R.I.I.A. BOARD MEETING
July 20, 2020 7:00
ZOOM Electronic Meeting, Raft Island

7:00 Introductions of those in attendance

Board Members Present: Hurley, Crain, West, Hirko, Phillips, Mummaw, Williams, Rees,

Board Members Absent: Joyce, Haur

Members Present: Allen Benson, Jeff Leas, Chor Li, Anne Scea, Mike Neal, Jeff Davis, Mike Parsons, Carrie Fort, Glen Stewart

Request to Add Agenda Items: none

Member's Request to Address Board: none

Approval of minutes: June minutes - approved

Treasurer's Report – HOA solutions hasn't submitted the report as of the meeting time. Hurley asks why we have extra \$31,000 in USDA repayment fund. Will be covered in Investment report.

Manager's Report -

Lot 78, Berglund – owner needs lien released. Will release lien with proof of payment of delinquency

Lot 122, Burrows - damage to road by septic contractor.

- Need a policy on road damage:
 - Don't want everyone doing different repairs to keep the repairs as uniform as possible and in harmony with the new roads. RIIA has already had experience with one contractor who repaired the road and did a poor job. RIIA has no privity of contract with the homeowner's contractor who damaged the road, therefore, it will be difficult for RIIA to deal directly with the contractor.
 - The following was decided:
 - RIIA sends a letter to the homeowner, stating RIIA will get an estimate for the repairs to the road and homeowner can recover from the contractor who damaged the roads.
 - Hurley will contact AA Asphalt and Miles Sand and Gravel and get estimates. Since the damage was at the side of the road, it may be a substrate problem, (having the original contractor who built the roads, Miles, look at it, may result in them taking responsibility for a problem with the substrate installation.)

We are skipping late fees through August 1st per the Governor's Proclamation, but the below three accounts on Raft Island are due to be liened:

Account 15871 – **Wood/Blash Lot 38** – Account balance \$1,597.31 (still making \$35.00/month payments)

A #: 15871	Owner	BOARD HOLE	6/29/2020	-200.00	AAFSLB-200629.txt		
Wood/Blash-Wood	I,Scott & Holly		LATE FEE				
38 Raft Island Drive	e NW						
5/14/2020					0	Assessment	120.00
					3	Finance Charges	4.01
					3	Late Fee	20.00
					30	Tree Cutting	1,323.30
							1.467.31

This balance is from the tree clean up. They have been paying on it, slowly, but they're paying on it. At the time, the Board agreed not to charge late fee and finance charges on the balance of the tree debt. This lot will not be liened at this time.

Account 15917 – **Sylvain Lot 86** – Account balance **\$1,030.27** (last payment January 2020)

Account 15988 – Sylvain Lot 164 – Account balance \$1,030.27 (last payment January 2020)

- → Does the Board want to record these liens?
 - The Board decided to go through the normal collections policy, and if it triggers the lien, then lien the property.
- → Does the Board want to pursue a personal judgement against Hewitt for the debt currently owing (approximately \$5500?
 - See minutes from June regarding this issue
 - Attorney Eklund recommends not pursuing at this time as Hewitt and Wells Fargo are currently engaged in Federal litigation on the issue of ownership of the property. Wells Fargo has been paying since Dec. 2019.

New Business:

- Bridge insurance policy because the bridge is a unique asset, we usually only get one bid to insure the bridge. Scea will let us know if the bid is extraordinary.
- Short term rental guests using beaches and other RIIA assets -
 - HOA Community Solutions set up a webinar contained a presentation by Attorney John Burley on Air B&Bs. In answer to Crain's specific question on this issue Attorney Burley cited cases that an Air B&B is not a commercial business. Crain will share the webinar, after which, the board can design a policy.
 - Hirko asks if the RIIA already has a policy concerning homeowners accompanying guests using RIIA assets. That should apply to Air B&B guests.
 - Hurley: what's to keep from starting a kayak rental business and using the dock? A
 commercial business is not allowed on the Island. Hurley stated that Air B&B uses Island
 amenities more than other residents and asks what should be done about that?
 - Scea asks where the policy regarding homeowners accompanying their guests is? It's in the towing policy on the website.
 - Neil suggests an Air B&B owner pay an annual fee and their guests get a pass to use the amenities.
 - Crain suggests we ask attorney Burley for assistance in a policy and fee schedule. Hurley will speak with Attorney Burley.

