

The Foothills Clusters Homeowner Association
MINUTES - BOARD OF DIRECTORS MEETING

Date/time: Monday, April 1, 2019 at 6:30 p.m.

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

1. CALL TO ORDER/ROLL CALL

1. Call to Order – the meeting was called to order at 6:30 p.m.
2. Housekeeping – sign in roster, cell phones.
3. Roll call

Board Member	Term Expiration	Present	Absent	Proxy
Brian Bickel	2021	X		
Austin Wesnitzer	2021		X	
Douglas Hughes	2021	X		
Aletha Kalish	2020	X		
Pat Tapke	2020	X		
Donn Stoltzfus	2020	X		
Frank Karnauskas	2019	X		
Ron Steffens	2019	X		
Vacant	2019			

4. A Quorum was present
5. Next board meeting Monday, May 6, 2019, 6:30 pm. at Catalina Foothills High School, House #1, Seminar Room, Tucson, AZ. Aletha with contact the Jewish Community Center and try to arrange for a meeting room for June, July and August 2019.

6. APPROVAL OF PRIOR MEETING MINUTES – Motion to accept the Minutes of the March 4, 2019 Board Meetings was made, seconded and passed.

2. PRESIDENT’S COMMENTS – Frank Karnauskas asked that the agenda item under Old Business related to filling three open positions on the Board of Directors be moved to this time and introduced Donn Stoltzfus and Ron Steffens, members of the Foothills Clusters homeowners association who have indicated an interest in serving on the Board. Donn and Ron gave a brief resume of their professional and personal background. Pursuant to The Amended and Restated By-Laws of the Foothills Clusters Homeowners Association Approved November 5, 2007, Article IV, Section 6, Frank made a motion to nominate Donn Stoltzfus to fill the Board vacancy which expires in November 2020. The motion was seconded and passed. Frank made a motion to nominate Ron Steffens to fill one of the Board vacancies which expires in November 2019. The motion was seconded and passed.

3. COMMITTEE REPORTS

1. Architectural Control and CC& R Committee (Report attached)
 - a. Architectural Control Committee – The committee processed and approved three ACC applications in March including approval of paint color at 6407 N Burro Creek and 3529 E Nugget Canyon and roof color at 3785 E Marble Peak. Plans for rooftop solar at 6635

N Pidgeon Springs were received but the committee is waiting for completed application.

b. CC&R Committee –

- 3856 E. Diablo Canyon – car with no muffler; the vehicle has been outfitted with a muffler.
- 3545 E Ventana Canyon – dogs barking at pedestrians walking by; the homeowner responded with a letter to first notice of violation. Frank will follow up with attorney regarding definition of “adjacent homeowner” as provided in Article VII, Section 7 of the CC&Rs.
- 3719 E. Lizard Rock – multiple cars parked in cul de sac blocking traffic: First Notice of Violation sent.
- 6491 N Burro Creek – HVAC ductwork added to roof: First Notice of Violation sent, and homeowner has agreed to remove ductwork.
- 3701 E Marshall Gulch – RV parked alongside house; First Notice of Violation sent.
- 3809 E Lizard Rock – RV parked alongside house; First Notice of Violation sent.
- 3628 E Marble Peak – barking dogs; warning letter sent to renter resident. Response letter from renter resident was handed to Frank. Frank will review at a later time.

2. Landscape & Roads Committee

- a. Roads – Brian indicated that Austin is preparing an RFQ (Request for Quote) for repair of private roads.
- b. Landscape – Irene reported to Frank that there is no landscape work being done at this time.

3. Business Process Committee – No Report

4. Communications Committee – No Report

5. Finance Committee

- i. The Balance Sheet Comparison as of March 30, 2019, A/R Aging Summary as of March 30, 2019 and the Transaction List by Detail for March 2019 are attached and were reviewed. Thirty-eight (38) assessments remain unpaid for 2019. Statements including late payment fee were mailed for unpaid 2019 assessments and unpaid 2018 late payment fees. Brian sent final notice of assessment due to (4) homeowners’ whose assessments are over one (1) year

delinquent. If there is no response by the end of the month, Brian will turn these accounts over to legal counsel for collection.

