

**The Foothills Clusters Homeowner Association**  
***DRAFT MINUTES - BOARD OF DIRECTORS MEETING***

Date/time: November 2, 2015 at 6:30 PM

Location: Catalina Foothills High School, House #1, Seminar Room

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1. CALL TO ORDER/ROLL CALL

The meeting was called to order at 6:36 p.m. It was announced that due to an unexpected delay at work, Aletha would be coming late to the meeting. Dave Larrabee, the Vice President, took over conducting the meeting.

Roll call

Board Member	Present	Absent	Proxy
Aletha Kalish	X		
Brian Bickel	X		
Bob Newcomb			X
Dave Larrabee	X		
Dale Prescott	X		
Dave Spire	X		
Irene Barg	X		
Vacant			
Vacant			

Quorum was present.

A motion made at the September, 2015 Foothills Clusters HOA meeting related to the transfer of “Common Area”, was sent to the directors of the Foothills Homeowners Master Association with an invitation to the three representatives from Foothills Clusters to attend the November 2, 2015 meeting. Directors Allan Kaplan from Foothills I, Steve Hans from Foothills II, Vern Lamplot from Foothills Townhomes, Dale Prescott and Jeff Servoss from Foothills Clusters were in attendance at this meeting. Dale Prescott asked and the Board agreed that the Master Association agenda item be moved to the first item on the agenda. Introductions were made and members attending the meeting were invited to ask questions of the Master Association Board.

2. MASTER ASSOCIATION

The first question addressed to the Master Association Board requested a history of any and all transfers of common area and a list of pending transfers and/or known encroachment issues. Steve Hans responded that he was aware of two situations that occurred during his four year term on the Master Association board. He indicated that in 2014 approximately 2,000 sq.ft. of ‘Common Area’ was transferred to the owner of Lot #516 in Foothills Clusters and that a matter was currently pending related to a swimming pool and ramada which encroached

on 'Common Area' at 3712 E. Lizard Rock Place (Lot #296) in Foothills Clusters. Mr. Hans indicated he has no knowledge of transfers prior to his term on the Master Association board, however upon question related to records prior to 2011, Dale Prescott who has served on the Master Association Board for more than 20 years confirmed that records for all activities of the Master Association have been kept and are available . Dale Prescott added that approximately 6 years ago a perpetual easement was given to the owner of Lot #427 in Foothills Clusters for a wall that was partially built on the 'Common Area'.

A member presented an email he received from Jim Veomett, Sr. Planner at Pima County Development Services Department (copy attached). A discussion followed regarding the amount of 'Common Area' land that has been transferred to private individuals and the possible requirements of Pima County related to these transfers. Steve Hans indicated that the Master Association obtained legal opinions from Brown Olcott, PLLC and Wendy Ehrlick, Esq. indicating the Master Association had the authority to make the transfers but indicated he would contact Mr. Veomett regarding this matter on behalf of the Master Association.

Related to the pending sale of property at Lot #296, 3712 E. Lizard Rock Place Steve Hans and Dale Prescott indicated that they had no current factual information as to whether the house had closed on October 15, 2015 and indicated that there had been no transfers of property by the Master Association related to this property.

Members from Foothills Clusters expressed frustration with the Master Association Board for not being forthcoming with information related to the transfer of 'Common Area' and other requests by members for information. Steve Hans indicated that often their business is confidential in nature and involves negotiations that could be compromised if revealed to the general membership.

No meetings of the Master Association are currently scheduled.

With a consensus that the discussion was complete, the members of the Master Association were thanked for coming and participating and Steve Hans, Vern Lamplot and Allan Kaplan left the meeting.

#### Announcement

- Annual Membership meeting Sunday, November 15, 2015, 2:00-4:30 PM, Followed by a Special Meeting of the Board of Directors at 4:30-5:00 PM, Location: Catalina Foothills High School, House #1, Seminar Room. Aletha is to check on the availability of video equipment for use at the annual meeting.
- Next board meeting will be Monday, December 7, 2015 at 6:30 p.m. at Catalina Foothills High School, House #1, Seminar Room. Brian is to check

on the availability of an alternative location for the meeting scheduled for January 4, 2016.

### 3. APPROVAL OF OCTOBER MINUTES

Motion to accept October Minutes was seconded and passed.

4. PRESIDENT'S COMMENTS – Aletha Kalish arrived and took over conducting the meeting. She expressed here desire for good attendance at the annual meeting and the meeting in January, 2016 at which a presentation of the Engineer's report related to roads and finances will be presented. Homeowner Gayle Castaneda asked to speak regarding the cost of the engineering plan. Ms. Castaneda indicated she had been unable to attend the October meeting and expressed that she had concerns about spending so much money for a consultant. Irene Barg gave a brief summary of the history and reasons the Board concluded that an Engineering consultation was necessary. Ms. Castaneda appeared satisfied with the explanation but offered additional concerns related to the damage to the roads caused by Waste Management. Aletha indicated that the Board is exploring the possibility of contracting with an alternative waste removal company whose vehicles cause less damage to the roads, however this would only be an effective reduction in the wear and tear on the roads if 100% of the members agree to use the alternative service.

