



**Foxhall Community Association**  
**Board Meeting**  
**October 10, 2019**  
**South Bay Fire Department**

**Board Members Present:**

Robert Jackson, President  
Andrew Kolibas, Vice President  
Don Noyes, Treasurer  
Judith M. Anderson, Secretary  
Greg Darnell, Facilities

**Foxhall Members in Attendance:**

Donna Bosshard  
Jessica Bradley  
Bruce Brinton  
Steve Hewitt  
Bert and Lynn Lewis  
Theresa Lowe  
Kit Metlen

**Call to Order**

Called to order at 7:04 p.m.

Andrew read the September 11, 2019 minutes.

**September 11, 2019 Minutes**

There were several administrative changes made.

**DECISION:** Don moved to approve the September 11, 2019 minutes with corrections. Andrew seconded. Unanimously approved.

**Budget Update**

Don felt the October 8, 2019 meeting went well. He disseminated an updated budget and areas discussed during the October 8 meeting are highlighted in yellow. Don wants to move forward in order to mail out the budget to the membership on time.

Greg would like a few clarifications on some input from membership that was discussed but not dealt with during the October 8 meeting. The first is the umbrella insurance. He feels it needs to be clarified that it was a partial coverage last year. Don is still working with insurance company and will ask for clarification but we are on a timeline. Andrew asked for clarification on the picnic. Don noted that we usually round up numbers. Carolyn will remove all the highlighted areas and also have the RCW quoted and is read to make copies for mailing.

Greg would like to make sure that members know why some of their input were not included such as:

- A year-round porta potty. Other items prioritized higher and it is expensive and not sure about the need during the winter months.
- The input about improving the grass in Park 1 will already be covered under the current maintenance budget. Seed will be definitely covered and if there are remaining funds, we will fertilize.
- Horse Shoe Pit = Greg noted that this was a low-cost improvement. Could purchase tournament sanctioned pits at estimated cost of \$50. He noted Judith has pee gravel to donate to fill in the pits. We can discuss at a later time and line up volunteers etc.
- In the budget itself some sort of clarification of reserve versus saving.

Don noted that Carolyn has done the budgets for a very long time in this format. Recommended changes are difficult. He believes at this time we go forward with the same format and have the Board look at reformatting at a later date so it has time to vet the suggested changes.

Heritage Bank calls it all savings and they follow what goes into checking, savings and reserve fund. Don conducts a yearly audit and will be doing so again. Greg disagrees and doesn't think the format is supported by the current bylaws.

Andrew suggested that at this time we do not change the format and review Greg's suggested changes at future Board meetings.

Greg asked that a footnote to be added to the bottom of the front page stating that surplus funds each year go to the reserve fund.

There was a robust discussion on the issue of delineation of the reserve fund. Bruce Brinton, former FCA Board member and treasurer, suggests that we are mandated by the State to have a reserve fund not a savings account. It would be prudent to have it separate. Bert Lewis noted that FCA is not required to have a reserve fund. Jessica Bradley suggested three accounts (checking, savings, reserve).

Don will discuss this all with Carolyn and the next FCA can make changes which would meet Greg's needs. Bruce asked for clarification that the Reserve Fund is not touched for operational costs. Don confirmed this.

**DECISION:** Greg moved to add a footnote to the bottom of the front page stating that the surplus funds go to the reserve funds. Andrew seconded. Robert, Greg and Judith approved. Andrew and Don voted against. Motion carried.

**DECISION:** Greg made a second motion to show a breakdown of savings (reserve vs. savings). There was no second. Motion dead.

**DECISION:** Don moved to adopt the budget for mailing with the addition of the footnote. Andrew seconded. Unanimously approved.

### Lawsuit Update

The Court of Appeals, Division II will hear the case on October 29, 2019. We will await their decision and go from there.

### Retention Pond Update

Robert wanted to recognize Greg Darnell for all his hard work on the repair of the outtake pipe. The Association was well served and in better shape now.

### New Business

Social Committee – Robert would like to see a volunteer group be organized to work on community events. For instance, there are lots of unused apples around the neighborhood, perhaps someone could organize an apple cider press event or making applesauce which could be given to community members or other organizations. Greg will post something on the FCA Facebook Page. There were other ideas brought up during the picnic. Movie night, chili cookoff, meeting around a firepit. No Board input is needed. It is all cost free and volunteer lead.

