

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

MEETING MINUTES

August 11, 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 homeowners in attendance. She briefly referenced a recent incident in which a new homeowner, unaware of the CC&R restrictions, was renovating their new home and about to put an HVAC unit on the roof. A quick report by a neighbor and a response by Gigi and Donn to visit the home and speak with the homeowner avoiding a violation that would have cost the homeowners significant funds to correct.

3. REVIEW OF THE MINUTES OF THE PREVIOUS MEETING

The minutes were accepted without revision.

4.. COMMITTEE REPORTS

a. Budget and Finance Committee

Brian reported that recent legislation has increased to \$10000 the amount that a homeowner must be in arrears for an HOA to foreclose on the home. However, it is his understanding that the new law does not affect attempts to collect a lesser amount of debt. He will contact the Board's legal counsel to confirm that.

Currently there are 10-13 members who have not fully paid their annual assessments.

b. Architectural Control Committee

Gigi thanked Marty for his continuing assistance to close out completed projects. She reported that there were five new applications this month, including four solar installations. Each of those applications have been approved or are about to be.

c. Compliance and Enforcement Committee

Donn reported that there were no new compliance cases' however, three ongoing enforcement cases were active. Litigation continues on the Gobar garage construction case. The matter of the HVAC units on the roof at a Marshall Gulch home has been referred to our attorney. And the case of the boat trailer on McFall Crags is the subject of a Compliance Hearing later tonight. Donn added that walk-by assessments of the homes in the eastern half of the community would be done in October.

Donn then discussed the recommendation of the Committee to revise the General Violation Fine Schedule to increase the maximum fines, increase the time homeowners have to comply following assessment of a fine, and introduce an ongoing monthly fine for recurring violations. He said that the number of violations in the Clusters is relatively low, and of those only about 5% are unresolved until a fine is imposed. The Board is required by law to enforce the CC&Rs, and fines are part of that responsibility. However, small fines may not be sufficiently compelling to result in compliance. The maximum cumulative fine at present is only \$150, less than the amount to store an RV offsite for a single month. Increasing the fines not only acknowledges inflation, it may result in greater compliance and demonstrated the importance of the CC&Rs.

The proposed revision would create a tiered fine schedule of \$100/\$250/\$1000. The initial fine requires Board approval, and a second vote of the Board would be required to impose the \$1000 fine, which should only be necessary in extreme cases. Homeowners would be allowed at least 15 days from the date of the notice of a fine before the next fine was imposed. The revision would create a new recurring fine of \$100 for each month that a visible violation persisted. This recurring fine would not apply to minor paper violations such as failure to seek ACC approval, etc. If approved, each of these proposed changes would go into effect on January 1, 2027.

Donn suggested the proposal be placed on the HOA website to solicit public comment, with the goal of discussing revisions at the next Board meeting and voting on the proposal at the October meeting.

Several members of the Board offered comments. Gigi stressed that the proposal is not punitive, because over: 95% of the community achieves compliance and is never fined. But, she said, there a few scofflaws who apparently do not consider the fines to be a concern. It is important the HOA have some incentives to compel compliance. She

suggested perhaps a daily recurring fine should be considered. Brian asked if there is a maximum fine amount associated with the recurring fine' Donn said no, but any fine would have to be reasonable relative to the offense or a judge would not uphold it.

Gigi added that we should be clear that any fines collected will help to offset the costs of enforcement, including our legal fees. Several members of the Board concurred to post the policy on the website and send an email to the community inviting their review and comment. In response to a question from Tim, Donn said in the past there has been only 1-2 fines imposed each year, but this year there will be 3-4. Gigi and Aletha thanked Donn for preparing the proposal, and Donn thanked Jim and Ron, the other members of the committee, for their review and assistance in developing the proposed revision.

d. Roads Committee

Ron reported that there was no news on the Safe Streets initiative. He will follow up. In addition, he received a call from Rural Metro regarding impediments to access at the cul-de-sac on East Diablo Canyon Place, due to the placement of boulders and low overhanging branches from trees alongside the street. He has observed the site, and believes it is necessary and appropriate to use our landscape contractor and available landscape funds to trim the trees and relocate some of the boulders further off the street into the landscaped area within the cul-de-sac. Donn said he thought the property owners should be given notice before trimming their trees; Gigi volunteered to help Ron with that. It was the consensus of the Board that the FCHOA has authority to trim branches that overhang the street right-of-way and affect vehicle traffic, and that Ron should proceed with this proposal.

Ron also mentioned the issue of ATV access into the Common Area above Campbell Wash. The County is going to move a no parking sign to help impede access, and Ron and others will relocate some small boulders from a pile across the street to further block that access. Dan Weisz added that the initial concern about the ATVs came from a member of the Master Association Board. He immediately contacted Pima County, and county staff have been helpful in suggesting ideas to prevent further ATV access and damage.

Gigi brought up the unresolved question of an exposed cable on the surface alongside Evans Mountain. It appears to be a temporary fix for a Comcast cable, but no one on the Board had information about when the cable might be buried or replaced. It was noted that the cable is in County right-of-way but then goes a short distance in HOA right-of-way along Mount Kimball.

Brian pointed out that the existing cul-de-sac on Diablo Canyon appears to be much less than the full 80-foot width of the right-of-way. Ron agreed that might be a topic for future discussions about the integrity of our street right-of-way.

e. Landscape Committee

See discussion above.

f. Welcoming Committee

Dan Weisz reported there were no home sales and no new residents to welcome this month, although a few homes have recently been listed for sale.

7. MASTER ASSOCIATION REPORT

Dan mentioned the ATV access issue, which was previously discussed by Ron, is also of concern to the Master Association. He made a brief presentation on bird species and bird migration in Pima County, and showed information the Board several ornithological websites offering information of interest.. Bird migration can now be approximately quantified and reported. One interesting fact was that 382,000 birds were detected migrating over Pima County last night, and another 200,000 entered the County but have not yet moved on. Dan recommended anyone interested in birding could seek out these websites. He also recommended the Merlin app for smartphones that detects birdsong and identified the species producing the sound. He said that there are many online resources to help us appreciate the birds in our neighborhood.

8. TOPICS FOR FUTURE CONSIDERATION

None

9. CURRENT AND POTENTIAL LITIGATION (EXECUTIVE SESSION)

The Board entered into executive session at approximately 7:30. for the purpose of conducting a Hearing regarding a member's violation of the CC*Rs, followed by a discussion of both ongoing and potential litigation.

Following the executive session, the Board returned approved a motion to uphold the Notice of Violation at 6849 McFall Craggs Place.

10. ADJOURN The Board returned to adjourn the meeting at approximately 8:05

July 2026 Architectural Control Committee Report

The Architectural Control Committee Report may be accessed by going to www.foothillclusters.com, clicking on Web Portal and selecting Documents from the menu, and then selecting the ACC report tab.