

**THE FOOTHILLS CLUSTERS HOMEOWNERS ASSOCIATION-
BOARD OF DIRECTORS MEETING**

MEETING MINUTES

May 12, 2026 6:30 PM

Location: Online via Zoom

1. CALL TO ORDER / ROLL CALL

The meeting was called to order at 6:30 PM.

Board Member/Term Expiration	Present	Absent	Proxy
Gigi Bainbridge 2026		x	
Aletha Kalish 2026	x		
Donn Stoltzfus 2026	x		
Brian Bickel 2027	x		
Greg Piraino 2027	x		
Marty Lueking 2027	x		
Timothy Graham 2028	x		
Jim Mackie 2028	x		
Ron Steffens 2028	x		

2. PRESIDENTS COMMENTS

Aletha welcomed the Directors and several homeowners that were in attendance.

3. REVIEW OF THE MINUTES OF THE PREVIOUS MEETING

The minutes were accepted with one minor typographic revision

4.. DISCUSSION AND POSSIBLE ACTION TO APPOINT THE NOMINATING COMMITTEE

By unanimous vote, the Board approved a motion to appoint Greg Piraino (chair), Marty Leuing, and Larry Holmes to the Nominating Committee for the 2026 Board of Directors election.

5. DISCUSSION AND POSSIBLE ACTION CONCERNING THE ACC INTERPRETATION OF VEHICLE AND EQUIPMENT ENCLOSURES

Gigi and Greg discussed the process of developing the proposal, which included multiple drafts, postings on the website seeking comment, revisions in response to those comments, and the resulting final draft for consideration. Greg stated that through the process many homeowners supported the key concept, which is that trailers, RVs, etc, if approved for lot storage, would need to be completely out of view

from the street, adjacent Common Area, and neighboring lots. Donn added that this new interpretation applies only to new applications and does not affect the several homeowners who have already received permission for onsite enclosed RV/trailer storage.

By unanimous vote, the Board approved a motion to accept the new interpretation.

Donn said the document would be posted on the website soon.. He noted that with its passage certain portions of the 2023 Compliance and Assessment Policy, specifically parts of section G.3.d, and all of sections G.2.d, G.3.G, and G.3.H would need to be deleted as they were now in conflict with the Interpretation.. Donn asked permission of the Board to make those changes; the motion to do so passed unanimously.

6. COMMITTEE REPORTS

a. Budget and Finance Committee.

Ne report. Tim reminded everyone that the current reports were available on Caliber.

b. Architectural Control Committee

Gigi said that she had distributed the monthly report to the Board. She commended Marty for closing out, through final inspection, nearly all of the previously approved projects that had been completed. Gigi said that 16 applications arrived since late March. Of those, 14 were approved and 2 remained in review.

Eric Raymond, a homeowner, spoke to confirm that he would be submitting an application for some minor structures to be built on his property. Donn asked about the status of an application for driveway resurfacing, with small changes in the footprint of the driveway, from an out-of-state owner of a property on Quartzite Canyon. Gigi said she would follow-up on what should be a routine application to assist the owner. There was some discussion of whether neighbor signatures should be required, often a burden upon an out-of-state owner. Greg and Gigi expressed a desire to clarify the application or guidance regarding this; Donn said he felt neighbor signatures should be required for driveway projects because they often abut common property lines and teh requirement ensures that neighbors are aware and in agreement as to the location of the property lines.

Gigi and Donn discussed the ongoing project to construct a pool at a property on Kingler Spring that has been significantly delayed from its original stated schedule. Donn explained that while the owner was required to plant several native trees of a large size, to replace ones destroyed during construction, the owner recently requested an extension of time to do so because the project has been delayed. Donn and Gigi agreed to communicate after the meeting about the matter.

c. Compliance and Enforcement Committee

Donn briefly noted that one NOV had been issued for an unapproved boat trailer in public view, and that he had not received a response from the owner about two NOVs issued in April. Those may have to go to a Compliance Hearing at the June meeting.

