



When was the Floating Homes Association Formed?

The Association was formed in January of 1995.

Why was the Floating Homes Association Formed?

The Floating Homes Association was formed as a result of significant increases in moorage at one of the Marinas, early in the fall of 1994. The tenants that were involved in the increase, after consultation with attorneys, realized that Float Homeowners had no protection or rights under Idaho State Law, and were not covered by any landlord tenant acts within the State of Idaho.

Two issues came to light in the fall of 1994 that would adversely affect moorage rates and fees paid by float homeowners.

- A significant increase in moorage rates at Scenic Bay Marina in October of 1994.
- An article published in the Spokesman Review outlining a proposed \$1000.00 Submerged Lands fee being considered by the Idaho Department of Lands on each float home moored within the bay.

Upon initial research, one of the first questions asked by the attorneys was “are you organized?” The answer to that question was “no” and most float homeowners only knew their immediate neighbors within their respective marinas.

In November of 1994 a group of float homeowners met informally to discuss the possibility of forming an Association. There was a great deal of interest within this group and a general meeting of all float homeowners was set for December 10, 1994 on the Gonzaga University campus in Spokane. The float homeowners in attendance voted to move forward with the formation of a Floating Homes Association. A steering committee and other committees were formed. Nikki Charlton was named as the chair of the Steering Committee.

1995

During our initial year, an attorney was hired to assist with the development of the by-laws and the constitution for the Floating Homes Association. Meetings were set up with the agencies that had jurisdiction over float homes which included the Panhandle Health District, the Idaho Department of Lands, the Army Corps of Engineers and the Kootenai County Commissioners planning committee.

Our attorney and the legal committee met with all of these agencies. While each recognized the need for policies and guidelines for float homeowners, none were willing to take the initial steps to develop the necessary guidelines. A statement from a Department of Lands representative indicated that if the Department of Lands had their way there would be no float homes on Idaho waters.

It became apparent that if float homeowners were to have protection under Idaho State law, that legislation was necessary. It was decided that we should model our legislation after the Idaho Mobile Home Residency Act, which had already been voted into law.

1996

Legislative Bill for Floating Homes

The goal for the year was to develop The Floating Homes Residency Act. Lew Wilson was elected President of the Floating Homes Association. Powell Shoemaker, Vice President of the Association, was named our primary legal contact. Under Powell's direction, the Mobile Home Residency Act was translated into the Floating Homes Residency Act, with the language being changed to be consistent with floating homes. With input from all Floating Homes Association members, the first draft of the Floating Homes Residency Act was finalized in the late fall. Representative Hilde Kellogg agreed to sponsor the bill in the 1997 Idaho Legislative session.

Proposed \$1000/Year Submerged Lands Fee

In the fall, the first Submerged Lands hearings were held in Sandpoint, Coeur d'Alene and Boise, Idaho. Lew Wilson attended the meeting in Sandpoint, and gave input on behalf of the Floating Homes Association.

1997

Legislative Bill for Floating Homes

1997 was a busy year for the Floating Homes Association and its members. Our bill was introduced to the Idaho Legislature, but due to some miscommunication and timing issues, it did not make it out of Committee. Although this set back was a major disappointment to our members, it did provide additional time to work on the bill. It also provided us a unique opportunity to meet with Gary MacDonald of Hudson Bay Marina, and review the legislation line by line. We worked together to revise some issues, which improved our chances of getting it passed. By early fall, our bill was ready to be reintroduced to the 1998 Idaho Legislature.

Proposed \$1000/Year Submerged Lands Fee

In May, the Floating Homes Association learned that the Idaho Department of Lands intended to implement the \$1,000.00 submerged lands fee on all float homes effective on July 1, 1997. An emergency meeting of the FHA was held in June. A letter writing campaign was implemented to the Idaho Land Board and the elected officials in Northern Idaho. Gail Sorenson, dock representative at Bayview Marina, developed a petition that was signed by many float homeowners and other concerned citizens. The petition was mailed to the Idaho Land Board and Idaho Department of Lands. The petition outlined our concerns that the proposed fee had not been well thought out, and was a complex issue that required additional consideration prior to implementation. The FHA requested that a hearing be held in Bayview to allow FHA members and marina owners the opportunity to express their concerns.

The FHA was successful in having the July 1, 1997 date for implementation deferred, and an unprecedented hearing of the Land Board was held in Bayview on September 21, 1997. Three members of the Idaho Land Board attended the meeting, Al Lance, Attorney General for the State of Idaho; J.D. Williams, State Controller and Ann Fox, Superintendent of Public Instruction. Also, in attendance were Stan Hamilton and Bryce Taylor from the Idaho Department of Lands. Since a quorum of the Land Board was in attendance, the meeting became an official meeting of the Idaho Land Board. All testimony and comments were recorded as official state documents. It was the third time in State history that a Land Board meeting was held outside of Boise. In addition to the Land Board members, ten of the twelve elected State officials from Northern Idaho attended this standing room only meeting. News reporters from area television stations and daily newspapers covered the event.

Testimony from FHA officers and from members of the FHA was presented. Members of the Idaho Land Board and Idaho Department of Lands were able to hear first hand the concerns of float homeowners. The Land Board made two important comments during these sessions.

- The Land Board felt that the FHA membership needed State legislation, much like the Mobile Home Residency Act.

(Our bill was already finalized at this time and was modeled after the Mobile Home Act. In addition, this comment was made in front of the legislators that would be voting on our bill within the next 6 months).

- The second comment was made in reference to the increase in moorage rates that had been assessed at Scenic Bay Marina. The comment by one member of the Land Board was. “Remember, we (The Land Board) are the landlords of the marina operators. If you feel you are being treated unfairly by the marina owners, please let us know.”

(This statement would become important to the tenants of Scenic Bay Marina during 1999).

As a result of the hearing, the Idaho Department of Lands ruled that the Submerged Lands fee for float homes would be reduced from \$1000.00 per year to \$250.00 per year. More importantly, the work the FHA did with the Land Board, Idaho Department of Lands and with the elected officials in Northern Idaho resulted in the development of a positive working relationship. A direct line of communication and support now exists between the members of the FHA, the attorney for the FHA and these agencies.

In December, a meeting was held in Coeur d’Alene with the Steering Committee, Attorney Denny Davis and eleven of the twelve elected officials in Northern Idaho to review our legislative bill in preparation for the 1998 legislative session. Representative Wayne Meyer and Representative Larry Watson agreed to co-sponsor (bipartisan support) our bill in the House of Representatives. Gordon Crow and Shawn Keogh agreed to sponsor our bill in the Senate.

1998

On March 20, 1998 House Bill #66 was passed by the Idaho Legislature with overwhelming support. Governor Phil Batt signed the Floating Homes Residency Act (Title 55, Chapter 27) into law with an effective date of July 1, 1998. Thus, giving float homeowners protection under Idaho Law for the first time in their history. A copy of the Floating Homes Residency Act can be obtained from the FHA or can be printed from the Idaho Government web site: <http://www3.state.id.us/idstat/TOC/55027KTOC.html>.

