

LAKE MOOVALYA KEYS
Board of Directors
Approved Meeting Minutes
April 5, 2021

CALL TO ORDER:

Mr. Auman called the Board of Directors Meeting of the Lake Moovalya Keys to order at 6:08 pm. Mr. Auman asked Board Members to use the “Raise Your Hand” feature in Zoom if they wish to speak and that Ms. Wilson will acknowledge you when it is your turn.

PRESENT: VIA ZOOM

Vice President	Kevin Auman	Lot 137
Secretary/Treasurer	Karen Gallio	Lot 1
	Kit Furnell	Lot 16
	Mark Volkoff	Lot 33
	Kathy Northcutt	Lot 73 and Lot 102
	Chuck Smith	Lot 103 and Lot 104
	Chuck Baker	Lot 117
	Bill Manderscheid	Lot 228

OTHERS PRESENT:

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

ABSENT:

President	Jack Sweeney	Lot 197
	Chris Chambers	Lot 164
	Blane Coon	Lot 54

ZOOM GUESTS:

Kaz Rastgoo	Lot 14
Dianne Atwood	Lot 76
David Elliott	Lot 100
Rosemary Carlisle	Lt 110 and Lot 125
Hamish Bell	Lot 121
Doug Kashuba	Lot 122
Mark Panetta	Lot 130
Bill Woodward	Lot 148
James Tatreau	Lot 178
Amanda Falabrino	Lot 186
Derek Sabor	Lot 211
Scott Homan	Lot 212
Dennis Smith	Lot 214
Mary Hamilton	

CALL TO THE PUBLIC:

None

APPROVAL OF BOARD OF DIRECTORS MEETING MINUTES:

Mr. Manderscheid made a motion to approve the Board **of Directors Meeting Minutes of March 2021**. Ms. Gallio 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 **March 2021 Bookkeepers Report, Prepaid Bills and Bills for Approval**. Ms. Gallio seconded the motion and the motion carried unanimously.

BALANCE SHEET

Mr. Baker made a motion to approve the **March 2021 Balance Sheet**. Mr. Manderscheid seconded the motion and the motion carried unanimously.

PROFIT AND LOSS STATEMENT

Mr. Baker made a motion to approve the **March 2021 Profit and Loss Statement**. Mr. Manderscheid seconded the motion and the motion carried unanimously.

OLD BUSINESS

Construction Progress Report

Mr. Auman reported; The Construction Report was sent out to the membership no report.

Rental Review Committee

Mr. Auman made a motion to approve the Rental Review Committee's 'Final Recommendations'. Ms. Gallio seconded the motion.

Mr. Auman opened the floor for discussion

Mr. Baker reported; Under the local management contact name to address issues, he feels that there are certain requirements that we are asking the rental properties to provide, but what if the requirements are not met, what are the fine structures that will allow enforcement.

Mr. Baker also noted; Under noise and nuisance issues; the General Manager is listed and he is concerned about the General Manager being inundated with telephone calls.

Mr. Volkoff stated; Ms. Wilson asked to be the initial contact as she needs to know what is going on and that she will contact the responsible party to allow them to resolve the issue and that there are fines in place.

Ms. Wilson reported; We only have security on the summer weekends and when she does receive a telephone call, she notifies the property manager or property owner and lets them handle the complaint, this way she is aware of the initial complaint.

Mr. Baker reported; We need to address the occupancy rules and regulations, when you have 20-30 people staying in a 3-4-bedroom house is usually when we have problems.

Mr. Baker reported; The Rental Committee has presented some good recommendations, but he feels that there is more work that needs to be done in regards to how our issues at hand are to be handled, that it is not the General Manager's job to manage rental properties and he would like to see more impactful fines that will put some teeth into our enforcement.

Mr. Churchill stated; There has never been a lack of rules; but there is a lack of enforcement and in order for the Board to approve of the Rental Committee's recommended changes the rules and regulations must be approved by the Board before it can go to the membership for a vote.

OLD BUSINESS CONTINUED

Rental Review Committee Continued

Mr. Churchill also stated; Tonight's Agenda does not indicate that the Board is going to be reviewing and approving the Rental Committee's proposed rules and regulations at this meeting and that there is a two-step process that needs to be followed.

Mr. Churchill reported; The membership of the HOA must be allowed to review the proposed recommendations and the opportunity to object if they so desire and the entire membership needs to be made aware of what is going to be taking place at a Board Meeting prior to the Board meeting and you do this by posting it on the Agenda.

Mr. Churchill recommended that the Board hold a "Special Meeting" for the sole purpose of reviewing and approving the revisions and enforcement so that the membership is aware of what they are adopting and what the exact consequences are going to be.

Mr. Churchill reported; When a prospective Buyer applies for residency at the Moovalya Keys HOA, they are fully made aware that it is a gated community with substantial rules and regulations and that every homeowner has an obligation to inform and advise their tenants and guests of the rules and regulations.

