

**LAKE MOOVALYA KEYS**  
**Board of Directors**  
**Approved Meeting Minutes**  
**November 2, 2020**

**CALL TO ORDER:**

Mr. Sweeney called the Board of Directors Meeting of the Lake Moovalya Keys to order at 6:00 pm.

**PRESENT:**

President	Jack Sweeney	Lot 197
Vice President	Kevin Auman	Lot 137
Secretary/Treasurer	Karen Gallio	Lot 1
	Kit Furnell	Lot 16
	Mark Volkoff	Lot 33
	Blane Coon	Lot 54
	Kathy Northcutt	Lot 73 and Lot 102
	Chuck Smith	Lot 103 and Lot 104
	Chuck Baker	Lot 117
	Chris Chambers	Lot 164
	Bill Manderscheid	Lot 228

**OTHERS PRESENT:**

Legal Counsel:	John C. Churchill	Lot 153 and Lot 154
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General Manager/ Recording Secretary:	Heather Wilson	Lot 166
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**ZOOM:**

Rosemary Carlisle	Lot 25 and Lot
Tony Gaipa	Lot 118
Fabio Gaipa	Lot 120
Doug Mitts	Lot 136
Linda Mitts	Lot 136
Jeff Carley	Lot 149
Leeann Carley	Lot 149
Mark Nicholls	Lot 169
Jesse McBain	Lot 179
Derek Sabor	Lot 211

**GUESTS:**

Lori Coon	Lot 54
Carl Bozeman	Lot 61
Jerry Pilato	Lot 63
Jamie Holzhauer	Lot 76
Charlie Ball	Lot 76
Vincent Graves	Lot 79
Dorae Pagano	Lot 62 and Lot 87
Kyle Sullivan	Lot 96
Don Alexander	Lot 115
Donna Alexander	Lot 115
Hamish Bell	Lot 121

**GUESTS CONTINUED**

Mark Panetta	Lot 130
Dennis Kreil	Lot 141
Joyce Downs	Lot 155
Gordon Downs	Lot 155
Kyle Sullivan	Lot 196
Scott Homan	Lot 212
Sheri Homan	Lot 212
Dennis Smith	Lot 214
Steve Habermann	Lot 226 and Lot 229
Carla Faulkner	David Plunkett Realty

**CALL TO THE PUBLIC:**

**Executive Session**

Mr. Volkoff asked the Board if they would consider holding the Executive Session before the Board of Directors meeting to avoid members having to stand outside to wait for the Executive Session to end so that they can come back into the regular session of the Board Meeting.

Mr. Sweeney stated; The Board of Directors most of the time, does not determine as to whether or not the Board needs to go into Executive Session and that the decision to go into Executive Session is based on what has transpired during the regular session of the Board Meeting.

**Call to the Public**

Mr. Volkoff asked the Board if they would consider having the “Call to the Public” placed as the last item on the Agenda, so that the members have the opportunity to listen to all of the topics being discussed.

Mr. Sweeney stated; When there is a subject item on the agenda that requires a motion, once the Board has discussed the agenda item and a motion is on the floor, then the President will call for discussion and that is when the members are given the opportunity to ask any questions that pertain to that particular agenda item.

Mr. Sweeney also stated; The “Call to the Public” is when a member present at the meeting has an issue/topic that is not on the agenda, they have the opportunity to present it to the Board at the “Call to the Public”.

**BOARD OF DIRECTORS MEETING MINUTES:**

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

Jeff Carley Lot 149 – 8858 Yaqui Loop stated; At one of the Board Meetings, it was asked if a draft copy of the Bookkeepers Report, Balance Sheet and the Profit and Loss statement can be posted under the members only section of the website, which is currently being done, but not the Meeting Minutes and he asked the Board if it would be possible to also post a draft copy of the unapproved Meeting Minutes the website.

Mr. Sweeney stated; The Board needs to have opportunity to review the Meeting Minutes and approve them before they are posted. No motion was made to post a draft copy of unapproved Meeting Minutes.

