

# BELLAVITA SPECIAL EDITION NEWSLETTER

## MAY 21, 2020

### **MESSAGE FROM THE BOARD ON PHASE 1 REOPENING;**

We like to think as a board that we are operating in the middle of the Doomsayers and Naysayers – Those that think we should not reopen and those that think we should never have closed. The decisions we make are sometimes like a pendulum depending on the current orders and advisories we are receiving from governmental and health agencies. We are working to maintain a balance.

Although it may have seemed that we were not responsive to your concerns, the board has been working with various agencies to make informed decisions for reopening including orders from local and state government, the CDC and local health agencies. Through our management company, Inframark, we have been consulting with attorneys and insurance companies on guidelines and risk management for owners and residents and providing a safe work environment for staff.

**All governmental and health guidelines still advise that those persons above the age of 65 or with underlying health issues stay home and that all of us should practice safe social distancing currently designated at 6 ft.**

With that being said, the Board plans to reopen certain sections of the facilities at BellaVita beginning **Monday, June 1<sup>st</sup>**. The guidelines for each of these areas are outlined on the following pages and will be posted at the specific locations:

- Lobby/Business Office
- Gym / Fitness Center
- Library
- Pool and Pool Deck area/ Hot Tub

**No other areas of the clubhouse or annex will be open for games, activities, meetings, or social gatherings during this first Phase. The kitchen is closed, and the ice machine is not in service for personal use.**

Please read the **NOTICE AND WAIVER OF LIABILITY** (copy on Page 2 of this newsletter). This notice will be published and posted throughout the clubhouse and each area of opening. The HOA does NOT assume the risk for your decisions and your health resulting from the use of the facilities. We have been spared from COVID-19 in the community at this time and we are taking steps to hope this does not change.

The nature of the orders and this virus are very fluid and may change quickly. We will work with these changes as they are presented to determine further expansion of services. We know these are not ideal changes for reopening and that the decisions will not be embraced by all, but it is a start and we will continue to proceed cautiously and judiciously in our decisions. We also acknowledge that we will get some things right and some things wrong as we navigate these uncharted waters.

**PLEASE STAY HOME IF YOU HAVE SYMPTOMS OF ANY ILLNESS**

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## COVID- 19 HOMEOWNER /RESIDENT/GUEST

### NOTICE AND WAIVER OF LIABILITY

BY PUBLICATION OF THIS NOTICE AND BEING MADE AWARE OF THE POTENTIAL OF EXPOSURE TO COVID-19, THE RISK OF INFECTION EVEN DEATH ASSOCIATED WITH SUCH EXPOSURE, IT IS EXPRESSLY ACKNOWLEDGED THAT BY VISITING OR PARTICIPATING IN ANY AREAS OF THE BELLA VITA COMMON PROPERTIES AND AMENITIES, WE ACCEPT THE RISK AND ASSUME THE RESPONSIBILITY FOR OUR INDIVIDUAL ACTIONS.

THE BELLAVITA HOMEOWNERS' ASSOCIATION, ITS DIRECTORS, THE MANAGEMENT COMPANY, ITS EMPLOYEES, OR ANY AGENT OF THESE ENTITIES SHALL NOT BE LIABLE FOR ANY CLAIMS, DEMANDS, INJURIES, DAMAGES OR DEATH TO PERSONS ARISING OUT OF OR IN CONNECTION WITH THE USE OF THE COMMON PROPERTIES/POOL/GYM OR OTHER FACILITIES OR ANY PREMISES WHERE THE SAME ARE LOCATED.

BY THIS NOTICE THE BELLAVITA HOMEOWNERS' ASSOCIATION, ITS BOARD, MANAGEMENT COMPANY, EMPLOYEES AND AGENTS SHALL BE HELD HARMLESS, REGARDLESS OF NEGLIGENCE, FROM ANY AND ALL CLAIMS BROUGHT AGAINST THEM.

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## MAY 21, 2020

### **Phased Reopening of Lobby and Business Office:**

Hours of Operation: Monday – Saturday 10 a.m. – 5 p.m.

### **Masks required for entry Sanitizing Stations at doorway for use**

Please maintain 6 ft. social distancing;

Only 1 staff member will be at the desk;

Only 1 resident may approach desk;

Services available at this time:

- Copies;
- Notary Services (by appointment);
- Distribution of Newsletter and Directory;
- No monetary change will be made;
- No tickets are for sale;
- Homeowner Concern Forms available;
- Access for Gym/Fitness Center will be through the Lobby by appointment only.
- Restroom access;

No other facilities will be open for activities or use, including kitchen and billiards room.

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## **Phased Reopening of GYM/FITNESS CENTER**

Hours of Operation: Monday - Saturday 10 a.m. – 5 p.m.

ACCESS ONLY THROUGH LOBBY – BY APPOINTMENT ONLY!! SIGN UP AT FRONT DESK.

**MAXIMUM OCCUPANCY FOUR (4) PERSONS AT A TIME. APPOINTMENTS FOR ONE (1) HOUR FOR EACH VISIT – PLEASE PLAN YOUR WORKOUT AND BE CONSIDERATE OF THE NEXT VISITOR**

- Masks required for entry into Lobby;
- Entrance to Gym/Fitness Center only through the Lobby;
- Masks not required during your workout.
- Please avoid side by side use of machines;
- Please maintain 6 ft. social distancing;
- Machines will be sanitized each morning;
- Please bring sanitizing wipes for your personal use;
- Please disinfect machines before and after use with sanitizing spray bottles and paper towels made available;
- Your use of facilities is at your own risk – Please read posted Notice and Waiver of Responsibility

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### **Phased Reopening of Library**

Hours of Operation: Monday – Saturday 10 a.m. – 5 p.m.

