

Agenda

Hat Island Community Association
Board of Trustees Meeting
Working Session- Guest Policy
3616 Colby Ave PMB 335
Everett, WA 98201
(360) 444-6611

Wednesday March 1, 2023

6:00pm via ZOOM

Attendees:

Erik Smith- President	Virtual
Ray Stephanson – VP	Virtual
Don Stark- Treasurer	Virtual
Kelly Dukes- Secretary	Virtual
Aimee Caccavale- Trustee	Virtual
Dan Jensen- Trustee	Virtual
Roelof Burger	Virtual
Kim Gleason- Island Manager	Virtual

Agenda:

Call meeting the meeting to order
Working Session to address HICA Visitor policies

Background:

- Desire for "Safety" addressed during past Island Planning Retreat
- Short term rental growth - safety concern and subsidy concern
- Covid policy affecting marina/ferry/shuttle
- Committee feedback
- Rolling Island policies enacting addressing "visitors"
- Legal issues

Present Policy:

- Visitor/Guest Policy and Registration
 - How does HICA define an owner vs. visitor types?
 - How does HICA register visitors (electronic vs paper)?

Issues for the Board to address tonight:

- Do the existing Visitor/Guest Policies address safety concerns while balancing privacy concerns?
- Should the Board adopt new Visitor policies or maintain (with minor changes) existing visitor policies?

- Other?

Erik: Called the working session meeting to order at 6:03pm

The meeting focus is discussion of the Hat Island Guest Policy.
We will review current policy and discuss if any changes are warranted.

Erik: Requests a motion to discuss Hat Island Guest Policy for 1 hour

Ray: Motions
Aimee: Seconds

Vote:

Erik Smith- President	Yes
Ray Stephanson – VP	Yes
Don Stark- Treasurer	Yes
Kelly Dukes- Secretary	Yes
Aimee Caccavale- Trustee	Yes
Dan Jensen- Trustee	Yes
Roelof Burger- Trustee	Yes

Motion passes- discussion

After working session, the Board will be moving to Executive Session to discuss legal matters.

Erik: Years ago, we have several in person retreats with the Strategic Planning Committee hosted by Chuck Motson. The Strategic Planning Committee charter was to discuss the future of the island and the direction we wanted to go. Discussion included that many new people have come to the island and things are changing and how to adapt to those changes. Safety was a topic, with a desire to ensure that everyone knows and follows the rules to keep this a private island that is an oasis. This was voted on by the Strategic Planning Committee. Since then, the Board has prioritized our agenda with how we maintain safety while the number of new owners and visitors to the island continues to grow.

We also interfaced with the Governance Committee on this topic to discuss legal issues such as how to handle owners vs guests. During this time COVID-19 happened. That drove discussion on how to keep a safe distance on a small ferry. How do we prioritize owners over guests. The Board started to implement guests policies that were suggested by the Governance Committee and Vessel Committee. A lot of time was spent on reviewing the committee's recommendations. Many guest policies have already been implemented in conjunction to those recommendations and in alignment with COVID-19 guidelines.

Lastly definitions of guest and visitors have legal implications. HICA can't dictate what a homeowner does with their property. What owners can do with their property falls largely under the jurisdiction of the CCR's, the ACC and the WA State, such as how tall a home can be, the setbacks, commercial or residential use. There are some authoritative policies that can be implemented by a HOA. Previously HICA made an attempt to limit what homeowners do with their property, we were sued and lost. The

Board needs to balance safety but there is also the need for privacy of owners who just want to come here and do their own thing. This a substantial issue and multiple things need to be considered.

Ray: I served on the Governance Committee last year. Karen Conner did a great job Chairing that committee. An overriding concern was from property owners who had young families here years ago and who are now adult children. The policy to have their adult children sign in when the owner was not on the island felt quite offensive to them. Also, in discussing with folks that some owners do not have family nearby and close friends are like extended family. The concern that I heard from folks we don't want to appear to be the policy police when welcoming family and friends when owners are not here on the island.

Erik: I think that goes into our policies as we have some of those implemented.

Dan: I agree with Ray. That is certainly is not where potential issue of problems are when it comes to privacy and safety. In the past, pretty much everyone knew one another so you knew who was on the island. Now there are lots of new faces and some who only come to the island for a few days on a rental. We don't know who they are, and they don't know our rules. This is the area we should focus, so that people can have rentals for a reasonable period of time, but that the island does not turn into a sort of resort.