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

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

**FINANCIALS**

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

Mr. Baker made a motion to approve the **October 2020 Bookkeepers Report, Prepaid Bills and Bills for Approval**. Mr. Chambers seconded the motion and the motion carried unanimously.

**OCTOBER PREPAID BILLS**

<b>Date</b>	<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
10/07/2020	DEBIT	MyFax Services	Virtual Fax Fee	10.00
10/07/2020	7808	Law Office of John C. Churchill	7/6 thru 9/28 legal services	2,090.00
10/07/2020	7809	Frontier	Damage repairs to exchange loop	1,320.52
10/07/2020	DEBIT	Walmart	Soaker hoses	116.36
10/08/2020	DEBIT	Desert Dominion Security	October 2 & 3	431.80
10/15/2020	DEBIT	Republic Services	3-0527-0040037	5,314.02
10/15/2020	7810	Heather Wilson	GM Advance	1,433.33
10/15/2020	7810	Heather Wilson	Vehicle Allowance	100.00
10/15/2020	7810	Heather Wilson	Recording Secy. Advance	125.00
10/15/2020	7811	Rolyan Buoys	3 solar buoy lights	659.67
10/15/2020	7812	CopperPoint Mutual HD Supply Facilities	Worker's Comp premium	365.08
10/15/2020	7813	Maintenance	100 violation stickers	91.75
		"	Signage	216.28
10/15/2020	7814	Global Gate Controls, Inc.	20 remotes	289.00
10/15/2020	DEBIT	Desert Dominion Security	October 9 & 10	431.80
10/16/2020	DEBIT	Frontier	667-4484	108.59
10/16/2020	DEBIT	Frontier	667-2840	111.03
10/19/2020	DEBIT	Desert Dominion Security	October 16 & 17	431.80
10/22/2020	DEBIT	APS	6125100000	1,636.22
10/22/2020	DEBIT	APS	6276651000	102.12
10/24/2020	DEBIT	plasticplace.com	Dog poop bags	64.58
10/26/2020	7816	Heather Wilson	Disclosure Fee Commissions	250.00
10/26/2020	7817	Jack Sweeney	Home Depot / buoy anchor	175.29
10/27/2020	DEBIT	Desert Dominion Security	October 23 & 24	431.80
10/30/2020	7818	Heather Wilson	GM Balance	1,433.33
		"	Vehicle Allowance	100.00
		"	Recording Secy. Balance	125.00
10/30/2020	7819	Otis Hall	October Groundskeeping	800.00
10/30/2020	7820	Sue Thomson	October Bookkeeping	1,250.00
		"	Postage	72.05
10/30/2020	7821	SIGNCRAFT	4 18x18 towing signs	279.76
				<b><u>20,366.18</u></b>

**NOTE: We have a credit balance of \$501.18 with EPCOR after applying charges of \$604.25 towards our last payment of \$1,105.43 on 9/15.**

## **FINANCIALS CONTINUED**

### **BILLS FOR APPROVAL CONTIUED**

Krupnik & Speas, PLLC 9/2/20 invoice (attached)	\$ 126.00
Krupnik & Speas, PLLC 10/2/20 invoice (attached)	\$2,492.65
Churchill	

### **Balance Sheet**

Mr. Smith made a motion to approve the **October 2020 Balance Sheet**.

Mr. Volkoff seconded the motion and the motion carried unanimously.

### **Rental Deposits**

Mr. Sweeney reported; All rental deposits for the rental properties have been refunded and that rental property owners should receive their refunds in the mail by next week and if someone does not received their refund to please contact the General Manager.

Mr. Volkoff stated; Sue Thomson our Bookkeeper put a lot of time into the preparation of the rental deposit refund checks and I want to take this opportunity to thank her.

### **Profit and Loss Statement**

Mr. Volkoff made a motion to approve the **October 2020 Profit and Loss Report**. Ms. Gallio seconded the motion and the motion carried unanimously.

## **OLD BUSINESS**

### **Construction Progress Report**

Ms. Wilson reported we currently have fifteen (15) projects under construction. Lot 14, Lot 19, Lot 25, Lot 56, Lot 67, Lot 74, Lot 76, Lot 101, Lot 123, Lot 160, Lot 182, Lot 208, Lot 214, Lot 227 and Lot 231.