He also mentioned that the Compliance and Enforcement Committee would be drafting a revision to the Enforcement Fine Schedule, which might include a proposal for fines of \$100, \$250, and \$1000 for continued non-compliance. The current Fine Schedule imposes two fines of \$50 and \$100 before legal action is considered. This sparked considerable discussion, with several Directors voicing qualified support. Greg noted that the problem with the current fines, and perhaps even with an enhanced schedule, is that paying the fines can be less expensive than compliance in some cases. He suggested consideration of an ongoing fine that might be assessed each month or each quarter if the owner remained out of compliance.

Donn said he would investigate whether this was legally possible and discuss it with the Committee. He reminded the Board that the HOA has no authority to refer fines for non-compliance to a collection agency. In some cases, the fine is not collected until the property is sold, as happened recently on a Lizard Rock property. Greg said that it might be appropriate to increase fines just on the basis of inflation that has occurred since the last schedule was approved.

Marty and Greg spoke to the idea of fines and enforcement as a last resort. The Board should encourage and support homeowners to comply, taking a positive approach unless the homeowner is non-responsive or abandons any attempt to comply. Compliance, not collection of fines, is the desired result.

d. Roads Committee

Ron stated he had no news to report. Pima County staff has not yet responded to recent questions concerning pedestrian safety alternatives.

e. Landscape Committee

Ron stated that he had no news to report, other than that there was a conversation with the contractor tasked to do invasive grass removal in the near future with funds previously approved by the Board.

f. Welcoming Committee

Dan Weisz reported that he had welcomed one new family that is moving into a property on Marble Peak Place, and they are excited about joining the community.

7. MASTER ASSOCIATION REPORT

Dan Weisz discussed how setting out poison for pack rates can have the effect of killing wildlife that prey upon the poisoned rodents. He noted that two owls were recently found dead in the community, and he was sending one for evaluation of whether it had been poisoned. Please do not use poison for outdoor rodent control; more information is on the website. Several Directors commented favorably on the community of owls that nest annually in the Clusters and, in addition to providing beauty, are prolific rodent catchers but thus susceptible to second-hand poisoning.

8. TOPICS FOR FUTURE CONSIDERATION None.

9. CURRENT AND POTENTIAL LITIGATION (EXECUTIVE SESSION)

There was a brief discussion of advice that the Board received recently that will result in changes in how executive sessions are noted on the agenda. In brief, the topic (in general) of the session must be disclosed to the public on the agenda, and if the Board takes a vote as a result of the discussions in executive session it must be done in public after the session, with an opportunity for public comment.

Marty asked how the individual rights to privacy can be balanced with the public right to know. Several Directors participated in the responsive discussion; Gigi summarized that the agenda must be informative but circumspect, providing general knowledge without specific details. Jim added his understanding that we needed to provide general notice to the public, but not disclose specifics and be mindful of refraining from providing information that might be privileged and confidential. The general sense was that maintaining a balance might be difficult at times.

With that, the Board approved a motion to go into executive session for the purpose of discussing legal advice and pending discovery for one active enforcement case, and an update and discussion of other pending matters of litigation. The executive began at approximately 7:35.

After returning to the general business meeting at approximately 8:10, Donn reported that the Board discussed the outline of a letter to be sent to a homeowner on an enforcement matter, as well as some recent legal advice. The Board also discussed who should be tasked to represent the Board in future anticipated legal settlement discussions.

Only one homeowner was present, and declined to comment. A motion was offered and approved to appoint Jim Mackie and Greg Piraino to represent the Board and the FCHOA in future settlement discussions that may take place in the fall.

10/. ADJOURN The meeting was adjourned at approximately 8:15.

