

**STAR VALLEY HOMEOWNERS ASSOCIATION
BOARD OF DIRECTORS MEETING
MINUTES**

DATE: February 17, 2015
TIME: 6:00 P.M.
LOCATION: Mt. Zion Lutheran Church, 4620 W. Ajo Way

CALLED TO ORDER: 6:00 P.M.

BOARD OF DIRECTORS ROLL CALL:

PRESENT

Ozzie Nelson, President
Jill Chamberlain, Vice President
Catherine Gordon, Treasurer
Bonnie Dukes, Secretary
Dan Brees, Director at Large

QUORUM

Quorum is met with five (5) directors present.

WELCOME TO HOMEOWNERS

Homeowners were welcomed to our first meeting at Mt. Zion Lutheran Church. At that time homeowners were introduced to Candace Morgan, who is the association's new point of contact for homeowners with Platinum Management.

HOMEOWNER INPUT

Homeowners are allowed three minutes to address the board on any subject.

- A homeowner was interested to know if the association had been reimbursed for landscaping fees and what amount of debt the association has taken on due to those fees. The Treasurer explained that one homeowner did reimburse the association; the remaining fees had been added to the respective homeowner's accounts.
- In a follow-up question, the same homeowner inquired as to whether or not those homeowners had been invited to appear before the board. They had not. Several notices were sent to each homeowner, giving each homeowner ample time to correct their violations.
- A homeowner brought to the board's attention the traffic and trespassing issues that are on-going on Cherry Tree due to parents parking on Cherry

Tree to pick up their children from Academy del Sol; and the children trespassing on private property between the houses located there. With vehicles parked on both sides of the street, it would be impossible for emergency vehicles to have access to our streets. Academy del Sol has blocked off a portion of the parking lot which restricts parking for parents. The homeowner states that hosting a meeting with Joe Caesar and Pima County Sheriffs Office has had little to no effect. A suggestion by the sheriff's office was to post "No Trespassing" signs. At that point the sheriff's office can cite those that violate the signs. Concern regarding the safety of children from cactus and snake injury was also expressed. The board requested that the homeowners submit an ARF for the signs in question. A suggestion for a community wide letter notifying the community that children from the area are trespassing on private property to gain access to the school grounds, after hours, which is another concern of the residents of that area. Another homeowner stated that they had been in contact with the school and were told to contact the school's lawyer for anything further. Homeowners are feeling dismissed. Homeowners questioned if there was anything the board could do to alleviate the issue. The board took an action to contact Academy del Sol via letter to bring the homeowner's concerns to the school's attention again.

- Homeowner wanted to know how often community drive-thru inspections are done. Inspections are normally accomplished twice monthly, rotating among the three members of the Architectural Control Committee (ACC). The property the homeowner brought to the attention of the board (on Resthaven Place), has a dead tree and numerous vines growing wildly. It was explained that the property had been cited numerous times with the homeowner ignoring past citations.
- Homeowner recognized by the board with complaints about how email responses were issued from the board to homeowners who contacted the board about proposed changes to the Design Guidelines. The homeowner vehemently issued his opinion that those inquiring homeowners were not treated with respect. (Those homeowners who contacted the board received a response that politely suggested they bring their concerns to the meeting; that the proposed Design Guideline changes were exactly that, proposals). The same homeowner suggested to the board that we be concerned and careful about making changes to the Guidelines due to the fact that the CC&R's trump all other documents. The board is very much aware of this fact. Also, the same homeowner asked if the rules have been changed about parking vehicles in backyards that do not have a wall. The accusation being that a certain homeowner was a friend of the board president and that special consideration had been given to him. (It turns out that the vehicle in question had been previously moved from the property and as such was never an issue to begin with. Also, in the past, the vehicle had been parked in the backyard and could not be seen from the front of the property. Same homeowner expressed his vehement unhappiness about another homeowner's yard. After exceeding his allotted 3 minutes to address the board, the homeowner

