Bayview Village Association
Board of Directors Meeting
April 12, 2025
Approved

Call to Order: A regular meeting of the Bayview Village Homeowners Association (HOA) was called to order by President Doug Hewett at 10 AM. This meeting was held at the Bay Club.

Quorum: A quorum was established with 6 members of the Board of Directors present: Doug Hewett, Kurt Mackes, Rick Stafford, Danny Graham, Yvonne Hewett, and Carol Mackes. Absent: Eric Salmassy.

Guests: Jim Edson, Catherine Pena, Gregory Pena, John Durgin, and Bruce Johnston.

Approval of Minutes:

Motion by Carol that the March 2025 BOD minutes be approved as written, second by Dan, unanimously approved by the Board members present.

Officer Reports – see Addendum

Old Business

Board elections coming in June – please consider being a Board member. We have four candidates for the Bayview Village Board of Directors for FY25-26. If you are interested in serving in this capacity, please contact Yvonne so that your name can be added to the ballot.

If insufficient homeowners are willing to serve as Board members, alternatives would be use of a management company or elimination of the HOA - Both of these options will be costly to the membership.

A $40 increase in quarterly dues is anticipated for FY25-26. This will be required to support the current services. If the services of a management company are required, a special assessment may be required.

New Business

Bayview Village Association PROPOSED RULES – 1st Reading and Community Discussion. Homeowner feedback on proposed Rules was taken by the Board. See Addendum for Homeowner input.

Motion by Yvonne to accept the proposed full-service contract ($102,500) from Pacific Landscaping for the next fiscal year. Second by Kurt; unanimously approved by the Board members present.

Motion by Carol to make needed revisions to FY 24-25 budget; second by Yvonne; unanimously approved by the Board members present.

Homeowner Comments/Questions: Homeowner questions regarding budget revisions answered by Kurt. Homeowner feedback on TLA/BVA tree trimming agreement to be reviewed by the Board at the 4/29 Special Meeting – sole purpose to review TLA/BVA tree trimming agreement and hear community feedback.

Next Board Meetings (meetings at the Bay Club)

Workshop – Tuesday, May 13th, 2025, 1 – 3 PM
BOD Meeting – Wednesday, May 14th, 2025, 10 – 12 Noon

Adjournment: The meeting was adjourned at 11:56 AM.

Submitted by

____

Yvonne Hewett, Secretary,
Bayview Village Association

ADDENDUM – OFFICER AND CHAIR REPORTS

March Treasurer's Report – Kurt Mackes

Twenty-nine homeowners have paid dues as of yesterday (26 are outstanding). The OWSI special assessment for manganese removal was paid in full in March ($2,037).

As of 3/31/25, the balance in the Operating Account is $23,445, Available cash balance is $22,550). This includes $4,800 in donations earmarked for the Martingale project

The balance in the Reserve Deposit Account is $51,236, and the balance in the Reserve Account is $12,869. The total current Reserve Account balance is $64,105.

Estimated Reserve Account fourth quarter expenses are $5,000 for fence repair. Fences are a covered Reserve Account component.

Projected Reserve Account contribution this year is $13,000-15,000, minus the amount for any needed repairs to the irrigation system this spring.

Action items:

- FY 25-26 budget planning - preliminary budget proposal finished, awaiting Board feedback and discussion.

- FY24-25 Budget Revisions

March Landscape Report – Rick Stafford

We are into the regular lawn mowing season. Early spring mowing is always hard because our lawns can be swampy. Pacific has been asked not to use the large mowers on the lawns in our village that are known to be saturated. We have received our irrigation season repair list from Pacific. Estimate for irrigation repairs this spring is $6,366. Repairs will be completed in the coming weeks before the irrigation season begins in June. Expect to see orange hats working on your irrigation over the coming weeks.

March VMC Report – Rick Stafford

The shore pines intended for hillside remediation above the retention pond were successfully installed last week. This is hopefully a successful completion of this project but we will have a geotech assessment of the pond this year and more work may be required.

The VMC has engaged Bart Berg Landscape Architect to design a refresh of the Martingale entrance hillside. The work on this project should begin in early May. The funds for preparing the garden bed for planting will come from our current 2024-25 budget. As in the past two years the VMC will be relying on homeowner donations to help pay for the plantings. The VMC will begin the design work for a refresh of the 'birch tree" beds at the entrance to Topside.

March ARC Chair Report – Eric Salmassy (given by Doug)

There no ARCs currently pending. A Village meeting is scheduled at the Bay Club on April 29th to present the new tree trimming agreement with Teal Lake Village.

