

**ROCKY BAYOU OWNERS ASSOCIATION
P.O. BOX 848 Niceville, Florida 32588-0848**

**Minutes of the Monthly Meeting of the RBOA Board
November 8, 2023 at Rocky Bayou Country Club**

In attendance:

Board members (quorum reached):

In person:

Joe Bradley, President

Nicki Patten, Secretary/Treasurer

Jeff McAdoo, Compliance

Via Zoom:

Ben Ward, Architectural Control

Jaime Dorsey, Environmental

Residents /homeowners:

Mitchell Panich

Meeting called to order by Joe Bradley at 6:30pm.

PREVIOUS MEETING MINUTES:

- October 2023 Board Meeting Minutes circulated in advance via email.
- Jeff motioned to approve minutes with waived reading. Nicki seconded; passed unanimously.

FINANCIAL / BUDGET: reported by Nicki Patten

- October 2023 financial report circulated in advance of the meeting via email.
- Fund balance \$112,504 across 3 accounts
- Monthly deficit \$2,742, expenditures \$3,099 (right at average)
- 4 members have outstanding 2023 dues, 3 in Unit 3 that were not in collection based on Association attorney advice not to pursue until expired covenants were renewed. Now that renewal passed, notices will be sent.
- 1 new pending sale on Ruckel Dr to close this month; estoppel fee paid in October.
- Jeff motioned to approve financial report. Ben seconded; passed unanimously.

ARCHITECTURAL CONTROL: reported by Ben Ward

- Tuff Shed on Chase Dr. application in review; was too close to back property line. Looking to get variance letters from neighbors. Homeowner requested a example for these letters, something for committee / board to develop and make available (or post on website).
- Still in communication re: pergola construction started without ARC approval in Unit 8 on Chase Dr. Application submitted after construction began, indicating posts would be lowered, though construction was not halted even after being contacted. Roof was erected already and still need variance letters from neighbors. Jeff will follow up as a compliance issue.
- No other requests.
- Newly proposed ARC guidelines still need to be addressed compared to current restrictions.

COMPLIANCE: reported by Jeff McAdoo

- Structure on Chase Dr. in Unit 8, see above in ARC.
- Car parked at Wava Park for several weeks; Jeff sent courtesy notice to 7 surrounding homes reminding that swale is not to be used for long-term parking. If no change in next 2 weeks, Jeff may knock on doors or will contact county to report abandoned vehicle.

- Jet skis were moved.
- Shipping container on Kristin Cir needs to be addressed before year-end, now that Unit 3 covenants are renewed
- Jeff noticed a side driveway constructed on Ruckel. Jeff will follow up to determine if driveways are part of covenants if application needed because retaining wall was poured.
- No additional complaints received in last month.

MAINTENANCE/PROJECTS: reported by Joe Bradley (John Rivera not in attendance)

- Community Day on October 28 – 4 board members (and 2 spouses) addressed entrance at Forest & Ruckel. Cut down hanging / dead branches, cleared weeds & oak saplings, dug out buried light fixture. Wava Park or College/Ruckel entrance may be next focus. Send out email notice 10 days prior to date; to be determined via email thread in next few weeks. Consider first or second weekend of December, or third weekend of January.
- Jeff plans to address the light fixture on South side of Ruckel/Forest entrance sign, needs glass cleaned and brighter bulb, possibly needs to be raised.
- Fallen tree in Lake Henderson behind house on Kristin Cir. (Jaime’s neighbor) – was homeowner’s tree, Jaime will contact to see what her plans are to address.

ENVIRONMENTAL: reported by Jaime Dorsey

- No alligator, beaver or bear sightings reported in last month.