was asked by the meeting chair to sit down. The homeowner insisted that he had five minutes to address the board. (Note: The limit for each homeowner is three minutes per the association's Homeowner's Code of Conduct). Continuing, the same homeowner was unhappy about Mr. Dukes serving on the ACC committee while his wife, Bonnie Dukes presently serves on the board. He expressed his disdain for that situation and suggested that one could influence the other. (By way of explanation, when the new board was formed in August 2014, after the previous board resigned, which dissolved the ACC, it became necessary for the three board members to also serve as ACC committee members until a new ACC could be formed. A community-wide letter was mailed to all homeowners asking for volunteers to serve on the board, as well as the ACC. The board received no responses. Subsequently, Mr. Bill Dukes and Mr. Ray Perry came forward and agreed to serve on the ACC committee.

After a continued tirade of several more minutes, another homeowner present suggested we all act like adults and address each other with respect. Another homeowner stated that this is the reason most members of the community don't come to the meetings because of loud and ill-tempered members disrupting the meeting. After further confrontation and refusing to stand down when asked by the meeting chair, another homeowner approached and asked the offending party to please sit down or leave. Whatever the circumstance, the offending homeowner shoved the other homeowner, causing him to lose his balance and nearly fall down. A verbal melee ensued and it became necessary to call the county sheriff's office. There was a twenty minute delay in the meeting while three sheriff's officers arrived and the calmed the situation.

PRESIDENTS REPORT

IN LIEU VOTE

- There was one in lieu vote to report on January 29 to approve the meeting minutes of January 26, 2015. Both open and closed meeting minutes were approved and published on the community's website.

COMMUNITY LETTER

- A community-wide letter written and mailed on February 6 including general information update for members and the agenda for tonight's meeting. The letter is attachment 1.

OTHER

- President Nelson and Treasurer Catherine Gordon met with Platinum Management on January 26 and signed a new contract with Platinum Management effective February 1, 2015
- Members of the community were encouraged to make good use of the community website where meeting announcements and meeting minutes are posted and are archived. Open meeting minutes are published on the website and are readily available to those who cannot attend the meetings.
- Point of contact has been updated to reflect contact information regarding Candace Morgan and Platinum Management.
- The Architectural Request Forms (ARF's) have also been updated to reflect Candace Morgan as the point of contact for homeowner requests.

SMALL CLAIMS SUIT

- In 2012 funds from the reserve account were distributed to the homeowners. One homeowner did not feel his portion of that distribution was accurate and filed a small claims suit against Cadden in August 2014.
- Cadden's position was that they were simply the agent of the board and were not responsible for determining the amount of the refund. A hearing occurred in September 2014, however, because not all parties were represented, a thirty (30) day continuance was granted. A second court appearance occurred in November with a decision being granted in favor of the homeowner. However, the homeowner failed to properly notify Cadden or the Association of the hearing date, which was his obligation. Cadden filed for relief since neither they nor the association were never notified of the hearing. In mid-January, Cadden was notified by the court that the judgment against them (and subsequently the association) had been dismissed.

TREASURERS REPORT

- The Treasurer expressed concerns about the transfer of funds from Cadden to Platinum Management. The transfer has, for the most part, occurred shortly after the new contract was signed with Platinum Management, with all but a balance of funds of ~\$1400. A request will be made through Platinum Management for the transfer of those funds.
- Current delinquencies amount to about ~\$9500. Most of these fees are in the collections process. The Treasurer has been in contact with the lawyers involved and those with liens have been listed and have been made available.
- There are currently nine (9) homes have been sent to the lawyers for legal action.
- When homeowners are four (4) quarters behind in their assessments, they are automatically turned over to collections.

- Twenty-one (21) homes are ninety days delinquent.
- Approximately 128 homes (out of 149) pay and pay on time.
- Operating account balance is currently \$5396.31.
- Notices for next quarterly assessments, due April 1, 2015, will be mailed out on March 1.
- A homeowner asked if all the physical files had been transferred from Cadden to Platinum and was assured by Candace Morgan that the transfer had taken place.
- **MOTION:** Motion was made by Jill Chamberlain to send a letter to Cadden asking for the complete transfer of funds to our operating account with Platinum Management within five working days and to let the association know if there are any outstanding items needing to be paid and to seek the approval by the board for those items. Our contract with Cadden expired on February 1, 2015. The board felt there was no further need for Cadden to retain any of the association's monies. Motion seconded by Dan Brees. The motion passed unanimously.

