

## Agenda

Hat Island Board of Trustees Meeting  
3616 Colby Ave PMB 335  
Everett, WA 98201  
(360) 444-6611

**Saturday, January 15, 2022**

10:30am via ZOOM

### **Attendees:**

Paula Bafaro- President	Virtual
Dan Jensen- VP	Virtual
Don Stark- Treasure	Virtual
Kelly Dukes- Secretary	Virtual
Erik Smith- Trustee	Virtual
Aimee Chambers- Trustee	Virtual
Ray Stephanson – Trustee	Virtual
Kim Gleason- Island Manager	Virtual

Paula called the meeting to order at 10:30am

### **Agenda:**

- Call the Meeting to Order
- Approval of Draft Minutes for December 18, 2021, and January 2, 2022
- Community Input (please limit your comments to three minutes or less).
- President's Report
- Discussion on rising legal costs
- Legal Report
- Island Managers Report
- Treasurer's Report
- Committee Reports

### **Approve minutes from December 18, 2021, and January 2, 2022.**

Ray motioned to approve minutes

Kelly second motion

Any discussion- none

Vote:

Paula Bafaro- President	Yes
Dan Jensen- VP	Yes (Abstains from voting on Dec 18 mtg minutes as he was not present at all of that meeting)
Don Stark- Treasure	Yes
Kelly Dukes- Secretary	Yes

Erik Smith- Trustee	Yes
Aimee Chambers- Trustee	Yes
Ray Stephanson – Trustee	Yes

Motion passes

### **Community input:**

#### **Dennis Dearing A26**

Within the agenda email there was a document link that discusses basic drainage concepts, that's all well and good however, as in most cases Hat Island has its own unique set of circumstances.

The Hat Island Drainage report completed in 2013 Identifies problem areas and provides recommendations to improve surface drainage minimizing water that gets down to the clay layer subsequently under mining the bluff in various areas of the Island.

Question: what is the schedule to begin implementing the recommendations put forth in the study.

Discussion:

Kim: We have hired Rick DeFrancisco to work with the maintenance team on drainage. Rick along with Keith Litchfield, drainage engineer, myself and the maintenance team have been mapping out projects to implement from recommendations from the study. This past fall Rick was able to get some work started in areas along Saratoga Drive and Cascade Drive and the drainage leading down to the Division N hill. The island slides this week showcased the need to complete some of these projects, and for others mapped out this spring. We have begun planning out each area, what is needed, and the steps that need to be taken to complete each area prioritizing which area needs to be completed first. Some of the work cannot be done until it dries out a bit because it will require heavy equipment and will create a mud pit. We will keep the community informed each step of the way on the progress and areas of work. We are starting in the highest points of the island down. We are verifying that when it is dry enough to complete these projects that we have all of the parts needed to complete them.

#### **Sharon Meadows A24**

These comments are basically to Kelly. I would like to thank and compliment you on your Board Minutes. They are accurate and complete and report the meetings well from what I have actually watched on Zoom.

Just wondering if there was any way that you could record the meeting, maybe just jot down bullet points, so you could be involved more actively in the live discussion. Afterwards listen to the tape and do the complete minutes. We enjoyed your thorough and reflective reports when you were the Ferry Committee Chair and would like you to have more of an opportunity to participate in the Board meetings. It is a daunting job at times to document in the moment all that is being discussed.

Thank you for your time, valiant efforts, and serving on the Board of Trustees.

Sincerely, Sharon

Kelly: Thank you Sharon. I think it is important to document what is said and that is why I make the extra effort to ensure it is accurate. It sometimes takes longer than I would like to complete. I personally support recording the meetings. I think recording is a best practice, and cities all over the area do so. However, it takes agreement from everyone to record the meetings and not everyone agrees to record the meetings for a number of reasons, I will let them speak for themselves. With the pandemic, we have been meeting via zoom, and anyone who chooses to do so can simply record the meeting via their phone. I suggest that the Board revisit this topic again.

Sharon: We want the opportunity to hear more from you.

## **Kurt Kassahn**

To All,

I'm writing to discuss a neighbor burning and clearing his lot until almost one in the morning last Saturday. This started with a text to members of the fire department and the Island Manager with my concerns of burning after daylight. Our first text was at 6:58pm with an FYI, followed with another at 7:20pm saying it looked like they had stopped. Later at 9:15pm we let them know we were incorrect, and they were still burning. Brad Tineus responded shortly after, and we thought this was over.

Later around 12:30am we could still see burning activity on the site. Stepping outside we could see and hear trees falling, a generator running, music and equipment activity. There was also bright directional lighting pointing at the homes around us.

At 12:40am we drove to the site and requested they stop all activity and expressed our concerns about the bright lights, burning, noise and their safety clearing at night. They were agreeable and apologized and stopped at that point. While they said they were letting the fire burn down we told them we saw them add accelerant and more branches after talking to Brad.

From my discussion with Brad, they are allowed to burn the pile down into the evening hours but may not add material after dark. My concern is they were not following island rules regarding burning. Previously this late fall they were burning without a permit and

proper water supply during windy conditions. At that time our fire commissioner responded and told them to put the fire out and they needed a permit.