### 5. TREASURER'S REPORT (TRANSACTION DETAIL, BALANCE SHEET, A/R AGING SUMMARY and BUDGET vs. ACTUALS REPORT attached)

- Brian indicated that there are currently ten (10) properties with delinquent balances. Two are merely services charges and will be included in the balance due on their 2016 invoice. Brian mailed certified letters to the other eight (8) homeowners. Five (5) receipts were returned unsigned; two (2) were returned signed; one receipt has not yet been returned. Brian has received no contact from any of the eight (8) homeowners with delinquencies and asked the Board to approve turning these accounts over to a collection attorney. Motion was made, seconded and passed to turn over the delinquent accounts of Lots 236, 245, 294, 423, 481, 484, 529 and 556 to an attorney for collection.
- Brian indicated that dumpsters would be placed at six (6) locations within the Foothills Clusters for two (2) weekends at a cost of \$4,500.
- Motion to accept Treasurer's report was seconded and passed.

### 6. COMMITTEE REPORTS

Architectural Control Committee with CC&R Enforcement:

- Bob Newcomb was not present at the meeting but submitted the attached report.

- Dale Prescott expressed concerns that the new Architectural Control change form no longer requires that homeowners requesting a change be required to have their lot surveyed. Dale indicated that if a survey had been performed at Lot #296 and the Architectural Committee had seen the stakes, the encroachment on common area problem might have been avoided. Dave Spires responded that the necessity to require a survey should be considered on an individual basis and will be required when circumstances warrant it. Discussion followed regarding whether the new or old Architectural Change form appears on the website. Bob Newcomb will be asked to follow up and be sure that the correct form is posted on the website. This matter is to be listed on OLD BUSINESS on the December, 2015 agenda to verify that the correct form has been posted.

#### Landscape & Roads Committee:

- Irene reported that the core hole drilling will begin between November 4 and November 6<sup>th</sup>, and presented an email from PSOMAS with a map that shows the location along with the order in which they will be drilled. It was noted that the drilling sites are all located at the end of the cul de sac before the road circles around the planting area which would be a section that would have experienced less traffic over the years versus the back, half-way point of the circle. A discussion followed and it was agreed to allow the work to continue per the recommendations of the professionals. Irene agreed to provide a map to Douglas Everett to be posted on the website and will email a map to Bob Reuss.
- Jeff Servoss will contact Neal with the Southern Arizona Bufflegrass Coordination Center regarding the removal of bufflegrass and other non-native grasses growing in our area.

#### Business Process Committee:

- The Business Process Committee is in the process of developing amended CC&R's and amended By-Laws for the Foothills Clusters. A draft copy will be emailed to Board members.

#### Communications Committee:

- Report attached.

#### Nominating Committee:

- The ballot for the upcoming election of Board members at the annual homeowners meeting was mailed and is posted on the Next Door website and on the events calendar. Concerns that the current ballot would not be secret were expressed. Irene indicated that the ballots would be opened and the lot number recorded on an EXCEL spreadsheet then the name on the ballot would be cut off. There was

consensus that ballot should be reviewed and redesigned for upcoming elections to ensure privacy.

#### 7. OLD BUSINESS

- Fall Dumpster Dates: The dumpsters are scheduled to be placed on Friday, November 6 and Friday November 13, and pulled on Monday, November 9 and Monday, November 16.
- Notice of Annual Membership Meeting.
- Administrative Assistant. There was a discussion about hiring an administrative assistant to help the Board members with clerical duties and take notes at meetings. Irene Barg was assigned to develop a list of duties for which the administrative assistant would be responsible.
- The finance committee will begin to meet regularly.
- Master Association. See above.

#### 8. NEW BUSINESS

- Brian has received numerous inquiries about and requests for the ability of members to pay their annual association dues online. Brian investigated PayPal and QuickBooks. The cost would be 3.4% or approximately \$6. Motion made, seconded and passed to offer members the option to pay on line at no charge and the association will absorb the cost.
- A homeowner sent a letter to the Board regarding the smell of trash burning in the vicinity of Evans Mountain and Alvernon (copy of letter attached). A discussion followed with the general consensus of the Board that this matter does not fall under the authority of the homeowners association and would be more appropriately directed to a county or Rural Metro. No action shall be taken at this time.

9. The meeting was adjourned at 8:40 PM.

#### ATTACHMENTS:

1. Sign-in Sheet;
2. Letter to Joe Mucenski from Jim Veomett;
3. Minutes of the October 5, 2016 meeting;
4. Treasurer's Report including Transaction Detail, Balance Sheet, Budget vs Actual Report and A/R Aging Summary;
5. Architectural Control Committee Report;
6. Road Committee Report – email from Heidi Lasham at Psomas;
7. Communication Committee Report;
8. Letter from Homeowner.