

**STAR VALLEY ESTATES HOMOWNERS ASSOCIATION
BOARD OF DIRECTORS MEETING MINUTES**

Date: January 14, 2017

Time: 1:00 - 3:00 PM

Location: 3770 South Mission Road, Mission Branch Library Conference Room

BOARD OF DIRECTORS ROLL CALL:

PRESENT:

Bonnie Dukes, President
Bibiana Law, Vice President
Dan Pritchard, Treasurer
Ozzie Nelson, Secretary

QUORUM/CALL TO ORDER:

Quorum is met with four (4) members present. The meeting was called to order at 1:02 PM.

AGENDA ITEMS:

- Officer and Committee Reports
- Year End Financial Report
- Design Guideline Change – Flood Plain Use Permit (FPUP)
- Owner Voting Rights
- Election Ballots

HOMEOWNER INPUT:

None.

PRESIDENTS REPORT

- a. The board president addressed two noise complaints reported via e-mail to the board's web site. Both were associated with excessive noise heard on New Year's Eve and occurred during private celebrations within the community. The board commented that the quickest remedy is for homeowners to call and complain directly to the Pima County Sheriff's office whom can enforce Pima County noise ordinances. In addition, one homeowner asked that the board remind homeowners of the requirements in our CC&Rs under Section 10.9, Nuisances, which address noise, specifically that *"No loud or offensive noise, excessively glaring or bright lights, foul odors or other nuisance shall be permitted to exist or operate upon the Properties so as to be offensive or detrimental to its occupants."*

- b. The board president updated homeowner's on county's Regional Transit Authority (RTA) meeting that was attended on the continuing Valencia Road upgrade planned between Wade Road and Ajo. The project will consist of raised medians, art work, and landscaping similar to what was done on the recently completed Valencia Road upgrade between the Casino del Sol and Wade Road. Construction is planned to start sometime during the spring 2018.

TREASURER'S REPORT

- a. The treasurer reported that the 2017 budget is \$14,900. In addition, the total surplus for 2016, which is the difference in what was received versus spent, was \$3,712. Also, the estimated "potential" surplus for 2017, based on the 2016 surplus, is expected to be ~\$2,000. As such, the treasurer recommended suspending the assessments for one quarter for each lot homeowner.

Motion: To forgo the 2QCY17 (Apr-Jun) assessment for every member of the association.

Vote: Bonnie Dukes, President, "no".
Bibiana Law, Vice-President, Dan Pritchard, Treasurer, and "Ozzie" Nelson, Secretary, "yes".

The motion carried. Homeowners will be informed through a community-wide announcement. In addition, homeowner's who pay in advance will receive a credit for the quarter.

- b. The Treasurer also asked for board approval to reimburse our webmaster, Mr. Jim Lamb, for web hosting fees he previously paid to IPower on 11 Nov 16 for maintaining the community and board's e-mail websites.

Motion: To reimburse the webmaster \$334 + \$16.99 for web hosting fees.

Vote: Unanimously approved.

ARCHITECTURAL CONTROL COMMITTEE (ACC) REPORT:

- a. Architectural Request Forms (ARFs) update.

ARFs received since last board meeting:

Lot 36 – rear setback change request – pending board approval

Lot 124 – final approval of rear patio cover - pending

In addition, one homeowner asked "is the ACC still enforcing the design guideline requirements?" At issue was the site wall that was constructed on Lot 99. The ACC chair stated that the site plan was reviewed and approved, however, that no one on the ACC (or board) caught the fact that the homeowner's contractor designed the 6-foot high site wall on top of two

retaining walls, one 4-foot and one 2-foot above grade. The ACC chair said he was completely taken by surprise when he inspected the property in mid-December. After the visit a list of potential issues was identified by the ACC and provided to the homeowner. These include: (1) the design of the retaining wall, (2) CC&R Section 5.2, Damage or Destruction of Common Area, as well as rear access that crosses a neighbor's lot, (3) removal of outside dirt from the original trenches down to grade, which may impact drainage, and (4) adherence to design guideline requirements for gates, prior to installation.

The board is continuing to schedule follow-on meetings with the homeowner to better understand what the project will look like when finished.

b. Design Guideline Change – Flood Plain Use Permit (FPUP)

Another issue surfaced regarding the delayed approval of an Architectural Request Form (ARF) submitted by Lot 36 for modification to an existing site wall. The ACC delayed approval because it had requested a copy of the Flood Plain Use Permit (FPUP) that is issued by Pima County Regional Flood Control to the homeowner. The ACC stated this was done to insure the project was properly coordinated through the county prior to the start of work. The homeowner pointed out that the ARF did not state this as being a "requirement". In fact, he correctly pointed out, that any project must first be approved by the HOA ACC before obtaining county zoning reviews and building permits and approval, as well as obtaining the FPUP.

