

**LAKE MOOVALYA KEYS**  
**Board of Directors**  
**Approved Meeting Minutes**  
**February 3, 2020**

**CALL TO ORDER:**

President Bill Manderscheid called the Board of Directors Meeting of the Lake Moovalya Keys to order at 6:00 pm.

**PRESENT:**

President	Bill Manderscheid	Lot 228
Vice President	Kevin Auman	Lot 137
Secretary/Treasurer	Kit Furnell	Lot 16
	Karen Gallio	Lot 1
	Blane Coon	Lot 54
	Kathy Northcutt	Lot 73 and Lot 102
	Chuck Smith	Lot 103 and Lot 104
	Chuck Baker	Lot 117
	Jack Sweeney	Lot 197

**ABSENT:** Chris Chambers Lot 164

**OTHERS PRESENT:**

Legal Counsel: John C. Churchill Lot 153 and Lot 154

General Manager/  
Recording Secretary: Heather Wilson Lot 166

**GUESTS:**

William Gallio	Lot 1
Gary Fahy	Lot 22
Judy Robinson	Lot 23
Rosemary Carlisle	Lot 25 and Lot 110
Steve Carlisle	Lot 25 and Lot 110
Kyle Sullivan	Lot 96
Mel Cadoret	Lot 111
Ellen Cadoret	Lot 111
Donna Alexander	Lot 115
Don Alexander	Lot 115
Hamish Bell	Lot 121
Jeff Howell	Lot 133
Kelly Howell	Lot 133
Linda Mitts	Lot 136
Lori Auman	Lot 137
Leanne Carley	Lot 149
Steve Catlin	Lot 177
Scott Homan	Lot 202
Wendy Kemme	Lot 207
Jeanie Kemme	Lot 207
Steve Habermann	Lot 229
Carla Faulkner	David Plunkett Realty
Kim Harsch	Robert Gory Realty

**CALL TO THE PUBLIC:**

Mr. Manderscheid reported that the Board has outlined time limits as to how long individuals are allowed to speak during the call to the public and that the Board would like to keep it to thirty seconds and asked individuals to be concise and that the meeting is now open to the public and asked for a raise of hands.

Steve Habermann homeowner of Lot 229 stated that the Board is obligated to allow a reasonable amount of time for members to speak, and that he feels that thirty seconds is not a reasonable amount of time.

Mr. Habermann also stated that all Board of Directors meetings are to be recorded per the Board of Director's meeting minutes dated April 2004, where Mr. Churchill stated that it is the Board's fiduciary responsibility to record all Board of Directors meetings and that a motion was carried to record all Board of Directors meetings.

Mr. Habermann stated that it is his understanding that the last CPA review was done in 2015 and he understands that this will be covered in today's meeting.

Mr. Habermann reported that he feels the order in which the Moovalya Keys votes is illegal and that he feels our bridges are grossly under insured.

Steve Catlin homeowner of Lot 177 recited Section 12.1 where it states "each single family dwelling shall be used and occupied as a single family dwelling and for no other purpose" and was wondering why we are arguing about rentals.

Mr. Manderscheid stated the Board of Directors will take all comments into consideration and that the Board of Directors makes every attempt to conduct business per the CC&R's.

Mr. Manderscheid reported that Tony Gaipa, the former president of the Moovalya Keys Board of Directors has asked the Board to read the following letter out loud for a matter of record.

Dear Members of the Board and Members of the Lake Moovalya Keys,

One of the candidate's campaign brochures circulating states that I resigned due to "unethical behavior of some board members". Let me be clear, I have never said that to anyone, and the words in my resignation letter may have been taken out of context.

The reason for my resignation was due to the increasing discord among some of the current board members that I believe has impacted the ability of the board to make decisions that best serve **all** [emphasis added] of the homeowners equally. In addition, my increasing business responsibilities back home made it difficult for me to meet the obligations required to serve as President or as a Board Member.

**CALL TO THE PUBLIC CONTINUED:**

This letter is only to clarify the one statement in the brochure regarding my resignation. I believe the homeowners listed in the campaign brochure who are running to fill the Board seats are all fine candidates who intend to work in the interest of all homeowners. I understand the sacrifice and work required to serve on the board and appreciate these homeowners taking the initiative to serve.

Sincerely,  
Tony Gaipa

**BOARD OF DIRECTORS' MEETING MINUTES:**

Mr. Baker made a motion to approve the **January 2020 Board of Directors Meeting Minutes**. Mr. Sweeney seconded the motion and the motion carried unanimously.

**BOARD OF DIRECTORS' EXECUTIVE SESSION MEETING MINUTES:**

Mr. Sweeney made a motion to approve the **January 2020 Board of Directors Executive Session Meeting Minutes**. Mr. Baker seconded the motion and the motion carried unanimously.