GOVERNING DOCUMENTS PROJECT:

- Judy Boykin as member of Governing Documents Committee reviewed Jay Roberts answers to first draft of questions and provided comments (Nicki circulated in advance via email).
- Decisions need to be made based on attorney replies so that final edits to governing documents can be given back to him to implement. 2 biggest items to consider are:
 - Voting requirements: Current Bylaws state quorum reached at 26% of the total voting interests. Recommend making all references to votes in governing documents use the same requirement.
 - Number of Board Members required: Current Bylaws specify seven: 3 officers, which are President, Vice-President and Secretary/Treasurer (as one office) and the 4 committee chairs, which are Architectural Control, Administrative, Environmental, Maintenance/Improvement/Landscaping. (Bylaws describe Environmental as identifying violations and enforcing restrictive covenants to “enhance the appearance, value and welfare of the Association,” which is what we now call Compliance; at some point, Environmental became about maintenance-related environment issues, with Compliance becoming a separate committee and the Administrative committee was removed.) Consider reducing the required number to 5 in the amended Bylaws, which may help in effort to find volunteers and maintain a quorum for board meetings. This would not affect the appointment of committee heads or need for other volunteers to serve on committees. Nicki motioned to reduce the number in the revised Bylaws from 7 to 5 board members. Ben seconded; passed unanimously.
- Move forward with intention of getting drafts of Articles and Bylaws completed before year-end so that we can post online and begin to gather feedback in order to vote at the annual meeting on at least those, with next phase being the consolidated covenants.
- Discussion about creating side-by-side comparison from current documents to revised documents – would have to be done for each of 13 units’ covenants – in order to outline what

is changing. Consider splitting up among board members to create this comparison for each, which will help to answer questions from members when it comes to presenting.

OLD BUSINESS

Units 1 and 2 Covenants renewals:

- Renewal forms initially sent to homeowners on 8/22; second round of notices mailed out 9/29 with request to reply before 10/31. Status of renewals:
 - Unit 2 (expired Sept. 17, 2023): 88 lots, need 45 for majority, 34 received; need 11
 - Unit 1 (expiring Dec. 5, 2023): 77 lots, need 39 for majority, 32 received; need 7
- Attorney confirmed there is no “dismissal” or need for board action for Units 1 & 2 if we do not receive required number of renewal consents. Discussed obligation to at least notify Units 1 & 2 homeowners with one final mailing to all. State in this final notice that if required majority is not received by Dec. 5, covenants will be considered terminated and membership in the Association will cease as of the end of 2023. Nicki to forward draft letter suggestion from Judy for all to consider/comment so notices can be sent out ASAP as one final attempt.

Upgrading/updating/repairing common areas, Wava Park, golf course entrances, and others:

- Come up with another date early in December to address other common areas, discuss via email

NEW BUSINESS

Review and approve 2024 annual budget:

- Expenses include expectation of recording fees and additional legal fees related to the governing documents project, in addition to general inflation increases for insurance, etc., with most costs mirroring current year actual expenses.
- \$61,200 budget based on dues increased to \$150. (Current is \$140, Bylaws indicate may increase by no more than 10%, but only increased \$10). Includes expectation that both Unit 1 (30 members plus 2 newer lots on Golf Course Dr) and Unit 2 (41 members) remain in the Association. Without those, revenues would decrease by \$10,950 (though some expenses would also go away or decrease).
- Ben motioned to approve 2024 budget as presented. Jaime seconded; passed unanimously.

OPEN DISCUSSION

Homeowner in Unit 3 on Ruckel Dr. desires to move a small portion of his fence/gate forward just over 2 feet; will still meet restrictions in the covenants, which were renewed, though not required to submit to Architectural Control since committee powers are expired. If new covenants are adopted, that will include re-establishing Architectural Control Committee powers.

Question what happens if new covenants are adopted but something that already exists conflicts with those covenants, can homeowner be forced to remove? If previously approved, it would follow that those would be grandfathered as acceptable and not require removal.

CLOSING OF MEETING

Nicki motioned to adjourn meeting; seconded by Jeff. Unanimous; adjourned at 8:07pm. Recorded by Nicki Patten.

NEXT BOD MEETING: December 13, 2023 at Niceville City Hall