### **Rental Review Committee**

Mark Volkoff reported; The Rental Review Committee has spent several hours meeting via zoom or via conference calls to review the concerns of the homeowners and that the Rental Review Committee have come up with four (4) items that they felt have common ground with all homeowners.

#### **1. Overflow Parking Lot**

- It has been determined by the Rental Review Committee to ask the Board to take into consideration allowing only one (1) vehicle or one (1) trailer per homeowner to be parked in the overflow parking lot at any one time. No Motorhomes, no RV's or travel trailers will be allowed to park in the overflow parking lot.

#### **2. Local Management – Contact Person to Address Issues**

- All homeowners of rental properties are required to have their renters sign a document that clearly states the rules and CCR's in regards to parking, excessive and annoying noise/music that would disturb the peace and enjoyment of others around you.
- All homeowners are to update the General Manager annually of their emergency contact phone numbers so that the General Manager knows who to contact.

### **Local Management – Contact Person to Address Issues Continued**

- Provide the Security Guard with the TIS sheets and after hours have the General Managers forward the phones to the Security
- Homeowners of Rental Properties are to provide the General Manager with a local contact information sheet as to who the local contact is for the rental property should an issue arise.
- At any time, there is a dangerous situation, call the Sheriff first and then notify the General Manager.

Mr. Sweeney stated; What he is hearing is that the Rental Committee wants to have local management but you want the General Manager to deal the rental problems when this is what the local management company should be doing.

Mr. Sweeney reported; He feels the General Manager should receive the original phone call and then the General Manager will contact the local **on call** property manager so they can decide whether or not they want to handle it in person or call the Sheriff.

### **3. Noise and Concerns**

Homeowners in the Moovalya Keys need a clear process in how to report and immediately resolve violations and nuisances.

- Violations and nuisances should be reported in real time to the General Manager or security who will verify as to whether or not the nuisance is valuable and make contact with the Sheriff if needed.
- If the violation is found to be viable, then the General Manager will issue a citation to the homeowner with a copy to the Board of Directors.
- All violations are to be tracked and reported by the General Manager and presented to the Board of Directors at the monthly meetings.
- First violation is a warning, second violation is a citation of \$50.00, third violation is a \$150.00 Citation fourth violation is \$250.00. All citations will be cleared from the record annually.

Mr. Sweeney stated; The Moovalya Keys is not here to manage rental properties, that there are companies out of Lake Havasu that manage rental properties.

Ms. Gallio reported; We have several people that just deal with the issues that involve renters, because they do not want any problems and that she had an elderly homeowner owner approached her and asked her what can be done about the renters on both sides of her and that she is afraid of repercussion if she complains. Ms. Gallio told the woman that she needs to send a letter to the Board letting them know what her issues are, which she did and her letter has been forwarded to the Board.

Ms. Gallio also stated, there are several homeowners that are just turning a blind eye and just dealing with it and her response to them is you need to send a letter to the Board so that the Board has these letters of concerns to turn over to our Rental Committee, so they can see firsthand what is going on.

## **Noise and Concerns Continued**

Mr. Sweeney reported; Management, Management, Management, he feels that renters need to be checked in checked on and checked out and that he recently rented a house through VBRO and someone checked him in, checked on him thru out his stay and then checked him out and this is what our local management of rental properties need to do as well and he feels by having a good local management company will solve most of the problems.

Mr. Sweeney reported that he feels that that the Rental Committee needs to come up with some type of inhouse rental permit for the rental houses so that we know who the rental houses are and if any individual rental house has repeated complaints then there risking their right to rent their property.

Tony Gaipa reported; It was his understanding that the \$25.00 TIS Processing Fee would be used to hire someone to manage rental properties.

Mr. Sweeney reported; The \$25.00 TIS processing fee is **not** to be used to manage the rental properties it is a fee that that the State of Arizona allows HOA's to collect, to review and oversee the Tenant Information Sheets, **not** to manage the rental properties.