**FINANCIALS:**

**Bookkeeper's Report, Prepaid Bills and Bills for Approval**

Mr. Smith made a motion to approve the **January 2020 Bookkeepers Report, Prepaid Bills and Bills for Approval**. Mr. Sweeney seconded the motion and the motion carried unanimously.

**JANUARY 2020 PREPAID BILLS**

<b>Date</b>	<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
01/07/2020	DEBIT	MyFax Services	Virtual Fax Fee	10.00
01/08/2020	7706	CopperPoint Mutual	Workers Comp Installment 3 of 3	408.43
01/14/2020	DEBIT	Republic Services	3-0527-0040037	4,311.83
01/15/2020	DEBIT	Frontier	667-2840	110.54
01/15/2020	DEBIT	Frontier	667-4484	108.10
01/15/2020	7707	Heather Wilson	GM Advance	1,200.00
		"	Fuel	100.00
		"	Recording Secy. Advance	125.00
01/17/2020	7708	Extreme Performance Contracting	#010419 - Boat ramp	7,800.00
01/23/2020	DEBIT	APS	6276651000	77.22
01/23/2020	DEBIT	APS	6125100000	1,634.39
01/26/2020	DEBIT	Brooke Utilities, Inc.	53017-11860	250.61
01/27/2020	7709	Beaver Insurance Agency	ST Surety Bond	359.00
01/27/2020	7710	La Paz County Sheriff	Boathouse Mtg. Rm. 2/3/20	50.00
01/28/2020	7711	Desert Dominion Security	Race Weekend	685.80
01/31/2020	7712	Heather Wilson	GM Balance	1,200.00
		"	Fuel	100.00
		"	Recording Secy. Balance	125.00
01/31/2020	7713	Otis Hall	January Groundskeeping	800.00
01/31/2020	7714	Sue Thomson	January Bookkeeping	1,250.00
		"	Postage	15.00
		"	Tax forms	8.00
				<b>20,728.92</b>

**FINANCIAL CONTINUED:**

**BILLS FOR APPROVAL (invoices attached separately)**

Law Office of John Churchill (Dec. & Jan. HOA)	\$2,475.00
McIntosh Controls	\$ 995.00

**Balance Sheet**

Mr. Auman made a motion to approve the **January 2020 Balance Sheet**.  
Mr. Coon seconded the motion and the motion carried unanimously.

**Profit and Loss Statement**

Mr. Sweeney made a motion to approve the **January 2020 Profit and Loss Report**.  
Mr. Auman seconded the motion and the motion carried unanimously.

**2020 Budget Review**

Mr. Manderscheid reported that our bookkeeper Sue Thomson has submitted the 2020 Budget for the Board's review and that it will need to be voted on at the March 2, 2020 Board of Directors meeting.

**CPA Review**

Mr. Manderscheid reported that our CC&R's require that a CPA financial review be performed on a bi-annual basis and that extenuating circumstances took place that effected the ability for us to obtain the bi-annual review.

Mr. Sweeney reported that Sue Thomson is asking the Board if the Board wants to do the CPA bi-annual review based on a one year or a two year period and that one year would cost \$3,500.00 and a two year would be \$5,000.00. Mr. Sweeney suggested that a two year review be performed (2018 and 2019) in the amount of \$5,000.00 so that we are current.

Mr. Sweeney made a motion to have a CPA bi-annual review performed for the 2018 and 2019 in the amount of **Five Thousand Dollars (\$5,000.00)**. Mr. Baker seconded the motion and the motion carried unanimously.

**GENERAL MANAGER'S REPORT:**

Ms. Wilson reported that the General Manager's report is not complete and that she will submit it for approval at the next Board of Directors meeting.

**OLD BUSINESS:**

**Construction Progress Report**

Ms. Wilson reported that we currently have ten(10) Lots that are under some type of construction/home improvements or are pending building permits; Lot 14, Lot 25, Lot 56, Lot 67, Lot 101, Lot 117, Lot 123, Lot 208, Lot 227 and Lot 231.

**Down River Boat Ramp Repair**

Ms. Wilson reported that the replacement of the down river boat ramp has been completed.

## **OLD BUSINESS CONTNUED:**

### **Conference Calling System**

Mr. Homan reported that our current telephone service provider (Frontier) does provide the software that will be required to provide conference calling and basically all that needs to be done is to make a decision as to what hardware to purchase and he suggested we go with the two piece system that budgets out between \$200.00 to \$500.00 dollars.

Mr. Manderscheid asked if what he is recommending is the same as WebEx. Mr. Homan stated no it is not the same, it is actually a more simple system, which only requires people to call in.