We would like the board & the fire department to provide direction on proper response to incidents such as this. We didn't want to wake the entire island with 911 call as well as taxing Snohomish County emergency response. I believe fines should be created and imposed for burning violations that could affect the safety of the island. This could be done by creating an island rule or further defining the CCR nuisance rules. Please establish 'norms' for summer and winter land clearing and burning. I would request an action response on these items.

Respectfully,  
Kurt Kassahn

Discussion:

Two types of burning permits available. Land clearing permit which requires large equipment be present. Only Brad Tinius, Fire Commissioner or Fire Chief Worthy can grant that permit. The other permit which is most common is for small fires. Both of these permits do not allow additional fuel to be added to the fire after sunset. The owner who was burning had a land clearing permit. The correct person to respond to this issue was the fire department. Brad did respond based on Kurt's call. After the call, the owner continued to add fuel to the fire. The appropriate next steps is "sound the alarm" and call 911 if the rules are not being followed.

Kurt: Is the land clearing burning permit tied to the county?

Kim: Chief Worth would be able to respond to that. It is my understanding that it is tied to the County regulations.

Erik: The 2020 fine schedule, shows noxious offensive behavior and burning violations is \$50.00 per occurrence.

Kelly: We had a conversation about this issue this last summer. There had been multiple instances of burning on the beach and outside of approved fire pits. This had led to fires burning underground and erupting into surface fires several feet away from the original fires, days later while they were unattended. Burning continues to be a topic of concern. I do not see why we would not leverage our published fines schedule in response to violation of the rules. Perhaps we should revisit the topic and evaluate how we fine escalating violations.

Erik: Such as your 3<sup>rd</sup> violation is more than your first violation.

Kelly: Yes.

Kurt: I just wanted to let you know we had this conversation with them. We just want to be good neighbors and they agreed. Yet, this was the second time that that there has been other noise issues. We have another new owner near us who walked over to us one evening and stated that he would like to work and had a generator running to 7-8 o'clock and if we were ok with it, and we were. We understand the challenges of building here on the island.

Dan: We should impose a fine for the violation. Seeing as they were warned perhaps, we should impose a second violation.

Kim: I will talk with the fire commissioner and let them know that the burning continued after the warning was issued. The land burning permit could be revoked. I will send Kurt's email to the Fire Commissioners and ask if they will revoke the permit.

Erik: I would think if I were them, that I would expect a \$50.00 violation first before you revoke it. That is up to the Fire Commissioners to decide.

Sandy Bettencourt: Look at the fine language more closely. Jeremy has previously stated that for safety issues we do not need to give a letter of warning, it can be imposed automatically. When you sign a permit, you agree with the policies which is virtually your warning.

**Patrick Kollanda:**

Playground: We had an old swing set- that was built conventionally, and a wedding party got on it and the whole thing fell onto the wedding party. A whole group of us got together and built the swing set we have now next to the yacht club. It was meant to be expandable; some items have since been deleted. I understand there is a movement to put in a new playground. I am not sure what the details of that plan are, but I just wanted to say that a lot of people put hard work into the existing structure. It is my opinion that it would be silly to take down something that is so wonderfully unique to the island. I am all for a new structure that could be in addition to the existing play set. It is upsetting that we are considering tearing it down. It is an asset to the island and is well built.

Paula: We will hear from the Parks and Recreation committee later on this subject, but I believe the proposed new play structure is intended to be in addition to the existing playset.

Any other community input? None.

**PRESIDENT'S REPORT**

We have definitely weathered some storms together as a community recently. Fortunately, we approved the repair of the breakwater in the North marina, which should protect the area for many decades. We expect the repair to be completed before salmon spawning season begins in the early summer months. The winter months have also brought landslides and water leaks after the snow melt this month. Please be sure to turn your water off at the street when you leave your Hat Island residence for any length of time and drain the pipes if you will be gone during potential freezing temperatures. Not only can water leaks be very expensive, in both water bills and home damage, but significant runoff can jeopardize our bluffs and cause major damage.

You may have read in the recent View Point that our Harbormaster Barb Conwell is retiring in March of this year. Barb does an excellent job of putting up a strict front, keeping non-owners from entering or docking in our marina, while always offering kindness with a smile and willingness to help. We wish Barb the very best in her new

adventures as a retiree. Look for a job posting for Harbormaster in the coming weeks. There will be some revisions to the job as our needs are changing as the island grows.

Finally, I want to give a reminder to Board Members and Committee Chairs to schedule regular meetings and provide monthly reports to the community when applicable. There is much to be done in the new year!

Thank you,

Paula Bafaro  
President HICA

## **Legal Report**

Surowiecki: Nothing new to report. Supreme Court opinions are slowly being released and we expect our case will be released soon.

## **Island Managers Report**

The weather man says dry weather for today and tomorrow and man can we use it. Snow, ice, rain, wind and King tides have left us with landslides, broken pipes and septic issues. A few days of sun and dry weather are welcome. Make sure to check your pipes when you come back. If you experienced a slide in front of your property check to make sure your tight line is still intact and if you live down in Division N make sure your septic is still working.