### **MAXIMUM OCCUPANCY THREE (3) PERSONS AT A TIME.**

LIBRARY IS NOT AVAILABLE FOR GUESTS – HOMEOWNERS/RESIDENTS ONLY

PLEASE MAKE YOUR SELECTIONS AND ALLOW ACCESS TO THE NEXT VISITOR.

- **Sanitizing station at the door**
- **Masks are required**
- **Gloves are recommended to remove books from shelves**
- **If you remove a book from the shelf, please take it home or put in return receptacle for reshelving.**

PLACE RETURN ITEMS IN RECEPTACLE PROVIDED. ITEMS WILL NOT BE RESHELVED FOR FOUR (4) DAYS;

NO GAMES OR PUZZLES WILL BE ON TABLES OR DISPLAY

NO SEATING AVAILABLE.

NO OTHER GAMES OR ACTIVITIES WILL BE HELD IN THE ANNEX AT THIS TIME.

NO RESTROOM OR KITCHEN FACILITIES ARE ACCESSIBLE.

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## **Phased Reopening of POOL and POOL DECK / HOT TUB**

Hours of Operation: Monday – Saturday 10 a.m. – 5 p.m.

**MAXIMUM OCCUPANCY POOL AND POOL DECK AREA: 30**

**MAXIMUM OCCUPANCY IN HOT TUB: 2**

**CHILDREN SWIM HOURS: TUESDAY AND THURSDAY 3 P.M. – 5 P.M.**

YOUR COOPERATION IN HELPING US TO IMPLEMENT THE FIRST PHASE OF REOPENING OF FACILITIES IS GREATLY APPRECIATED.

- SANITIZING STATIONS ARE LOCATED AT EACH GATE.
- MASKS ARE RECOMMENDED WHEN NOT IN THE POOL OR HOT TUB.
- NO GROUP ACTIVITIES INCLUDING WATER AEROBICS OR POOL PARTIES.
- PLEASE PRACTICE 6 FT. SOCIAL DISTANCING.
- PLEASE DO NOT MOVE THE FURNITURE FROM THE AREA SET UP.
- ANY PERSONAL WATER NOODLES OR OTHER POOL ITEMS LEFT OVERNIGHT WILL BE DISCARDED IN THE TRASH RECEPTACLE. PERSONAL ITEMS LEFT WILL BE PLACED IN LOST/FOUND AS USUAL.
- STAFF ARE NOT RESPONSIBLE FOR POLICING YOUR ACTIVITIES SO WE ARE ASKING FOR YOUR COOPERATION FOR COMPLIANCE OF THE GUIDELINES; IF A DISTURBANCE IS CREATED WHICH CALLS FOR INTERVENTION, STAFF IS INSTRUCTED TO CONTACT A BOARD MEMBER AND THE PEARLAND POLICE DEPARTMENT; FAILURE TO COMPLY COULD RESULT IN THE SUSPENSION OF PRIVILEGES TO AMENITIES.

These guidelines have been adopted as Phase 1 of the reopening of facilities. These will change as information from CDC and State and Local Governments relax or expand their orders regarding use of pools. All other rules and regulations regarding the pool area are in full force and effect except as preempted by these Phase 1 Guidelines and any subsequent revision.

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## FREQUENTLY ASKED QUESTIONS AND COMMENTS

Q: Because it is private property, why isn't our pool considered private?

A: Based on information from our attorney: "the question about whether HOA pools are considered "public" or "private", pursuant to Chapter 265 of the Texas Administrative Code, single family and condominium POA (Property Owner Association) pools are classified as public swimming pools. Therefore it is recommended that POA pools remain closed until cleared by Governor Abbot (see Executive Order GA-18 and subsequent GA-21). Public pools MAY operate at up to 25% of total listed occupancy of the pool facilities; local public pools may operate only if permitted by the local government:

*(COMMENT FROM THE BOARD: The use of POA (Property Owner Association) is synonymous with HOA (Homeowner Association). For purposes of this Phase we have calculated the surface area of the pool and the 6 ft. social distancing requirements to limit the capacity in each area as shown on the guidelines).*

Q: Are the clubhouse and amenities are extensions of our private homes?

A: Amenities are defined as features that make it more valuable to potential buyers and tenants/owners. The use of these features/amenities at BellaVita are operated under the Rules and Regulations which are adopted and filed for record in the County Clerk's office. These may be amended from time to time through review and recommendation of committees and action of the board. These features are attractive and appreciated but are not under the control of individual homeowners as an extension of their home. All Covenants and Restrictions and other governing documents are available for review on the BellaVita website or Townsquare under Governing Documents.

Q: Why can we not get a discount on our assessments since amenities not available?

A: The HOA has no control over the presence of the coronavirus or the resultant orders from various governmental and health agencies which have affected the use of premises. We are using best business judgment to follow the guidelines as they are given for business and social gatherings. We encourage all to continue to practice social distancing and established hygiene guidelines. The budget of the HOA is mostly contract driven and our expenses have not changed in that regard.

Q: What is the posted occupancy?

A: Based on guidelines we have found with the 6 ft. social distancing and current recommendations of 25% occupancy, the posted numbers were calculated to the nearest value to determine the occupancy.

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Reminder: The Board has set the guidelines that are in place. The staff does not have the authority to overrule or change. Please make your complaint accordingly by:

- (1) filling out Homeowner Concern Form which will be passed along to the board and/or appropriate committee;
- (2) sending an email. All board member emails are on the website and in each weekly newsletter;
- 3) sign up to speak before the board at our next open board meeting.

If you have a **compliment** to anyone – we would love to hear those also! We even have a form for that!