

USBCHA-Directors' Meeting

7/29/20

5 PM PST, 8 PM EST

Attending: Officers: Peter Hall, Linda DeJong, Marianna Schreeder

Directors: Joe Haynes, Mary Minor, Terri Warner, Jan Stebbins, Angie Coker-Sells, Wyatt Fleming, Faansie Basson, Kay Stephens, Mike Neary, Jennifer Boznos, Linda Tesdahl, Lori Cunningham, Mich Ferraro, Sue Schoen, David Saunders, Frank Smith, John Palmer, Amanda Milliken, Milton Scott, Louanne Twa, Dianne Deal, Laura Vishoot, Cy Peterson

President's Opening Statement

Cattledog Update: Bob Johnson reported he has been having some conversations with Bob Wagner of the NCA indicating some interest in some sort of rapprochement with the USBCHA. Peter will have an informal conversation with Bob Wagner in the next week or so but any serious conversation will need a USBCHA representative as well as including member/s of the Cattledog Finals Committee.

Rule-Making

Proposal: This proposal will not affect any rules already passed and is partly in response to member feedback on the Interim rules. It is proposed that there be a 30-day comment period, possibly setting up a section on the USBCHA website to allow this. Question is whether there needs to be a change in the bylaws for this to happen.

Discussion/comments/amendments: The BOD is elected to represent their districts in order to simplify this. The Board then can choose a committee to help them make a decision and/or can do self-research to make decisions for their district. Question was raised whether opening every major decision to all members would complicate rather than simplify things, slow down the process and create more confusion. Alternate comment that many rules come without a lot of prior input from the members. Also a comment does not mean the Board has to act on it. Discussion was tabled to be examined in more depth at a later time.

Insurance

There is need for clarification on definitions in policies to make sure we are getting coverage HA expects and is paying for. We are getting contradictory answers to question so need clarifications in writing from underwriters. Peter willing to take initiative on this.

Discussion/comments

Suggestion consult with Dick Williams who was involved in developing the update in insurance in 2008. Peter will work on this and bring information to the board.

Outside Counsel:

Proposal: Independent 3rd party opinion on proposed rule and bylaw changes will reduce the burden on members volunteering time and expertise. Possibly could review HA insurance policies.

Discussion/comments

Not a reflection on all the pro bono work done by members but is consuming a lot of their time. Peter is currently considering Walker Jones PC located in Washington, VA and will discuss with them the kinds of issues the HA is likely to deal with.

Discussion of what the expectations of outside counsel would be and possible affects of passage of bill in congress protecting business and whether it would protect USBCHA.

Motion: Peter will start process of engaging an independent counsel and report back to the board for consideration

Second: Cy Peterson

Vote: Passed no objections

Waiver/Release, Checklist

Background/actions taken: Waiver was pulled from website due to objections pertaining primarily to the indemnity provision (protection against loss and other financial burden) Lori & Carol reviewed the waiver and engaged with the persons who objected to the waiver. Peter requested some changes to remove direct references to Covid and change to more generic infections.

Proposal/changes- Documents have been posted for review by directors.

Areas of agreement:

1. HA has traditionally had low liability but more suits are happening and greater numbers and variability of participant increases risk.
2. A waiver of some sort is a good idea. Possibly a general waiver as well as one specific to covid-19

Disagreement

Indemnity clause

Point was made that indemnity is a very industry specific. Kind of club we are doesn't really match any other organization but similar organizations use similar language. The disputed area is a few sentences.

Worst case scenario is we get hit with major suit not covered by insurance. Likely won't happen but could. If we pull out indemnity clause- waiver will still be valuable. Need to decide whether to leave it in or not.

If host is named insured- will be covered. Possible volunteers will be covered.

Discussion:

Different states handle waivers differently so it is difficult to determine how much waiver would protect HA and hosts in every state. Initially hosts were left off the waiver to avoid misleading host into thinking they were covered when they were not. Since then it looks like, if a host is added to insurance as named insured by paying the additional fee, that they would be covered.

May need to do further research before rolling out the updated waiver. Peter will do further checks with insurance company before posting the new waiver form.

The only major changes is indemnity and adding hosts.

Discussed whether insurance covers Canadian trials- it does not.

Also discussed was whether hosts are confusing guidelines, which are advisory from rules and making them think the waiver increases their liability.

Suggested that Peter write a letter to the membership to clarify rules versus guidelines and reduce confusion. The letter would be posted on the website and Linda will send out the information using the group email

Motion: Check the insurance, determine whether to leave in indemnity clause and roll out. Peter will write letter post on website and group email. Passed with no objections

Interim Rules:

Background: Lot of objection to some of rules, especially regarding mandatory refunds.

Rules:

- i. Trial hosts, workers and participants are required to follow local rules and regulations regarding gathering size limitations, travel restrictions, quarantine requirements of persons entering a state, province or region, and any other local requirements in effect at the time of the event.
- ii. Trial hosts are required to refund entry fees of any handler that has any symptoms consistent with, or believes that they may have contracted Covid 19, or been exposed to Covid 19 up until the trial begins.
- iii. Trial hosts must provide Handlers a list of safety protocols they intend to follow for the trial at the time entries open.

Guidelines:

Guidelines are posted on Directors' Forum and USBCHA website for review.

Discussion/amendments:

Discussed moving interim rules to best practices/guidelines. Also discussed trusting hosts and handler to make the right choices. Concern was expressed that reversing decisions based on objections by the loudest members is not a good precedent. Suggested that better option is for board to review decisions and make amendments if decision is made that they are needed. Point was also made that the interim rules are for 3 months and not meant to be permanent. They were made based on well informed decisions and best information available. Each trial host is going to have to make decision on whether to hold a trial or to downsize it.

Motion: Amanda Milliken: HA will reimburse host for scratches made in last 14 days prior to trial that result from covid-19 symptom or exposure until the rule expires for open and nursery only.

Second: Mike Neary

Vote: Passed with one no

Portable Toilet Financing Incentive

Accepted in principle at last Board meeting. Both options proposed are administratively complex.

Proposal: Proposing grant to offset trial host expense for additional portable toilets washing stands and/or supplies

Cap on funds per trial (\$150)

Cap on total available funds

Approach ABCA for matching funds

Discussion: Will be addition to reimbursement or replace. Noted can be less expensive to rent more than less. Need to simplify. Suggested flat grant of \$150

Motion: Amanda: Host can apply to HA for up to \$150 for portapotties etc. while interim rules are in effect.

Second: Angie Coker-Sells

Vote: Passed with no objection

New Business:

Qualifying for 2021 finals- need to revisit. Use forum and committee revisit.

Adjourn: 7:12 PM