March Pond Chair Report – Lynne Pihl (given by Doug)

Spring mowing has been delayed until June. Pond evaluation and geotechnical survey will take place this summer. More information to follow.

BAYVIEW HOMEOWNERS ASSOCIATION FINANCIAL RESULTS JULY 1, 2024 - JUNE 30, 2025						
BAYVIEW HOMEOWNERS ASSOCIATION	1Q 2024-25	2Q 2024-25	3Q 2024-25	4Q 2024-25	Total 2024-25	Budget 2024-25
OPERATING ACCOUNT						
Revenue						
Dues Assessment Income	$ 41,800.00	$ 41,800.00	$ 41,800.00	$ -	$ 125,400.00	$ 167,200.00
Special Assessments	$ -	$ 2,700.00	$ 4,725.00	$ -	$ 7,425.00	$ 7,425.00
Prepaid Dues	$ 1,520.00	$ (3,040.00)	$ 760.00	$ -	$ (760.00)	$ -
Dues Adjustments & Late Fees	$ 20.00	$ (60.00)	$ 70.00	$ -	$ 30.00	$ -
Teal Lake Pond Reimbursement	$ 1,936.25	$ 1,555.77	$ -	$ -	$ 3,492.02	$ 4,960.00
BVA Windrose Project Donations	$ -	$ -	$ -	$ -	$ -	$ -
BVA Martingale Project Donations	$ -	$ -	$ -	$ -	$ -	$ -
Hillside Expense Reimbursement	$ -	$ -	$ 4,412.16	$ -	$ 4,412.16	$ 4,412.16
Total Revenue	**$ 45,276.25**	**$ 42,955.77**	**$ 51,767.16**	**$ -**	**$ 139,999.18**	**$ 183,997.16**
Expenditures						
Administration/Fees	$ -	$ 30.00	$ -	$ -	$ 30.00	$ 100.00
Annual Meeting Expenses	$ -	$ -	$ -	$ -	$ -	$ 150.00
Bookkeeping Service	$ -	$ -	$ -	$ -	$ -	$ -
Legal/Professional	$ 700.00	$ 3,024.84	$ 1,292.00	$ -	$ 5,016.84	$ 6,000.00
Supplies	$ -	$ -	$ -	$ -	$ -	$ -
Photocopy Service	$ 237.84	$ -	$ 56.73	$ -	$ 294.57	$ 100.00
Postage and PO Box	$ 25.38	$ 312.30	$ 152.96	$ -	$ 490.64	$ 350.00
Taxes	$ -	$ 642.00	$ 29.50	$ -	$ 671.50	$ 650.00
Website	$ -	$ -	$ -	$ -	$ -	$ 80.00
Property Management Expense	$ -	$ -	$ -	$ -	$ -	$ -
Insurance	$ 2,219.00	$ -	$ -	$ -	$ 2,219.00	$ 2,425.00
Total Adminstration	**$ 3,182.22**	**$ 4,009.14**	**$ 1,531.19**	**$ -**	**$ 8,722.55**	**$ 9,855.00**
Landscape contract and services	$ 24,164.55	$ 24,161.83	$ 24,163.20	$ -	$ 72,489.58	$ 95,735.00
Turf treatment	$ -	$ -	$ -	$ -	$ -	$ -
VMC landscaping expense	$ -	$ 328.39	$ 11,469.12	$ -	$ 11,797.51	$ 20,000.00
BVA Windrose Project	$ 171.81	$ 61.15	$ -	$ -	$ 232.96	$ 1,185.00
BVA Martingale Project	$ -	$ -	$ -	$ -	$ -	$ 4,800.00
Pond Hillside Remediation	$ -	$ -	$ 895.44	$ -	$ 895.44	$ 5,738.00
Total Landscape	**$ 24,336.36**	**$ 24,551.37**	**$ 36,527.76**	**$ -**	**$ 85,415.49**	**$ 127,458.00**
Pond	$ 3,122.99	$ 2,509.30	$ -	$ -	$ 5,632.29	$ 8,000.00
Irrigation System	$ 6,127.33	$ -	$ -	$ -	$ 6,127.33	$ 15,000.00
Total Repairs and Maintenance	**$ 9,250.32**	**$ 2,509.30**	**$ -**	**$ -**	**$ 11,759.62**	**$ 23,000.00**
Electricity	$ 381.82	$ 380.57	$ 387.00	$ -	$ 1,149.39	$ 1,300.00