ARCHITECTURAL CONTROL COMMITTEE REPORT

- January 15: 13 infractions observed (9 parking; 2 trash cans; 2 unpainted garage doors) (11 notices issued: 2 violations were repeat 3rd notices)
- Feb 2: 11 infractions (6 parking; 3 trash cans; 2 unpainted garage doors)
 - Granted an extension for the unpainted garage door (Lot 102 on Moonmist)
 - Issued three "Hearing Notices"
 - Trash can (Lot 128); resolved on Wednesday, Feb 11
 - Unpainted garage door (Lot 78)
 - Vehicle parked in side yard (Lot 85)

(Approved) ARF's

- Lot 15 (Jan 16) – storage shed 16'x24'
- Lot 24 (Jan 26) – remove and replace 10 windows (no change in design)

NEW BUSINESS:

- Determine location for March annual meeting and election. Mt. Zion Church was recommended for its closeness, good parking and solid acoustics. And as one homeowner observed: it came with music, as the choir was practicing the evening of our meeting.
- A homeowner suggested Academy del Sol. However, as explained, the school is asking a \$300 fee for our meetings. The cost is simply out of reach financially for our community.
- Mt. Zion Church allowed us to meet there for a donation of \$25.00. The goal of the board is to hold our costs to a minimum. We shop for spaces that are free or low cost. Our meetings have been held most recently at

Mission Library, free of charge. However, for now the Mission Library is undergoing a total renovation and our usual meeting room is unavailable. As a result, meetings normally held at the Mission Library have moved to the Valencia Library. There is so much competition for space during the renovation period that the board has opted to host our meetings at the Mt. Zion Church until the Mission Library is again available.

- **MOTION:** Motion by President Nelson to hold the Annual Meeting at Mt. Zion Lutheran Church, Thursday, March 26, 2015, 6:30-8:00 P.M. Motion seconded by Catherine Gordon. Motion passed unanimously.
- President Nelson referred to a conflict between the state statute and our documents as to the time frame required for notifying the community of the annual member's meeting. State statute 33-1804B states: notice of the meeting must be given not less than ten days, nor more than fifty days in advance. However, Sec. 3.3 of our by-laws state: notice of the meeting shall be given no less than 15 days and not longer than 50 days before the meeting.
- **MOTION:** President Nelson proposed that the ballots for the annual meeting election be mailed no later than March 10, 2015 and received by return mail to Platinum Management no later than 2:00PM on March 26, 2015, the day of the annual meeting. Motion seconded by Jill Chamberlain. Motion passed unanimously.
- **MOTION:** President Nelson proposed the approval of the sample ballot that was distributed and discussed. Of particular interest was the fact that no write-in candidates are allowed on the ballot. Homeowners questioned why that practice would not be allowed. First, there is no reference in the state statutes regarding write-in candidates. This is not addressed in any of our governing documents, as well. Consequently, the Board decides on what will and will not be allow on the ballot. The main reason for not allowing write-ins is to make sure legitimate candidates, i.e., those who submitted bios and have their names placed on the ballot, have a reasonable opportunity to be elected. This because the rules were changed by the Harper/Blankenbaker board. Referring to Rules and Regulations, Section V, Election Procedures, Para 2 (changed Jan 12, 2012) it states that any candidate must receive a majority of the votes cast in order to be elected. "Majority" was redefined to mean 50% + 1 of all votes cast. Most associations simply state the candidate with the most number of votes win. For two open positions, the next candidate with the second most votes wins. Period. Hence, if write-in candidates were allowed they would only subtract from the vote-count legitimate candidates need in order to win. The sample ballot is attachment 2. The final ballot is attachment 3.
MOTION: The motion to approve the draft sample ballot was seconded by Catherine Gordon. Motion passed unanimously.
- **MOTION:** Proposed by President Nelson to begin charging homeowners for their 2nd, 3rd and 4th notices of violations. This is becoming common practice in other associations. Notices of violations cost the association ~\$4-\$6 each. After discussion and homeowner input the motion was amended.

