



Foxhall Community Association
Board of Directors Meeting
November 9, 2023
Zoom 7:00 p.m.

Board Members Present:

John McKinnon, Secretary
Karen Dillon, At-large/Facilities
Katie Bundtrock, President
Dave Fleming, Vice President
Alan Vaughn, Treasurer

Foxhall Members in Attendance:

Denise Solveson
Tam Findley
Doug Dyjak
Greg Darnell
Donna Bosshard
Laura Nolting

Call to Order (Katie)

Katie called the meeting to order at 7:00 p.m. via zoom.

Standing Rules (Dave)

Dave stated the standing rules: there will be a member comment period at end of meeting; speakers should be recognized by the chair/president; and time limits of two minutes for speakers and 10 minutes of debate on a topic, with the option of extending those periods.

Agenda (Katie)

Motion to add a discussion of renewal of insurance policy and to add a discussion of the proposed by-law regarding equestrian operators, seconded and passed unanimously.

October 12, 2023 Minutes (John)

John read the minutes of the previous board meeting. The date in the heading will be corrected to October 12;

Motion: Approve minutes of FCA Board Meeting dated October 12, 2023, as corrected. Moved by Dave. Seconded by Katie. Discussion: None. Result: motion approved unanimously.

Verify members in attendance for minutes (John)

Five board members and six community members were in attendance.

Financial Update (Alan)

FCA Financial Report FY23 Close Out, as of 11/08/2023

- All checks/invoices have been cleared for Fiscal Year 2023.
- Funds Remaining (Surplus FY23): \$3,373.04

One remaining action item not completed in FY23 due to labor and/or weather.

- Discussion: Fund fencing repairs/security along Whoop-de-doo trail (aggressive dogs).

Would \$1,543.04 be adequate to complete the job (trails committee)?

- Discussion: If fencing repairs are not deemed necessary, recommend placing the above funds into the reserve account to supplement the length adjustment to Olympic Trail (life cycle replacement) according to the 2023 LV3 Reserve Fund Study.

Alan proposed \$1,830 (\$15 per/lot) be held as a credit towards FY25 dues.

Dave moved that the surplus from the 2023 budget be carried over to the 2025 budget for an offset against dues of \$15 per household. Seconded by Karen. Approved unanimously.

Account Balances

Checking: \$3,182.90 (FY24 Funds)

Savings: \$20,006.75 (HOA contingency fund for weather-related or legal expenditures)

\$775.00 Keith Long Memorial Fund (Picnic Shelter)

\$26,357.66 (FY24 Funds)

FY24 Dues Received [101 of 122 lots]: \$6,930 remaining to collect (delinquent).

\$3,373.04 (FY23 Funds)

Reserve: \$34,977.09 (FY24 contribution will be made after all dues have been collected)

TOTAL CURRENT FUNDS ON HAND: \$88,672.44

FY24 Budget Update: Current Expenditures \$3,759.44

Invoice process discussion: Many members requested a change in their preferred method for receiving invoices and some requested additional payment options. Alan noted the higher cost of physical mailings, the 3.5% charge for credit card transactions, and the need for the payers to contact him individually to make a payment by credit card. This topic will be revisited during the coming year in advance of the next budget cycle, perhaps beginning in April.

Katie suggested that the 21 remaining households be given the option of paying by credit card. Katie suggested the option be included in any delinquency notices.

Insurance update: Alan investigated other insurers for liability coverage options. He was unable to find any others, partly due the fact of the lawsuits in our recent past.

Therefore, he renewed our current liability and excess liability policies. The directors' liability insurance comes due in March.

Facilities Update (Karen)

Traffic study: an additional study was performed on Foxtrail Dr. with a speed of 33mph at the 85th percentile (85 percent of speeds recorded were at 33mph or lower). The county uses the 85th percentile speed for traffic reporting and evaluating speed limits.

We are on the list to receive a radar cart for the portion of Foxhall Drive between the lower entrance and Foxtrail Drive.

The county has a traffic calming program which may include a presentation to the board. They prefer it to be by Zoom. Different measures can be discussed. For example, speed bumps/cushions must be initiated by neighborhood petition. Karen will arrange this presentation, perhaps for the January meeting.

There was a discussion of a near head-on collision where a driver on a cell phone drifted far into the oncoming lane. It was suggested that center lane striping would be helpful on our roads. Karen will check on this measure and collect questions from the membership in advance of a future meeting.

Laura Nolting had a question to present to the county about safely accommodating both cars and horses on our roads.

Trails Committee Chair: Jessica Bradley has resigned her position as chair. Greg Darnell has been nominated to replace her as chair.

Karen moved that Greg becomes chair. Katie seconded. Passed unanimously.

The trails charter does not specify a length of term for any of its members.

Culvert replacement and maintenance: Thank you to Greg, Rob, Kit and Brad who worked on the project to clean out 16 culverts. They also replaced a culvert on Short Trail.

Trails Map was delivered to the fire department. This provides emergency responders with better information for locating anyone who may be injured on the trail system. Thanks to Rob Armstrong for doing this.