As a result, the board recommended that the ARF be updated to clarify to homeowner's that all projects must first be approved by the HOA ACC before coordinating the project with both Pima County Development and Regional Flood Control Office. In addition, if the project requires county review/approval and/or a FPUP, that a copy of these documents must also be submitted to the ACC once they are received and before the project starts.

OLD BUSINESS

a. ARS 33-1812 compliance and election procedures (ballot requirements – the addition of "for" or "against" on the ballot).

There is still strong concern from two board members that the planed ballot to be used during the upcoming election of board members will not be in compliance with specific state requirements identified under ARS 33-1812. A major discussion occurred at the 5 Nov 16 board meeting. The issue remains whether or not the election of board members constitutes a "proposed action". Two board members, agree with a homeowner, that the election of board members is NOT a "proposed action" because it does not constitute alternative options a "proposed action" would imply. However, two other board members feel that the election of an association's board, which is specifically defined in ARS 33-1812 and defines and requires that the ballot used in the election of board members (and any other ballot measure) provide homeowners an opportunity to vote "for" or "against" each ballot

measure. This is even the case for a corporate entity, which the Star Valley Estates Board is, and as a corporate entity, is governed by both Title 10 (Corporations and Association) and Title 33 (Property, and includes Planned Community, i.e., HOAs) requirements, which both have the same requirement to provide voters the option to vote "for" or "against" each proposed action, the association's ballot should include the same.

For the sake of the argument and because of the excessive amount of time the board has spent trying to resolve this issue already, back at the 5 Nov meeting it decided to compromised and agreed that the next ballot would not contain "for" or "against" blocks against each candidates names, rather it would simply amend the ballot and replace both the "for" and "against" blocks with a single blank block to be marked. However, it was also agreed that a note would be included on the ballot telling voters to leave the candidate's block unmarked if the voter does not want that, or any other, candidate elected.

The board agreed to issue the ballot based on the stated perspective documented at the 5 Nov 16 meeting minutes (and as stated in the previous paragraph above).

NEW BUSINESS

a. Use of Pre-Emergence for Weed Control.

The president asked for the board's consideration to apply pre-emergence to control weeds around the drainage basin located at the intersection of Brightwater Way and Ironstone Drive Road and along Ironstone Drive to the drainage basin located at Resthaven wash.

(Note: In past board meetings when trying to address weed control along the basin and Ironstone Drive, the board has been criticized for proposing to spend association money for weed control since this is a county responsibility.)

Unfortunately, when the county last did weed control in early January, their contractor literally "butchered" the vegetation landscaping along the entire route. This was likely done to minimize return visits for weed control by the county to save money. Anyone taking pride in the look of our community and who drives along Ironstone Drive would likely agree that the recent work was "less than professional". The board president asked if the association should consider applying pre-emergence chemicals to restrict the growth of weeds at a cost of \$100. Again, one homeowner objected.

The board decided to "table" the discussion and asked the president to contact Pima County to see if they would apply pre-emergence along the area the next time their contractor's are scheduled for weed control.

b. Design of Platinum's Postcard Notices.

The cost of mailing out postcard notices is approximately \$87. One board member expressed concerns regarding the limited amount of backside real estate on the postcards available for information because of the Platinum "logo". The member asked if Platinum could move or redesign the logo art work to allow more space for community information and notices. Presently, the current logo artwork takes up approximately half of the back area.

Motion: Request Platinum to redesign the backside of the current postcard mailed to homeowner's in order to allow more space for meeting and community information.

Vote: Unanimously approved.

c. Owner Voting Rights. Not discussed.

d. Ballot Development.

Ballot and election requirement deadlines (e.g., ballot layout, suspense for candidate biographies, ballot mailing and return date(s), etc.) were tabled until the next meeting.

Next Meeting Date: Originally scheduled for 1 Feb 17 at 5:30PM, however, because the Mission Library Conference room is unavailable, the next meeting date was revised to Saturday, 4 February 2017, 9:00 – 10:30 AM.

ADJOURNMENT:

Motion to adjourn at 3:02 PM by President Dukes and seconded by Dan Pritchard.

//signed//

"Ozzie" Nelson

SVHOA BOD Secretary