

## **President's Message - June 11, 2018**

Bay Point Residents,

Since our last Board meeting our attorney John Townsend has left Becker Lawyers and joined the firm of Dunlap Shipman. In reviewing past board minutes, the BOD shall select new legal counsel. I have appointed a committee to identify qualified firms with a specialty in HOA law. This committee will produce and deliver to qualified firms an RFP to represent BPCA. This committee will be chaired by me and other committee members will be Don Connor, Carl Selph, Bill Verhuel, and Van Johnson. Mr. Verhuel is a past board member and a retired attorney with a great understanding of Florida Statutes relating to HOAs. Mr. Johnson is a long-time resident of Bay Point with a distinguished military and civilian career. Mr. Johnson also holds a CAM designation. Mr. Verhuel has volunteered to prepare a draft RFP for the committee to consider. The plan is to go through the same process we did for choosing our CPA firm. After the RFPs have been received, firms will be interviewed, and recommendations made to the Board for approval of new legal counsel.

While on legal matters I want to address the article in the BPN regarding alleged conflict in Mr. Townsend's opinions regarding authority of BPW and the creation of the Compliance Committee. The first opinion addressed whether BPW was an HOA governed by Florida Statue 720. Mr. Townsend's opinion as well as an opinion in 2010 by our attorney at the time, Ray Newman, was and still is BPW does not meet the requirements to be a 720 organization under the Bay Point Covenants and Restrictions. This also means BPCA is the organization with the authority to suspend rights and lien properties found in violation of the Covenants. The second opinion addresses whether the resolution creating a Compliance Committee was properly stated and adheres to our governing documents, each board member received that opinion. After speaking to Mr. Townsend, he stands by both opinions and is convinced they are not in conflict. The first opinion addresses the organizational authority of sub associations and the second opinion addresses conflicts with existing Covenants, Articles of Incorporation and existing rules and regulations as they relate to the Compliance Committee resolution. Finally, as the article in BPN indicated the individual who task Mr. Townsend to write this opinion did not explain the motion. That person would be me and I send the resolution and presented and I did talk to Mr. Townsend about the issues of out buildings. Mr. Townsend pointed out several problems we will have with the issue of outbuildings. Problems include having not enforced this covenant for a long time, a statute of limitations (typically 5 years) in this case and properties that have been sold and given an estoppel stating there are no violations to mention a few. Mr. Townsend suggests we notice all owners in Units One and One-A which going forward this Covenant will be enforced. Going backwards at this point is not recommended. I believe the BPN article was inaccurate.

Finally, as reported in the Finance report the 2019 budget draft will be finalized at a meeting on June 21<sup>st</sup>. I am scheduling a Special board meeting to focus only on the budget for 5:30 pm June 25<sup>th</sup>. This requires a 14-day notice, so this meeting has been properly noticed.

Ed Helms, President

Bay Point Community Association