This is a particularly tough year for slides on the island. It is something that everyone on the island should be concerned about and work together to mitigate from happening. How can we do that? There are many documents available on the internet that we can use as guidance when clearing our properties which I will be sharing pieces of in my upcoming emails. One thing I do caution is that we have to work together on this and not just one thing is the cause. The biggest cause this year is the amount of water the island has taken on from rains and melting snow and high tides. When the water table is maxed out it brings out springs in different areas. For example, on the property near me when the water table is high this spring appears. (Kim shared a video of underground spring that has spring up near her home – it was bubbling up from the ground.) We are working with our neighbors and the island to make sure this water has a safe pathway away from the bluff. The key is to use all of our resources as a whole community to save our bluffs.

Onto an update on the North Breakwater/Seawall repair. We've obtained all of our emergency permits with the help of owners, Steve Quarterman and Keith Litchfield. We have hit a snag in that the Army Corps of Engineers is requiring a Forage Fish Survey to be done 72 hours before the work begins. I am awaiting word today from a marina biologist to see if they can come out tomorrow and do the survey. If we cannot get someone out this week, or the test show there are fish spawning, we may have to delay the project until July and hope that we have no more damaging storms from the north compromising that seawall.

Wow....that's a lot of information.

Some activities to note in the coming months:

- Next Saturday, January 22nd is a Cargo day, email your cargo request form to Alice at [bookkeeper@hatisland.com](mailto:bookkeeper@hatisland.com)
- Monday, February 21 is President's Day and the office will be closed
- The Hat Island Ferry will be hauled out of service to have some bottom paint done. We will have an amended schedule, **Saturday March 5<sup>th</sup>** and she will be back in service and ready to go on **Thursday, March 10<sup>th</sup>**.

And then before you know it...SPRING will have sprung. ON a happier note....the Grey Whales have returned to the area and have been foraging on our beaches. Welcome home Sounders, we missed you!

Last month the board of trustees discussed the requirement set forth of requiring owners to submit their title to the island to be held until they decide to take the vehicle off island. The Board of Trustees inquired about the reasoning for such a requirement and I gave them a breakdown of the steps it requires to remove junk vehicles from the island. The board then questioned the actual time and cost to collect the documents needed to have a vehicle removed. As we had no 'junkers' leaving the island on this barge run we couldn't track the time to the minute that it takes to process the paperwork. I would say that not only is there time involved in processing paperwork but there is the time that it takes away from other portions of the Harbor Masters job.

**With that said, I would ask the Board of Trustees to make a motion to change the Vehicle Requirements from the afore mentioned to, "If the owner does not choose to have the island hold the title to their vehicle, they can chose to pay a refundable \$200 fee. This fee will be refunded once the title is received in our office or the car is removed from the island. Do not have an original title? Contact the Harbor Master for instructions."**

Ray: Moves to allow discussion

Aimee: Second

Discussion:

Kim: Barge rules says you give your title to the office, or you will be fined 200\$. I am suggesting a choice; you can have the office hold the title, or you chose to keep your title and instead of a \$200 fine, change it to a \$200 deposit. The \$200 deposit would be refundable once an owner removes the vehicle off the island.

Paula: You need to have to original title in the office?

Kim: Yes, if we do not have an original title, we have to process the car as an abandoned vehicle which is a labor intensive process which I described in detail at our last Board meeting.

Erik: Why \$200, vs \$250 or \$150?

Kim: That is the value determined by past HICA Boards of the costs it takes for the Harbor Master to facilitate removal, which takes them away from other tasks they perform. All the paper works to haul it off, calling the Sheriff, arranging for the Sheriff to come see the vehicle, calling to validate if it has a registered owner any longer, fill out abandoned vehicle paperwork, get it notarized. Sometimes it means hauling the car off of community property. If it needs to be hauled off community property, then the maintenance crew is pulled away from other duties to haul it down to the marina and onto the barge. Finally, we need to make arrangements for the disposed of it on the mainland. It is a lot of work.

Paula: Providing your title is not transferring your title.

Kim: Correct, it is kept in a fireproof safe until you need it. On Hat Island cars typically transfer from person to person with the sale of a house or when someone buys a newer car they pass on the old car to another owner. Over time we no longer know who the registered owner is anymore. It then over time it no longer works and is just stilling here taking up space.

Question: How often does this happen?

Barb Conway: Typically, 8-10 times a year. This is a problem particularly with older cars that came to the island before the rules were put in place to hold the title.

Erik: Does this apply to all vehicles?

Kim: Golf carts and ATV's do not need the paperwork to needed to remove cars, SUV and trucks.

Paula: I see a lot of comments in the chat, people are not comfortable giving up their title. I remember feeling weird when we brought over our car, but figured it was another quirky Hat Island thing.

Kim: This is an issue that has been going on for years. We had a owner that brought this up again last year. Right now it is a requirement, provide the title or pay a \$200 fine. I am trying to find a happy medium, which is a refundable deposit. The reason this is coming up is is about \$700son we brought it up is that an owner brought

Aimee: So it is one or the other. Provide the title or pay \$200.

Kim: Yes

Dan: I am ok with this, but have a question. When you come bring your car over on the barge, I think it is \$800. It includes the cost of taking the car off the island on the barge. Why not consider, adding the \$200 fee when you bring it over if you don't want to provide the title.

