

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

Date: April 23, 2016

Time: 1:00 PM

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

CALLED TO ORDER: 1:10 PM

BOARD OF DIRECTORS ROLL CALL:

PRESENT:

Ozzie Nelson, Vice President
Bonnie Dukes, Secretary
Dan Pritchard, Newly Elected Board member
Bibiana Law, Newly Elected Board Member

ABSENT:

Jill Chamberlain, Outgoing Board President
Catherine Gordon, Outgoing Board Treasurer

AGENDA ITEMS:

- Call to Order
- Introduction of new board
- Election of new officers
- Discussion of Lot 28 (fining)
- Discussion of requirements for sending a 4th notice hearing letter
- Discussion of whether or not a hearing is required for Lot 122 and 140
- Formation of a working group to review and make recommendations to the board on governing documents

HOMEOWNER INPUT:

None.

OPENING COMMENTS

- a. Homeowners attending were asked to sign-in on the sign-in roster.
- b. It was mentioned that the meeting notice was received 72 hours prior to the actual meeting date; some homeowners likely received late notices. The board needs to do better to ensure notices are mailed out timelier.

- c. It was reported that Isaac Canez, board member-at-large who was elected to the board last year, submitted a letter of resignation effective 20 April 2016.
- d. As a reminder, assessments for 3rd quarter billing are to be mailed on 1 Jun 16.

QUORUM/CALL TO ORDER:

Quorum is met with four (4) members present. The meeting was called to order at 1:10 PM.

ELECTION OF NEW BOARD POSITIONS:

- a. In accordance with the association's By Laws, Section 8.2, officers shall be elected by the Board at the first meeting of the Board of Directors following each annual meeting of the Members. As such, open officer positions include the President, Vice-President, Secretary, and Treasurer.
(Note: The association will be managed by a four-position board until the board can solicit a new member to fill the member-at-large position.)
- b. Nomination and election of board of director officers:
 - President: Bonnie Dukes
 - Vice-President: Bibiana Law
 - Secretary: "Ozzie" Nelson
 - Treasurer: Dan Pritchard
- c. The association's webmaster will be asked to update access to the community e-mail server for each new officer position. In addition, access to the board e-mail correspondence will be terminated for each outgoing board member.

ARCHITECTURAL CONTROL COMMITTEE (ACC) REPORT:

Results of recent community drive-thru inspections:

- Lot 5: Request for solar panel installation (approved).
- Lot 30: Request for gazebo (approved).
- Lot 42: Request for retractable awning on back patio (approved).
- Lot 51: Request to install a prefabricated shed (approved).
- Lot 87: Request for patio cover (resubmission; previously approved).

Lot 28 (FINING DISCUSSION):

Background:

(21 May 15 HOA Meeting) The ACC reported that Lot 28 had erected a carport cover that was not compliant with the ARF submitted and approved by the ACC. Discussion was tabled until the next meeting to allow the ACC time to investigate the matter more fully.

(25 July 15 HOA Meeting) A hearing was held with the homeowner present. The ACC reported it had observed one similar structure within the community. The

board voted to allow Lot 28 to keep existing structure with the stipulation it be painted the same color as the body of the home. The homeowner was given 60 days to comply.

(22 September 15 HOA Meeting) The ACC reported that the structure still had NOT been painted.

(23 September 15) In-lieu vote (e-mail) approved by the board to initiate a \$50 fine effective 23 September 15. Platinum notified the homeowner and assessed a \$50 fine.

(8 April 16) Homeowner notified Platinum (via telephone) they were contesting the original fine on the grounds that they never received formal written notice of the 60-day extension.

Discussion:

The association Rules & Regs (Section VII) only requires written notice be given for the hearing; since the homeowner was present, the board felt she was incorrect to assume that written notice was required. However, after more investigation, it does appear that the association's Rules & Regs are deficient because a written notice is required to be sent to the homeowner in accordance with (IAW) ARS 33-1803 (Penalties and Notices of Violation). This statute also stipulates that the homeowner must be provided written notice of the board's decision and allowed time to contest the board's decision, if so desired.

The board's initial hearing format was not conducted and documented IAW state statute requirements, i.e., providing the homeowner with a written copy of its decision to grant a 60-day notice to comply. As a learning curve for the board on future fines, hearings with homeowners must be done IAW ARS 33-1803 (A-E) requirements.

Motion: Dismiss the fine against Lot 28. Motion approved unanimously.

LOT 122 AND LOT 149 (HEARING NOTICES)

- a. Lots 122 and 149 have each received consecutive notices on recent community drive-thru for weeds. Each has received a 3rd notice which requires the generation of a draft 4th notice, a Hearing Notice, to be sent to the board for review, and if approved, for the board to schedule a hearing and a location for the hearing to be included in the final notice.
- b. When reviewing Platinum's 4th letter template, one board member did not feel that it met the requirements for a hearing notice IAW ARS 33-1803 (because Platinum's 4th letter template only cited the most recent violation). The 4th notice must cite all infractions, including who noted it, the date of the infraction, and the process the homeowner must follow to contest the violation.
- c. For future 4th notices, Platinum was forward a copy of a 4th notice letter the board had previously used which was deemed appropriate. After reviewing the sample letter, Platinum agreed to use it to update their 4th notice template against.
- d. Prior to this meeting a drive-by was conducted by two board members on Lot 122 and Lot 149. It was noted that the weeds in the yards had been cleaned up. Consequently, no 4th notice hearing letter was warranted. However, Lot 149 will remain a close-watch property on subsequent drive-thru's due to

noted debris in the back yard, as well as the parking of an inoperable vehicle on the side-yard.

FORMATION OF A WORKING GROUP TO REVIEW GOVERNING DOCUMENTS

- a. The last agenda item discussed was based on concerns raised by previous board members that the association's By-Laws and Rules and Regulations need to be reviewed and updated against ARS Title 33 requirements, as well as efforts to make the documents easier to read and understand.
- b. For example, written notice requirements for fines are not conducted IAW state statute requirements. Another example is that our By-Laws (Section VII, 7.1 (D)) state that if a member misses three consecutive meetings that their board position will be declared vacant. This is unrealistic given the fact that the association has difficulty getting volunteers to participate in the annual election cycle or to fill open board positions due to work and family restrictions.
- c. Based on the above it was recommended that a working group be formed consisting of two board members and one or two homeowners to review and make recommended updates to the association's By-Laws and Rules & Regulations.
- d. This group would meet individually (once or twice), discuss proposed changes and bring its recommendations to the next board meeting.
- e. The board would review and decide how best to implement any agreed-to updates.

Motion: To form a working group to review and propose updates to our governing documents and make their recommendations at the next board meeting. Motion approved unanimously.

Working group chair: "Ozzie" Nelson
Board member: Bonnie Dukes
Homeowner member: Mr. Mark Borom

Next Meeting Date: 17 September 2016

ADJOURNMENT:

Motion to adjourn the meeting by President Dukes and seconded by Dan Pritchard.

//signed//
"Ozzie" Nelson
SVHOA BOD Secretary