

# Bel Pre Recreational Association, Inc. – Board of Trustees Meeting March 7, 2023

1. Call to Order and Review of Teleconference Guidelines. Karen Purdy called the meeting to order at 7:32 pm and reminded attendees that teleconference guidelines were in effect.
2. Roll Call
  - Claire Pak took attendance
  - **PRESENT:** Board members Karen Purdy, Jay Staggs, Dave Pullen, Ted Bechtol, Steve Jennison, Patrick Welteroth, Rod Oo, and Claire Pak.
  - **ABSENT:** Board member Andy Popadich
  - Governing Docs Chair Elliott Chabot, immediate past Secretary Chris Swan, and Association member Gustavo Gabriel were also in attendance
3. Approval of Agenda
  - Steve Jennison offered a motion to approve the agenda as presented. Ted Bechtol seconded the motion.
  - Purdy, Staggs, Pullen, Bechtol, Jennison, Oo, Pak, and Welteroth voted in favor. None were opposed. The agenda was approved.
4. Conflict of Interest Disclosure
  - Karen Purdy read the standard request for COI disclosures: Based on the agenda just approved, or any new business that a Trustee intends to raise at this meeting, does any member perceive the need, or intend, to declare a conflict of interest, as that term is defined in the BPRC Conflict of Interest Policy, with any item proposed for discussion or decision at this meeting?
  - No conflicts were declared.
5. Statements by Association Members
  - Karen Purdy opened the floor for statements by Association members.
  - Elliott Chabot offered to assist with items 8, 11, and 12 as necessary. Association member Gustavo Gabriel's statement concerns item 8.
6. Approval of Minutes (February 2023 Board Meeting)
  - Ted Bechtol offered a motion to approve the February 2023 meeting minutes, sent via email ahead of the meeting. Jay Staggs seconded the motion.

- Purdy, Staggs, Pullen, Bechtol, Jennison, Oo, Pak, and Welteroth voted in favor. None were opposed. The February 2023 Board meeting minutes were approved.

7. Pool and Recreation Chair Appointment - Board approval

- a. Karen announced her intention to appoint Jay Staggs as Pool and Recreation Chair. Claire Pak offered a motion to approve the appointment. Patrick Welteroth seconded.
- b. Purdy, Staggs, Pullen, Bechtol, Jennison, Oo, Pak, and Welteroth voted in favor. None were opposed, and Jay Staggs was appointed Chair of the Pool and Recreation Committee

8. Accessory Dwelling Unit (ADU) - request for BPRA Board approval of application

- a. Karen provided background. Association member Gustavo Gabriel is seeking Board approval to build an ADU (converting his garage and adding additional living space at the back of his house) for use by his mother. Mr. Gabriel does not intend to rent the ADU; it is strictly for family use and he is willing to sign an agreement to that effect (see Committee Reports for additional detail).
- b. Elliott explained that a new County ordinance prohibits issuance of an ADU permit unless the homeowner's HOA approves the project. An affirmative HOA decision is required before the County will issue a permit.
- c. Mr. Gabriel was in attendance. Elliott has reviewed and is working with Mr. Gabriel to edit the draft agreement specifying that the proposed ADU will be used for family members only and will not be made available for rent.
- d. Elliott said that the agreement, when finalized and signed, should be made part of the land record so that future owners are bound by it.
- e. Steve Jennison asked about other ADUs in the neighborhood including a house that has been subdivided into several apartments with separate kitchens. The homeowner was ordered by a court to remove at least one of the units and did so but at least two remain.
- f. Elliott researched County records on ADUs within the Association. The house that Steve is referring to is on Norden Drive, which is not governed by the covenants. Mr. Gabriel's house, on Beret Lane, is covered by the covenants.
- g. Mr. Gabriel spoke to explain his intentions. He does not use his garage and wants to convert it to living space, including a small apartment for his mother (living room, bedroom, bathroom, and kitchen). He has already engaged an architect to draw up plans. He restated that his only reason for building an ADU is to provide a home for his mother.
- h. Dave Pullen asked if Mr. Gabriel has discussed his plans with his neighbors. He has not discussed the specific request but said that he gets along well with his neighbors and does not expect that they will object to his plans.

