

**SOUTH BAY COMMUNITY ASSOCIATION  
BOARD OF DIRECTORS SPECIAL MEETING  
June 03, 2020  
12:00 Noon Remote Call In**

**DRAFT MINUTES**

**1. Call to order, 12:00 Noon.**

**2. Determination of Quorum**  
5 of 7 Directors present

<b>DIRECTOR</b>	<b>PRESENT</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>
Birch				
Clark – Sec.	X			
Jurca	X			
Shadrick – VPres.	X			
Sheldon – Pres.	Arrived at beginning of Executive Session			
Sprandel	X			
Walkowski – Treas.	X			

**3. Approval of Agenda as amended**

Moved: Dir. Jurca  
Second: VP Shadrick  
Carried without objection

**4. Approval of Minutes**

- a. Special Board Meeting, 05-20-2020
- b. Special Board Meeting, 05-27-2020

**Motion to approve both**

Moved: Dir. Sprandel  
Second: Dir. Jurca  
Approved without objection

**5. Website redesign & new hosting location.**

**Motion to develop a new SBCA website as follows:**

**Set up two separate accounts, one for hosting and one for domain name registration, both to be entirely under SBCA – Bay Club control. Total cost not to exceed \$200 per year (roughly half that first year.) Project to be managed through the Communications Committee.**

Moved: Dir. Sprandel

Seconded: VP Shadrick

Carried: Without objection

**6. MemberMe+ demonstration.**

GM Torres demonstrated how the system can monitor members and activities within a re-opened Bay Club. Currently, the user maximum per area is “one” and each time period and area can be reserved by individual members. This tool is active and functional such that staff can manage usage criteria as approved by the Board. This software will allow members to see what amenities are available by time slot. The back up for those who have technology issues is that members can call the front desk and make a reservation.

**7. President Sheldon arrived as motion to enter Executive Session was made to discuss communications with legal counsel. Six of 7 Directors now present.**

**Motion to enter Executive Session**

Moved: Dir. Jurca

Seconded: Sec. Clark

Carried without objection.

**Motion to resume Open Session**

Moved: Dir. Jurca

Seconded: VP Shadrick

Carried: without objection

**8. Resume Open Session**

**9. Need to inform SBCA membership regarding the current status of possibly re-opening SBCA tennis courts and/or other Bay Club amenities.**

**Motion that GM Torres send the document below as an e-blast to the SBCA membership.**

Moved: Dir. Jurca

Seconded: VP Shadrick

Carried: Without objection

**e-blast text: “About SBCA’s Tennis Courts”**

Some SBCA members may be wondering why the SBCA tennis courts are still closed. After careful consideration, the SBCA Board of Directors has concluded, at least for now, that the benefits of opening the courts are outweighed by the health risks, legal risks, and insurance coverage risks of opening them at this time.

The prohibitions and other provisions of Governor Inslee’s original “*Stay Home – Stay Healthy*” order, Proclamation 20-25 dated March 23, as subsequently modified by Proclamations 20-25.1, 20-25.2, 20-25.3 and 20-25.4, now renamed “*Safe Start – Stay Healthy*,” remain in effect until 11:59 p.m. on July 1, 2020, except as otherwise provided in the “*Safe Start Washington Phased Reopening County-by-County Plan*” dated May 31, 2020. Jefferson County is now in a modified “Phase 2” status under that plan. In Phase 2, “staffed” outdoor tennis facilities are allowed to open, subject to numerous conditions and required or recommended restrictions.

SBCA’s tennis courts are not “staffed,” so it appears we are not allowed to open them yet. (Although not expressly stated in the Governor’s proclamations, we assume the reason why only “staffed” tennis facilities are allowed to open is that onsite staff would be able to assure compliance with applicable restrictions, but there would be no way to assure compliance with those restrictions if no staff were onsite.) Moreover, even if we could somehow arrange to turn the tennis courts into a “staffed” facility, it would not be economically or practically feasible for SBCA to comply with all of the mandatory conditions and recommended guidelines at this time.

If SBCA opened the tennis courts for use under these circumstances, we would risk criminal liability under RCW 43.06.220(5) (we suspect that risk is more theoretical than real). Opening the courts under these circumstances might also constitute a violation of section 6 of our lease of the courts from PLA. But, of perhaps more practical significance, SBCA would be exposed to the risk of substantial legal liability for claims alleging injury resulting from our opening or operating the courts without having adequate precautions in place, or for claims alleging injury resulting from negligently failing to comply fully with all applicable requirements or recommendations. Due to insurance policy exclusions for claims alleging bodily injury or property damage resulting from “biological hazards” or for expected injury or injury from intentional acts, there could be questions about the existence or scope of our insurance coverage for such claims.

Obtaining a waiver or release of liability from each tennis player would not be sufficient protection, since any such waiver or release, even if otherwise enforceable in a court of law, would apply only to the person giving the waiver or release; it would not protect SBCA from claims by others who allege that they became ill as a result of exposure to a tennis player who was infected at our courts.

Most important, however, is protecting the health of our members. Under CDC guidelines many, or perhaps most, of our members are considered to be “high-risk” and especially vulnerable to serious illness from COVID-19, because of age (65 or older) or underlying medical conditions. We think it is far more important during this ongoing health emergency to reduce the risk of spreading the virus than to open the tennis courts or any of our Bay Club amenities at this time.

The Board is continuing to monitor the situation and will make every effort to advise SBCA members of changes in conditions which may make it appropriate to open the tennis courts or the Bay Club.”

**10. U.S. Navy request for use of SBCA grounds (motion).**

**Motion that General Manager Mark Torres be authorized and directed to send an email to Realty Specialist Mr. Connor Watson at [connor.watson@navy.mil](mailto:connor.watson@navy.mil) stating as follows below:**

Moved: Dir. Jurca

Seconded: VP Shadrick

Carried: without objection

*“Dear Mr. Watson:*

*This email is in response to the letter to me dated May 27, 2020 from Real Estate Contracting Officer Michael D. Brady. The South Bay Community Association (SBCA) declines to enter into the proposed Right of Entry Agreement described in that letter.*

*Sincerely,*

*Mark Torres, SBCA General Manager  
on behalf of SBCA Board of Directors”*

**11. Motion to Adjourn, 12:56 p.m.**

Moved: Sec. Clark

Seconded: Dir. Jurca

Carried without objection.

**Next Regular Meeting of the Board, Friday June 12, 2020 at 9:30 a.m. by call-in**