

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

Date: September 17, 2016

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
- Revision to Design Guidelines
- Updates of the Rules and Regulations

HOMEOWNER INPUT:

None.

OPENING COMMENTS

- a. The board president updated members present that Candace Morgan was no longer with Platinum. Our association's new points of contact are Gabino Trejo (Gabino@platinumonline.org) and his assistant, Lisa Garcia (lisa@platinumonline.org).
- b. A rumor that our association's assessments might be increased was quenched. Based on the planned 2017 budget, assessments will remain the same (\$25/quarter).

PRESIDENTS REPORT

- a. An apology was issued regarding the wording on the postcard notification that was mailed out to homeowners for the 27 August Closed Session. The closed session was conducted in accordance with Arizona State Statute requirement ARS 33-1804, Open Meeting Exceptions. An agenda was cited and confused one homeowner.
- b. The board reminded homeowners that that e-mail correspondence to both our management agent (Platinum) and the board should not be of a belligerent, argumentative, rude, or offensive or demanding nature. If the "tone" of future e-mail correspondence disregards the above, it will not be answered.
- c. If homeowners sign an annual contract agreement with Waste Management they will receive a reduction in their quarterly statement. Current rates are \$20.55/month. With a signed contract, annual increases are limited to ~5%. There is also a one-time \$5 admin fee to establish new service (not applicable for paperless statements).
- d. The meeting minutes of 23 April 2016 were approved via on-line in-lieu vote. These are archived and available to read on the association's website (starvalleystates.org).
- e. The board acknowledged that our roads are in very poor condition. It will contact the county for its criteria for repairs. In addition, maintenance of the shoulder area around the basin (Lot 151/152) (an eight foot right-of-way easement) remains a county responsibility.

TREASURER'S REPORT

- a. The treasurer provided an update on the 16 accounts currently in default. Our collection agent is PB&J (Phil Brown Jonathon Olcott). The amount of delinquent funds (as of the end-of-the-month for July) is \$4138.
- b. Management costs (Platinum) are scheduled to increase by 3% effective 1 January 2017. Projected 2017 funds will be sufficient to cover the increase without having to raise quarterly assessments.
- c. For whatever reason(s), Platinum failed to charge the association \$79/month when it started doing bi-weekly (every two weeks) community drive-thru's back in April 2015. This will be corrected beginning 1 October. Charges for past inspections will be written off by Platinum.
- d. The carry-over balance of funds for CY2015 was: \$9753.43. The carry-over balance of funds for 2016 will be based on actual accruals and identified at the end of December 2016.
- e. The draft 2017 budget is currently in works. The total 2017 planned budget is \$14,900, the same as the last several years.

- f. Lastly, the treasurer stated that it is difficult to gain much insight on specific fees charged monthly by the management agent because the fees are not itemized, but rather rolled up into an accrued summation. The association plans to ask Platinum to provide a more detailed "line-by-line" summation of accrued costs.

ARCHITECTURAL CONTROL COMMITTEE (ACC) REPORT:

- a. Architectural Request Forms (ARFs) received since last board meeting:

Lot 005 (solar panels)

Lot 107 (patio cover extension)

Lot 106 (pergola – open wooden structure/shed; not a permanent fixture)

Lot 015 (paint scheme) (submitted an alternate color on one color)

Lot 112 (paver walkway) (not started)

Lot 116 (patio remodel – awning + block wall around patio area)

Lot 087 (approved variance on site wall height)

Lot 099 (disapproved pending new ARF submission – f/rear yard retaining and site wall) (likely requires board waiver: project infringes on setback requirements)

- b. A summary of the various citations issued over the past several months continue to be notices for: parking violations, weeds, and trash cans.
- c. The ACC is recommending an update to the design guidelines. Currently homeowners are limited to 6 foot high site walls. However, effective 1 May, the county approved an update to current county ordinances governing block walls to allow for the construction of walls (without a building permit, but still requiring a zoning review) in height less than 7-feet. The ACC's recommendation is to allow a slight increase in the site wall height limits within our community. Additional rationale for the update:
- To keep our design guidelines in step with new county ordinance requirements
 - To bring into compliance all those homeowners within our community who currently have walls that exceed the six foot limit (there are several), and
 - To provide future block wall homeowners the added visual security an extra ~11+ inches provides.

If approved, an amendment will be mailed to homeowners identifying which sections of the design guidelines have changed. These changes will be incorporated into the document at the next major update (TBD). See Atch 1 for recommended changes. After reviewing and discussing the proposed changes a vote was held by the board to accept the updates.

Motion: That all applicable sections of the design guidelines that currently limit site walls to a six foot limit are changed to allow wall heights to be less than seven feet high.

Vote: Unanimous approval.

OLD BUSINESS

None

NEW BUSINESS

Rules and Regulations Star Valley Estates Updates

- a. At the 23 April board meeting a committee was formed to review two governing documents for updates and a general clean-up. The committee chair reported on the results on a meeting held on 21 Jul when a review was held on the Rules and Regulations document. ((Note: Proposed updates to the ByLaws will be addressed at the next board meeting.)
- b. All updates with the exception of the following were incorporated into the document:
 - Section V, Election Procedures. This paragraph has been updated to coincide with requirements as outlined in the Arizona State Statutes, ARS 33-1812, Proxies; absentee ballots; definition. The update was necessary in order to update our Rules and Regulation governing document to be compliant with Arizona state statute requirements.