- ii. Brian reported that he is working with Christi Caple a boarding specialist at Alliance Bank of Arizona (Western Alliance Bancorporation) regarding transfer of the Association accounts.
- iii. A discussion related to obtaining a higher interest rate on investment and FDIC (Federal Deposit Insurance Corporation) limit issues ensued. Brian reported that he is working with Alliance Bank of Arizona to invest the Association funds in CDARS (Certificate of Deposit Account Registry Service) a program that allows depositors who invest in CDs (Certificates of Deposit) to spread money around to various banks and stay below the FDIC limits at any given bank.
- iv. Brian reported that Alliance Bank will be able to process future assessments by check (no charge), credit card (3% fee charged to credit card holder), debit card (\$5 fee charged to debit card holder) and ACH (Automated Clearing House).
- v. Brian has confirmed that the maximum terms for a loan to repair the roads from Alliance Bank of Arizona would be twelve (12) years.
- vi. Brian is reworking the Draft Budget for 2019 to include an estimate of interest income.

6. Welcoming Committee –

- a. The Committee delivered one (1) welcome packet to new homeowner. Brian will furnish the committee with names and addresses for four (4) new homeowners who closed on their homes in March. Welcome packets will be delivered as soon as possible.

4. OLD BUSINESS –

- a. Pat provided a copy of the final version of The Vehicle and Parking Policy to Frank for signature. Frank is to return a signed copy to Pat to be attached to the April 2019 minutes. The policy will be posted on the website.
- b. Proposed Amendment to By-Laws – Brian will draft a proposed revisions to the By-Laws using language similar to the language in the Amendment to Declaration of Covenants, Conditions and Restrictions Clusters Association, Article IV, Section 4 which reads: “In addition to the annual assessment authorized above, the Association may levy, in any assessment year, a special assessment applicable to that year only for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair or replacement of a capital improvement upon the Limited Common Area, provided that any such assessment shall have the assent of two-thirds (2/3) of the votes of each class of members who are voting in person or by proxy at a meeting duly called for this purpose.”. This draft is to be emailed to Board and to the attorney by Frank for review prior to the May 6th Board meeting.
- c. 2019 Plan of Action – Discussion was tabled until the May 6th meeting.

- d. Governing Documents Receipt Confirmation – Brian indicated at the March 2019 Board meeting that pursuant to A.R.S 33-1806 copies of all governing documents are provided to the title company for delivery to the purchasers of homes in the Foothills Clusters. Brian was to draft a letter to the title company confirming receipt of these documents to be forwarded to the attorney for review.
- e. Proposed website notice regarding Pima County Laws Governing Dogs. Frank indicated that he received a letter from the owner of the dog that was bitten by an off-leash dog in the Common Area and has responded indicating the Board’s intention to post Pima County Laws Governing Dogs on the Foothills Clusters website and NextDoor and to send an email to members on the Foothills Clusters email list as follows: It has come to our attention that a dog being walked on leash in the Common Area was bitten by another dog that was not on a leash. Please be advised that Pima County Code Section 6.04.030 requires dogs to be on leash when not on the dog owners' property. For everyone's safety we ask that you please comply with Pima County law when walking your dog in the Common Area and/or Limited Common Area (private roads). Please check the Foothills Clusters website for more information regarding Pima County Laws Governing Dogs.

5. NEW BUSINESS –

- a. Rental Property Control – Frank wants to poll the neighborhood regarding support for amending the CC&Rs to ban rental of property in Foothills Cluster and grandfather those homes that are currently renting – in effect capping rental units in the Clusters at the current approximate 20%. This restriction would have to be done through an amendment to the CC&Rs because state law requires any prohibition on rentals to be contained in the declaration (see A.R.S. § 33-1806.01(A)). Foothills Cluster's CC&Rs require a 75% approval of the membership to amend the CC&Rs (see Article VI, Section 3).
- b. Aletha and David offered to host a neighborhood cook out on Saturday, April 27, 2019. After discussion Aletha indicated she would confirm to the board by email by Friday, April 5th as to whether she would go forward with the cook out.
- c. Frank indicated that his term on the Board is up in November, 2019 and he plans to run for another three year term however, he feels the Association needs a President who lives in the Clusters year round and although he will continue to serve as President until November, 2019 he will not serve as President after November, 2019.

6. MASTER ASSOCIATION – The next meeting of the Master Association Board is set for Tuesday, April 9 at 4:30 pm at Manzanita Elementary School. Dan indicated that Master Association legal counsel supported putting signs at the entrances to the subdivision regarding Pima County leash laws. Pat indicated she

would forward information included on the signs at Brandi Fenton Park to the Board and Dan.

7. ADJOURN – Meeting adjourned at 8:46 p.m.