Aimee: Erik, I may be wrong. I don't think any family and friends want to go through these policies. I think the reason we had to do it that is way we to be fair to Airbnb /VRBO as well as visitors and family. I don't recall all the details, but recall the legalities of how we implemented it was a consideration.

Erik: That is something that I want to go to Executive Session to discuss the legalities of this.

Dan: When we have a property that has multiple owners, we asses for each of the owners. We should be able to look at something equitable that could be implemented. If someone is renting their property there should be some sort of equitable adjustment.

Kim: Here is some of the background. The last Strategic Planning Committee meeting was in 2019. One of the main topics was how to manage growth, which can be good and bad. Around the time of the Strategic Planning Committee, we had a person get on the ferry, and say they were going to a certain house (they knew the number). However, this person ended up knocking on someone's door in the middle of the night. We had to have the Snohomish Co. Sheriff come to the island in the middle of the night and remove them. This really triggered the safety concern. COVID-19 also played in the committee feedback as well as the legal issues.

Erik: That is a good summary of the background. I would like to ask for a motion to move into Executive Session to discuss the legal concerns for 10 minutes then we will come back into open session again.

Don: Moved
Ray: Second

Erik: Moving into Executive session at 6:20pm to discuss legal matters, we will be back shortly.

Erik: It is 6:47pm and the Board is returning to open session. We were discussing legal issues that affect HICA visitor policies.

Erik: Discuss current policy. A large number of the Governance Committee's recommendations have already been implemented. Kim can you please brief the group on existing policy and how guests register when they come to the island.

Kim: Sure, according to our HICA by-laws owners are listed on the Snohomish Co Assessors website. For myself as example: my husband and I own our home. Our adult children while they grew up here, they are no longer my dependents. When they visit the island, they fall under the extended family and guests' guidelines. When COVID started we had to set up a system, so we started with a paper sign in sheet. With time we found an online program that was easy to use that we adopted the use of. It can be found on the Hat Island website under guest policy. If you are having a family member or friend come to the island and you will not be here to greet them, they sign in on the guest sign in sheet. It is pretty basic name and phone number, takes about 2 minutes to complete. It gives them the documents that they need to be aware of rules they should be aware of such as outdoor burning and pets etc. The guest initials that they have read them, the office receives it, approves it and the office provides the guest a contact number for the island in the event they need to contact someone. The current rules state that guests need to have someone meet them at the ferry or marina when they arrive on the island. If an owner is not on the island, they are supposed to have a friend on the island meet their guest. Guest can only come on the ferry if an owner books the guest on Bookeo (ferry reservation system). When the guest arrives at the ferry the ferry staff asks if the owner will be on the island to greet you when you arrive and ask that the guest scan the QR code to review and sign the island policies. The process is very simple, the office gets the notification, and approves it right away.

Erik: I did this process recently just to try it, and was prompted to select one of three categories of guest. 1) Immediate family member 2) Friend/extended family 3) Renter/commercial guest. Guests in category 2) & 3) are to be greeted by the owner or a designated owner's representative.

Kim: Correct.

Erik: Do we charge a fee difference for the 3 different classifications?

Kim: No. they all pay the same price on the ferry. If they are on the golf course everyone pays the same guest rates. If they arrived in the marina via a guest boat they would pay the guest rate.

Erik: If bring over 5 friends, do I just book them on the ferry and ask them to go to the Hat Website and register in advance?

Kim: yes, great if they pre-register, but if not, the ferry crew will have then scan the QR code when they arrive at the ferry.

Erik: Playing around with the number of guests, if I have 11 friends do I do the same?

Kim: 11 guests cannot all come on the same ferry, the max is 10 people on a ferry run. The registration process for 10 people is the same as for 5 (or 1). If an owner wants to bring over a larger group then the ferry is available for charter. I did this for my son's wedding. I chartered the ferry and each guest registered in advance.

Erik: Ok that is how we have it know, but I see that we also have a policy that guest have to bring a copy filled out to the office within 4 hours of arriving.

Kim: That is no longer the process and should have been removed when we moved to the electronic registration.

Erik: Ok, so based on the summary we just reviewed, I believe that our current policy largely has adopted the recommendations of the Governance Committee. That being said, do we believe there is a need to revise our policy?

Kelly: It is my opinion from the safety standpoint our current policy meets the current needs. There could be some tweaks along the way, but I believe the current policy largely has captured the recommendations from the Strategic Planning Committee and the Governance Committee.