Kim: That is an option too.

Kelly: I think that is essentially what Kim is suggesting. Right now, our policy is you provide the title, or you are charged \$200 fee which is not refundable. People are not happy with that. Kim is suggesting a solution. Option 1) prove you title 2) pay a



refundable \$200 fee (instead of a \$200 nonrefundable fine) That covers the fees if we have to deal with it later as an abandoned vehicle. It also provides homeowners a option if they do not want to provide their title. The current policy is a fine and owners will not get their money back. The suggestion of a \$ 200 refundable fee is a better option. It may not be perfect, and we may want to look at this again if additional information or other suggestions come to light later, but for now this is a better solution. I support it.

Eric: The third option we don't do it and the staff has to deal with maybe 8 abandoned vehicles a year which is \$1,600 fee that we would have to take care of. It is that much above the staff's duties normal duties that we would have to take care of that.

Kim: Yes, it is extra work and it takes staff extra time. Kurt says in he chat this gives owners an option. Barb Harris in the chat, this issue is not handing over a copy of the title, it is handing the original. Kim clarified that the junk man will not take an abandoned vehicle with a copy of the title- it must be an original title.

Eric: What do other cities or municipalities do?

Kim: On the mainland they call a junk yard. They will impound it. The same situation applies they either need an original title or abandoned vehicle paperwork. WA state law requires abandoned vehicle paperwork.

Kurt: I don't understand the complication here. On the mainland, they tow your car and you pay to get it out, or the junk guy files the abandoned vehicle paperwork themselves and they can sell the car or scrap metal. We are providing a very fair option to pay \$200 or provide the title. Both provide the Island staff the ability to deal with it. We have all kinds of abandoned vehicles including abandoned cement mixers on community property. This gives Kim and the staff the ability to deal with them and reduce the burden.

General agreement to move forward.

Kelly: Are we ready to vote?

Erik: Two quick questions before we vote. They already payed the \$400 each way to get the car on and off, so the \$200 is just for the abandoned title administrative fee? Do we think the \$200 is fair for what it costs to do that?

Kim: Yes.

Erik: If we are keeping the \$200 fee does it need to be in an interest bearing account separate from other fees, kept with more rigor like an escrow account?

Kim: That will be a question for our outside bookkeeper but I think we can do it without interested bearing account.

Don: We do that for a number of things in our system without an escrow type of account.

Erik: Ok, well it would be better if it were \$100, but I am ok with it. If the actual cost is \$200 I am fine with it. I don't know where the amount came from, but if you are telling me right now that is the actual cost then ok. It is just that it is a round number.

Paula: Let's move it to a vote.

Kim re-read the motion: **"If the owner does not choose to have the island hold the title to their vehicle, they can choose to pay a refundable \$200 fee. This fee will be refunded once the title is received in our office or the car is removed from the island. Do not have an original title? Contact the Harbor Master for instructions."**

Conversation if a motion was needed.

Kelly: Ray has already motioned, and Aimee has seconded. All we need is a roll call vote.

Paula Bafaro- President	Yes
Dan Jensen- VP	Yes
Don Stark- Treasure	Yes
Kelly Dukes- Secretary	Yes
Erik Smith- Trustee	Yes
Aimee Chambers- Trustee	Yes
Ray Stephanson – Trustee	Yes

Paula it is unanimous, the motion passes.

## **Rising legal costs**

Erik: Board recently discussed augmenting legal counsel as Barker Martin is backlogged. Then recently we were notified that our legal general counsel rate was going about 30% from \$240 to \$340 an hour. I had looked into other options to potentially supplement legal counsel and potentially provide expertise on PUD. The two firms I contacted were conflicted. Paula also investigated options. Would be good to know if tgto know

Discussion about how to know what our budget for our legal fees are, with \$80.00 an hour fee increase are we still on budget? We have used Jeremy for lots of one-off questions. Suggest looking at ways to keep legal fees down, such as a discretionary fund each month to which allows a certain amount of questions each month, and after that it becomes a budgeted exercise. That is how we do it at multiple firms that I work with it helps to keep legal fees down and track them. Looking for open discussion. Fees

are going up, consider augmenting legal counsel as the fees can add up pretty fast. When I was working at a Perkins Cooley the fee structure was billed based on experience. Associates billed every 6 minutes. For Partners it did not matter if they only worked 15 minutes, they would bill for an entire hour. Maybe there is an opportunity to batch questions together to help keep legal fees down.

Paula: I looked for other outside counsel I was looking specific for maritime expertise in support of our discussions to expand ferry service from Langley to Everett.

Ray: What is the last time we had an increase in our legal fees?

Kim: I will need to check.

General discussion: It has been a while sense we have had in increase. This is a large increase and will impact our budget. Inflation has impacted may things.

Don: I manage a public affairs firm not too dissimilar to a law firm. Senior people charge \$350 hour and junior people that charge a lot less. If we are using Jeremy for more routine things that will certainly drive our legal fees up. We need to have a discussion with Jeremy if there is a way to mitigate having the entire bill go up 30-40%. His expertise and background with us is invaluable and not doubt worth every bit of the expense. However, do all of our questions require his level of expertise. He is probably watching, and that is ok let's have a nice option discussion on this.