1999

The Floating Homes Association received its Tax-Exempt Status from the IRS on August 18, 1999 allowing us to hold raffles and other non-profit projects.

Troubles at Scenic Bay Marina

Again, the tenants of Scenic Bay Marina faced a proposed 56% increase in moorage rates. Representatives from J.D. William's office met with tenants at Scenic Bay Marina to walk the docks and discuss the tenants concerns with marina maintenance and safety. With the assistance and cooperation from the Land Board and the Idaho Department of Lands, policy was adopted indicating that moorage rates within the rental area needed to be consistent, and that marina owners needed to maintain their marinas in a safe and sanitary condition. The Land Board refused to grant the owner of Scenic Bay Marina a lease with the State until they negotiated in good faith with the tenants. At the expense of the State, the Idaho Department of Lands sent their leasing specialist, Bryce Taylor, from Boise to mediate this dispute. While the dispute continued until the early part of 2000, the tenants of Scenic Bay Marina were not required to pay the 56% increase. The Marina was sold in the spring of 2000 to new owners.

The cooperation from the State during the negotiations at Scenic Bay was tremendous. The Floating Homes Association feels we have come a long way in developing a positive working relationship with the State from those initial meetings in 1995, when we were told that if the State had their way there would be no float homes on Idaho waters. A Spokesman Review headline "Land Board Defends Float Home Owners" summarizes the work and relationships that have been built over the past five years.

2000

2000 was a relatively quite year for float homeowners. The Association held a raffle in August of 2000 and the proceeds of the raffle were used to support community events. The Association sent underprivileged children to summer camp and extended an offer to assist with the rebuilding of the city park playground equipment.

The Association monitored legislative activity and the minutes of the Idaho Department of Lands for any issues or concerns that might affect float homeowners.

2001

A Fire at Boileau's marina involving boat sheds and float homes brought fire prevention measures to the forefront of 2001.

A member of the floating homes association became a member of the Timberlake Fire District's Citizen Advisory committee and works as a liaison between the fire department and the Association.

The Association invited Fire Chief Rick Graeber to speak at the annual meeting regarding fire prevention measures that should be implemented by all float homeowners.

The Association donated \$500.00 to the Timberlake Fire District as our 2001 community project. The Association designated the funds to be utilized towards the greatest need identified by Chief Graeber.

The Department of Lands announced some staff changes as long-term employees retired and Pete Cenarrusa, Secretary of State, announced he would not seek re-election.

2002

J.D. Williams and Al Lance, strong FHA supporters and members of the Idaho Land Board announced they would not be running for re-election in 2002. These elected officials were long time Land Board members and attended the meeting on the proposed submerged land fee held in Bayview in 1997. They were also a part

of the decision to adopt the float home rental policy in 1999 that assisted the tenants of Scenic Bay Marina. The decision to not seek re-election will leave a void for float homeowners and their relationship with the Idaho Land Board.

Discussions began about working with the Kootenai County Sheriffs Department and Timberlake Fire district about emergency response and signage to assist in finding float homes in case of an emergency. A burglary at a float home and the inability of the Sheriffs department to find the float home prompted this project.

The Association donated \$500.00 to the Bayview Chamber of Commerce fireworks fund as the community project for the year.

2003

The Association worked closely with the Kootenai County Enhanced 911 coordinator and marina owners in developing unique addressing and signage for float homeowners. Each dock was identified as a road for addressing purposes and each float home was given a unique postal address matching the float home and phone number for accurate emergency identification and location.

A second float home tour was held in August and more than 195 people toured 20 float homes within the bay. A raffle was held over Labor Day weekend with the grand prize of a trip to Catalina Island, California. Proceeds from the raffle will be utilized to fund the 911 Emergency signage at each marina.

The Association “adopted” a new street light as its Community Project for the year. The Bayview Chamber of Commerce received grant money to install additional streetlights for enhanced community safety, but the cost of the electricity was not included in the grant. A check from the Association to fund the electricity costs for one of the lights was presented at the October Bayview Chamber of Commerce meeting. The Association also continued to support the Bayview Daze celebration by donating \$500 to the fireworks.

Rohn Holm resigned as treasurer and Dee Holm resigned as secretary in November of 2003 after several years of service to the Floating Homes Association. Lyn Shoemaker volunteered as treasurer and Jamie Berube volunteered as secretary until the next general election could be held and there be an official voting of officers.

2004

This year marked the tenth anniversary of the Floating Homes Association. To celebrate the occasion, a barbeque was held by the officers of the Association at the float home of Wally and Pam Adams. Due to the recent sale of several float homes, the focus was to socialize, meet neighbors and educate new float home owners about the FHA and promote membership.

The general meeting was also a time for celebration. The FHA presented a special award to Gary MacDonald and his family for their continued support of the association. Gary attended the first meeting of the association in 1995. He was instrumental in supporting the negotiations with the Land Board regarding the submerged land fees assed to each float home and instrumental in developing floating home legislation. He was the only marina owner to support the legislation in Boise, Idaho.

New officers were also elected. Since Lyn Shoemaker and Jamie Berube volunteered as treasurer and secretary upon the resignation of Rhon and Dee Holms, these ladies were officially voted into office. However, Lew Wilson read letters of resignation for himself as President and for Powell Shoemaker as Legal Liaison and Vice-President. There were several nominations for these two offices, but all who were nominated declined. The association had two open seats. It wasn't until January of 2005 that Powell Shoemaker decided to volunteer to head the association as President and Legal Liaison; however, there was still an open position for the Vice-President's seat.

The major accomplishment for 2004 was the implementation of the 911 signage. All float home owners received a letter with their specific formal address. These addresses are officially linked to the EMS system and anyone that would need to activate this system could be located via their telephone location. Powell Shoemaker provided location charts / maps for everyone that attended the general meeting. This project benefited all float home owners regardless of membership to the FHA.

Continual attempts at negotiations with Chan Karupiah from Scenic Bay and JD's Marinas were also of focus. Tenants were being assessed unreasonable late fees in regard to notification, collection and processing charges for the submerged land fee to the State of Idaho. Tenants from JD's and Scenic met with Mr. Karupiah to try and negotiate issues such as moorage, maintenance and repair, safe lighting on the

docks, adequate garbage and acquiring one lease for all tenants with terms, conditions and square footage clearly stated on their individual leases. JD's Marina tenants were able to get adequate resolution, however that was not the case with the Scenic Bay tenants. Mr. Karupiah increased tenants approximately 20% as he stated that he was providing "water and sewer for free to tenants". He increased tenants 12% and added an additional \$19.60 per month for water and sewer even though his original lease states that "water and sewer was included in the base moorage". Due to several addendums submitted back and forth between the tenants and the marina, there is much confusion as to what is the actual lease addendum. Many folks refused to sign addendums due to this confusion. There were also many folks who opted not to pay any late fees resulting from the collection fee assessed for the submerged land fee that Mr. Karupiah agreed not to charge if the submerged land fee was paid by December 1st of each year. Mr. Karupiah charged tenants \$25 for collection on top of the \$250 required by the State of Idaho along with a charge of \$25 for not paying, 1.5% interest and a \$5 statement fee.