Water	$ 4,846.23	$ 5,519.59	$ 3,183.92	$ -	$ 13,549.74	$ 14,750.00
Total Utilities	**$ 5,228.05**	**$ 5,900.16**	**$ 3,570.92**	**$ -**	**$ 14,699.13**	**$ 16,050.00**
Total Expenses	**$ 41,996.95**	**$ 36,969.97**	**$ 41,629.87**	**$ -**	**$ 120,596.79**	**$ 176,363.00**
Net Operating Revenue	**$ 3,279.30**	**$ 5,985.80**	**$ 10,137.29**	**$ -**	**$ 19,402.39**	**$ 7,634.16**
OA Contribution to RA	$ -	$ -	$ -	$ -	$ -	$ 7,634.16
RA Expenses Paid from OA						
Pond Expense (BV portion)	$ -	$ -	$ -	$ -	$ -	$ -
Irrigation Repair	$ -	$ -	$ -	$ -	$ -	$ -
Driveway Repair & Maintenance			$ -	$ -	$ -	$ -
Reserve Study Expense	$ -	$	$ -	$ -	$ -	$ -
Net Cash	**$ 3,279.30**	**$ 5,985.80**	**$ 10,137.29**	**$ -**	**$ 19,402.39**	**$ 0.00**
2023/2024 Carryover					$ 3,147.49	$ -
Available Cash					**$ 22,549.88**	**$ (0.00)**
RESERVE ACCOUNT						
Opening Balance Reserve Account	$ 14,490.29	$ -	$ -	$ -	$ 14,490.29	$ 10,494.00
Contributions and Interest						
RA Contribution from RA						$ 7,634.16
RA Contribution from RDA	$ 52,342.98	$ -	$ -	$ -	$ 52,342.98	$ 52,350.00
Interest	$ 10.56	$ 7.56	$ 6.39	$ -	$ 24.51	$ 25.00
Total RA Contributions and Interest	**$ 52,353.54**	**$ 7.56**	**$ 6.39**	**$ -**	**$ 52,367.49**	**$ 60,009.16**
Reserve Account Expenses						
Pond Expense (BV portion)	$ -	$ -	$ -	$ -	$ -	$ -
Irrigation Repair	$ -	$ -	$ -	$ -	$ -	$ -
Checks for Reserve Account	$ -	$ -	$ -	$ -	$ -	$ -
Trellis Repair & Removal	$ -	$ 2,909.00	$ -	$ -	$ 2,909.00	$ 3,000.00
Fence Repair & Replacement	$ -	$ -	$ -	$ 130.00	$ 130.00	$ 2,500.00
Driveway Repair & Replacement	$ -	$ -	$ -	$ -	$ -	$ -
Reserve Study Cost	$ -	$ 950.00	$ -	$ -	$ 950.00	$ 950.00
RA Contribution to DA	$ 50,000.00	$ -	$ -	$ -	$ 50,000.00	$ 50,000.00
Total Reserve Account Expenses	**$ 50,000.00**	**$ 3,859.00**	**$ -**	**$ 130.00**	**$ 53,989.00**	**$ 56,450.00**
Ending Reserve Acct Balance	**$ 16,843.83**	**$ (3,851.44)**	**$ 6.39**	**$ (130.00)**	**$ 12,868.78**	**$ 14,053.16**
RESERVE DEPOSIT ACCOUNT						
Opening Balance Deposit account	$ 52,128.76	$ -	$ -	$ -	$ 52,128.76	$ 52,120.00
Contributions and Interest						
RDA Contribution from RA	$ 50,000.00	$ -	$ -	$ -	$ 50,000.00	$ 50,000.00
Interest	$ 507.45	$ 471.68	$ 470.85	$ -	$ 1,449.98	$ 1,925.00
Total DA Contributions and Interest	**$ 50,507.45**	**$ 471.68**	**$ 470.85**	**$ -**	**$ 51,449.98**	**$ 51,925.00**
Withdrawals						
RDA Withdrawal to RA	$ 52,342.98	$ -	$ -	$ -	$ 52,342.98	$ 52,350.00
Total DA Contributions and Interest	**$ 52,342.98**	**$ -**	**$ -**	**$ -**	**$ 52,342.98**	**$ 52,350.00**