Dan: are some of these things that a paralegal can handle- is that a more cost effective way to deal with it.

Don: I review the bills; Jeremy does delegate to junior associates.

Consensus: Review with Jeremy options- his background is invaluable, but good to review how to mitigate costs.

Dan: Should we do a study and make a recommendation?

Group: National tsunami warning notice and discussion.

### **Treasurer's Report for January 15, 2022**

All payables are current and our reserves & operating income, as of December 31, 2021 are as follows:

Capital Reserve: \$486,823.25  
Cash Reserve: \$258,378.18  
Marina Reserve: \$120,303.83  
RO Reserve: \$152,701.97  
Operating Income: \$275,233.17

Detailed P&L and Balance Sheets will be posted on-line for your review.

Income is up higher contributions and increase in capital reserves.  
Does not reflect the 175K for the seawall- but the funds will not incur until 2022 end of year reconciliation.

Expect final numbers will have a higher net income and higher contributions to capital reserves as result of final 2021 budget reconciliation.

Don: Kim you mentioned there was interest in reviewing past due accounts.

Kim: I pulled an aging report on January 13, 2022 for past due accounts. I am happy to report that people are paying assessments. The good news is that 74% of our past due accounts are already being handled by legal department or collections. The people that are just a little but behind are working on getting current. Our total past due without Matt Surowiecki is \$169,580, \$125,324 on payment plans or being dealt with by legal or collections. So that means 74% of past due dollars are being handled and the balance of past dues the office staff is already taking care of. We just got money back from an account that was delinquent from 2014. When we get money back that we never expected to get back we apply that to the principle of the marina loan, which will be paid off in 2023. These are good numbers. The office has been working really hard and making sure we work with owners to bring their accounts current. Matt Surowiecki is \$2,408,208 in arrears.

Don: if you are a new owner, you may be surprised that we have someone who owes \$2.5 million dollars, what are you doing about it. There is a long story that goes with that and lawsuits and hopeful resolution in the coming year. It is well accounted for and pursued with vigor. We have done well with pursuing past dues and have made good strides. We are in good financial shape going into 2022 and out years to come. The loan on the new ferry requires we provide a review of past due/ delinquencies and he was very pleased with what he sees.

Respectfully,  
Don Stark  
HICA Treasurer

## **Committee Reports**

ACC Committee Report: Sandy Bettencourt, Community Chair

Vessel Committee Report: None at this time

Finance Committee Report: None at this time

Golf Committee Report: None at this time

Governance Committee Report: None at this time

Nature Conservancy Committee Report: None at this time

Long Range Planning Committee Report: None at this time

Marina Committee Report: None at this time  
Parks and Recreation- Janita Jones, Community Member  
Social/Marketing Committee Report: None at this time  
Safety Committee Report: None at this time  
Technology Committee Report: None at this time  
Water Committee Report: Read by Erik Smith, Board Chair

## **Architectural Control Committee (ACC) Report to the Board of Trustees January 15, 2022**

The ACC committee has developed a “Purpose and Responsibilities” document and New Member Application form for the Board’s review and comment. If there are no changes to the documents, we will work with the HICA office to post the documents and call for applications. Interviews will be scheduled after a two-week opening period. See *attached Documents*

2021 ACC Building Applications:

**During 2021 the ACC received 18 building applications. They were as follows:**

9 Single Family Residence	8 approved and 1 pending
1 Garage	Approved
7 Sheds	Approved
1 Roof Modification	Approved

**This compares to 11 building applications for 2020:**

1 Single Family Residence	Approved
3 Garage/Car Port	Approved
4 Sheds /RO Filtration Cover	Approved
1 Fence	Approved
1 Greenhouse	Approved
1 Deck (Yacht Club)	Approved

These numbers do not include plans withdrawn by the owner or if an owner sold property before executing an approved plan.

All Building Submission forms and ACC decisions are stored at the HICA office.

Report submitted by: Sandy Bettencourt, ACC Chair

**The following REDLINE of the ACC document below reflects the requested changes to the language discussed in 1/15/2022 Board meeting.**

## **PURPOSE AND RESPONSIBILITIES AND RESPONSIBILITIES OF THE ARCHITECTURAL CONTROL COMMITTEE (ACC)**

The purpose of the ACC is to administer the community's CC&Rs by overseeing changes and modifications to a property through an application and appeal process. The established processes are designed to balance the interests of individual owner and the community as a whole, ensuring that architectural guidelines are met, and property values are protected.

**The HICA Architectural Control Committee (ACC) is responsible for:**

- Managing building applications and building approval process.
- Working with Island Management or Board of Trustees to answer questions relating to CC&Rs violations or problem applications for lot development. Note: ACC is not an enforcement body.
- Fairly establishing standards and interpretations of the CC&Rs as the key governing document.
- Making subjective and objective decisions about compliance to the CC&Rs and provide ownership with an appeal process for any building application denied or CC&Rs violation.
- Providing information to the Board of Trustees regarding owner appeals.
- Keeping the Board of Trustees informed of ACC interpretation changes and seeks Board feedback.
- Keeping minutes of meetings, records, policies and procedures and provides that information to the Board and Island Management for record keeping and public information purposes.
- Reviewing guidelines on an annual basis for adequacy and takes feedback from the Board and community in regard to CC&Rs interpretations and policy/rules.
- Educating the community about set guidelines.