- **MOTION AMENDED:** That the association will begin to charge homeowners for 3rd and 4th violation notices observed during regularly scheduled community inspections. Motion seconded by Dan Brees. Motion passed unanimously.

HOMEOWNER HEARINGS

WOOD-TEXTURED PAINTED GARAGE DOOR (Lot 78)

- The homeowner was issued a first notice on November 3; a second notice on November 8; a third notice on December 6; a fourth notice on February 5 for having a wood-textured painted garage door. The fourth notice was also a notice to appear before the board to discuss the issue and present his case.
- At this time the reasons explaining why the homeowner was called before the board were given. Part of that explanation was that the homeowner had previously been a member of the board as well as a member of the ACC. Lack of knowledge of the rules (as the homeowner claimed) was unbelievable. The homeowner did not adhere to the rules of the association. Instead he consulted a neighbor in September about his selection of the garage door (the conversation was not documented anywhere) and he maintained that the neighbor had assured him he “had no problem with the garage door”. The garage door does not conform to required design guideline standards which require that all garage doors be painted the same color as the body of the house. This particular garage door has a dark cherry wood-grained painted finish. This homeowner has remained indignant and refuses to paint the door unless the association reimbursed him for that cost.
- Furthermore, the homeowner claimed that although he received notices about his garage door, he took these to be just someone’s interpretation. He says he communicated his concerns with Cadden, however, the board was never provided this information. (In the board’s opinion, this was unlikely since Cadden has always corresponded to the board when it receives feedback or concerns from homeowners.) The homeowner maintained there is a disconnect between the homeowners and the board. He expressed his opinion that the paint schemes are very narrow. He claims that his metal door with a painted textured finish, because it is an expensive door, adds value to his property. As such he refuses to paint over the garage door finish.
- The homeowner expressed the opinion that the rules are “wishy-washy”. **(However, the rule is steadfast in the Design Guidelines and the CCR’s and very clearly states: Garage doors MUST be painted the color of the body of the house.)** The rule has been in effect for fifteen years without revision or exception.
- Ms Jill Chamberlain, a board member, took the position that discretion should be given based upon his opinion that the door increases and improves the value of the property. Two other board members also agreed to give the benefit of doubt to the homeowner for his

misinterpretation of the design guidelines. If discretion is given to folks who park vehicles in backyards without a wall, then a waiver should be granted for the garage door.

- The homeowner admitted he did not follow the guidelines, did not submit an ARF, as required, and instead took advice from a neighbor. He now seeks a waiver.

MOTION TO GRANT WAIVER

- **MOTION:** Motion by Dan Brees to grant a waiver for the garage door on Lot 78. Second Jill Chamberlain. Three votes in favor, one vote not in favor, one abstention. Motion passed by split vote.
- Homeowner asked if a permanent record of the waiver could be placed in his file. Assurance was given that the waiver would become a part of the Lot 78 records.
- The split board has been asked to write the waiver and forward it to the board for approval. Once approved it will be placed in the homeowner's records.

After the vote, President Nelson, who is also the ACC Chairman, vented his frustration with having the ACC conduct inspections and issue citations when in essence the homeowner can then come before the board, after a prolonged violation, and receive a "free pass".

Note: The majority board will be asked to submit the waiver for the ARF.

HOMEOWNER HEARING LOT 85 – Vehicle Parked on the Side Yard

- The owner of the property was notified on January 15 and asked to move a truck off the side yard.
- ACC was notified that the vehicle belongs to a tenant living in the house.
- The owner inspected the property and agreed that the vehicle is an eyesore and needs to be moved. However, he also stated that although the property has a wall around the rear yard, there is no access gate. In addition, there is no room in the garage.
- The ACC told the owner to put the vehicle on the driveway. The CC&Rs allow a vehicle to be parked indefinitely on the driveway (ref: CC&R Section 10.10.1). The owner said the vehicle would be moved in several days after the tenant fixed two flat tires.
- The board recommended that a fine be imposed if the vehicle is not moved by the end of the weekend.
- The vehicle was moved to the driveway on the following Monday.

