



Foxhall Community Association
Board of Directors Meeting
March 7, 2023
Zoom 7:00 p.m.

Board Members Present:	Foxhall Members in Attendance:	
John McKinnon, Secretary	Kit Metlen	Doug Dyjak
Greg Darnell, Treasurer	Rose Eilts	Sarah Hock, Joint Animal Services
Karen Dillon, At-large/Facilities	Suzanne Adams	Denise Solveson
Andrew Kolibas, President	Donna Bosshard	Tammy Findley
Katie Bundtrock, Vice President	Keith Long	Megan Soria

Call to Order (Andrew)

Andrew called the meeting to order at 7:02 p.m. via zoom.

Verify members in attendance for minutes (John)

Five board members and ten guests were in attendance.

John requested permission to record audio of meeting.

Guest Q&A Regarding Encounters with Aggressive Dogs (Karen)

Guest speaker: Sarah Hock, Executive Director, Joint Animal Services. sarahjh@jointanimalservices.org
Office phone: 360-352-2510 ext. 1006

Presented power point presentation ([see News page on FCA website](#))

Complaint Process – FAQ

Download a form or submit a complaint online at <https://jointanimalservices.org/forms-information/>

Process may take a couple of days up to a couple of weeks.

You can request public records of the process.

Thurston County Municipal Codes (categories or levels of infraction or threat by dog)

https://library.municode.com/wa/thurston_county/codes/code_of_ordinances?nodeId=TIT9AN

At large – off property, not under control of owner

Nuisance – generally 30 minutes of continuous barking

Menacing – off property

Potentially dangerous dog or dangerous dog –

Exemptions – trespassing on property owned by dog owner, tormenting or assaulting dog

Dangerous dog – severe injury

Require kennel and bond

1. What happens once a complaint is filed?

If the dog is loose, someone will be dispatched to the site.

If the incident is not on-going, it will be investigated or logged for future reference.

2. After a complaint is filed, how long does it typically take before action is taken?

It could be immediate or the incident is recorded for reference should another incident take place.

3. If a letter is sent to the dog's owner, is the name of the person who filed the complaint identified?

Yes, it is available through a public records request.

4. Are there any "set back" guidelines for how far an aggressive dog should be from the property line?

No, as long as the dog is contained.

5. Are the dog's owners ever told to make a better fence so their dog can't get out, or get through any part of the fence?

If the dog gets out, they may be cited. If they don't correct the situation they may continue to get cited whenever the dog gets out.

6. What if the dog sticks its head through the fence (so that its head is over our trail) and is snapping at people walking by? Is this valid for a complaint?

Yes, it is breaking the plane of the property line.

7. What if we have incomplete information? What do we do when a dog attacks someone (or a horse) but we don't know who owns the dog? What if we observe an incident and know the owner but can't identify which of two similar dogs was involved?

Document it to the best of your ability. It should not prevent you from reporting an incident. Documented complaints are useful, even if incomplete, because there may be other related complaints on record.

You can call, submit a form, and/or submit photos or videos. If the dog is loose, animal control may be dispatched to the scene. You can also, if you feel it is safe to do so, secure an animal at your property for animal services to collect, or even bring the animal to animal services.

You have the right to protect yourself or your own animals. You may use pepper spray, for instance.

Reports filed well after the incident become part of the record, but do not lead to an investigation or immediate action.

Permission to record audio for purpose of recording minutes (John)

No objections to recording.

January 12, 2023 Minutes (John)

Motion: Approve minutes of FCA Board Meeting dated February 8, 2023. Moved to approve by Greg. Seconded by Katie. Discussion: None. Result: motion approved unanimously.

Olympic Trail Dog Encounters (Karen and Andrew)

Andrew contacted the owner (outside of Foxhall) by phone regarding his dog getting on the trail and biting a horse and menacing walkers. He was polite but did not recognize any fault. He raised concern

about our resident speaking with his daughter about the dogs. He suggested if there are incidents, then our members should report them (rather than talking to him or his daughter).

Karen followed up with Animal Control regarding what actions we should suggest.

The fence at this location is a Foxhall fence. The cost of a replacement for this section of the trail is being investigated. Approximately 300 feet of 5 foot fencing might cost \$1200. Greg recognized an error in reserve documents regarding length of that portion of the fence and therefore the amount reserved for replacement. The whole section specified in the reserve study is shown as 400 feet rather than the actual 1400 feet. Greg said he doesn't feel that Foxhall should be responsible for a fence that should be the responsibility of the dog owner, but given that reports were not filed that could have led to corrective actions by the dog owner, he feels that a fence may be necessary to protect our members. Karen will encourage those who had the encounters to file their reports. Perhaps warning signs need to be posted at that part of the trail. The trails committee discussed this issue. Karen contemplates a letter to the dog owner and the need to contain the dog during the construction period if we should decide to rebuild our fence. Andrew asked about the current life of the existing fence. The reserve study has an estimate for when it is due for replacement. John asked about current standards for replacement. The reserve study would assume replacing like with like. A five foot dog-proof fence would represent an upgrade.

Financial Update (Greg)

Reserve fund transfer has been made.

Status of unpaid dues: 5 of 6 paid, remaining unpaid will receive cert. letter as last warning before action of attorney letter.