2005

The year started with Powell Shoemaker volunteering to take the seat of President and Legal Liaison for the FHA. A Steering Committee meeting was held on January 22, 2005 to officially vote Powell in as President. Max Jensen was also nominated by Gary MacDonald and Max's wife, Deana, to become the Vice-President at the Steering Committee meeting. Max accepted the nomination and a verbal vote by the committee members confirmed the seat.

This year marked major changes to the float home community and the town of Bayview. Mr. Robert O. Holland with Waterford Park Homes, LLC purchased three marinas. The first marina purchased was Vista Bay, second was Boileau's and next was Bayview. Mr. Holland had major development planned for the marinas and the town. Mr. Holland met with Powell Shoemaker and Jamie Berube prior to public meetings with tenants from both marinas and discussed his development ideas and philosophy. Mr. Holland's philosophy was that float home owners could **"1.) Pay me (WPH, LLC) 2.) Sell their floating homes 3.) Move their floating homes."**

The first stage of development for Waterford Park Homes, LLC entailed opening the restaurant / bar at Vista Bay and creating a new seawall and boardwalk. Developments to Boileaus pertained to the opening of the Button Hook Restaurant,

outside renovation to the boat sheds and the remodel and opening of the floating restaurant. The mobile homes located in the RV Park were also removed to provide expanded RV usage. According to Mr. Holland, the docks at Boileaus were in good shape and did not require much improvement / repair; however, plans for year around water and security gates to float homes would be the focus. Bayview marina's plans were for improvement to the aesthetics of the grounds, which entailed the tear down of the Quonset hut and the mobile home to create more parking and eventually be the site for future condos. Security gates were also added, however that did not stop vandals from causing the loss of property and severe damage to many float homes and boats during the winter. These improvements came with a substantial increase to the float home moorages.

Boileaus marina was increased 50% and Bayview marina was increased 80%. According to Mr. Holland, since the tenants at those marinas did not have current leases with the previous owners, he did not agree to the 90-day notification of increases to tenants and told them that the Floating Homes Residency Act did not apply to this situation and could not be enforced. The increases were immediate and retroactive to April 1, 2005 even though the meetings with the tenants of Boileau's were on April 2nd and Bayview's meeting took place on April 30th. There were many mixed feelings from float home owners as to the increases and the plans for development. Some tenants expressed opposition to the increases and tried to enforce the Floating Homes Residency Act in regard to the 90-day notification as well as the request to meet with marina staff within 30 days after written request from tenants. The result was having checks returned to those that did not pay the increase and in some instances eviction notices were served to tenants. The outcome was that the tenants paid the increases.

A general meeting of the Floating Homes Association was held on May 21, 2005. Powell Shoemaker and Max Jensen were officially voted into the offices of President / Legal Liaison and Vice-President. Lyn Shoemaker and Jamie Berube retained their seats as Treasurer and Secretary. A motion was made that all these officers retain their seats for 2006. The motion was seconded and approved by a verbal vote of those members in attendance.

The general meeting was held for current members of the Association only. At this year's general meeting on May 21, 2005, a Waterford employee joined the meeting and stated he owned a float home. The employee paid his membership and was allowed to attend the meeting based on good faith. It was later discovered that the employee did not own a float home and his check was refunded via certified mail by the Association. Several association members approached some of the officers

after the meeting and stated that the employee's presence at the meeting discouraged open and honest communication / discussion regarding moorage increases, lack of adherence to the Floating Homes Residency Act, threats of retaliation if increases were not paid, as well as other various questions and concerns. Powell Shoemaker, President of the Association, was requested to write a letter to Mr. Holland on behalf of the tenants of both marinas to discuss the increases, the Floating Homes Residency Act and negotiate the lease which was not specific to float homes and included boats. This was put to an official vote, which was unanimously approved and the letter was sent with copies going to all dock representatives.

A meeting of the negotiating committee and officers followed the next week at the float home of Powell and Lyn Shoemaker. This was the beginning of several meetings, phone conversations and continued work with Denny Davis, FHA Attorney, working toward resolution with marina staff at Waterford Park Homes, LLC regarding moorage rates and an acceptable lease that is compliant with the Floating Homes Residency Act and specific to float homes only. The outcome was that Waterford staff would not negotiate as long as Powell Shoemaker and FHA Officers were involved in the process. It was determined by the tenants trying to negotiate and the Association Officers that the FHA would take a back seat and support the tenants from a distance with legal information and advice. The intent was to create an atmosphere where Waterford staff would be open to "good faith" negotiations with the tenants. No resolution between the tenants or Mr. Holland was ever reached and agreed upon. The tenants conceded to the stipulations imposed by Bob Holland / Waterford Park Homes, LLC and the lease.

Due to the success of the FHA barbeque from the previous year, the association held another social on June 25, 2005 at the float home of Wally and Pam Adams. There was an excellent turn out and a good time was had by all. However; discussions in regard to Bob Holland / Waterford Park Homes, LLC development and the increases to float home owners at Boileau's and Bayview marinas seemed to be the topic of conversations.

The Association continued its efforts to support the Bayview community by providing a donation to the Bayview Daze fireworks fund in the amount of \$500 and also sponsored a street light for the community, which is a cost typically absorbed by the Chamber of Commerce of \$100 per year per street light if sponsorships are not received. The town of Bayview was also hit with devastating news that Jerry Berry, proprietor of the Captain's Wheel Resort was struck with pancreatic cancer. The community rallied around Jerry and held a fund raiser to

help him with his battle. A dinner and auction was held at the Captain's Wheel on his behalf on December 10, 2005. The Float Home Association made a flat donation of \$250 for this cause. Personal donations from float home owners were also supplied, such as food items to help support the dinner and boaters also offered cruises for the auction. The event was very successful and the fundraiser cleared approximately \$8,000 to help Jerry Berry fight his battle with pancreatic cancer.

2006

Many unresolved problems with Bob Holland, dba Waterford Park Homes, LLC, and his entire management team carried over into 2006. Work continued on the condominium conversion of the apartments at Boileau's, with many violations, (red tags or stop work orders) with several agencies including Kootenai P&Z, Lakes Highway Dept., Dept. of Lands and the Army Corps of Engineers to name a few. The red tags were torn down and ignored by WPH, LLC and work continued regardless of violations and citations.

In addition to the community issues, the FHA and dock reps for Bayview and Boileau's were still trying to get an approved lease from WPH. In August of 2005 Dock Rep Dave Ward submitted to WPH manager Jeff Bardon, (3) alternative leases. Each lease requested a specific term and the options suggested were for a 1 year, 3 year or 5 year lease. FHA attorney, Denny Davis had reviewed and approved leases Dave Ward presented to Jeff Bardon. Jeff Bardon planned to have WPH attorney Wetzel & Wetzel review the one-year lease only.