Mr. Sweeney asked if we have actually received confirmation from the Sheriff's Department as to whether or not we can access their Wi-Fi system. Ms. Wilson reported the Sheriff's Department did inform her that when we reserve the meeting room they do offer the use of their Wi-Fi and that the password is posted on the wall, but to keep I mind everything is of public record when you are using the Sheriff's Department Wi-Fi.

Mr. Manderscheid asked Mr. Homan, other than the use of the Wi-Fi if there were any other requirements? Mr. Homan stated the Wi-Fi will be sufficient.

Mr. Manderscheid reported that he has spoken with WebEx and they quoted him a monthly service fee of \$40.00 per month and that he is waiting for a call back as to whether or not WebEx records the meetings as well.

Mr. Auman reported that he feels we need to have more accurate information as far as pricing and the services that will be required.

Mr. Manderscheid asked Mr. Homan to report back at the next Board meeting with pricing and a little more information as far as the equipment and hopefully by then he will have received a call back from WebEx so the Board can make a decision at the next Board meeting.

### **Bridge Repair**

Ms. Wilson reported that she has submitted the bids to the insurance company and has met with the adjuster, and the insurance company has come back with an offer that is \$264.00 less than what was submitted due to some type of depreciation.

Ms. Wilson also reported that the Board feels we should be paid in full and that she has reached out to the homeowner to see if they are willing to pay the balance so we can move forward and that the homeowner has told her he does not have a problem paying the difference, but that he does not understand why his insurance company is not willing to pay the full amount and that he will contact his insurance company and get back with her.

## **OLD BUSINESS CONTNUED:**

### **Key Pad Access Code**

Ms. Wilson reported that as of February 1, 2020 there now is only one key pad access code and that the notice went out with the “Quarterly” dues statements. Ms. Wilson also reported that the emergency service’s code did not change.

### **Moovalya Keys Website Members’ Only Section**

Mr. Manderscheid reported the “Members’ Only” section on the website will be up and running **March 1, 2020** and the password for the “Members’ Only” section will be mailed out with the Homeowners Annual Meeting Voting Package on March 9, 2020.

Ms. Wilson reported that it will be at the Board’s discretion as to what is going to be posted in the “Members’ Only” section of the website.

## **HOMEOWNERS ANNUAL MEETING:**

### **Homeowners Annual Meeting Date**

Mr. Manderscheid reported that the “Homeowners Annual Meeting” will be held on April 11, 2020 and will be held in the La Paz County Boating and Safety Training Room located at 8484 Riverside Drive.

### **2020-2021 Board Member Candidates**

Mr. Manderscheid reported that all “Letters of Interest/Bios”, must be received by the Board of Directors no later than **February 24, 2020** in order for your name to be on the ballot and your “Letter of Interest/Bio” be added to the voting package.

### **Homeowners Annual Meeting Voting Package Mailing**

Mr. Manderscheid reported that the “Homeowners Annual Meeting Voting Package” will be mailed out March 9, 2020.

### **Contact Information Authorization Form**

Mr. Manderscheid reported that we will be also sending out the “Contact Information Authorization Form” with the “Homeowners Annual Meeting Voting Package” authorizing us to post homeowners telephone numbers and email addresses in the “Members’ Only” section of the website.

## **RULES COMMITTEE:**

Mr. Sweeney reported at this point in time, the Rules Committee still have not met to discuss the rules and he feels that the Rules Committee has not made any lead way, therefore he is going to resign from the “Rules Committee”.

Ms. Northcutt reported that she felt Ms. Wilson had some good ideas in regards to the modification of the existing rules, such as parking passes, increasing the amounts of existing fines and assessing fines to existing rules that do not have a fine tied to it.

Mr. Manderscheid reported that in order for the Board to consider anything, they need to see something in writing.

**NEW BUSINESS:**

**Lot 25 – 8877 Moovalya Drive**

Mr. Sweeney reported that he is in receipt of construction drawings for Lot 25 – 8877 Moovalya Drive and that the drawings are in compliance with the CC&R's heights and setbacks and recommends that the Board approve the drawings.

Mr. Sweeney made a motion to approve the construction drawings for Lot 25 – 8877 Moovalya Drive. Mr. Baker seconded the motion and the motion carried unanimously.

**Lot 123 – 8669 Moovalya Drive**

Mr. Sweeney reported that he is in receipt of construction drawings for Lot 123 - 8669 Moovalya Drive and that the drawings are not in compliance with the CC&R's as far as the setback requirements and that he has spoken with the homeowner as to what needs to be changed so that the plans are in compliance and recommends that the Board not approve the drawings.

