

The Foothills Clusters Homeowner Association
MINUTES - BOARD OF DIRECTORS MEETING

Date/time: June 6, 2016 at 6:30 p.m.

Location: Village Inn, 6251 N. Oracle Road

1. CALL TO ORDER/ROLL CALL

- A. The meeting was called to order at 6:35 p.m.
- B. Roll call

Board Member	Present	Absent	Proxy
Aletha Kalish		X	
Bob Newcomb			X
Brian Bickel	X		
Dave Spire		X	
Donna Sanders	X		
Laura Sheets	X		
Tim Strong	X		
Pat Tapke	X		
Open			

- C. A quorum was present.
- D. The next board meeting will be held on Monday, July 11, 2016 at 6:30 p.m. Village Inn, 6251 N. Oracle Rd.

2. APPROVAL OF PRIOR MEETING MINUTES

- A. Motion to accept the Minutes of the May 2, 2016 Board Meeting was made, seconded and passed.

3. PRESIDENT'S COMMENTS

Brian Bickel assumed the duties of President in the absence of Aletha Kalish, President, and Bob Newcomb, Vice President.

4. TREASURER'S REPORT

Brian reviewed attached BALANCE SHEET as of 5/31/2016, A/R AGING SUMMARY as of 5/31/2016, and CHECK DETAIL for May, 2016.

- A. Motion to accept Treasurer's report was seconded and passed.
- B. Brian reported that four delinquent accounts had been turned over to the attorney for collections.
- C. Brian was asked about the status of the compilation of the Foothills Clusters HOA financial statements for period ending December 31, 2015 and he report that the review is in progress by the firm of Holm & Valenzuela.

5. COMMITTEE REPORTS

- A. Architectural Control Committee with CC&R Enforcement:
 - 1. Report attached. The ACC presented the board with a number of questions to address. The first question to the board: Do you agree that the Architectural Control Committee has the power to interpret colors and material subjectively even when such

interpretation is more restrictive than what is itemized in the CC&Rs? Discussion ensued with opinions ranging from a very non-subjective interpretation of the CC&Rs which would assume that the ACC has no authority for any changes to properties that are not specifically restricted in the CC&Rs, (i.e., the CC&Rs do not specifically restrict wire fences, therefore wire fences should be permitted) to a more expansive interpretation of the CC&Rs and more specifically the first sentence of Article V of the CC&Rs which reads, “No building, fence, wall or other structure shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the Association or by an architectural committee composed of three (3) or more representatives appointed by the Board.” A member of the ACC was present and indicated that the committee was in the process of compiling a proposed policy regarding architectural changes. After a lengthy discussion it was decided that this matter should be tabled pending review of the ACC committee proposed policy.

2. The next question related to the unapproved installation of a red metal roof at 3730 E. Marble Peak Place. Question for the Board: Shall this Committee file this as being out of compliance until we receive and approve an application? The board voted unanimously that the roof is out of compliance and the homeowner should be asked to submit an application.
3. The next question related to the unapproved construction at 3778 E. Marshall Gulch Place. Question for the board: Shall this Committee file this as being out of compliance until we receive and approved application? The board voted unanimously to request that the homeowner submit an architectural change application.
4. There were three questions related to the unapproved construction at 3830 E. Diablo Canyon Pl. The first questions for the board: Shall this Committee file this as being out of compliance until we approve the complete application? The board voted unanimously that this property was out of compliance and that a letter would be sent to the homeowners notifying them that their application was not approved, and the board found it unnecessary to vote on the questions related to the fence and car shade structure at this time. The owners of this property were present at the meeting and requested that the board reconsider their decision and take a vote on the issues related to the fence and the car shade structure tonight because the property is under contract and in escrow and is scheduled to close prior to the next scheduled board meeting. The board agreed to take a vote. On the question for the board: Do you disapprove the wire fence and require it to be removed or replaced? Motion to disapprove the fence was made, seconded and passed. On the question to the board: Do you disapprove the car

shade structure and require it to be removed? Motion to disapprove the car shade structure was made, seconded and passed.

B. Landscape & Roads Committee:

1. Brian Bickel reported that the roads committee is in process of developing a petition to amend Article XI of the Articles of Incorporation.
2. Distribution and discussion of a survey of the neighborhood streets prepared by Bob Reuss (report attached).

C. Business Process Committee: No Report – see discussion under Roads Committee.

D. Communications Committee (No Report):

1. Discussion related to the questionnaire and changes to the Articles of Incorporation.

E. Nominating Committee: No Report.

1. Table until July meeting.

F. Welcoming Committee:

1. New homeowner at 3708 E. Marshall Gulch was welcomed with a hug pending completion of quick start pamphlet and welcoming packet.

G. Finance Committee (No Report):

1. No report pending petition to change Articles of Incorporation.

6. OLD BUSINESS

- A. Neighborhood cookout. The response to the neighborhood cook out was very positive. Everyone on the board who attended had an outstanding time and we again thank everyone, especially Aletha and David, for their contribution.
- B. Questionnaire – Tabled until the July meeting.
- C. Review committee job descriptions and goal – Table until the July meeting.
- D. Status of Administrative Assistant – Table until the July meeting.

7. NEW BUSINESS – None

8. MASTER ASSOCIATION

- A. Master Association has received their financial report for the period ending December 31, 2015 and the board is in the process of reviewing the report. Representatives from the Master Association anticipate that a copy can be distributed to the Foothill Clusters board in July.

9. The meeting was adjourned at 7:53 PM.

10. ATTACHMENTS: (TBD)