March 4, 2006, Bob Holland met with the floathome owners at Bayview Marina. Mr. Holland held another meeting on March 18, 2006 met with the floathome owners at Boileau's to discuss the **25%** moorage increase effective June 1, 2006. Mr. Holland refused to give more than a one-year lease or discuss any relief of the excessive 25% moorage rate increase for 2006. He told the float home owners that he planned on increasing his tenants at both marinas 25% every year. This increase is nowhere near the current inflation level or an increase reflective to the U.S. CPI yearly reports. The tenants were told that Bayview Marina would be a dockominium by spring 2007. Floathome owners at Bayview and Boileaus were told that they would not have to purchase their "moorage sites" (means a part of a floating home marina located over water and designed to accommodate one (1) floating home), but moorage rate increases would continue, and soon exceed the monthly cost of purchasing their sites. The floathome tenants were also told that

their current “moorage sites” would cost them \$100,000 - \$200,000 for dock frontage / space, and would include an additional monthly maintenance fee, not yet determined.

After the March 4th meeting, Mr. Holland asked the Dock Representative from Bayview marina for the lease WPH, LLC had approved and intended to become effective June 1, 2006. Mr. Holland made significant changes to the language in the lease, and after review by the FHA attorney, the lease **was determined to not be in compliance with the “Floating Home Residency Act**. The FHA attorney, Denny Davis was authorized to contact WPH, LLC’s legal counsel Wetzel & Wetzel to resolve the compliance issues in accordance with the “Residency Act”.

The FHA officers wrote a letter to the Land Board Members, the Dept. of Lands, and Legislators March 29, 2006. The letter expressed the concerns of floathome owners, members and non-members, regarding violation of the 1999 Land Board policy regulating unreasonably high moorage rental rates. This letter also addressed violations of the “Floating Homes Residency Act”, specific to WPH. The FHA requested consideration and remedy from the Idaho Land Board.

During the May 9, 2006 meeting of the State Board of Land Commissioners (Board), the Board directed the Idaho Department of Lands (IDL) to facilitate negotiations with the marina lessees and the floathome owners regarding floathome moorage rental rates. The purpose of the negotiations resulted in the development of a mutually acceptable process for establishing reasonable moorage rental rates, satisfying the Board’s Marina Maintenance and Moorage Rate Facility policy dated July 6, 1999.

*“The State Board of Land Commissioners also seeks to ensure that moorage rental rates charged by marinas are equitable. Since floathomes **do not** enjoy the ability to be able to readily move to other marinas, as boats do, floathome moorage rental rates shall be reasonable, taking into consideration rates for similar floating home moorage in the vicinity of the marina lease site. Marina Lessors shall not charge unreasonably high floating home moorage rental rates.”*

The Department organized and facilitated two meetings. The first meeting for floathome owners and marina owners was held on June 24, 2006 at the Athol Community Center. There were two sessions held for this date. Float home owners were scheduled from 9:00 a.m. to 12:00 p.m. for presentation, discussions

and questions to the IDL. Marina owners were scheduled from 1:00 to 4: p.m. with the same format.

Per the instructions sent by Mike Murphy, the morning session was for the float home homeowners only. Two marina owners were allowed to attend this meeting by the IDL. The rationale was because they also own floathomes. Their presence was not disclosed at the beginning of the meeting by Mike Murphy of the IDL. Many floathome owners (90) in attendance were disappointed in the IDL for not disclosing their decision and not allowing those present to object to the marina owners' presence. FHA officers were allowed to present and a discussion followed. All other issues, other than defining "reasonable", were tabled and the subject of dockominiums was not allowed to be discussed. After the morning session concluded, many individuals approached Mike Murphy and George Bacon as to the inappropriateness of the marina owners in attendance. Marina owners are not paying a monthly moorage to tie up to their own docks. The issues brought before the IDL do not apply to marina owners as it does to the majority of floathome owners.

After hearing from some of the float home owners about the inappropriateness, of the decision of the IDL to allow marina owners at the morning session, George Bacon and Mike Murphy decided they would allow one floathome owner to attend the afternoon session of the marina owners. However, by the time they conceded to this option, many floathome owners had left Athol. Due to the impromptu notice, the float home owners could not find anyone without a prior commitment or child care conflicts to attend the afternoon session. Weeks later, the IDL (Mike Murphy) sent out notes from each meeting to both parties involved.

It was determined prior to this meeting that once each side had a chance to present, discuss issues, and ask questions another meeting would be held that would bring both parties together to try and resolve the moorage issue only. It was concluded and decided that the combined meeting would only allow a limited number of representatives from each side to present / testify. The Department (IDL) facilitated this meeting held on July 29, 2006 at 9:00 a.m. at the Bayview Community Center. In attendance were ten individuals from the float home owners' group and FHA attorney Denny Davis, and five individuals for the marina owners. Mr. Holland, WPH, did not attend this meeting and did not send an empowered representative. Each group was allowed time to present information on their behalf (state their case) followed by a period of rebuttal. At the end of this meeting a consensus was reached regarding "reasonable increases" being defined as 3-5% per year with a provision for a marina owner to petition for higher

moorage increases based on certain criteria (capitol improvements directly benefiting float home owners). With that success achieved, the FHA and attorney Mr. Denny Davis offered to develop a draft regulation for the IDL to consider. This draft was sent to the IDL in October, 2006.

WPH, LLC continued to pursue the Bayview Marina Dockominium project and sent a letter Aug. 7, 2006 to the 20 floathome owners at Bayview Marina. The letter outlined the dockominium program and the purchase price of \$149,000 per float home space. The owners would receive a deeded parking spot (real property). Floathome slips not purchased by the floathome owner will be sold to a private investor. The investor will then become the landlord for that floathome owner and will have a voice in the owners' association. On Aug. 10, 2006, Mike Murphy, IDL, sent a letter to all Commercial Marina Owners regarding boat slip and floathome slip leasing, what can be generically described as the "sale of slips". The Department requested documents from the marinas to include, but not limited to, contracts, fee schedules, advertising, and correspondence with existing or potential slip users. The Department requested the above information be provided no later than September 1, 2006.

Floathome owners at Bayview Marina met Aug. 12, 2006 regarding the proposed "dockominium" proposal. The proposal was presented by John and Randy Regan (owners at Bayview) who stated they were not acting as agents for Mr. Holland, and their purpose was to share information based on their discussions with Mr. Holland. The offering package would be valid for a 60-day period. Owners stated they wanted assurance that Mr. Holland's proposal complies with Idaho Code. Floathome owners also insisted that the State would be fully aware of the offer proposed and that the State was in total agreement and would stand behind and authorize the plans / development project. The owners stated they would want their own attorney(s) to review any proposal, ensuring adequate representation for floathome owner's interests. After the meeting, several owners contacted the IDL to ascertain if Mr. Holland had submitted the "proposal" and all the necessary documentation to the Department. Floathome owners were told that he had not applied for applications or permits. The formal dockominium offering package from Waterford Marinas was to be sent to all float home owners by the end of August, 2006, but they were not received. The "proposal" was assumed to be on hold.