### **Membership:**

ACC membership is comprised of 7 members. 5 community members (non-board members) and 2 Board appointed Board members. All members have equal voting rights.

### **ACC Community Member and Board Trustee Terms:**

The ~~CC&Rs give ACC members "life-time" membership; however, the~~ 2021 ACC membership agreed to establish 6-year term limits for community members. Board appointed Board Members have terms that correspond to their Board of Trustee terms. A community member may be considered for

additional terms with ACC and Board confirmation. See 2021 Board/ACC Resolution for the membership confirmation process.

**Standards for ACC Membership for Community Members:**

- All members must be owners and part of the HICA.
- Members must remain in good standing with the HICA.
- Members will be knowledgeable of the CC&Rs.
- Members will not approve building requests on an independent basis (all building applications will have a minimum of 3 member signatures).
- Members ~~may not be in violation of~~ **must adhere to** the CC&Rs.
- Members must recuse themselves if they have a conflict of interest in their role as a ACC members.
- Members agree to adhere to and sign code of ethics and confidentiality agreements.
- Members attend scheduled meetings and may not have more than 3 unexcused absences in any 12-month period.

**Removal of an ACC Member:**

A member of the ACC may be removed by majority vote of the **ACC and Board of Trustees Board Members, including the two board members serving as ACC members**. This may be for one or more violations of the membership standards. See 2021 Board/ACC Resolution.



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Everett, WA 98201  
(360) 444-6611

**Architectural Control Committee  
Member Application Form**

Thank you for your interest in serving as a Architectural Control Committee (ACC) member. Please return your completed form to the ACC at: [hatislandacc@gmail.com](mailto:hatislandacc@gmail.com). Individuals interested in serving on this decision-making committee will be required to agree to and sign the ACC/HICA Disclosure Form and ACC Ethics Statement.

The ACC will continue to take applications after the deadline for future reference/vacancies.

Date: \_\_\_\_\_

Owner Name: \_\_\_\_\_ Lot # \_\_\_\_\_

Email Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Cell Phone: \_\_\_\_\_ Best time to Contact: Day \_\_\_\_ Evening \_\_\_\_

Are you a member in good standing? Yes \_\_\_\_ No \_\_\_\_

Are you a full-time resident? Yes \_\_\_\_ No: \_\_\_\_\_

If you are a part-time or seasonal resident, please let us know how often you come to the island:

1. What experience (professional or volunteer) that applies to this position makes you prepared for this committee?

2. The committee does travel to owners lots to compare plans to the property layout. There is a variety of terrain conditions that exist. Are you able to make site inspections in person and what accommodations if any would you need to do so?

3. Do you have access to a vehicle to drive to inspection sites? Yes \_\_\_\_ No \_\_\_\_

4. The ACC schedules committee meetings to discuss application issues, policy development etc. These meetings are scheduled every other month, unless more meetings are required. While the committee prefers to meet in person, do you have the ability/technology to attend meetings via zoom or by phone? Please let us know of any conflicts you may have.

5. As part of the building application process, site reviews are generally scheduled for morning or afternoons during the week or weekend. Please describe your availability/preference for this type of work.

6. We may need you to do basic research on building code information or possibly help the committee write up requirements or policy that support or better interpret our CC&Rs. Do you have experience in this area?

Feel free to add relevant information as part of your application. The Committee will schedule interviews once we have a adequate pool of candidates. Again, thank you for your interest in joining the ACC team!



Dan: One comment towards the end you have discussion of removal of an ACC member requires a majority vote of the ACC and the Board. The Resolution leaves that to the Board of Trustees.

Sandy: It was my understanding in our discussions, that the recommendation to remove an ACC member would first come as a recommendation from the ACC, based on their performance or know violations of the standards. It do not believe it would first start with the Board. Normally it would start with the ACC, we would have the discussion and a vote among the ACC members that we are recommending a particular member for removal so that they have an opportunity to correct and if they don't then we would make a recommendation to the Board of Trustees for removal. That was my understanding of the process.

Dan: We did have that discussion and that 99% of the time the ACC would make the recommendation to the Board for removal. The formal process is the Board makes the decision.

Sandy: If we were to remove a member from the ACC we would likely agree amongst Ourselves first but that it would not be final, it would just be our agreement that we should bring it to the Board for recommendation for removal. Maybe the wording needs to be changed. We would never make a recommendation to remove someone without a discussion and an opportunity for the member to correct behavior or come into compliance.

Dan: I understand that.

Sandy: Maybe come up with some recommended wording. I don't want to be redundant, and it does reference the 2021 resolution.

Discussion: Perhaps paste in the resolution and tweak it.

Ray: Couple things the first one, under ACC Community Member and Board Trustee Terms: that first part of the paragraph is says: The CC&Rs give ACC members "life-time" membership. Is that accurate?

Sandy: Yes.

Dan: No that is not accurate

Sandy: it is accurate the only way to change that wording is with a vote of the community.