PROPOSED DESIGN GUIDELINE CHANGES

- Initial proposed updates were presented at the Nov 13 meeting
- Seven changes reviewed, these have been revised to four plus two recommended changes to two attachments, including:

(1) Increase the aggregate rear yard covered area from 1000 square feet to 2000 square feet (square footage restrictions for additional outbuildings)

(2) Authorization to expand and construct a parallel driveway, and authorization to construct a second parallel driveway from a vehicle-gated entry out to the road

(3) Defined new requirements for woven wire mesh (must obscure view into the rear yard)

- President Nelson pointed out that the lateral expansion of driveways was already in the Design Guidelines, but that there was no limit on the width of the expansion. If changed, the expansion would be limited to ten (10) feet, expanded laterally from the current driveway, and of impervious material such as concrete. Each ARF would be reviewed on a case-by-case basis by the ACC.
- The issues were discussed, at times rather loudly, and it is apparent that most homeowners do not understand the square footage issue. Others objected to the parallel driveway suggestion. Discussion ensued over what type of material should be used and would be considered 'site obscuring' for entry gates.
- A homeowner suggested that a working group meeting be held between members of the community and the ACC. At that time, suggestions and opinions could be expressed by the community and those ideas could then be brought to the board for a vote.
- **(Update)** Since this meeting, the ACC has decided that a working group committee is unnecessary to review and discuss changes to the design guidelines. This is because most all of the previous proposed changes which have been discussed can be addressed through homeowner variance requests.

MOTION FOR ADJOURNMENT

- At 7:55 PM President Nelson moved that the meeting be adjourned. Motion seconded by Catherine Gordon. Motion passed.

//Signed//

Bonnie Dukes, SVHOA Secretary

3 Atchs

1. Letter Sent to Academy del Sol Charter School (26 Feb15)
2. Draft Ballot
3. Final ballot

(Atch 1)

Academy del Sol
7102 W. Valley Crest Place
Tucson, AZ 85757

Thursday, 26 February 2015

Dear Mr. Jason Riegert:

We are writing this letter to bring to your attention several concerns that were relayed to the Star Valley Estates Board of Directors at our last meeting held on Tuesday, 17 February 2015. (As an "FYI", our homeowner's association includes the homes directly south of your campus, running westward from Wade Road.)

Several homeowners expressed concern that students continue to walk through the side yards and through the common area that stretches East to West behind the homes along Cherry Tree Place. The land is private property, and as such, should not be trespassed on.

Another important concern raised Tuesday night was that students might / could be injured while on this property. For the most part the two areas are undeveloped land. As such, they remain a natural habitat for many desert critters and numerous species of cacti. It would be very easy for an inattentive child to be injured while transgressing on the land on these lots.

The board would like to ask for your help and bring this to the attention of the students. We think the problem can be easily resolved if the school would make a special announcement at its next student body assembly. Please remind the kids of the potential hazards in the desert and to respect private property and not trespass through the land along W. Valley Crest Place, just south of the campus, when walking to or from school.

With your help, we can minimize the likelihood of a student being hurt. It will also demonstrate to your neighbors to the south that you understand and respect their rights as property owners. Lastly, it has been suggested that the school open up more parking lot space when school lets out to reduce the congestion along W. Valley Crest Place. The congestion also spills out on to Wade Road. These areas are currently used for parking by parents when picking up their children. In our opinion, the streets should remain clear of parked vehicles in case of an emergency. The congestion is easily eliminated by putting up "No Parking" signs or asking the parents not to park along West Valley Crest Place and instead ask them to use the school parking lot.

Thank you.