The Development Analysis Committee, appointed and sponsored by the Bayview Chamber of Commerce met with Idaho State Representatives Jim Clark and Phil Hart in Bayview, ID. The meetings were held at MacDonald's Hudson Bay Resort

and organized by the Development Analysis Committee and chaired by former State Senator Jim MacDonald. Jamie Berube, Lyn Shoemaker and Bob Brooke were invited to attend the meetings to further demonstrate and explain the illegal and unethical business practices pertaining to floathome issues of Mr. Holland, WPH, LLC. Senator Mike Jorgenson was also involved in the floathome moorage rate issue and with other development issues in Bayview. Senator Jorgenson, Representatives Clark and Hart are from the 3rd Legislative District, which includes the Bayview area. Rep. Clark felt that the best way to solve the moorage rate increase issue was through an amendment to the Floating Homes Residency Act. Rep. Clark was interested in sponsoring an amendment to the Residency Act in the Idaho House of Representatives during the 2007 legislative session. Senator Jorgenson was willing to sponsor the amendment in the Idaho Senate.

In October the IDL, finally published the recommendation regarding the floathome issues. It came as a complete surprise to the FHA negotiation team in October when the IDL's recommendation was published. Rather than follow the 1999 Policy direction **“taking into consideration rates for similar floating home moorage in the vicinity of the marina lease site”**, the IDL made a study of real property rentals in Sandpoint, which we believe was the ultimate “apples and oranges” comparison. Based on that totally inappropriate study, the IDL concluded that Bob Holland's rental rate increases of over 100% were reasonable. They then made the recommendation to the Land Board that the important second paragraph of the 1999 policy be rescinded (See page 13). The Association reported the IDL recommendations to all floathome owners (members and non-members) in October. It was requested that floathome owners write letters to the Land Board with their individual opinions and experiences.

After several months of attempting to negotiate a lease for the floathome owners at Bayview and Boileau's the FHA attorney, Denny Davis, and WPH finally came to an agreeable lease. On Oct. 6, 2006 FHA President and Legal Liaison, Powell Shoemaker sent a letter to float home owners at Bayview and Boileau's with a copy of the final lease negotiated by attorney Denny Davis with WPH. Owners were advised to review the entire lease, sign and date, make a copy for their records and submit to WPH. Owners were encouraged to submit the lease via “certified mail”. This would provide a receipt process to show who received it and the date received. Another alternative would be to hand-deliver the lease, document which WPH staff accepted the lease and the date presented and received. It was also recommended that if a floathome owner merely were to mail in the lease, document the date it was mailed for their own personal records. The Association spent a lot of time, effort and money on this lease. Denny Davis advised that

it was essential for the floathome owners to have the proper lease in place as required by the Residency Act.

The Association continued to pursue the IDL (George Bacon and Mike Murphy) in regards to the “reasonable” moorage issue. After several email correspondences, the FHA was given very short notice (less than a week) by Mike Murphy that the Land Board would hear and consider the IDL’s recommendations on November 11, 2006. The FHA was also advised that there might be an opportunity to address the Board. The Association asked Jamie Berube and Bob Brooke to travel to Boise and present on behalf of floathome owners our strong opposition to the IDL’S recommendation. As it turned out, no testimony was allowed by the FHA or Marina Owners, but Jamie and Bob learned a great deal from being present, seeing the process, and hearing the Land Board’s discussion first hand. The Land Board unanimously rejected the IDL’s recommendations and tabled this agenda item pending further study. This agenda item was tabled until the February 13, 2007 at the first regular meeting of the Board after the holiday season. Governor Risch also stated that he would not be the Chairman of the Board and there would also be two new Land Board members elected to the Board in November and would take their seats beginning January 1, 2007. He felt it would not be in the best interest of all concerned to make decisions prior to the new Governor Elect taking his seat.

The Association continued its efforts to support the Bayview community by providing a donation to the Bayview Daze fireworks fund in the amount of \$500 and also, as in past years, sponsored a street light for the community, which is a cost typically absorbed by the Chamber of Commerce of \$100 per year per street light if sponsorships are not received. The Association gave \$100 to the Fall Fishing Derby sponsored by the Chamber and organized by Ralph Jones, Vice-President. The Association continues to participate and support the Chamber of Commerce by attending meetings, attending community sponsored events and donating to the community as the treasury and membership can afford as the FHA is a non-profit organization. The Association also offered its “congratulations and support” to Rob Brooke (floathome owner at Scenic Bay) for being elected to the “Citizen at Large” position. Community members were very excited and supported having floathome representation as part of the Bayview Chamber of Commerce Board.

On December 13, 2006, the FHA sent a letter to Representative Clark formally requesting his assistance in developing and introducing an amendment to the Residency Act that would address floathome moorage rate increases. The IDL has stated that they do not have the authority to regulate floathome moorage rents

charged by marina owners. Therefore, it was also requested that the Residency Act be amended to include a provision that provided the IDL the authority to regulate floathome moorage rates. Included were the reasons why, in the opinion of the FHA and the negotiation team, regulations would not amount to “rent control”. Also provided, was an overview of moorage rates for the floathome marinas and a group of ideas / proposals that might aid in the drafting of an amendment. Copies of the letter and the attachments were sent to Senator Jorgenson and Representative Hart.

At that point, FHA officers and members of the negotiating team were preparing to approach the “reasonable” moorage increase issue on two fronts, the Land Board and the Idaho Legislature. A response to the letter sent to Rep. Clark had not been received by him or a member of his staff. Therefore, Powell Shoemaker, President and Legal Liaison, sent a follow-up letter on January 30, 2007, asking if Rep. Clark was still willing to assist the Association with an amendment. It was then reported in the Spokesman Review that Rep. Clark had been ill and unable to assist in the effort. This was the reason for his lack of response and inability to assist when requested. In addition, FHA Officers were informed that due to the “full plate” before the Idaho legislature in the 2007 session, it would be difficult if not almost impossible to be able to get an amendment introduced. At this time, efforts to draft an amendment were undetermined; however, efforts continued to work with Senator Jorgenson and Representatives Clark and Hart after the legislative session ended. The objective was to move forward through the Legislature even if efforts with the Land Board in defining “reasonable” floathome moorage rate increases deemed to be unsuccessful.

As mentioned above, in addition to the Chamber of Commerce, floathome owners are represented on two committees that have been actively involved with State and County officials in ensuring that Robert Holland and other developers conform to State and County regulations and ordinances. The main committee that attempts to work with all developers regarding compliance and concerns of the community is the Development Analysis Committee. They report any possible violations to the appropriate agencies provide documentation to those agencies, research and understand all ordinances in regards to development and attend and testify at all public hearings at the Kootenai County Administration Building in Coeur d’Alene. Hobart Jenkins was the chair of this committee and it consists of several committed Bayview community members.