New trail signs to reinforce rules for yielding to others on the trail. This expense to be paid from the 2024 trails budget. This is in response to recent, potentially dangerous, incidents involving encounters between cyclists

and horseback riders. These signs are meant to make it clear that cyclists must yield to walkers and horseback riders.

In person meetings: Karen proposes an in person meeting at the fire station for April 11th for 90 person room. There is no fee. Katie expressed desire to continue with Zoom for board meetings.

Next up for facilities: contracts for mowing and general maintenance.

Old Business

Status of fencing guidelines review (John and Dave)

Dave has contacted Jessica Bradley regarding the information we wanted, and with Bob Pendle regarding the ACC perspective. Dave, John and members of the trails committee will get together to talk about the proposed guidelines and possible revisions. John and Dave will arrange with Greg a time and place to have such a discussion.

Insurance By-Law Proposal: Greg Darnell spoke to the issue of having a by-law concerning equine operators using Foxhall trails that specifies the following requirements (as requested by our underwriter in response to a query from Greg when Treasurer):

1. Hold Harmless Agreement from Equine Operator;
2. Certificate of Additional Insured naming FCA, with CG2010 endorsement (Extends Equine Operator's coverage to include events on FCA properties);
3. Waiver of Subrogation Endorsement (blocks ability of the Equine Operator's insurance company to sue another party (such as FCA) that caused them to suffer an insurance loss);
4. Primary and Non-contributory Endorsement (makes the Equine Operator's insurance policy the first one to pay and prohibits their insurance policy from seeking contribution from FCA's insurance policy).

Points raised by Greg in support of this proposal:

- if certain residents profit from the use of FCA trails by their clients, Greg believes it is fair to require them to bear the costs of insuring that usage;
- obtaining a Hold Harmless and Certificate of Insurance from the equine operator was among the measures suggested by our insurance agent to help mitigate any liability claims. [See Liability Insurance Letter](#) link posted on Meeting Minutes page of Foxhall website.
- the objective of the insurance requirements is to ensure that the equine operator's insurance is the primary insurance, should a claim arise from their client's use of our trails, thereby limiting the impact to FCA;
- FCA currently has one equine operator whose own policy fulfills some, but not all, of these requirements;
- Greg believes these requirements may be considered a charge or cost for the use of FCA property, and is allowed by the covenants and by-laws;
- these requirements are intended to apply to trail use by unaccompanied guests or clients;
- Greg contends that insurance for equine operators is universally required when someone is using another's property for commercial uses.
- homeowners may not be aware that standard homeowner insurance may not cover them if activities on their property generate income of \$2000/year or more;

Greg proposed creation of an ad-hoc committee to draft some by-law options for Board review, followed by advice by an attorney regarding appropriate legal language, and finally placing the by-law before the community for a vote.

Issues/questions raised in response to this proposal:

- Are these requirements of the FCA policy, or recommendations from the agent and underwriter?
- How costly would these requirements be for an operator?

- Do our governing documents currently allow for such a requirement or would a Board-approved rule suffice? We would need some legal advice for how to create and implement these requirements within the scope of FCA governance.
- How would this requirement be enforced?
- Is there any history of the FCA requiring insurance by any individual homeowner?
- How many property owners have equine operations?
- Are equine instructors necessary or desirable on the trails?
- Would equine operators who do not offer their clients access to the FCA trails be exempt from these requirements?
- Are there superseding county regulations that govern equestrian uses and are applicable to property owners within FCA;
- Does the ACC hold any applications/agreements from property holders that relate to permitted uses for approved structures such as barns or arenas?
- Should we communicate our actions on this topic to our insurance agent?

John stated we should seek advice of an independent, disinterested professional to advise us on the extent of our risk, if any, and what actions may be warranted.

Alan moved to be able to extract \$2500 from our prescribed legal contingency fund to further address this issue, Karen seconded, passed unan.

Dave will come up with a list of potential consultants from which the board may choose.

Future board meeting guest: Dave arranged for Ken Nelson from Forest Park HOA to attend our December board meeting.

Mailbox Security: Katie proposed installing real or fake cameras, along with a sign to alert people to their presence, at the vandalized mailbox near park 1. A camera may be donated by Judy Johnson. A camera at any location would have to be situated on the property of a homeowner and be the responsibility of that homeowner, not the association. Denise said they have prepared the fix for the outgoing mail slot of the boxes located near park 1, as suggested by the postal service. It eliminates the outgoing mail slot and the place where a crowbar has been used.

Upcoming Meetings

Board of Directors Meetings: Second Thursdays of each month

- December 14
- January 11

Member Comments

Denise asked if we have exactly the same insurance policy. The answer is yes. She maintains that our policy does not cover use of the trails. The Board maintains that use of the trails is included in our liability coverage.

Adjournment

Motion to adjourn. Moved, seconded, and passed unanimously. Meeting adjourned at 9:12 p.m.

Minutes to be approved at next Board of Directors Meeting: December 14, 2023