Star Valley Estates Board of Directors

SVHOA, President

Star Valley Estates HOA
c/o Platinum Management (Attn: Candace Morgan)
P.O. Box 14198
Tucson, AZ 85732

(Atch2)

Star Valley Estates HOA Board of Director (BOD) Election Absentee Ballot

“(TBD – number of candidates)” Association Members Have Volunteered to Serve on the Board of Directors. You are to vote for two candidates.

Ballot information:

- a. The ballot is valid only for this one specified meeting and expires automatically after the meeting.
- b. This ballot does not authorize another person to cast a vote on behalf of the member.
- c. That a vote cast by absentee ballot is valid for the purpose of establishing a quorum.
- d. That a quorum for the meeting is representation by 10% of the lots, as per ARS 33-1813(A)(4).
- e. That a replacement board member must receive at least 50% plus one of the votes cast to be elected.

Note: Write-in candidates are NOT permitted on this ballot.

Mailing directions: After the ballot has been marked, place it in the return envelope, seal it, and mail it back to:

Star Valley Estates HOA
c/o Platinum Management, Inc.
7225 E. Broadway Blvd, Suite 140
Tucson, AZ 85710

If mailed, the ballot must be received by noon on the commencement day of the meeting. All ballots received prior to the meeting will remain unopened until the meeting.

Turn in ballots at the meeting: Owners may attend and hand-in their sealed ballots at the meeting.

Vote “For” no more than two candidates below. You may also vote “Against” those candidates whom you did not place a vote “For”. Note: All candidate biographies are included on the reverse side of this ballot.

- | | | |
|--------------------------|--------------------------|-------------|
| For | Against | |
| <input type="checkbox"/> | <input type="checkbox"/> | Candidate 1 |
| For | Against | |
| <input type="checkbox"/> | <input type="checkbox"/> | Candidate 2 |
| For | Against | |
| <input type="checkbox"/> | <input type="checkbox"/> | Candidate 3 |

(Atch 3)

Star Valley Estates HOA Board of Director (BOD) Election Absentee Ballot

Three association members are candidates for two open board positions in 2015. You are to vote for two candidates. You are also to vote to approve the 2014 meeting minutes.

Ballot information:

- a. The ballot is valid only for this one specified meeting and expires automatically after the meeting.
- b. This ballot does not authorize another person to cast a vote on behalf of the member.
- c. That a vote cast by absentee ballot is valid for the purpose of establishing a quorum.
- d. That a quorum for the meeting is representation by 25% of the lots, as per ARS 33-1804(B).
- e. That a replacement board member must receive at least 50% plus one of the votes cast to be elected, as per Rules and Regulations, Star Valley Estates, Section V. Election Procedures, Para 2.

Note: Write-in candidates are NOT permitted on this ballot.

Mailing directions: After the ballot has been marked, place it in the return envelope, seal it, and mail it using the pre-addressed stamped envelope to:

Star Valley Estates HOA
c/o Platinum Management, Inc.
(Attn: Candace Morgan)
7225 E. Broadway Blvd, Suite 140
Tucson, AZ 85710

If mailed, the ballot must be received by the Management Agent NLT noon on the commencement day of the meeting. All ballots received prior to the meeting will remain unopened until the meeting.

Turn in ballots at the meeting: If you plan to attend the meeting, you may hand in your sealed ballot at the meeting.

Approval of the 2014 Meeting Minutes	For	
	Against	

Per Arizona statute (ARS 33-1812) each member must be provided the opportunity to vote for or against a candidate. You have a total of two (2) votes. Remember that a vote against a candidate counts as a vote. Do not cast more than two votes or your ballot will be VOID.

(Each candidate has submitted a biography that is included on the reverse side of this ballot.)

Jim Williamson	For	
	Against	

Isaac Canez	For	
	Against	

"Ozzie" Nelson	For	
	Against	

ONCE YOU HAVE COMPLETED YOUR BALLOT, PLACE IT IN THE SEALED ENVELOPE, FOLLOWING ALL INSTRUCTIONS. MAIL THE BALLOT TO THE ASSOCIATION IN THE ENCLOSED PRE-ADDRESSED ENVELOPE OR YOU MAY HAND IN THE SEALED BALLOT AT THE MEETING.