Another committee that is fairly new to the community is the Overlay Committee and Hobart Jenkins was also the chair for this organization. It is not a Bayview

Chamber appointed group. The objective of this group was to have representation from each organization in the community, the Chamber, the CARE organization, the Community Council (new group) and the Floathome community to name just a few. This group was designed to work with Kootenai County on the Comprehensive Plan. The group was an alternative to the incorporation of Bayview as it would be very expensive to the community. The Overlay Committee provided a voice to the Planning Commission and the Commissioners. They reviewed the existing Kootenai County ordinances with the goal to restrict and strengthen the current ordinances to accommodate the characteristics of the Bayview community. They addressed accountability issues when developers choose to ignore the ordinances.



Bob Brooke, float home owner at Scenic Bay Marina was elected as Vice-President. Powell Shoemaker was President, Lyn Shoemaker, Treasure and Jamie Berube, Secretary were the current officers of the board.

Efforts to resist “unreasonable” moorage increases continued throughout the year. Association officers and float home owners traveled to Boise, ID to testify before the Idaho Land Board regarding moorage rates, moorage increases and future privatization of Idaho marinas. The future of the goal of the Association was to improve the residency act by working with legislators to define “what is reasonable”. Along with this recommendation from the Land Board, the IDL was directed to perform an economic study as to float home and boat moorages with the entire State of Idaho. The FHA officers asked to be involved in the process with IDL.

Discussion at the four Land Board meetings where float home issues were on the docket focused on the following:

- ☐ What is considered reasonable?
- ☐ How does reasonable get to be defined and by whom?
- ☐ Is it possible to move float homes?
- ☐ Is there a “Free Market” for float home moorage?
- ☐ Are float homes economical and profitable for marina owners?

Marina Owners Position:

Reasonable would be defined by what the market would bear. IDL and the marina owners stated that it is possible to move float homes and they (Bob Holland and Chan Karupiah) stated that float homes are in a “Free Market” situation. Marina owners stated that float homes take up the space equivalent to two boat slips and they lose money due to the space occupied. Chan Karupiah presented on behalf of himself and Bob Holland. Gary MacDonald provided written testimony and was not in complete agreement with Chan and Holland’s position.

Float Home Association Position:

Reasonable is based on Historical increases of 3% to 5%. Float homes can’t readily move without a lengthy permitting process with the IDL and without a location to move to. Float homes are dependent on continuous water, sewer and electrical lines which are hooked to the uplands. Bayview water and sewer is at capacity and due to the topography of the Bayview area there is no place to move where a float home would be safe and secure from the elements. It was further pointed out that float homes are a stated sanctioned monopoly as no “new” float homes will be permitted on any of Idaho waterways.

Regarding economics, it was further stated that float homes are a continuous yearly income for marina owners. Boats are seasonal and can move if they do not like how the marina is maintained or are not in agreement of the moorage rate.

Conclusion:

Governor Otter and other Land Board members agreed that this was a “State Sanctioned Monopoly” and it was the State’s responsibility to help both parties find a solution. At the last Land Board meeting of 2007 where our issues were on the docket, it was determined that the IDL needed to work with the legislation to revise the Floating Homes Residency Act.

IDAPA Rule Negotiations with Idaho Department of Lands

Bob Brooke and Lyn Shoemaker attended all of the meeting that were held in 2007. Many float home owners, FHA attorney, Denny Davis and marina owners were also in attendance. The major concern of these rules dealt with the privatization of commercial marinas on Idaho waters. Other issues that directly affected float home owners included a yearly plumbing inspection, unsatisfactory parking standards and compliance of the IDAPA Rules.

Powell Shoemaker, Bob Brooke, Lyn Shoemaker and Jamie Berube were reelected to their Association Officer positions at the annual FHA meeting.

Several trips were again made to Boise, ID by FHA Officers to meet with the Land Board to present information to the Board regarding the plight of the float home owners in Bayview and the need for revised legislation. Jamie Berube and Lyn Shoemaker worked closely with FHA attorney, Denny Davis, FHA lobbyist Lynn Darrington, Senator Mike Jorgensen and Representative Phil Hart to pass the revised Floating Homes Residency Act legislation defining “reasonable moorage increases” pertaining to floating homes within a marina. Without float home owners support monetarily and attendance at Land Board meetings, this effort would not have been successful.

Once again, all FHA officers were reelected to their position by voice vote of the membership in attendance. The major effort / focus was to define “reasonable moorage increase” and was accomplished the pervious year. Many float homes were in danger from heavy winter snows. Some float homes were damaged and several boatsw ere lost due to the amount of snow fall.

By voice vote, all FHA officer ere reelected to their positions. Gary MacDonald reported that the “No Wake” zone in the bay will remain in the current location and the County will maintain the lights on the markers.

Chan Karupiah purchased the privatized portion of Boileau's marina and the owner of "Cyds" in Athol purchased the public portion of the marina.

A revision in the FHA bylaws was approved by the members at the general meeting. The change excluded membership to those float home owners that are also marina owners, relatives of marina owners or employees of marina owners.

Current FHA officers were reelected at the general meeting. Boileaus Marina float home owners tried to negotiate with Chan Karupiah on four different occasions to decrease their moorage rates to be in line with his other marinas. Chan refused to negotiate because Boileaus was privatized. Privatization did not include any benefit to the tenants such as a deeded parking space as what was done with Bayview / Harborview marina. All maintenance, repair and upkeep of the common areas relied on the marina owner not on the tenants.

The Association was able to assist Jan Larkin, float home owner on JD's E Dock in proving that her float home should have been included in the inventory of the state accounting documents. According to Jim Brady at the IDL, Jan's structure was not a float home. Jan was trying to sell her place. Thanks to Pat Dow, her significant other, keeping all the records on the float home, especially in regards to the sewer hookup, the FHA was able to prove to the IDL that this structure was a float home even though it had not been remodeled as many of the others in the bay. The IDL was required to add her home to the state inventory and she was able to sell her float home as such and not a boat shed.

Boileaus float home owners in attendance at the general meeting stated that they have been in a lease battle with Chan Karupiah for the past two years after trying to negotiate a reasonable moorage rate. During this two-year period, the tenants at Boileaus went to court to determine whether or not Boileaus was protected by the Floating Homes Residency Act even though they are a privatized marina. The judge ruled they were protected under the FHRA. Boileaus float home owners formed their own association in order to file suit against Chan.

Chan Karupiah increased the amount float home owners in Scenic Bay and JD's marinas paid to him for water and sewage each month. The Association objected to these increases. Through a series of negotiations via emails and finally a public records request from Bayview Water & Sewer by Jamie Berube, it was discovered that Chan Karupiah was not only charging each float home owner his basic monthly fee per each marina, but was also delinquent with interest fees assessed. Basically Chan was operating as a utility company and reported to the Utility Commission for resolution. Chan Karupiah and Hans Neubauer were contacted by the Utility Commission and a cease and desist order was placed on water and sewer collections. Findings included an immediate partial refund of approximately 3 months to float home owners at Scenic Bay and JDs and no further monthly rates be charged to float home owner by Chan Karupiah as stipulated in tenants' leases as a mechanism for profit by conducting business as a utility company.