- USDA opinion on permissibility of gate Hurley would like to petition the community to explore the option of a gate. If the community wants a gate, then we look at options as to what it might cost and where we would put it.
 - A discussion ensued on whether the bridge has to be open to the general public. Crain stated that the USDA Office of Rural Development has given RIIA an opinion on this.
 Peter McMillin, the Rural Development Director in the USDA office in Olympia, sent the USDA's position to Charlotte Crain, who asked for an opinion in her capacity as RIIA President. He stated:
 - "As discussed, if the Raft Island Improvement Association was to install a gate, this action would violate the public use requirement as cited in 7 CFR 1942.17(e). Section 1942.17(e) requires that "[a]II facilities financed under the provisions of this subpart shall be for public use" and that all CF loans be open to the general public and/or that services provided by the facility be available to all who would seek them. The Raft Island Improvement Association Bridge is a non-utility (versus utility i.e. water or waste water system). For non-utility facilities, "for public use" means that anyone can use the facility, therefore gates would prevent public use and would violate the public use requirement cited in 7CFR 1942.17(e)."
 - Note: added by Secretary for clarification: Bruce Whittle, in the USDA Olympia office sent the following to the Chair of the RIIA Bridge Committee, when RIIA was applying for the loan to build the bridge in 2012: "Section 1942.17(e) states: "All facilities financed under the provisions of this subpart shall be for public use." This isn't limited to roads, of course, but applies to any RD-funded community facility. A road or bridge, like any other community facility, must be open to everyone on the same terms. So the association cannot limit the use of the bridge to only is own members."
 - Benson suggested a poll of the Island, then sending something to the USDA citing other examples of what communities have done to restrict access to the public, and exceptions the USDA has allowed and send the USDA a proposal.
 - Scea agreed with a survey, if people want a gate, put a committee together and they
 can discuss how to allow people contractors, delivery people, guests, etc., access.
 Someone noted that the original proposal from Hurley stated that the gate would be
 open during the day.
 - Hirko stated that any survey should be clear that cost has not been determined. Money
 is always a subject on the Island.
 - Hurley will put a survey together and share it with the Board for input before he sends it out.
 - Leas observed that for other projects on the island where a survey was taken, there is a minority response. He would like a majority response from the members, not a minority, regarding any decision on a gate. Several other attendees agreed that a response from a majority of the members should be required on this issue.
 - Hurley clarified this would just be a survey to see whether we should *consider* a gate.
 - Scea suggested that exploration is one thing, but final approval requires a super majority of the membership. Several other attendees agreed.
 - Chor Li asked if there is a dollar threshold for asking the Island about a project? There is not.

- Changing Article 1, Section 2.1, back to its original language prior to the May 2016 amendment, regarding Island roads being open to the public. This section was changed when RIIA was negotiating with the USDA to get a USDA Rural Development loan.
 - Scea stated this should go out with annual meeting announcement and with notice to the membership before the annual meeting.
 - O Phillips asks what the difference is if the roads are public or private? USDA required RIIA to allow public access, even if they are privately owned roads if Government funds were used to repave the roads. Subsequently, RIIA did not need government funds to repave the roads, so there is no requirement to keep them open to the public. However, changing the access, doesn't change ownership of the roads. The Roads have always been owned by the RIIA, and would have been even if government funds were used for repaving.
 - Barkin stated that the change is necessary because if the Island wanted a gate, the roads shouldn't be open to the public.
- Request for a partial easement vacate from the home owners of Raft Island lots 63, 65,
 & 67. see attached
 - Scea states they have a private driveway, which isn't part of Raft Island plats.
 Their private road isn't part of the RIIA assets. RIIA can't give up what it doesn't own. There is nothing in their deeds that describes their private driveway.
 - Hirko one of the original maps of the Island, shows Raft Island Drive was supposed to go around the lot 44, which may be part of their deeds.
 - Barkin opined that their request may go to what was the original platted road, but never built.
 - Williams and West suggested that the Board have Skaga or his attorney come to next month's meeting and explain what they want and answer the Board's questions. Hurley agreed to contact Skaga or his attorney.