Note: There was additional discussion when Section V updates were presented. One homeowner dissented, insisting that our annual ballot should follow similar criteria with how ballots are prepared during national, state and city elections, i.e., voters only have one option to mark for each candidate; the ballot should not include the option to vote "for" or "against" a candidate. His contention is that only those actions that are considered to be a *proposed action* (per the state statute) require the designation of a "for" or "against" area on the ballot. As such, the election of board members is not a proposed action because it does not entail alternatives; it only requires that the ballot be marked (or unmarked) and that's it.

[The following information was not discussed during the board meeting, however, because of its relevance to the election ballot, is being presented here for completeness. In defense, our association's ballot for the election of board members (and any other measure) is defined under the Arizona State Statutes, *Title 33, Property, Chapter 16, Planned Communities, Article 33-1812, Proxies, absentee ballots, definition*. A key requirement -- mandated by the Arizona state statutes -- is that it clearly states that ... "the ballot shall provide an opportunity to vote for or against each proposed action". **The election of a board member does in fact**

constitute a "proposed action". Our association is a non-profit corporate entity, as such, it must adhere to the same rules corporations are required to follow for proxy ballots mailed to stockholders. (Our association's "stockholders" are its homeowners.) A corporate ballot sent to stockholders includes the option to vote "for" or "against" (or even to "abstain"). For those who invest in stock, simply look at the next ballot you receive from the business – it likely clearly shows that each measure provides the option to vote "for" or "against" a proposal, including board nominees! The corporate ballot is different from a national, state or city ballot. Accordingly, one cannot equate requirements between the two. Because we are a corporate entity, we must follow the state statute requirements and continue to provide options to homeowners in our ballot to vote either "for" or "against" each measure on the ballot, and this includes the election of board members. In this regards, ARS33-1812 does in fact illustrate that the election of board members within an association constitutes a "proposed action".

This is the case with how our association has conducted the last two annual board elections. The ballot has been prepared giving homeowners the option to vote "for" or "against" each candidate. In accordance with state statute requirements, the elections within our community will continue to provide homeowners the option to vote "for" or "against" each measure, including candidates running for board election.]

- Section VIII, Collection Procedures. This paragraph was sent to Platinum yesterday for review/feedback compared to their current collection practices. When comments are received they will be incorporation into the document for further discussion.
- The reference to the three standing committees (i.e., Standing, Welcoming, and Yard/Garage Sales) has been deleted.

c. The information on the basins has been kept (as Atchs 1, 2, 3, and 4).

Next Meeting Date: 5 November 2016

ADJOURNMENT:

Motion to adjourn the meeting by President Dukes and seconded by "Ozzie" Nelson.

//signed//

"Ozzie" Nelson

SVHOA BOD Secretary

1 Atch

1. Design Guideline Updates

Atch 1. Design Guideline Updates

Update will pertain to four sections of the design guidelines:

Page 6, (outbuildings),
Page 9 (perimeter walls),
Page 10 (retaining walls), and
storage sheds Page 12 (non-resin) and Page 13 (resin).

Page 6: III. IMPROVEMENTS AND AMENITIES, A. Alterations and Construction, 1. Outbuildings, 3rd paragraph:

View fences of black wrought iron, alone or in combination with masonry walls to match existing walls, ~~not over seven (7) with a maximum of six (6)~~ feet from original grade, shall be permissible with approval of the ACC.

Page 9: III. IMPROVEMENTS AND AMENITIES, B. Garages, Driveways and Parking/Storage of Vehicles, 3. Parking/Storage of Vehicles, sub-paragraph (a):

- a. Solid perimeter walls (not view fencing), not to exceed ~~seven (7) six (6)~~ feet, must already exist on the property prior to any vehicle storage.

Page 10: III. IMPROVEMENTS AND AMENITIES, B. Garages, Driveways and Parking/Storage of Vehicles, Section D, Retaining Walls paragraph:

Retaining walls may be used to support patio walls and building walls. When used, retaining walls shall not result in an increase in the allowable building or wall heights. A terraced wall design shall be required when topographical conditions require a variance for wall heights in excess of allowable limits. In no case shall exposed wall height exceed ~~seven (7) six~~ feet above original grade, unless otherwise approved by the ACC.

Page 12: III. IMPROVEMENTS AND AMENITIES, B. Garages, Driveways and Parking/Storage of Vehicles, Section N, Storage Sheds, sub-paragraph (3)(a):

(Criteria for approval non-resin)

- a. of solid block wall not to exceed ~~seven (7) Six (6)~~ feet in height or

Page 13: III. IMPROVEMENTS AND AMENITIES, B. Garages, Driveways and Parking/Storage of Vehicles, Section N, Storage Sheds, sub-paragraph (3)(a):

(Criteria for approval of Resin sheds)

- a. of solid block wall not to exceed ~~seven (7) Six (6)~~ feet in height or