To: Board of Directors of The Bayview Village Association.

From: Mary Baker Anderson and R. Bruce Johnston

Date: April 9, 2025

Re: Proposed Adoption of Rules

Dear Board Members:

We write being fully aware of the volunteer services you provide, and the burden it imposes. As you know, Mary served as treasurer for the Association for several years. We particularly appreciate the Board's efforts to address and resolve the recent reserve and maintenance issues for the Association.

With that said, however, we now express concerns regarding the proposed Rules adoption scheduled for today's meeting. We suggest amendments to certain of the proposed Rules, and that certain of them not be adopted. The form of proposed amendments, and reasons for recommending non-adoption, are set forth in the numerical order of the proposed Rules. Our comments are based on a couple principles. First, the Association has functioned for many years without these Proposed Rules. Provisions of the Master Declaration, and the Supplemental Declaration of the Association have been relied upon and have been sufficient. In deference to that history, there should be a careful consideration of the necessity of adopting new Rules, and the potential for unintended consequences. Second, it goes without saying that any proposed "Rule" which in effect constitutes a material change or amendment to the provisions of the Declarations cannot be valid, unless receiving the required majority (75% in most cases) of member votes. Otherwise stated, the amendment provisions of the Declarations (or Bylaws) may not be circumvented by the adoption of a Rule – the specific provisions of the Declarations govern the general power to adopt rules.

Proposed Rule #1:

The Governing Documents allow the Board of Directors to provide for a late fee and interest upon Annual Assessments and Special Assessments. Such interest and fees often meet with varying resistance, or current circumstances (e.g. illness) where discretion is appropriate. Accordingly, we propose the Proposed Rule #1 read as follows, if the board chooses to adopt it.

> Homeowner Dues and Special Assessments not paid within 30 days of the due date shown on the Billing Statement, ~~shall~~ may be assessed a late fee of $30 and interest of 1% of the full amount due, in the sole discretion of the BVA Board of Directors. An additional 1% interest will be added additional 30 days the Billing remains delinquent ~~or for which a partial payment has been received~~ in any amount.

In view of the history that Billing Statements have contained a provision in this regard, which is authorized by the Declarations, this rule is probably not necessary.

Proposed Rule #2:

An appeal process regarding violation determinations by the Board of Directors is appropriate for several legal and logical reasons. The authority for the initial determinations by the Board of Directors is found in several Declaration provisions, for example, in 10.3 of the Supplemental Declaration. We suggest the following amendments to the Proposed Rule #2.

> Homeowners found to be in violation of any Rule by the BVA Board of Directors shall have the right to appeal that finding within 30 days of receipt of a Violation Notice. Appeals shall be submitted ~~in writing~~ by written Petition. Upon receipt of an Appeal Petition, the Board of Directors shall set a hearing date and location not less than 20 days nor more than 60 days thereafter, unless both parties agree to a different schedule. Both the Board of Directors and the Homeowners shall have a right to speak and call witnesses to speak at an Appeal Hearing ~~before the BVA Board of Directors~~ for the purposes of relief or reconsideration.. The Appeal Hearing Shall be before the Board of Directors, provided, however, that any Director having a material or direct involvement in the subject matter of the Appeal may not participate, but may be present. Upon request of the Homeowner, ~~this~~ the

> Hearing shall be closed to preserve the privacy of the Appellant, provided, however, that any other Homeowner who is complaint initiated the issue involved, or who otherwise has a Material or direct involvement in the subject matter of the Appeal may be present, but shall not speak unless requested to do so by the Board of Directors or the Appellant.

Proposed Rule #3:

Respectfully, this proposed Rule #3 is not appropriate and in effect constitutes an amendment to the Master Declaration and the Supplemental Declaration without the required vote of members, and is further in conflict with long practice. The proposed one-size-fits-all fine structure meets the definition of arbitrary, and may, in many instances, be excessive. We understand the frustration that the ARC Committee and the Board of Directors may experience from time to time. But the remedy for noncompliance with an ARC, or working without a required ARC, are specified in the Master Declaration (Article 11, Section 11.6) and the Supplemental Declaration (10.3). That remedy, in the absence of unapproved work, or noncompliance within ARC, consists of prescribed notices given and if not appropriately corrected, the Association may cause an appropriate correction and charge the Homeowner for the reasonable cost thereof. Under the Declarations, that cost may be a few hundred dollars or many thousand dollars. That structure appropriately addresses the proportionality of an asserted offense. A flat fine is both arbitrary and fully inconsistent with the documents provided to each homeowner when they purchased their home. Respectfully, if this approach is to be taken it should be submitted in the form of an amendment to the Governing Documents. If adopted by Rule, it would be an improper *de facto* amendment to the Governing Documents.