Old Business: none

Committee Reports

- 1. Roads
 - vote on striping estimate (Hurley) the only estimate he's gotten is \$8000
 - Scea observed \$8000 is more than we have in the budget for any line item.
 - Hurley will get more bids.
 - responsibility for contractor road damage (see above)
 - shower heads at South Beach have been fixed and working
- 2. Security car seen on the Island is known to be associated with criminals.
 - Lots of non-residents parking on South Beach, cars have been stickered
 - In response to a question regarding towing as a deterrent, Hurley stated whoever calls the tow truck has to wait for the truck and go to the impound hearing.
 - Crain & Barkin will be on the list and are willing to wait for the truck and go to the hearing.
 Crain believes that towing one or two people will be a great deterrent.
 - Rees agrees we should tow some people. How would an Island member know who to call to have a car towed?
 - Barkin will set up Google voice number and have a sign made to post at the South Beach.
 - Williams suggested having the Island Manager send out a blast reminder to the membership that RIIA stickers are required to park at South Beach or near the bus stop.
- 3. Parks and Recreation -

Mike Neil built a kayak rack [THANKS, MIKE!] and proposes the following policy:

Raft Island South Beach small boat storage policy

As of July 2020 Raft Island has a new storage facility for small boats.

- 1. There are 30 spots available for small boat storage and each spot is numbered.
- 2.Small boats are defined as: Kayak, Canoe, Dingy or Paddleboard.
- 3. There are 24 spots 36" wide, and there are three spots at each end which are 48" wide.
- 4. The six end spots are reserved for wider boats.
- 5. The bottom rack is reserved for seniors 60 years and older.
- 6. The annual suggested cost for a reserved spot is \$25.00.
- 7. The annual fee is due by July one each year. Boats on the rack after July 1st must be removed if the space has not been paid.
- 8. If more than one vessel fits in a slot, the lot owner may put more than one vessel in a slot as long as it doesn't interfere with another slot. For example more than one SUP or more than one small kayak might fit in a slot.
- 9. After 30 Days of non-payment Raft Island will be allowed to dispose of the delinquent small boat in question.
- 10. It is suggested that the boats be secured with padlock and a cable or chain.
- 11. Raft Island is not responsible for lost or stolen small boats missing from the storage rack.
- 12. Small boats are not to be left unattended at South Beach Park unless a space on the rack has been reserved and the boat is properly stored.
- 13. Small boat storage is only available for Raft Island Residents.
- 14. Spots are available in 2020 on a first come first serve basis.
- 15. If there are more than thirty residents those who want a spot on the storage rack will be chosen by lottery.
- 16. Raft Island is not responsible for any injury suffered while placing or removing small boats on the storage rack.
- 17. Children will **NOT** be allowed to climb on the boat storage rack. South Beach Park has a beautiful play structure specifically designed for that purpose.
- 18. Each lot gets no more than one spot, unless there are empty spots.
- 19. If kayaks not on the rack, are subject to disposal.
 - Williams feels that each lot gets only one spot, unless there are empty spots.
 - Chlor Li asked what about boats that are there and not on racks?
 - Rees suggests that boats not on racks get stickered and after a month be disposed of.
 - Neil- send out an all Island e-mail to come get your boat if you don't have a spot.
- → VOTE TO ADOPT POLICY moved by Scea, seconded by Crain, unanimously approved. Hurley will have the Island Manager send out an announcement with the policy and ask Island residents to send expressions of interest to her, so that allocation can be decided before August 1st.
 - Note: added by Secretary: after board approval Rees wanted to re-look at the policy before it
 was sent to the membership. Policy has been 'paused," temporarily, then Board will have to
 revote on the policy before it is published to the membership.

The Parks Chair also proposes the following two additional policies:

The Parking at south beach is limited.

- There should be a 24-hour limit for vehicles parked in the spaces at South beach.
- Residents looking for extra over-flow parking for their residence need to use the spaces on the other side
 of the bridge near the bus shed. RIIA parking pass is required.
- Special Events and parties where parking would be necessary for non-stickered vehicles must be preapproved by the Raft Island Manager. Special events may not be allowed on weekends or Holidays.
- Special events might include school parties, Birthdays, Anniversaries or other activities desired by an Island Resident.
- A scheduled special event would not preclude other island members from using the facility.
- The Raft Island Manager should send out an all Island email alerting residents to the event.
- Vehicles will have a day pass they put in their window for the special event.
 - → VOTE TO ADOPT POLICY Scea will work on clarifying the policy. Rees also volunteers to work on the policy. Vote postponed.

The Raft Island Float

- The Raft Island Float is a temporary boat tie up for loading and offloading.
- Boats tied up to the Raft Island float should not be left unattended unless there are extenuating circumstances, in which case the Island Manager should be notified.
- Boats are not to be left tied up to the Raft Island float overnight.
 - → VOTE TO ADOPT POLICY Board will reconsider and clarify the wording. Rees to work with Neil and Scea.