Under the IDAPA rules pertaining to float homes, each float home in Idaho must have their sewer system inspected by a licensed plumber. These inspections were completed in the fall of 2012 and the inspection forms were submitted to Jim Brady, IDL.

By voice vote, all officers were reelected.



Jamie Berube resigned her position as FHA Secretary. No one volunteered to take her position, so Jamie agreed to stay on until the position could be filled.

Several float home owners received significant tax increase to their float home personal property tax. Powell Shoemaker, representing the Association and individual float home owners spoke in person with the Kootenai County Assessor's Office concerning the increases. Tax relief was granted to float home owners by the Assessor's office as a result of the FHA actions.

Powell Shoemaker, Bob Brooke and Lyn Shoemaker were retained in their board positions by voice vote of those FHA members in attendance at the general meeting.

The FHA continued to donate \$500 to the fireworks fund and pay for one streetlight in Bayview through the Chamber of Commerce.

Shelby Ronnestad was elected as Secretary and all other officers were reelected by unanimous vote at the general meeting. The FHA continued to support the fireworks fund by donating \$500 and by again paying for a streetlight (\$215) to the Chamber.

Bob Brooke and Powell Shoemaker met with Jim Brady, IDL to advise the department of issues and concerns with respect to float homes in and around Bayview.

- Billing float home owners for marina pilings.
- Oddities in moorage payment accounting by the marina.
- Non-execution of tenant leases between the marina and tenants.
- Lease transfer fees related to a float home sale.
- Boileaus Marina's parking lot being used for commercial purposes.
- Marina safety and maintenance.
- Marina submerged land lease encroachment permit violations.
- Harborview Marina's sewer and privatization update.

Chan Karupiah has stopped accepting one float home owner's moorage payments in Scenic Bay Marina. The float home owner is paying on time and in full. FHA attorney, Denny Davis advised the following.

- Float home (FH owners should have moorage payments paid through the bank or credit union to provide a third party to add proof of on time payments.
- Leases must be signed by both parties. Request signed leases from the marina in writing.

- The marina cannot refuse to issue a lease or renew a lease due to a personal conflict with a tenant.
- As long as the tenant pays the monthly moorage on time and on full they cannot be evicted by the marina.
- Any unexplained, disputed charges added to closing documents at the time of a float home sale must be provable and support or the marina is open to a lawsuit.
- The Idaho statute of limitations for collecting payments: Tort claims = 2 years, Oral contracts = 4 years, Written contracts = 5 years.

All officers were reelected by unanimous voice vote. Wild fires on Cape Horn destroyed several homes and forest areas over the July 4th weekend. The fires burned for several weeks before being declared “out”. The fires threatened no float homes.

The FHA continued to donate \$500 for the fireworks fund and \$215 for a streetlight in Bayview.

Shelby Ronnestad resigned as Secretary upon sale of their floating home located at Boileaus marina. All officers were reelected.

Two new cell phone towers will be erected in the Bayview area in the next two years.

The Scenic Bay Marina float home owner whose moorage payments were not being accepted by Chan Karupiah was finally resolved after two years. Legal assistance from Denny Davis, was paid by the float home owner, and resolution was accomplished. The FHRA was an instrumental with resolution. Aspects of the law were enforced to protect the float home owner. Chan is now accepting payments at the same tier level as their neighbors.

The FHA continued to donate \$500 for the fireworks fund and \$215 for a streetlight in Bayview.

Former President of the FHA, Lew Wilson, passed away in May of 2017. Lew and his wife Peggy were instrumental in the formation of the Association and hosted many Steering Committee meetings at their home in Spokane during the early years of the FHA.

Work continues on the new cell phone tower on Merriweather Rd. in Bayview after the devastation of the Cape Horn and Three Sisters fires. The tower was scheduled for completion in the Spring or early Summer of 2018.

Discussion of the FHA History as well as the Constitution and Bylaws regarding board seats and whether or not officers should reside in the same family or household was presented at the annual general meeting. Due to the lack of volunteers, President Powell Shoemaker and Treasurer Lyn Shoemaker retained their seats as well as Bob Brooke as Vice-President. Two board seats remained open and Lyn Shoemaker also filled the Secretary position. Powell continued as Legal Liaison. Any proposed changes to the Bylaws require a vote by the membership. The membership voted to conduct an audit of the books when a new treasurer takes office and to continue the membership dues of \$50 per fiscal year (June 30, 2018 through July 1, 2018).

Powell and Lyn Shoemaker announced they would not serve for the next year as officers and volunteers were requested. Duties of each board position were to be sent out to the membership for consideration in volunteering to fill vacancies. New officers will be elected at the next annual meeting in June of 2018 (date to be determined).

Idaho Department of Lands employees measured float home and boat moorages within each marina. Jim Brady, IDL in CDA indicated that they were updating and verifying all float homes to confirm and compile an accurate inventory on Idaho lakes. Bob Brooke contacted IDL and reported that some float home owners have extended homes beyond original footprints and marina owners have also done the same with boat slips, which prompted the need for the verification process.

The IDL's Submerged Lands leases with each marina in Bayview will expire on December 31, 2017. Currently each float home is assessed at \$250 per year which is a pass through from the marina owner. The marina owner is responsible to pay the fee collected for each float home along with 3.75% of gross sales on boats slips to the state in order to have a lease over public trust lands and conduct business. Bob Brooke contacted the IDL in an attempt to see if the state was planning on increasing lease fees. While IDL would not commit to a firm answer, Bob determined that an increase was not likely.

The FHA continued to donate \$500 for the fireworks fund and \$215 for a streetlight in Bayview. A check for the fireworks was presented to the Chamber at the August 8th meeting.

Lakes Highway Commission voted unanimously to deny Chan's application for a "Vacate and Abandonment" that would link Boileaus to Harborview for the purposes of obtaining a liquor license for the Button Hook, which he allowed to expire. This strip of land would go across Lakeside where the Bayview public boat ramp is located. Chan can appeal the decision to the Superior Court for Kootenai County.

The annual meeting and a barbeque was held at Wally and Pam Adams' float home on JD's – E Dock. Powell Shoemaker was re-elected as President & Legal Liaison. Bob Brooke was re-elected as Vice-President and Lyn Shoemaker re-elected as Secretary / Treasurer.

Jamie Berube gave a brief overview of the proposed Bayview Water & Sewer upgrade. This was a short meeting focused on socializing and good eats, which was well attended. Bert Batchelder made his famous homemade ice cream and provided delicious toppings. A good time was had by all.

A vote was taken and approved by member present to continue to pay for the street light in Bayview and to donate \$500 to the fireworks fund for 2019.

Due to COVID-19, there was not an annual general meeting in 2020. The Community Center was locked down for over a year from any events.

