owner or the owner's agent, or doing so when lacking any legal authority for said entry.
 - a. A person commits the crime of criminal trespass in the second degree if the person enters or remains unlawfully in a motor vehicle or in or upon premises.
2. It also defines trespassing as failing to leave when ordered or told to do so by a property owner even after subsequently obtaining permission to be upon or on premises.
3. Basically, even if you had permission, for any reason, to be where you were and the property owner revokes that permission or tells you to hit the road, you have to go.
4. Oregon is one of several states that require specific posting requirements for the signage, both in terms of size of the sign, where they have to be posted around the perimeter of the property and how far apart they can be from one another.

Trespassing Laws

Signage for No Trespassing

1. For land through which the public has no right of way the landowner or agent must place a notice at each outer gate and normal point of access to the land, including both sides of a body of water that crosses the land wherever the body of water intersects an outer boundary line. The notice must be placed on a post, structure or natural object in the form of a sign or a blaze of paint. If a blaze of paint is used, it must consist of at least 50 square inches of fluorescent orange paint except that when metal fence posts are used, approximately the top six inches of the fence post must be painted.
2. If a sign is used, the sign:
 - a. Must be no smaller than eight inches in height and 11 inches in width
 - b. Must contain the words "Closed to Entry" or words to that effect in letters no less than one inch in height; and
 - c. Must display the name, business address and phone number if any, of the landowner or agent of the landowner.
 - d. For land through which or along which the public has an unfenced right of way by means of a public road the landowner or agent must place:
 - e. A conspicuous sign no closer than 30 feet from the center line of the roadway where it enters the land, containing words substantially similar to "PRIVATE PROPERTY, NO TRESPASSING OFF ROAD NEXT ___ MILES"; or A sign or blaze of paint, as described in paragraph (a) of this subsection, no closer than 30 feet from the center line of the roadway at regular intervals of not less than one fourth mile along the roadway where it borders the land, except that a blaze of paint may not be placed on posts where the public road enters the land.

As you can see above, the "closure" of private land to public access requires signage or marking according to the type of land and the access that borders it. Theoretically, if private land has no such signs or markings or they are not within specification then the trespass laws do not apply to said piece of land.

Trespassing Laws

FAQs

1. **Is Trespassing a Crime?** All trespassing in the state of Oregon is classified as a misdemeanor.
2. **Is Fencing Required to Protect Property?** No, not like signage as described above.
3. **Can Solicitors Ignore “No Trespassing” Signs?**
 - a. Technically no, but most of the time the answer is yes.
 - b. Solicitors that are doorknocking in suburban areas might dare to ignore posted notrespassing signs so long as they are not circumventing a closed or locked gate or other barricades.
 - c. The worst thing that will generally happen to them is getting chewed out by an irate homeowner that placed the sign.
 - d. Considering that a solicitor is technically going directly to the property owner to ask for permission to make their pitchlegally they don't have much to fear.

Trespassing Laws

Definition of Terms

1. **Owner** means any person who has a right to possession thereof superior to that of the taker, obtainer or withholder.
2. **Property** includes real property (any parcel of land or structure thereon that is typically fixed and immobile)
3. **Enter or remain unlawfully means:**
 - a. To enter or remain in or upon premises when the premises, at the time of such entry or remaining, are not open to the public and when the entrant is not otherwise licensed or privileged to do so;
 - b. To fail to leave premises that are open to the public after being lawfully directed to do so by the person in charge;
 - c. To enter premises that are open to the public after being lawfully directed not to enter the premises; or
 - d. To enter or remain in a motor vehicle when the entrant is not authorized to do so.
4. **Open to the public** means premises which by their physical nature, function, custom, usage, notice or lack thereof or other circumstances at the time would cause a reasonable person to believe that no permission to enter or remain is required.
5. **Person in charge** means a person, a representative or employee of the person who has lawful control of premises by ownership, tenancy, official position or other legal relationship.
6. **Premises** includes any building and any real property, whether privately or publicly owned.