Leas suggests we put stickers on boats. This idea will be put on the agenda for next month.

- Replacement of split rail fencing at the tennis court
 - Hurley will be purchasing approximately \$800 in new split rail fencing materials to replace the
 unsalvageable cedar split rail fencing at the tennis court. He will form a work party of local
 volunteers. Fence will be stained for longevity.
- → VOTE TO REPLACE FENCING West moved to approve, Crain seconded unanimously approved
- 20. Emergency Planning no report
- 21. Communication newsletter in Sept.
- 22. Investment Quarterly report: last quarter \$366,700+ in the Bridge Replacement Fund \$199,000+ in the USDA reserve fund. In the General Fund \$170,000
 - USDA RESERVE is \$31,500 ahead. Hurley asks if the \$31,500 can be used for other purposes. RIIA is required to meet a minimum in the USDA reserve fund, and anything above can be invested as we see fit. One of the requirements of the loan is that if RIIA doesn't meet the minimum in the reserve fund, RIIA has to refill it. Any excess above the minimum required would be a buffer for when the market drops. Additionally, the bridge is a \$6.7 M asset owned by the Island, and any repair is going to be big. \$375K in the fund for a \$6.7M bridge isn't much. Any excess needs to stay invested for the bridge.

A question was asked regarding bridge jumpers: If someone jumps off the bridge and breaks their neck, is that covered under the bridge insurance policy? Answer from Scea: The bridge policy is for the structure of the bridge. Injuries are covered under the general liability insurance policy.

Parsons asked how to get speed humps allocated? There is a problem with speeding in front of his house on Fir. He was advised to have his neighbors join in a petition to the board to have a speed bump added to Fir and the location they think would be most effective.

Adjourned at 9:40

Respectfully submitted, RJ West, Secretary

SOUND LEGAL PRACTICE, PLLC

July 14, 2020

Raft Island Improvement Association PO Box 364 Gig Harbor, WA 98335-0364

Sent Via Email: shirelle@hoacommunitysolutions.com

Re: Partial Vacation of Easement

Dear Board Members:

Please find the accompanying letter from Jerry Skaga outlining a request for a partial vacate of the easements related to lots 63, 65 and 67 on Raft Island. Additionally, attached is the draft of the partial vacate referred to in Mr. Skaga's letter. Should the Board have any questions regarding this matter, please do not hesitate to contact me.

Sincerely.

Stephen D. Dadabo Attorney at Law Lots 63 (Skaga) 65 (Clarke) 67 (Burnett)

Raft Island Board

Please see attached, a Partial Vacation of Easement prepared for your consideration. By way of introduction, this pertains to an easement at the back of our lots located (generally) in the southwest corner of the island. The Partial Vacation of Easement requests the vacation of the western portion of the 30 foot road easement along the eastern edge of our lots. We believe the Island may have already unofficially done this without recording the document. Our reasoning is twofold; There is no parcel number for the property taxes paid on our road (see Exhibit A). And, about 15 years ago Jerry Skaga asked that the Island pave our road when the Island was having other roads paved. The request was denied without an explanation. Quite possibly it was because the Island had actually already vacated the portion of the easement in this discussion.

When the Island declined to pave our road we proceeded to pave it at our own expense. We have used a portion of the easement for composting greens and planted trees. Some of these planted trees have been there 45 years. Our guess is that we would have control of this property by adverse possession but would prefer not to go this direction. In view of this history of use we would like official control of its use and maintenance as formalized by the Partial Vacation of Easement attached.

Please let us know if you have questions which we can answer to expedite your processing.

Sincerely,

for Property Owners, Lots 63, 65, 67

Jerry Skago

Return to: Jerry and Janine Skaga 63 Raft Island Dr NW Gig Harbor, WA 98335

PARTIAL VACATION OF EASEMENT

In consideration and mutual benefit, **RAFT ISLAND IMPROVEMENT ASSOCIATION**, a WA NON PROFIT CORPORATION, whose mailing address is PO BOX 364, Gig Harbor, WA 98335-0364, does hereby VACATE, EXTINGUISH, and RELINQUISH ALL RIGHT, TITLE AND INTEREST to the 30 feet West of the centerline of that certain Ingress, Egress and Utility Easement of 60 feet, recorded in the original Kuhn's Raft Island plat under Pierce County recording No.1421131 on the 12th day of August, 1946 in Volume 13 of Plats, Page 68 & 69 of PIERCE COUNTY, WASHINGTON.