Proposed Rule #4:

Again, respectfully, the Proposed Rule #4 is inconsistent with, and contrary to, the Master Declaration (Section 4.2.2) and the Supplemental Declaration (Section 4.9) which incorporates the Master Declaration Section 4.2.2. The first paragraph of Proposed Rule #4 is simply redundant of

Master Declaration Section 4.2.2 which contains the same requirements. The second paragraph of Proposed Rule #4 is inconsistent with Master Declaration, Section 4.2.2, which simply requires the pet owner to remove and dispose of "all solid animal waste of his pet from ***any*** lot." It further requires that the pet to be leashed, as the designated means of control. The remedy specified in Master Declaration, Section 4.2.2 is for the board to decide whether or not the allegedly offending Pet as managed by the Homeowner is a nuisance.

We further, and again respectfully, object to this Proposed Rule #4 because we believe it has a high likelihood of creating far more problems than it will solve, does not take into consideration the way things function, at least on Mariner Place, and potentially creates other unanticipated consequences. It is most unfortunate, but in an association of 55 homes, given the many different personalities, that some find others offensive, for myriad reasons. A small number are aggressive or passive aggressive. Unjustified or petty complaints about pets are a common outlet for such unattractive conduct. Providing one-size-fits-all mandatory fines will likely increase petty or improperly motivated complaints and invite unnecessary discord. Further, on Mariner Place, as the chairman knows, we have asked neighbors if they prefer to not have our dog (virtually always on a leash) on their property at all. Most residents have either invited Olaf to their property or said no worries -- as long as we pick up after him – which we do. That is certainly our approach. We suspect this rule is requested by avery few and will restrict many. In this connection, it is notable that lot boundaries are neither clear nor defined on the ground, putting pet owners in jeopardy regarding boundaries they cannot see.

There is an additional reason the recommended approach is inappropriate. The Governing Documents do not give authority to the Association over the trail system on the streets. Non-

Bayview residents routinely walk their dogs thereon, and the second paragraph of Proposed Rule #4 would place greater restrictions on Homeowners than outsiders rightfully using the trail system.

The Association has functioned under the Animal provisions of the Declarations for more than 35 years and there does not appear to us to be any good reason to make more strict rules on the subject of pets – we would be most interested to know who are the primary proponent or proponents of this particular Rule and their particular concerns; we doubt those concerns would justify more stringent restrictions than those in the Declaration Sections discussed above.

Proposed Rule #5:

We have not experienced any problem which would justify this Rule We are, however, aware of a situation where the parking of a car allegedly blocking a view was objected to out of all proportion, and to great disadvantage of an ill and dying resident.

Because it does not appear to affect our property and are not aware of specific complaints giving rise to this Proposed Rule, we do not offer an alternative or a strong objection, other than a very strong objection to the existence of a one-size-fits-all, arbitrary, fine, and particularly one of the magnitude proposed -- $2,500. We request that fine provision be stricken, as inconsistent with the remedies provided for in the Supplemental Declaration, Section 10.3. If this problem has arisen in one or two specific locations, we suggest that the Rule (or a determination by the Board of Directors) be confined to those locations, and that the fine specified be eliminated or in all events, reduced.

Proposed Rule #6

This Proposed Rule appears to be the result of a single event which recently occurred. This Proposed Rule is ill-conceived, vague and in most likely circumstances, excessive. The violations addressed here are already covered by, among other things, the Supplemental Declaration Section

10.3 and the ARC procedures. The proposed fines could technically apply to the cutting of a blackberry bush along the trail to the pond, planting grass or spreading bark on a trail, appropriate weeding, etc. What constitutes a tree or shrubbery is not defined. We understand that is not the intent, but the proposed sanctions are excessive and one-size-fits-all apparently in response to what was perceived as a significant transgression. Because of the remedies specifically identified in the Supplemental Declaration, this proposed Rule is inconsistent with the Declaration and therefore constitutes an improper, *de facto*, amendment to the Declaration. Anything this significant should be put to the membership as a matter of good faith – and in addition to the Governing Documents, the Association is governed by RCW ch. 64.32 and those portions of RCW 64.34 incorporated thereby. Those statutes require good faith conduct by the Board of Directors, and we submit that a first occurrence fine of $2000 and a second occurrence fine of $10,000 without membership approval of a properly submitted amendment to the governing documents would lack the required good faith.

We request this letter be made part of the record of the meeting of April 9, 2025. Respectfully submitted,

___/s/__________________
R. Bruce Johnston, WSBA #4646

___/s/__________________
Mary Baker Anderson

70 Mariner Place
Port Ludlow, WA 98365