

## WHOA Board of Directors – Meeting Minutes for May 26, 2020 Meeting

**Present:** John Cambier (President), Betty Turnbull (Vice President), Amanda Sosebee (Treasurer), Elizabeth Martin (Secretary), Adam Friedman, Katrina Portwood, Jim Fleming, Jacob Hildebrand (CAS).

**Absent:** Donna Wolf

### **1) Call to Order**

a) Meeting was called to order by the Vice President at 6:03 pm. The meeting was held virtually via Zoom due to pandemic and social distancing orders.

### **2) New Business – Review of regulations and options for opening of the Woodlake Pool.**

a) Jacob summarized by email information about the current regulations and recommendations of an HOA attorney, our insurance company representative, our pool contractor and our community management company. That information is summarized here:

- i) The Governor’s Phase 2 COVID19 reopening order requires: “Open indoor and outdoor pools must: Limit user capacity in the pool to no more than Emergency Maximum Occupancy; Post the Emergency Maximum Occupancy in a noticeable place; Post signage reminding pool attendees and workers about social distancing (staying at least 6 feet away from others) and requesting that people who have been sick with a fever and/or cough not enter; Conduct daily symptom screening of workers, using a standard interview questionnaire of symptoms, before workers enter the workplace; Immediately isolate and remove sick workers; Perform frequent and routine environmental cleaning and disinfection of high-touch areas with an EPA-approved disinfectant for SARS-CoV-2 (the virus that causes COVID-19). These requirements apply only to shared pools in commercial settings or at residential complexes, not to family pools at people’s homes.”
- ii) The HOA attorney recommended that each board balance the risks and benefits of opening the pool and whether that can be done safely and cost effectively for the community. The attorney noted that the Board has a duty to maintain and operate the pool in a safe condition and abide by the applicable standards of care. Limiting pool attendance with an online reservation system and additional cleaning times in compliance with the EPA cleaners, eliminating the pool furniture, are examples of recommendations to comply with the Phase 2 order. The board also should consider the additional costs for operating a pool, the cleaning supplies and additional contractors, signage, software etc. The board should also consider that “virtually every general liability and directors and officers liability policy for HOAs in NC has a policy exclusion for virus, disease [etc]” and therefore deciding to the open the pool will bring the exposure to the costs of a lawsuit (whether valid or invalid) as well as any potential valid claim. In short, boards should assess and re-assess any opening of the pool, and if opened, the compliance of the community to the rules.

- iii) Our insurance company representative is willing to discuss the particulars of our coverage with the Board, but indicated that it is unclear whether we would have insurance coverage under the Directors & Officers policy to defend a lawsuit or to pay any claims.
  - iv) Jacob sought information from CAS, Still Waters (our pool contractor) and local cleaning companies regarding the ability of our current contractors to provide the required cleaning staffing required to open in Phase 2. At this time, our pool contractor would be able to clean the premises daily, but not more than that (for an additional fee) and cautioned that the cleaning supplies required to abide by the order, and even bleach, are in short supply and it is unclear whether the needed supplies will be available in the coming weeks.
  - b) Jacob assured the Board that if and when the Board decides to open the pool, CAS will be able to quickly turn-on pool keys, has the required signs ready to go, and has waiver addendums for our pool activation forms.
  - c) The Board thoroughly discussed the issue of opening the pool, the importance of better understanding our insurance coverage (requested long copies of the policies to review in detail), the need for cleaners to comply with phase 2, the restrictions on quantity of attendees and enforcement thereof, the lack of information about Phase 3 and what requirements will remain.
  - d) John moved that due to our concerns about our ability to comply with State regulations under Phase 2, the Woodlake pool must remain closed. It is unclear what the regulations will be under Phase 3, but the Board will review the developments at our next Board meeting in two weeks. Betsy seconded the motion and it passed unanimously.
  - e) Betty moved that we change the policy if the pool is able to open, we will have no guests allowed for the summer 2020. Betsy seconded the motion and it passed unanimously.
  - f) The Board will revisit the issue of opening our community pool in two weeks at our next regular meeting.
- 3) **Meeting adjourned** 6:41pm. John moved to adjourn the meeting, Betsy seconded the motion and the motion unanimously passed.
- a) Next regular meeting scheduled for June 9, 2020 at 7pm.