Dan: For the 4 individuals currently on the ACC that was broken 30 years ago. There is nothing in the CC&R's that shows how you reestablished that. It is covered by the 1990 resolution and the 2010 bylaws change. We have discussed this for the past 2 years.

Ray: that was my understanding as well. In the spirit of all we intend going onto this new year this would be an opportunity to build a positive relationship going forward. I just don't know that recital is necessary.

Sandy: It could go out, we have internally agreed to a 6 year term. Because we did not go to a community vote on a lot of these things. I am ok with that, if that is what would stop something other than a legal challenge if something came up. I am ok with stating that our membership is 6-year term limits.

Ray: The second question I have, is the statement Member's may not be in violation of CC&R's. Typically actions are listed in the positive instead of the negative. Such as Member will be in compliance with CC&R's as opposed to a negative, members may not be in violation. Is there something that I am misunderstanding here, like past grandfathers decisions.

Sandy: Agreement to make the changes as discussed.

Group agreement: **Agreed to redlines are incorporated in the document above.**

Sandy: The ACC application above is pretty basic. Purpose to advertise and recruit new members. The ACC to interview candidates and make recommendation to Board, open to redline recommendations

Ray: I really appreciate the work that ACC does great institutional knowledge hard work goes into being a ACC member you are much appreciated.

### **Parks and Recreation Committee:**

Janita Jones (JJ)

Newly formed Parks and Recreation Committee, our next meeting is Feb 15<sup>th</sup>

COVID created a unique situation and kids were looking for things to do and places to play. The idea of a playground was generated, and the community response has been tremendous.

Lot K-A was originally plotted as a playground/ park. The idea is to clear blackberries and fallen logs, and leave all the old growth lumber so that we can

place some things on it such as disk golf and a pirate play structure. I had been to Princess Diana's playground in London which is based off of Peter Pan so that is where the inspiration came from.

We have community members who have committed to help with the project.

Parking is available in off to the side in easements. Bathrooms are available on the golf course 9<sup>th</sup> hole. A porta potty is also a possibility.

This initially started out as thought to be placed in addition/compliment to the existing play structure by the yacht club. Later concerns were raised that there may not be room in the space so lot K-A was identified.

We have raised \$11,281, We are requesting permission to proceed.

Aimee: Idea to allow community feedback and answer Board questions. Come back in February to make motion to proceed.

Erik: The area is muddy, any plans to mitigate?

JJ: We plan on doing it in an responsible manner and sustainable manner. We will bring in experts to ensure it is done correctly.

Erik: Parking location?

JJ: Parking will be inside the park property. Comments in the chat, disc golf in the park in addition to the golf course? Yes, there are plans for two stands that were donated by Chuck and Debbie Thurman. It is intended as a place for those that want to practice and try it out without committing to full game and a chance for young children to try it.

Aimee: If anyone has questions, please contacts JJ. February meeting, they will request a motion to move forward with the project.

Dan: Your enthusiasm is wonderful. I think you have addressed the is clearing of the trees. Some discussion on where to place the pirate ship. Perhaps a survey to the community would be helpful to get input in location. Benefits to placing down near to the existing structure on the beach to enable better adult supervision.

Ray: The money raised so far has been via donations. for Is there a request from the Board for supplemental funds.

JJ: Raised \$11,000 goal of \$13,00 but we just received a email from Brian Howe and Sandy in M just received donation from Brian how and Sandy wanted to hit donation, but nice to have island support also. Watchful eyes if we wanted to put it near the tennis courts that are currently for sale. Two lots are currently for sale lots #A83 A84 maybe we could buy those and place it there near the tennis courts.

Erik: Any ongoing maintenance? Kim to provide

Dan: Insurance company any concerns about locations

Kim: Insurance not expected to affect our rates.

**Parks and Recreation- Janita Jones, Community Member**



# Community Park & Play

## Lot K-A

01.14.2022

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## Overview

Utilize an area of the island that is owned by the community and underused. Keeping the integrity of the land and the green space. It also gives our growing island population additional places to explore and experience. The community has raised **\$11,084** as of January 1, 2022.



**NOTE:** The site plan will not contain existing tree locations until a site survey has been completed.

## Goals

1. Establish a new park on lot **K-A**, a designated park space owned by the Hat Island community.
2. Work with the existing trees and landscape by cleaning out undergrowth, weeds and fallen logs.
3. Enhance the area with two (2) Frisbee golf stands, two (2) picnic tables, benches, and a natural play area.
4. Construct a new Pirate Play Ship playground.



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## Resource Overview

**Land Clean Up** - Community Volunteers & JJT Constuction

**Frisbee Golf Stands** - Donated by Chuck & Debi Thurman

**Grass Seed** - \$50/ Bag, would need 4 bags Total: \$200

**Garden Foliage & Plants** - Budget \$200

**Natural Play Area** - Utilizing any stumps, Wood Chips and natural resources available.

**Community Blockbuster Movie Box** - \$199 + Free Shipping

**Complete Pirate Play Ship** - \$11,500 ([Click here for more information](#))

**Paint Supplies** - \$80/ 5 gallons of paint = \$160

**Paint Services of Play Ship** - Community Volunteers

**Picnic Tables and Benches** - If possible, utilize any existing natural resources on the lot that would otherwise have to be removed (i.e. any fallen trees)

## Frequently Asked Questions

### Where can I see the suggested park layout?

We've created an exciting [trailer video](#) that outlines the project, as well as a [walk-through](#) video to take you through the proposed layout.