Insurance Coverage: Directors and officers policy will increase 17%, which is in line with other HOAs with our history including defending a lawsuit. Regarding general liability coverage, there is a limited pool of insurers for our type of coverage. We are covered for trail use. It does not need to be explicitly stated in the policy as long as it is not explicitly excluded. Greg went into detail to describe how coverage is characterized for commercial general liability policies. Classification codes are assigned to a wide variety of activities that have risk (see link: [General Liability Class Codes](#)). These codes are used by the insurer to inform the rate they charge for a policy. However, these codes do not dictate or limit coverage as long as the insured has disclosed the full nature of its business to the insurer ([see link: The ISO Classification System](#)).

Our insurance agent has written a letter stating his view of our trail use coverage (see letter, page 78 below). Among other statements, he says that if the Association (FCA) is doing due diligence (maintenance), having appropriate signage, and obtaining a Hold Harmless and Certificate of Insurance from the Equine operator, it will help to mitigate for any claims. He further stated their view of acceptable uses of our trails as walking, equestrian at a walking pace, occasional pedal bicycle usage and persons with disabilities using motorized wheelchairs going slower. A previous letter excluded motorized vehicles, including e-bikes.

Greg presented Johnston Policy document. Greg suggested we ask the Johnstons to increase their liability amounts to match ours. Greg also questioned some of the details of their coverage and hold harmless statements. Greg said he would ask our agent if the Johnston coverage is sufficient to satisfy our insurer's requirements.

Andrew asked Greg to get an estimate the cost of getting legal opinion regarding coverage.

Karen asked about the proposed hold harmless document to specify both the property owner and its clients.

Andrew mentioned member queries on the issue of issue. He suggested getting legal advice regarding how to handle what we might perceive as harassment by members demanding information and action from Board members. What amount of time is reasonable for response? How do we determine if persistent requests cross the line to harassment? When is it appropriate to seek a Cease and Desist order? John suggested developing a policy or protocol for how to process member communications.

Motion Andrew moved: The Board agrees to allocate two hours of attorney fees not to exceed \$800 to receive advice regarding communications of an aggressive, hostile or demanding nature. Seconded by Karen. Discussion. Unanimously passed.

Facilities Update (Karen)

Request to reserve picnic shelter: we have our first request to reserve; picnic shelter committee will help set guidelines regarding the reserving and use of shelter.

Mowing contracts: Jeff proposes the same bid as last year. Getting feedback from vendors

Clean-up at front entrance: fallen limbs picked up, more clean-up to do

Retention pond work: Greg worked on downed tree, more clean-up to do

From a meeting of the trails committee: trail adjacent fencing belonging to member properties was discussed and new guidelines were proposed (see page 80 below). Karen offered that we could add this topic to a future agenda or discuss the proposal now. The proposal was sent to the Board and to the ACC. This is ACC business. However, the Trails Committee answers to the Board, so the Board should also consider the proposal. Greg suggests Board members read the proposal and decide if they agree with the details.

Trail Survey Report (Greg) (see summary below)

Greg pointed out highlights from survey. Two thirds of members are happy with the rules the way they are. Next steps involve some revisions of guidelines. John has begun a draft of revisions. Clarification is needed on whether running is allowed, who may use the trails, courtesy statements, etc. The draft can then be reviewed by Board members, Trails Committee and general membership.

Board Election Preparation (John)

Three candidates for three positions:

Agenda for meeting: election, treasurer's report (compare fiscal budget to actual expenditures), facilities report, trail committee report, trail survey results (share pie graphs and mention points that require clarification) and possible next steps for the process of revising guidelines.

Proxy form: added instructions on how to rescind, updated the RCW citation

Location: Andrew's barn – special requests of members for mailing, bring chairs, dress for cool barn, parking limited? Rejected choices of rented spaces and free location of North Olympia Fire Station as too far, other past locations not available.

Official Notification: to include agenda, location picnic shelter flyer, method of mailing - all by USPS before March 15th, new email method will be used as well.

New Business

Proposed project on vacant property (Greg) Property owner wishes to build barn, has received ok from ACC. Greg contends that building is not permitted based on the fact that the barn on the property does not constitute residential use, further commercial use granted only to residents. This is an immediate issue due to the information where building permits are in hand. Discussion included issue of resident versus member. Karen has reservations regarding keeping livestock with no owner on the premises. Greg will write a letter to the owner regard. John will communicate the board's decision to property owner.

Discussion of E-mail dated 2/27/23 from Rose Eilts, tabled due to lack of time at this meeting.

Upcoming Meetings and Event

- General Membership Meeting: 7:00 pm, Kolibas barn, April 5th
- Board of Directors Meeting: May TBD

Greg moved to adjourn. Seconded by Katie. Discussion: none. Motion passed unanimously.

Meeting adjourned at 9:09p.m.

Member Comments

Two minute limit on comments:

Tam Findley: wants to know about her request for insurance application, documents.

Denise S.: stated absence of iso classification in insurance documents.

Tam: wanted to know if she is to be the subject of legal advice.

Donna: objected to our method of sharing survey information, requests presence on website.

Rose: stated she meant no disrespect in her email

Kit commends board members for their conduct.

Approval pending, 2023