This VACATION shall apply to the 30 feet West of the centerline on said Road Easement for the following three (3) parcels, each having 45 feet along the centerline; starting at the Southeast corner of Parcel A and ending at the Northeast corner of Parcel C as indicated on Exhibit "A."

Legal description Parcel A:

SECTION 09 TOWNSHIP 21 RANGE 01 QUARTER 11 KUHNS RAFT ISLAND SUB/DIV: KUHNS RAFT ISLAND SUB/DIV L 13 TOG/W TDLDS ABUTT & TOG/W COMMUNITY PROP INT (DCHBES11-24-82). SITUATED IN PIERCE COUNTY, WASHINGTON.

Tax ID: 4995000160. Common Address: 63 Raft Island Dr NW, Gig Harbor, WA 98335-5918

Legal Description Parcel B:

SECTION 09 TOWNSHIP 21 RANGE 01 QUARTER 11 KUHNS RAFT ISLAND SUB/DIV PARCEL B OF DBLR 90-10-23-0105 DESC AS L 14 TOG/W POR TR "C" BEG AT SE COR SD TR "C" TH N 87 DEG 14 MIN 25 SEC W 350.02 FT TO A PT 3.85 FT N OF S LI OF SD TR AS MEAS AT R/A TH N 89 DEG 03 MIN 43 SEC W 185.15 FT TO SW COR OF SD TR TH ALG S LI THEREOF S 87 DEG 52 MIN 14 SEC E 535.11 FT TO SE COR OF SD TR & POB TOG/W TDLDS ABUTT OUT OF 017-0 & 060-0 DC5174PL1/2/92BO. SITUATED IN PIERCE COUNTY, WASHINGTON.

Tax ID: 4995000170. Common Address: 65 Raft Island Dr NW, Gig Harbor, WA 98335-5918

Legal Description Parcel C:

SECTION 09 TOWNSHIP 21 RANGE 01 QUARTER 11 KUHNS RAFT ISLAND SUB/DIV: KUHNS RAFT ISLAND SUB/DIV PARCEL "A" DBLR 90-10-23-0105 DESC AS FOLL POR TR "C" DESC AS FOLL BEG AT SE COR OF SD TR "C" TH N 87 DEG 14 MIN 25 SEC W 350.02 FT TO A PT 3.85 FT N OF S LI OF SD TR AS MEAS AT R/A TH N 89 DEG 03 MIN 43 SEC W 185.15 FT TO SW COR OF SD TR TH ALG W LI OF SD TR N 11 DEG 13 MIN 00 SEC W 115 FT TH LEAVING SD W LI S 80 DEG 42 MIN 54 SEC E 555.47 FT TO E LI OF SD TR TH ALG SD E LI SELY 45 FT TO POB TOG/W COMMUNITY PROP INT TOG/W TDLDS ABUTT APPROX 22,797 SQ FT OUT OF 060-0 (DC5175PL1/2/92BO). SITUATED IN PIERCE COUNTY WASHINGTON.

Tax ID: 4995000600. Common Address: 67 Raft Island Dr NW, Gig Harbor, WA 98335-5918

This VACATION shall run with the land and is binding on all subsequent owners, successors, and their agents.

Signed:	Date:	Signed:	Date:
Name:	Title:	Name:	Title:
Signed:	Date:	Signed:	Date:
Name:	Title:	Name:	Title:
STATE OF			
COUNTY OF) ss.)		
On this day of	, 2020, befo	ore me personally appe	ared,
foregoing instrument, an deed of said corporation,	d acknowledged said for the uses and purp	instrument to be the fit poses therein mentione	, to me known to be cuted the within and ree and voluntary act and ed, and on oath stated that he fixed is the corporate seal of
In Witness Whereof I ha first above written.	ve hereunto set my h	and and affixed my off	ficial seal the day and year
		Signature:	
		Notary Public is	n and for
		Commission av	nires:

On this	day of	, 2020, before me personally appeared,			
		, &			
the		officer(s) of the corporation that execu	ited the within and		
foregoing deed of sai	instrument, and a id corporation, for authorized to ex	acknowledged said instrument to be the free or the uses and purposes therein mentioned, ecute said instrument and that the seal affin	e and voluntary act and and on oath stated that he		
In Witness first above		hereunto set my hand and affixed my offic	ial seal the day and year		
		Signature:			
		Notary Public in	and for		
		Commission evni	rec'		

EXHIBIT A