**ACTION ITEM:** Greg will post a request on the FCA Facebook Page and on the Foxhall website.

### **Proxy Form**

Judith drafted a proxy form for the budget meeting. It would need to be printed and sent out with the budget mailing. There was one change in language and the membership in attendance and a member suggested it be posted on the website and not be mailed out. We can insert a statement on the mailing that if they are unable to attend the meeting, they can download the proxy. Making the proxy form more generic and change only the date and time it is valid will make it less confusing.

**ACTION ITEM:** Judith will finalize the proxy form and have the webmaster upload it on the Foxhall website. She will also draft language to go with the budget mailing.

### Sign-in and Counters (October 30, 2019 membership meeting)

The Board needs to line up individuals to sign-in members and note who has a proxy form. Need to contact Mr. Fleming to see if he can be the Robert's Rule of Order. Judith will find individuals to sign in people. Andrew will find the counters. The budget membership meeting will be held at South Bay Elementary but in the Library, not the gymnasium.

## Other Business

Greg provided a facilities update.

- Final piece of the retention pond repair is installing the “trash gate” at the front opening of the input structure. All parts are in hand and Bruce Brinton will help install.
- Pond maintenance. There will be major tree removal on October 14, 2019. Trees are threatening the trail, pond fencing and stability of the dam. Trails will be closed. Announcement will be made on Foxhall Facebook letting them know what is happening and if they want wood or wood chips. Chain link fabric, damaged posts and top rails will be replaced after the fence line is clear.
- We will also be looking at the drainage issue in Park 1. It is too late to make any changes but they will be monitoring and observing where the issues manifest themselves. Tree trimming along the fence will need to occur to allow access for equipment.
- A member suggested making Park 2 a dog park but the retention pond area, during the dry season, could also be opened up as a park as long as we have containers for dog waste. The Covenants seem to allow for recreational facilities on said tracts. Other Board members were concerned about the liability due to the steep sides and individuals hurting themselves, however, thanked Greg for thinking outside of the box to address a member’s idea.
- Five moles have been taken out of the retention pond area.

Judith suggested that the Board start recruiting members for Board positions instead of waiting until the last minute. We can place something on the Foxhall website for a start.

Greg noted that there was a high-speed chase in Foxhall on Tuesday. At approximately 6:45 a.m. there were 2 vehicles parked at the roundabout at the bottom of the hill near Greg’s house. A Mercedes and an SUV stuffed with packages. A neighbor called it in. Sheriff arrived to investigate and the two men jumped into the Mercedes sped away leaving the SUV behind. Sheriff pursued them out onto Hawk Prairie road and Greg heard they were stopped by all the traffic. Not confirmed if they were apprehended. Jessica noted that the Sheriffs were with the SUV for about four hours.

Thank you to our neighbor for calling it in. Be Aware.

Next meeting October 30, 2019 – Membership Budget Meeting – South Bay Elementary Library  
November 13, 2019 – Board Meeting – Fire Station  
December 12, 2019 – Board Meeting – Fire Station

Meeting adjourned 8:30 p.m. Seconded and Unanimously Approved.

Minutes approved November 13, 2019

### Opened for Questions from the Audience

Theresa handed out a packet to each Board member that included:

- October 10, 2010 Email from Theresa to Board Members regarding the Thurston County Superior Court Ruling
- Memorandum from Dianne Conway (attorney) regarding November 19, 2015 Bylaw amendment regarding the trails, and April 20, 2018 ruling by Judge Skinder and her interpretation of the ruling.
- 2012 Insurance Services Office statement regarding Athletic Activities
- Portions of a Commercial General Liability Proposal form
- Liberty Mutual Insurance document
- Email from Ben Houk (attorney) to Debra Dyjak regarding insurance coverage regarding activities on the trails and other common areas. She was asking for specific language.

Theresa Lowe brought up insurance and noted the court ruling wasn't a win for anyone. Not matter the outcome of the COA, Division II decision, Judge Skinder's rule stands and she feels his ruling opens up the trails to motorized vehicles and others outside of Foxhall the use of our trails and we don't have the insurance to cover it. Our homes are our biggest assets. Don once again stated that he is working with the insurance company now and if Theresa could send him the information it would be helpful. He clarified that at one time we the insurance we had was acceptable. What changed? Theresa stated the signs changed. They at one time stated that guests must be accompanied by a member. Insurance is also tricky and she doesn't believe it covers commercial use. Don will continue to explore.