- i. Karen explained that per County code, homeowners who intend to construct ADUs must post a sign notifying neighbors that construction will be taking place. The sign must be displayed prominently and for a certain length of time.
- j. Elliott explained that HOAs may not impose undue burden on homeowners constructing ADUs. This includes requirements that homeowners add solar panels.
- k. Responding to a question from Patrick Welteroth, Elliott explained that a homeowner who is denied permission to construct an ADU by his/her HOA may file an appeal with the Commission on Common Ownership Communities (CCOC), but that CCOC generally upholds HOA decisions.
- l. Patrick Welteroth outlined additional scenarios involving ADUs, including homeowners who may wish to offer ADUs for rent. Dave Pullen acknowledged that this will become a topic of conversation as ADU rules change and as housing prices rise.
- m. There was additional discussion of past policy on covenant enforcement regarding ADUs and other features (fences, non-ADU additions, etc.).
- n. Karen Purdy mentioned the distinction between an addition and an ADU - generally, an ADU involves a separate kitchen. However, an addition could include a kitchenette. County code requires that a dwelling unit for rent must contain a full kitchen.
- o. It was noted that the covenants seem to allow for an ADU for use by a family member, not for rental purposes.
- p. Jay Staggs asked if the covenants specifically prohibit owners from renting their property. Elliott explained that it is not rental per se that is a problem; however, the covenants require houses to be treated as “single family homes,” whether for sale or rental. Accordingly, a property owner may put his entire house up for rent, but may not rent a portion of it. Note that group homes are a legally protected exception.
- q. Jay said that he believes that Mr. Gabriel should be allowed to make the modification to his home. Regarding future decisions on ADUs for rental vs. family use, this is likely to come up at a later time.
- r. Claire Pak expressed agreement with Jay; also pointed out that the agreement that we are requesting from Mr. Gabriel would not be fairly applied if future ADUs are approved for rental use.
- s. Mr. Gabriel, granted the floor by Karen Purdy, read his draft agreement aloud, emphasizing his intention to use his ADU only for family - initially, his mother; and later, his wife and himself if their children want to live in the main house.
- t. There was additional discussion of future ADU requests for rental purposes or otherwise vs. this specific request. Elliott reminded the group that the agreement

that Mr. Gabriel has agreed to will become part of the property's land record and will bind future owners.

- u. Jay Staggs offered a motion to approve Mr. Gabriel's request, contingent on final approval of the family-only agreement. Dave Pullen seconded. Elliott will work with Mr. Gabriel to finalize the agreement and enter it into the land record. Purdy, Staggs, Pullen, Bechtol, Jennison, Oo, Pak, and Welteroth voted in favor. None were opposed, and Mr. Gabriel's request to construct an ADU on his property was approved.
  - v. Patrick Welteroth asked for a motion to approve his request to consider rental unit ADUs. This motion will be tabled until a future meeting, as such requests with full detail must be added to the agenda in advance, so that Board members have adequate time and information to make a determination.
9. SBP Dolphins calendar
- a. The Dolphins have provided a draft calendar, which includes meets, practices, and most team events. The draft calendar closely follows last year's calendar.
  - b. Karen notes that the request to approve the Dolphins' calendar should also cover adult Masters' swimming at 6:45 every morning.
  - c. Dave Pullen offered a motion to approve the Dolphins' draft calendar as submitted, with the addition of Masters' swimming. Jay Staggs seconded. Purdy, Staggs, Pullen, Bechtol, Jennison, Oo, Pak, and Welteroth voted in favor. None were opposed, and the Dolphins calendar was approved.
10. Facilities use requests
- a. A member submitted a request to host a gathering on Sunday, May 28, 2023, 1:30 – 4:30pm. 25-30 people (approx. 5 non BPRAs) are expected to attend. Dave Pullen offered a motion to approve. Claire Pak seconded. Purdy, Staggs, Pullen, Bechtol, Jennison, Oo, Pak, and Welteroth voted in favor. None were opposed, and the member's request was approved.
  - b. Strathmore ES, date TBD. A BPRAs member who is a parent of a Strathmore 5th grader inquired about a class party that could include up to 160 children. After some discussion, all agreed that a party with that many children in attendance would overwhelm the staff. No motion was offered regarding this request, so no vote was taken.
11. Snack bar RFP.
- a. Karen thanked all who contributed comments or assisted with editing of the RFP. Proposals will be due 4/23, in time to allow Board members to review before the May 2 Board meeting. The Board briefly discussed provisions of the draft RFP.
  - b. Jay Staggs said that he is willing to show the snack bar to interested bidders.
  - c. Rod Oo asked about eligible bidders; specifically, is the opportunity open to area restaurants and caterers or are we limiting bids to Association members? Karen said that the RFP is open to any interested bidders.

