

## **Minutes of the HICA Regular Board of Trustees Meeting on 6/20/2020**

Erik Smith, Vice President called the telephonic meeting to order at 10:28 A.M. Present were Kurt Kassahn, Treasurer, Scott Holte, Secretary, Trustees Udo Gerz, and Paula Bafaro. Darla Younce and Kevin Smith were unable to attend the meeting, but a Board quorum was present for the meeting. Also present was Kim Gleason, Island Manager.

Scott moved to approve the draft minutes of the Regular Board meeting on 5/16/2020 and the Special Board meeting on 6/8/2020. Udo seconded the motion, which passed unanimously.

### **President's Report:**

Erik read Darla's President's Report, which is attached and fully incorporated.

### **Legal Report:**

Scott announced the settlement of the Division H lawsuit has been approved by our insurer, so the Board will sign the CR 2(a) Settlement Agreement. Scott commented that this settlement represents the resolution of a long-standing issue between Division H and the Association, and that both sides worked hard for a solution which is acceptable to all concerned. This is a proud moment for everyone in the Community.

The Court of Appeals has re-re-re-scheduled oral argument in the Surowiecki lawsuits for July 21, 2020 at 9:30 A.M. Our attorney hopes that the argument can be watched via TVW, the Washington State Public Affairs network. We will find out the information and let the Community know.

### **Island Manager's Report:**

Kim presented her report to the Board, which is attached and fully incorporated.

Kim included in her report a request for a ferry reservation cancellation policy. At the conclusion of her presentation, Erik moved to approve the cancellation policy. Udo seconded the motion, which passed unanimously.

Kim also included in her report a request to accept an offer and approve the sale of an Association owned property, with the specifics in her report. Scott moved to approve the sale. Kurt seconded the motion, which passed unanimously.

### **Treasurer's Report:**

Kurt presented his report for 6/20/2020, which is attached and fully incorporated.

### **Water Update 6/19/2020:**

Kurt read Chris' report which is attached and fully incorporated.

### **Vessel and Equipment Committee:**

Udo reported on the new ferry's progress. The frame is completed and looks exciting. Udo and Kim will circulate photos to the Community. We have paid the first bill for \$95,000.00 out of the proceeds of the ferry loan.

We continue to deal with the Coast Guard about propane bottles on the ferry. And we are still looking for a relief captain for our vessel.

### **Marketing/Social Committee:**

Paula presented a request from the Volunteer Garden Group for the Board to approve a grand opening and wine tasting party. Scott stated that Board approval was not necessary because the Garden Group is a volunteer group, with no official ties to the Association. We would expect Association rules involving common areas will be followed and that the phase two rules for gatherings and social distancing will also be followed. But, the Board cannot and should not "approve" non-Association functions.

### **4th of July Parade:**

Kim presented a letter from the Yacht Club asking the Board to reverse the policy just announced, changing the location of the parade back to the traditional route in the Marina. Kim explained that the "sponsorship" of the parade, historically, is unclear at best. There does not appear to be any formal action by the Association to hold the parade. The Yacht Club, accordingly, has graciously agreed to sponsor the parade, and includes the particulars in the letter.

Scott stated that, although because of the history this issue might be a little different, it really is the same as the Garden Group request. The Board does not and should not "approve" non-Association functions. Again, we would hope that Association rules and phase two rules will be followed. Scott moved to strike the prior policy on the parade, which passed unanimously.

### **Marina Committee:**

Udo did not present a formal committee report, but discussed a few important issues:

First, a recent fuel spill in the marina should remind everyone that spills need to be reported to the Coast Guard, immediately.

Second, there should be a presence by the Harbor Master in the marina Friday through Sunday. Most weekends now the marina is 85% full; and "foreign" boats continue to try and moor. Kim responded that Barb Conwell and restructured her hours to cover weekends, and she now has a desk in the "harbor shack," so we should be covered.

### **Community Input:**

A few issues were discussed in Community Input.

Someone suggested an event at the end of the high season to recognize and celebrate all the wonderful volunteers who give generously of their time to the Community. Paula said that the Social Committee could come up with something, depending of course on what the COVID 19 status is at that time.

The problem with “free stuff” put out by owners was discussed. Kim said that she gives friendly reminders to people who put things in the Association’s right of way that we have a fine policy, which includes a fine for those things.

A recent problem with a ferry passenger prompted a reminder that the Captain of the ferry has ultimate authority under maritime and federal law to demand the removal of an “unruly” passenger. The Board reiterated that we have complete faith in our Captain and stand behind him in full support.

The Board, in the last Special Board meeting approved a request by an owner for a one night guest moorage for the guest’s boat. A Community member questioned the wisdom of this action, especially during the ongoing pandemic. Udo agreed, pointing out that phase two prohibits “non-essential” travel. Guest moorage by definition is non-essential travel. Scott moved to rescind the policy. Udo seconded the motion. The motion was passed by a majority of the Board, with Erik voting no.

An owner asked if Scott could provide a summary of the Division H settlement. Scott responded that he was speaking from memory, and that the full CR 2(a) Settlement Agreement would be posted on the Association’s website, but the basic aspects of the settlement are:

1. Ownership of the “road” serving Division H rests with the individual Division H lots, and will be reflected as such in the recording of the Settlement Agreement in the record title of the individual Division H lots.
2. Maintenance of the “road” serving Division H shall be by an entity created by the Division H lot owners, which shall assess the individual H lot owners for costs associated with repair and maintenance of the “road,” including slide removal.
3. The Association shall participate in the costs of maintenance by paying 30% of the costs.
4. The Association will maintain the access below the four Division H lots owned by the Association.
5. The Association retains the easements for utilities serving Division H, including the right to maintain the power and water utilities.

There being no further matters before the Board, Erik moved to adjourn into executive session to discuss legal and personnel matters and to reconvene at 1:00 P.M. to announce Board actions, if any. Scott seconded the motion, which passed unanimously.

The meeting was adjourned at 11:48 A.M.

The Regular Board Meeting reconvened at 1:00 P.M., with Erik Smith announcing that the Board had not taken any actions in executive session, or had any motions to present.

Scott moved to adjourn. Paula seconded the motion, which passed unanimously.

The meeting was adjourned at 1:01 P.M.

Respectfully submitted,  
Scott Holte, Secretary \*

\* These minutes are not intended to be a verbatim report, but do include all actions taken by the Board of Trustees.