Bob Brooke, Vice-President of the FHA opened the general meeting. He announced the passing of Powell Shoemaker, President on January 2, 2020. Bob expressed his condolences to Lyn Shoemaker and expressed appreciation for the many years of service on behalf of the membership. Lyn resigned as Secretary / Treasurer. Bob Brooke remained as the only officer of the FHA as Vice-President and stepped up as President until board seats could be filled or else a decision would have to be made to dissolve the Association. The membership voted and decided that the FHA needed to remain active. After much discussion and deliberation, Jamie Berube agreed to serve again. Bert Batchelder, Karen Renner and Wally Adams agreed to serve as well. Membership present voted and a unanimous decision was approved to accept these individuals to sit on the FHA board as officers. Board seats will be discussed among those newly elected and appointed by sitting President, Bob Brooke.

The newly elected board members held a meeting on November 22, 2020. Board seats were determined. The “Legal Liaison” position was changed to “Member at Large” per unanimous vote of the new board and will be discussed with the membership at the next annual general meeting.

Bob Brooke, President
Bert Batchelder, Vice-President
Karen Renner, Treasurer
Jamie Berube, Secretary
Wally Adams, Member at Large

Bob and Karen established a new bank account for the FHA at STCU. Emails will be required to pay any expenses for tracking, board approval and accountability. Moving forward a more detailed accounting of income and expenditures will be clearly outlined and presented each year to the general membership.

In order to establish a bank account for the FHA, Karen had to register the association with the State of Idaho. Karen paid the registration fee on behalf of the FHA. Jamie motioned that Karen be reimbursed any and all filing fees. Motion was seconded and approved by all board members.

Goals discussed were to create an informational website focusing on available resources specific to float home owners for legislation, informational news articles,

maintenance, construction, special requirements. Posting of the Floating Homes Residency Act (FHRA) and documents pertaining to the legislative process. News articles. Posting of the FHA Constitution and Bylaws and an updated history of the association. Events for social functions of the FHA and Bayview Community.

The board discussed purchasing insurance to protect the FHA board from any legal action for FHA sanctioned membership social gatherings, referrals for resources and services by other entities. FHA board members will not use personal liability or personal umbrella policies as a protection from any litigation brought forth by any float home owner or marina owner.

COVID-19 had most public places locked down and masks became the norm and requirement of the CDC. No social gatherings were allowed and the Community Center was not available for meetings and events. Events sponsored by the Chamber for Bayview Daze was cancelled due to social distancing practices and the fact that many of the volunteers are considered senior citizens. The risk of exposure to COVID-19 was too great for the age population and for those with compromised immune systems. Chan Karupiah proceeded with vendor booths and other social gatherings despite government regulations.

Wally and Pam Adams sold their float home after being on the lake for more than 40 years. Wally continued to participate as an officer of the FHA until the next general meeting where all board seats would be open for election by the membership.

The FHA officers continued to discuss a vision for the Association and researched marina leases with the State. Jamie Berube placed several public records requests with the Idaho Department of Lands in October and discovered that marinas owned by Chan and Theresa Karupiah with float homes had all expired. MacDonald's, Bitter End and Vista Bay are the only marinas with an active submerged lands lease. MacDonald's lease will expire in 2027, Bitter End will expire in 2030, Vista Bay will expire in 2027. Both Biter End and Vista Bay are in "Draft" format and have not been fully executed. JD's and Scenic Bay Marina expired 12/31/17 and they have not been renewed. Harborview Village Condominiums Owners Association dba **Boileaus Resort** expired 12/31/19 and has not been renewed. Harborview Village Condominium Owners Assoc, INC. expired 12/31/17 and has not been renewed. Jamie was also informed by IDL staff marinas that are

privatized pay a higher submerged land lease each year of \$450 and not the \$250. Chan and Theresa Karupiah have collected submerged land lease fees from float home owners, although expired, and they did not pay the Idaho Department of Lands. The FHA continues to monitor the situation.

The Chamber voted to resume Bayview Daze as long as the CDC, Panhandle Health and Kootenai County recommendations were followed as COVID-19 cases began to drop.

The annual general membership meeting was held on June 18th at the Bayview Community Center. Due to the passing of Powell Shoemaker, resignation of Lyn Shoemaker and Bob Brooke stepping down a new board was formed and positions voted on by the membership in attendance designated below.

Bert Batchelder, President

Jamie Berube, Vice-President & Secretary until someone volunteers or nominated to take the Secretary position.

Karen Renner, Treasurer

Pat Wynne, Member at Large

The focus of the meeting was to discuss goals for the FHA as a result of changes in the board. A website will be developed that will contain access to the History of the FHA, agendas and meeting minutes, legislative information, resource suggestions for repairs and maintenance specific to float homes, news articles, upcoming events for the FHA and Bayview Community events sponsored by various groups. The board is also looking into creating a Facebook page. In order to protect and be cautious about what is accessible to non-members and those that are inquisitive about floating homes in general, some accesses and information will be limited for both sites and those wanting to join the Facebook site will be screened. Other goals are to resurrect the FHA Steering Committee and Social Committee.

Jamie Berube contacted IDL for an update on marina leases in June 2022, specifically to inform the membership of the status of leases. Per Justin Eshelman, IDL Sandpoint, as of June 2022, Scenic Bay and Harborview Village

Condominium Owners Assoc, INC. are close to compliance with encroachment permit violations, but still have some issues to resolve. JD's and Boileaus are further out. Justin indicated that all back-lease fees will be collected from the marina owner. It became apparent in 2021 that Chan Karupiah had been collecting the submerged lands lease from float home owners at Scenic Bay Marina, JD's Marina, Boileaus Marina and Harborview Marina and not paying it to the State of Idaho for several years. The marinas are operating on expired leases. Jamie Berube has requested several public records requests since October 2021 nearly each month. FHA will continue to closely monitor IDL billings and collections from the past several years. If it is not paid, a refund from the marina owners to float home owners, will be pursued.

Due to the retirement of Denny Davis in September, new legal council will be needed for advice moving forward. Denny provided the board with a member of his firm, Laura Aschenbrener. The board requested other suggestions from the membership. Two other names were provided, Scott L Poorman and Doug Marfice, which were both strictly real-estate attorneys. The board reviewed the bios and decided to contact Doug Marfice. Other names were provided at the the FHA meeting. Bios reviewed. Bert Batchelder, Jamie Berube and Karen Renner met with Matthew Miemela from with the law firm of Ramsden, Margace, Ealy & DeSmet on July 27, 2022. All officers present felt that Matthew had excellent knowledge and experience in dealing with the state and Chan's attorney, John Magnuson. A decision was made to seek further legal council with this firm and provide documentation for research and opinion.

Current issues of concern are as follows:

- ☐ Submerged lands lease renewals and statute of limitations on payments to the state.
- ☐ Reimbursement to tenants if not paid.
- ☐ Review of standard leases from Chan Karupiah.
- ☐ Designation of FHA memberships (marina owners, privatized owners & tenants).
- ☐ Constitution & Bylaws
- ☐ Parking and maintenance at four floating home marinas.

- The FHRA as it pertains to maintenance and repair or strictly moorage rates.
- Insurance to protect board members from legal pursuits and liability situations.