- d. Claire Pak will accept proposals and answer/relay questions, serving as the single point of contact for interested bidders.
  - e. Dave Pullen offered a motion to approve the RFP with the edits outlined during the discussion and a few additional non-substantive edits. Ted Bechtol seconded. Purdy, Staggs, Pullen, Bechtol, Jennison, Oo, Pak, and Welteroth voted in favor. None were opposed, and the RFP was approved.
12. Clarification of assessment date range (FY vs. due date).
- a. Dave provided background. The Association's fiscal year now aligns with the calendar year, and the assessment remains due on March 1. Explanation: This discussion was prompted by an Association member's question; the member seemed to believe that the assessment is covering a period of less than a year. This is incorrect, as the assessment due date has not changed and the amount that members pay during the calendar year is not changing.
  - b. Dave offered a motion that we should establish the following understanding: The fiscal year remains January 1 through December 31, and the assessment happens to be due on March 1, in accordance with the reasoning for the FY change, which was to allow the Treasurer to account for revenue in the same fiscal year in which it is collected. Ted Bechtol seconded. Purdy, Staggs, Pullen, Bechtol, Jennison, Oo, Pak, and Welteroth voted in favor of this interpretation. None were opposed.
13. Assessment mailing printing issue - update on resolution.
- a. Mailings Plus agreed to the fifty percent credit as discussed in the previous meeting.
  - b. The SBP Civic Association and the SBP Dolphins will receive 50 percent refunds proportional to their contribution to the cost of the mailing.
14. Budget and Finance
- a. Monthly financial statements - Dave was temporarily without access to QuickBooks. However, he had enough information to be able to state that the Association has enough money on hand to run its business. There were no major (out of the ordinary) transactions since the last meeting.
  - b. Tax return filing. Larry Vaught, who handles tax filings, is on vacation. There will be an update on the status of the Association's tax filing when he returns.
  - c. 2023 Assessment Payments - Dave reported that the response is very good so far, and mentioned that a few homeowners have inquired about the increase. About 50 percent of property owners have paid their assessments for 2023. Schild continues to collect on delinquent accounts. Dave reported that the Assessment Assistance Committee reviewed and denied a recent request for assessment relief, without disclosing detail about the request.
15. Investment and Banking Policy - Dave Pullen circulated draft investment and banking policy documents in December. He understands that Board members may not have had adequate time to consider the proposals but asks that we approve the draft policies with

the understanding that BPRA bylaws limit the scope of the policies and that we can revise as necessary.

- a. Governing Documents Chair Elliott Chabot said that he believes that this is a reasonable approach, as an interim policy.
- b. Jay Staggs commented that the draft policies outline a very conservative investment strategy, which may not provide adequate return. Dave acknowledged this concern but notes that the draft policies align with typical non-profit investment strategies.
- c. Dave Pullen offered a motion to approve the draft Investment and Banking policies as interim policies. Jay Staggs seconded. Purdy, Staggs, Pullen, Bechtol, Jennison, Oo, Pak, and Welteroth voted in favor. None were opposed, and the policies were adopted on an interim basis, pending further review.

#### 16. Committee reports

- a. Karen opened the floor for questions about reports. There were no questions.
- b. Entertainment and Recreation - The Entertainment and Recreation Committee requested approval for the following movie dates (Saturdays): May 5 (rain date 5/13) drive-in movie in the parking lot; June 3, July 1, August 5, September 2 on the hill with pavilion as rain location. Claire Pak offered a motion to approve the requested dates. Ted Bechtol seconded. Purdy, Staggs, Pullen, Bechtol, Jennison, Oo, Pak, and Welteroth voted in favor. None were opposed, and the 2023 movie calendar was approved.
- c. Grounds and Landscaping
  - i. Grounds and Landscaping sought approval for two funding requests: routine groundskeeping (approximately \$195 per mowing) and a one-time brush clearing around the fence perimeter (\$2400).
  - ii. Ted Bechtol offered a motion to approve the funding requests, and Jay Staggs seconded. Purdy, Staggs, Pullen, Bechtol, Jennison, Oo, Pak, and Welteroth voted in favor. None were opposed. The funding requests were approved.

17. Other business - Karen opened the floor for other business. No additional business was proposed.

18. Adjournment - The meeting adjourned at 9:11 PM. Our next meeting will take place on April 11, 2023, via teleconference.