ARCHITECTURAL CONTROL COMMITTEE REPORT
14 MARCH 2026 thru 12 MAY 2026

A. (16) APPLICATIONS RECEIVED - NEW

(14) APPROVED
(2) UNDER REVIEW/INCOMPLETE APPLICATION
(0) DENIED
(9+/-) PENDING CONSTRUCTION/UNDER CONSTRUCTION
(22) PENDING OBSERVATION -2026
(3) PENDING BOARD REVIEW/LEGAL ACTION
(13) CLOSED
(3) INQUIRIES

B. APPLICATIONS RECEIVED

3750 Marshall Gulch Pl_Solar Panel Install_INQUIRY
3768 E Marble Peak Place_pergola backyard_Smith_APPROVED GSP
3510 E Guthrie Mountain_Unapproved Tarp Structure_NO APPLICATION
3773 E Marble Peak Place_Stairs to Roof_IN PROCESS
6722 N Quartzite Canyon Place_Remodel and Landscape_INQUIRY_NO APPLICATION
3872 E Marble Peak Place_Pool Gate/Fence_Bartos_APPROVED
3490 E Marshall Gulch_New Driveway_Denham_APPROVED
3710 E Espero Canyon Place_Roof Recoating_Sullivan_APPROVED
6761 N Cascade Spring Pl_repair roof Recoat_Holmes_APPROVED
3806 E Diablo Canyon Pl_Back covered patio enclosure_APPROVED
3871 E Marshal Gulch_Front Patio_Fricke_APPROVED
3871 E Marshal Gulch_Replace Front Window_Fricke_APPROVED
3584 E Gibbon Mountain Place_Porch conversion ext remodel_Weinberg APPROVED
3700 E Gibbon_Pool Solar Installation_Hudoba_APPROVED
3845 E Lizard Rock Place_Solar Panel Install_Rivers_APPROVED
3871 E Marshal Gulch_Property Line Wall_Fricke_APPROVED
3565 E Marshal Gulch_Gate Replacment_Jarvis_APPROVED
3763 N Quartzite Canyon Place_Solar installation_Marsh_APPROVED
3809 E Lizard Rock_Room Addition_Wiens/Wall_APPROVED
3532 E Nugget Canyon Place_Block screen wall_Morris_APPROVED
3764 E Nugget Canyon Pavers_Driveway Paver Install_Terian_APPROVED
3555 E Guthrie Mountain Place_New Shed_Negovian_STATUS UNKNOWN
3532 E Nugget Canyon Place_Solar-Panel-Installation-on-Existing-Roof_Morris_APPROVED
3621 E Kingler Spring Place_Pool Install_Lopez_APPROVED w/CONDITIONS
6412 N Burro Creek_Trailer Enclosure_Lori Gray_PENDING BOARD REVIEW
3590 E Gibbon Mountain – Travel Trailer Enclosure_Saxe_PENDING BOARD REVIEW
3773 E Marble Peak_New application Roof Deck/Roof Coating_Gobar_DENIED

3773 E Marble Peak_Application for Full Garage_Gobar DISAPPROVED_TRO remains
In EFFECT for Full Garage

3773 E Marble Peak_No application_hot tub on roof_February 2026

3871 E Marshal Gulch_Addition Fricke_NON CONFORMING HVAC

C. APPLICATIONS CONSTRUCTED, PENDING OBSERVATION:

3732 E Guthrie Mountain Place_Trailer Enclosure_Bickel_PENDING OBS

3856 E Diablo Canyon Place_Roof Replacement_Koontz_PENDING OBS

3560 E Thimble Peak Place_Solar panel installation_Booth_PENDING OBS

D. UNAPPROVED CONSTRUCTION COMPLAINT (S)

3871 E Marshal Gulch Addition was completed and the homeowner had the HVAC unit
for the new addition installed ON the roof of home. Not approved. Not on original
drawings.

E.. FUTURE ACTIVITIES.

ENCLOSURE POLICY PENDING VOTE OF BOARD IN MAY.

Prepared by: Gigi Bainbridge, Chair ACC 858-395-4673

ACC Members 2025: Greg Piraino, Marty Leuking