### Where is Lot K-A?

Lot K-A is located at the South West corner of Everett Way and Tulalip Ave, in division K on the south end of Hat Island.



### What is the current state of Lot K-A?

The official description of lot K-A is Hat Island Division K, Tract A - COMMUNITY PARK. This tract is currently unmaintained with the exception of Tulalip Ave which cuts through the property (there is not a road easement).



### Who is building the Pirate Play Ship?

While we have had a few island residents offer to create a new structure, no plans have been submitted. After researching different options, we contacted Derek Hinckley of Pirate Play Ships for a quote for the complete build, which was reviewed by the Island Manager and Board President in April 2021 when the initial idea was presented to the island community.



### Why are donations being collected?

In April 2021 it was collectively decided between the current island manager, board president, former social committee head and a community member that donations get the momentum growing and could potentially fund this project.

### Who is responsible for maintenance?

As a property of Hat Island, The park will be maintained by the community as well as the island maintenance team.

### Why a Blockbuster Movie Box?

Hat Island is known as a community of sharing. We currently have a book library but not a space to share movies via Blu-ray, DVD and VHS. This not only gives us a place to swap movies for movie nights, it is a bit of history nostalgia.



### Isn't there a Frisbee golf course being built on the island?

Yes! That is going into and around our golf course. These two stands will be more for people who do not want to commit to a full game, throw practice, and a place for our younger owners to try it.



### Who's the target audience for this park?

Everyone! The park aims to be an inclusive place, with fun for all ages. As a walk destination, a great place for a picnic in the forested part of our island, and a place for youngsters to get their energy out.

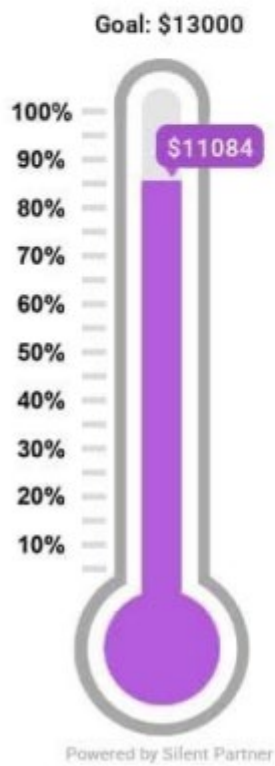
### Where is the bathroom?

At this time, there is not a restroom facility available. Similar to visiting the Community tennis court, Conwell Park or the pond, you will have to plan your bathroom needs accordingly.



## Board Ask

We are asking for the board to donate the remaining funds needed to meet our project goal and give The Parks & Recreation committee permission to get started on this project. We are looking for a Summer 2022 completion.



## **Social Committee**

The social committee has lots of fun activities coming in 2022, including more live music concerts. If you'd like to join the social committee and help turn up the fun, please contact me.

The AMAZING and WONDERFUL Lori Christopher, Committee Chair,

[lori@saloncreativegroup.com](mailto:lori@saloncreativegroup.com)

(license may been taken in the signature of this announcement)

## **Water Committee report**

**Erik Smith read report- thanks to Chris Inman for providing he report**

### **Water Update 1-13-22**

Water produced in Dec:

	Dec	YTD
Wells	180,660	3,546,090
RO	95,100	933,830
Totals	275,760	4,479,920

During Dec the Wells performed as expected and the RO produced as expected as the water in now much cleaner.

The production from this period was 9% less than Dec of last year. The water mix was 66% wells and 34% RO.

The YTD produced is 4% less than the last 2 years avg of their YTD amount.

## **Motion to adjourn to executive session at 12:16pm**

Erik motions

Kelly seconds

Vote

Paula Bafaro- President                      Yes

Dan Jensen- VP                                      Yes

Don Stark- Treasure                              Yes

Kelly Dukes- Secretary	Yes
Erik Smith- Trustee	Yes
Aimee Chambers- Trustee	Yes
Ray Stephanson – Trustee	Yes

Motion passes.

We will come back after executive session if there is anything to report.

### **Return from executive session at 1:27pm**

Nothing to report

Motion to adjourn

Ray motions

Don seconds

No discussion

All in favor

Vote

Paula Bafaro- President	Yes
Dan Jensen- VP	Yes
Don Stark- Treasure	Yes
Kelly Dukes- Secretary	Yes
Erik Smith- Trustee	Yes
Aimee Chambers- Trustee	Yes
Ray Stephanson – Trustee	Yes

### **Motion passes- meeting is adjourned**

### **Rules of Conduct**

1. This is a meeting of the Board of Trustees, not a community meeting.
2. Community comments are welcome during the Community Input portion of the meeting and/or as called for by the presiding officer. The presiding officer will announce when comments will be heard. Please be patient.
3. Any community member wishing to speak must obtain permission to do so from the presiding officer.
4. Please give your name and lot number before speaking.
5. All remarks must be addressed to the presiding officer.
6. Comments shall be limited to three minutes or less for each person on any given subject.
7. Any derogatory remarks will not be tolerated.