Mr. Sweeney made a motion to not approve the construction drawings as submitted for Lot 123 – 8869 Moovalya Drive. Mr. Baker seconded the motion and the motion carried unanimously.

**Additional Insured endorsement – Homeowners' Insurance Policies**

Mr. Manderscheid reported that it is not a rule of the Lake Moovalya Keys HOA that requires its' members to list the Moovalya Keys as additional insured and what that does, it makes the homeowners insurance company the primary insurance on all claims, so if someone gets hurt on your property and they sue the Association, the Association will be able to go back to the carrier and have them protect the claim, so it protects the Association.

Mr. Manderscheid reported being a previous owner of an insurance company, it has been his experience working with HOA's, that if you purchase a home in a HOA, the escrow would not close without the homeowner providing proof of additional insured on their homeowners insurance policy and that the Moovalya Keys does not require this, however he feels it is the homeowner's physical responsibility to add the Lake Moovalya Keys as additional insured to their homeowners insurance policy.

Mr. Manderscheid asked Mr. Churchill if the additional insured policy requires a rule change.

Mr. Churchill replied; yes it would require a rule change, therefore the members of the association would be required to vote on it and this is something that can be accomplished at the Homeowners Annual Meeting.

Mr. Auman suggested that we include an amendment in the Homeowners Annual Meeting Voting Package so that the members can vote on it.

Mr. Churchill stated that it is the Board's obligation to give its' members their right to vote on a rule change, via attending the Homeowners Annual Meeting or by a mail in ballot.

## **NEW BUSINESS CONTNUED:**

### **Additional Insured Endorsement – Homeowners’ Insurance Policies**

Ms. Gallio made a motion that the “Additional Insured Policy” be added to Homeowners Annual Meeting Voting Package so that the members can vote on it. Mr. Auman seconded the motion and the motion carried unanimously.

Mr. Manderscheid reported that Mr. Habermann is stating that the association is woefully under insured and asked Mr. Habermann to put in writing as to what his concerns are and submit them to the Board.

Mr. Habermann reported that he is referring to the property insurance and he is basing his information on the policy that was forwarded to him and the current policy states that we have the bridges insured for \$6,553.00 and he feels the bridges are under insured and the amount should be increased.

Mr. Habermann stated; if one of the bridges were hit and was completely knocked out, he feels that we do not have the proper coverage to rebuild it and he recommends that the Board review all of our policies to insure that we do have the proper coverages.

Mr. Manderscheid reported that the Board will look into Mr. Habermann’s request and will report back.

### **Tow Away Signs**

Ms. Wilson reported there has been an influx of vehicles and trailers parking in the overflow parking lot and the common areas that do not display a Lot ID sticker or a parking pass and asked the Board to approve tow away signs so she can just have the vehicle/trailer towed without notice and suggested that the sign read **“All vehicles and trailers must display a Lot ID sticker or a parking pass or it will be towed with no warning”**.

Mr. Manderscheid reported that all homeowners have received their Lot ID stickers and that the short term rental tenants also have their parking passes so there is no reason to have vehicles and trailers parking in the over flow parking lot or the common areas without a Lot ID sticker or a parking pass.

Mr. Sweeney reported that we already have a rule that allows us to tow vehicles/trailers without a Lot ID sticker or a parking pass, so it would **not** require a rule change.

Mr. Sweeney made a motion to purchase the tow away signs. Mr. Baker seconded the motion and the motion carried unanimously.

### **EXECUTIVE SESION**

6:44 PM Executive Session is now in session

7:40 PM Executive Session adjourned

7:45 PM Board of Directors Meeting is back in session



**Response Letter to Jamie Holzauer**

Mr. Smith made a motion to authorize Mr. Churchill to send a response letter to Ms. Holzauer in reference to her many emails claiming discrimination and the circulation flyer which is a misrepresentation of the Board members. Ms. Northcutt seconded the motion and the motion carried unanimously.

**Letter to the Community in regards to the circulation that has be sent out to our members misrepresenting the Board**

Mr. Sweeney made a motion to authorize Mr. Churchill to write a letter that we can send out to our members in regards to the circulation that has been sent out to the members of the Association that misrepresents the Board. Mr. Baker seconded the motion and the motion carried unanimously.

**Letter of Response to Collinsworth, Specht, Calkin & Giampaoli Law Firm**

Mr. Auman made a motion to authorize Mr. Churchill to write a letter in response to the letter the Association received from Collinsworth, Specht, Calkin & Giampaoli Law Firm. Ms. Gallio seconded the motion and the motion carried unanimously.

Next Board of Directors Meeting is March 2, 2020.

Meeting Adjourned 7:55 PM

Submitted by Recording Secretary, Heather Wilson