## **4. Good Neighbor Policy**

- Mr. Volkoff reported; The Board needs to adopt a “Good Neighbor Policy” outlining the importance of being courteous to your neighbor, no trespassing onto neighbors’ docks, quite time and parking on other people’s property and that this policy needs to be submitted to each rental with the TIS sheet and it needs to be signed and given back to whoever is managing the property and that the “Good Neighbor Policy” needs to also be posted in each home and post some though out the Association’s property.
- Mr. Volkoff stated; We all some have common goals, we do not want our renters parking on your property, going crazy after midnight, trespassing on to other people’s property, therefore the Rental Committee is committed to coming up with some solid rules and fines and a process for reporting issues.

Mr. Sweeney stated; When a homeowner has a problem with a rental property late at night, call the Sheriff and follow up with an email to the General Manager so that a citation can be issued.

Mr. Sweeney also stated that whenever you have an issue with a rental property or anyone else you need to notify the General Manager and follow up by an email so that it is documented and cited accordingly.

## **NEW BUSINESS**

### **Request to Hire a Third Party to Count ballots**

Derek Sabor homeowner of Lot 211 - 8760 Hopi stated; He would like to Board to consider making a motion to hire a third-party firm that counts voting ballots, and that he has found a firm on line that provides this service and that everything is handled electronically on line and he feels this will take out the human error element.

Mr. Sweeney reported; In order to move forward with using an online voting company, there are other items that will need to be addressed such as the Annual Meeting, according to our CC&R's we must allow homeowners the ability to vote in person at the Annual Meeting.

## **NEW BUSINESS CONTINUED**

### **Request to Hire a Third Party to Count Ballots Continued**

Mr. Sweeney stated; When it comes to the Annual Meeting, our current CCR's as written are, homeowners have the right to attend the Annual Meeting in person to cast their vote for the Board of Directors and in order to change our current voting process, the CCR's will need to be amended accordingly to reflect an electronic voting process.

Mr. Sweeney stated; The Board is willing to explore the third-party voting option starting with the voting of the new amendment which involves the ballots being sent directly our attorney Krupnik and Speas' office in Phoenix, via U.S. Mail, email, fax or by delivering it in person.

Mr. Sweeney asked Derek Sabor to look into an online third-party voting option; i.e., the fees and the actual process and to send it to him so he has the opportunity to review it prior to the next Board meeting.

### **Motion for Short Term Amendment**

Mr. Sweeney reported; All Board members have all received and reviewed the revised proposed amendment written up by our attorney and that a motion needs to be made to move forward with sending it out to the membership for voting.

Mr. Volkoff responded; Who on the Board asked the Attorney to add a new definition of "single family" to the ballot.

Mr. Smith stated; He did not understand why the original ballot was changed without open discussion at the Board meeting.

Mr. Sweeney replied; It was recommended by our attorney Krupnik and Speas that the definition of a single family be on the ballot and that the revised ballot was sent to all Board members for comments and no one responded and asked the Board if they wanted to go into Executive Session to discuss and no one requested that we go into Executive Session.

Mr. Manderscheid made a motion to approve the amendment as proposed which is to grandfather in all present homeowners in regards to short terms rentals, but when the property is sold the property will only be able to rent for thirty (30) days or more. Mr. Coon seconded the motion, Mr. Smith, Ms. Northcutt and Mr. Volkoff opposed and the motion carried.

Mr. Auman reported; The Board approved amendment will be mailed out to all homeowners to vote on by November 15, 2020.

### **2021- Dues Increase**

Mr. Sweeney reported; The financial reports reflect the need to increase the HOA dues 20% due to the increase in operating expenses and due to the increase in operating expenses, we are not meeting our financial commitment to funding our reserve account on a yearly basis per the CCR's

Mr. Sweeney made a motion to increase the HOA dues 20% starting January 2021 due to the increase in operating expenses. Mr. Baker seconded the motion, Mr. Volkoff opposed, motion carried.

Mr. Sweeney adjourned the meeting at 8:15 PM

Next Board of Directors Meeting will be December 7, 2020 at the La Paz County Sherriff Boating and Safety Training Room.

Submitted by Recording Secretary, Heather Wilson