Mr. Auman reported; The proposed "Rental Committee" recommendations have been on the Agenda for about six (6) months and he does not understand why we are not be able to approve the proposed "Rental Committee's" recommendations at this time so that it can be presented to the membership for voting.

Mr. Churchill reminded the Board of the "Open Meeting Laws" that the Association is governed by and that the April Agenda does not clearly state there are rules that will be voted on during this meeting, nor has he seen that verbiage on past Agendas.

Mr. Volkoff asked Mr. Churchill if they are allowed as a Board to meet to specifically discuss this subject.

Mr. Churchill reported; Every one of our members has the right to attend **all** meetings, with the exception of Executive Session Meetings and the membership must be notified that the Board will be discussing and voting on rules, regulations, and fines.

Mr. Baker reported; The last time we modified the rules, the Board held a "Special Meeting" just to discuss the rules and regulations.

Mr. Manderscheid reported; The recommendations that have been submitted by the "Rental Committee" are a big improvement over what we now have.

Mr. Churchill stated; All members of the HOA must be allowed the opportunity to review the Rental Committee's proposed new and amended rules prior to being sent out to the membership for voting and suggested that the Board send out a separate mailing to the members well before a Board meeting so they have the opportunity to review the Rental Committee's recommendations and that we also properly notify the members that this topic is going to be discussed by posting it on the Agenda.

Mr. Churchill also stated; The members of the HOA have a contractual relationship with the other members of the HOA which are the CC&R's and that every homeowner is bound by the contractual terms of the CC&R's and we do not have a contract with their tenants or their occupants.

OLD BUSINESS CONTINUED

Review of Association Rules and Fines:

Mr. Auman reported; The Board needs to make a motion for Mr. Churchill to update the current rules in regards to the Tenant Information Sheet (TIS) and the Security Deposits, so that they comply with Arizona State Law. Mr. Churchill said that would be fine however, this must be posted on the Agenda and we must notify the members that we are adopting new rules.

Ms. Wilson stated; The Board has already adopted the TIS processing fee last year.

Mr. Churchill stated; That was not an amendment to the rules, that was an enforcement of the existing Arizona State statute. Rules are different, rules are specific.

Mr. Auman asked Mr. Churchill; If we are just adopting the Arizona State's rules can we make the necessary changes to our rules to mirror what the Arizona State statutes are?

Mr. Churchill responded; When the Association is merely adopting an Arizona State statute, we do not have to adopt a rule, however, if the Association is going to adopt a rule with a fine, the Association must follow the requirements of the CC&R's.

Mr. Auman reported; We need to update the old rule in regards to the Thousand Dollar (\$1,000.00) Rental Security Deposit.

Mr. Churchill reported; This change could also be presented at the same meeting to approve changes to the Rules and Fines however, if you are vacating a fine, the Association is not required to have a "Special Meeting to vacate a fine.

Mr. Churchill reported; It is very important that we notify the members of the Association exactly what the Board intends to do at the May 2021 Board Meeting and that he will submit the exact wording that is to be posted on the Agenda for the Board of Director's May 2021 Board Meeting.

Third Party to Count Ballots

Ms. Wilson reported; Parker Accounting Services has agreed to receive our ballots directly via the U.S Mail and also pre-count all ballots that are received on or before Wednesday June 2, 2021 and they have also agreed to attend the Annual Homeowners Meeting on June 5, 2021 to count the Ballots that are going to be hand delivered by the Members.

Mr. Baker made a motion to hire Parker Accounting Services to receive the Ballots directly via the U.S. Mail and to also count the Ballots. Ms. Gallio seconded the motion and the motion carried unanimously.

NEW BUSINESS:

Lot 13 – 8864 Moovalya Drive – Harriman Plans for Approval

Mr. Auman reported; The Board is in receipt of preliminary drawings to remodel and extend the existing garage and that Mr. Sweeney has previously reviewed the preliminary drawings with Mr. Harriman and has reported back to the Board that the preliminary drawings are in compliance with the CC&R's and that Mr. Harriman needs to submit "Final Construction Drawings" to the Board for Board approval.

Board Members – Letters of Interest – 2021-2022 Ballot

Ms. Wilson reported that she has received fourteen (14) letters of interest and that the deadline for letters of interest to be on the Ballot is April 15, 2021.

NEW BUSINESS CONTINUED:

2021 – 2022 Voting Package

Ms. Wilson reported; The “2021 Voting Package” will be in the mail by May 3, 2021.

ANNOUNCEMENTS:

- Homeowners Annual Meeting – **June 5, 2021 – 8:00 am Registration**
- Location – La Paz County Park – Don T Pavilion Building
- Letters of Interest for Board Member Candidates – Deadline **April 15, 2021**
- Homeowners Annual Meeting Voting Packages in the Mail **May 3, 2021**

Executive Session:

No Executive Session

Mr. Auman adjourned the meeting at 6:58 pm.

Next Board of Directors Meeting will be May 3, 2021 at 6:00 pm via Zoom.