Aimee: I feel the same way. The ease of the registration is good, and having to acknowledge that you have read the rules.

Roelof: I agree. Two gateways to arrive on the island, the ferry and the marina and both ways there is a registration.

Erik: How do you feel about a non-immediate family member guest or renter needed an owner or owner representative to meet them?

Aimee: I do not have an issue with it. If I had someone coming over that had not been on the island before to ask Kelly or Paula to greet them and ensure they had someone to ask questions of or there was an issue they needed help with.

Kelly: I agree. We have already identified that immediate family do not need to be greeted. Extended family and friends and renters/ commercial guests, how would they know how to move around the island.

Ray: I have a different perspective. I have friends who come to the island frequently and visit my home when I am not here. They can't take rapid transit because it does not go down to H Div. the only way they are getting to my home is in my car. They know where it is and where to find the key. I do not think it is necessary to have them greeted.

Aimee: Ray, I understand what you are saying and it is valid. Kim correct me if I am wrong, but it says being greeted, but is it really more that there is someone on the island that is responsible for the guest in the event that they need help. We have no way of telling if someone is for sure greeting them or not.

Kim: It would be impossible for my staff to police this.

Aimee: Could we revise the policy to have it say that they do not have to be greeted, but that they have a responsible party available to contact? I am just trying to think creatively.

Ray: Yes, that would work. I would hope that the first call the office would make would be to me as the owner. Hey, there is someone at your place, I know who they are because they registered, but they are trying to burn the beach down. I would like that call to come to me first.

Erik: Sounds like we are looking to have this be similar to how we handle boats in the marina when the owner is gone. A representative is listed as the responsible person in the owner's absence as a backup.

Discussion: Agreement.

Don: That approach has the benefit of not having a policy in place that we have no ability or intention of enforcing.

Kim: We have enforced it with the larger groups, but the smaller ones are really hard to enforce. It is also a constraint as these activities often happen on the weekend and the office isn't open. It would be good to have a person available on the island that they can turn to for advice. Of course, we will always call the owner first.

Erik: What happens with a boat or a house and the owner is gone and the boat damages another boat or the guest burns down the house and the house next door. Is the owners delegate responsible as they were the ones watching over the boat or guest? We don't want HICA to be responsible.

Kelly: I think the onus is on the owner select someone that they implicitly trust. If the owner selected the representative that was their choice.

Discussion: Agreement that the owner is responsible.

Erik: We are a bit over time, can I have motion to discuss this for 15 more minutes

Ray: Motions

Kelly: Seconds

Erik: It sound pretty good to me that a house representative is appointed, but to change the policy so the house representative does not have to physically greet them when they arrive.

Kelly: Yes, the homeowner is assigning a delegate to represent them in their absence, but that the delegate would no longer be required to meet the guest at the ferry.

Erik: Kim I suggest that we digest these thoughts and look at an amendment after we have time to consider. Would we be able to implement this in the Jot system that we use to have guest acknowledge the rules?

Kim: I think we just need to re-write the visit guidelines and let the Board review at the next Board meeting.

Erik: Should we further refine what non-immediate family guest can or cannot do? Should they pay more for the ferry? Should they be restricted from activities different that owner and immediate family guests? We have implemented may new policies has that addressed everything.

Dan: I think this a complicated given all the different ideas as well as the legal issues involved. I would like to see 2-3 Board members to work this as a separate committee.

Discussion: Agreement that is a good approach. We will need to play devil's advocate and ensure all guests types (Immediate family, extended family and friends, renters/ commercial guests) are fairly represented and think through all considerations.

Erik: I would like to be part of it. Who else?

Kelly: I would be interested.

Ray: Having been on the Governance Committee I would certainly be willing to join and bring some of that institutional knowledge as well.

Erik: Sounds like we are not done yet, but making good progress. Kim is going to give a draft of the proposed revisions suggested for the Board to review and consider for approval at a future meeting. We are creating a steering committee that myself, Kelly and Ray will participate and discuss any further refinement of the different type of guests while ensuring equitable treatment.

Erik: Requests a motion to adjourn

Dan: Motions

Ray: Seconds

Vote:

Erik Smith- President	Yes
Ray Stephanson – VP	Yes
Don Stark- Treasure	Yes
Kelly Dukes- Secretary	Yes
Aimee Caccavale- Trustee	Yes
Dan Jensen- Trustee	Yes
Roelof Burger	Yes

Motion approved

Meeting adjourned at 7:23pm

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.

