

Tonto Hills Improvement Association

President: Robyn Baker
Vice President: Nancy Nelson
Treasurer: Kathleen Kuchta
Secretary: Diana Cole

2024 Annual General Meeting Minutes – Approved

Time: March 27, 2024 6:30 PM

Location: The meeting was held at Christ the Lord Lutheran Church and via Zoom

Introductions – Robyn Baker

- Members present: Sandra Abbey, Robyn Baker, Diana Cole, Jim Gibbs, Nancy Nelson, Paul O'Connor, Christine Prentice, David Tappe
- Members absent: Kathleen Kuchta
- 23 community members attended in person and 16 members attended via Zoom

Opening Comments – Robyn Baker

Robyn thanked:

- Steve Woods TH resident and owner of Tech4Life for the gift of AV equipment including laptop, microphone, and connections, and for facilitating the technical aspect of the meeting.
- Community members not on the board who placed notices in the mailbox bulletin board, called/emailed THIA membership to update directory, printed mailing labels, made copies, stuffed envelopes for mailing, sent email blasts to the community, prepared and printed the paper directory: Ann DiChiara, Sal DiChiara, Sue Kolb, Terry Luker, Rick Nelson, Florence O'Connor, and Carol Stedman.
- Board members and officers Sandra Abbey, Diana Cole, Jim Gibbs, Kathy Kuchta, Nancy Nelson, Paul O'Connor, Christine Prentice and David Tappe.
- ACC members: Mark LaLiberte (chair), Robyn Baker, Dave DiSanto, Jim Gibbs, Rick Nelson (secretary), Gil Stedman
- Robyn gave special thanks to Diana Cole and Jim Gibbs who are retiring from service this year.

Robyn reviewed the Board's accomplishments including:

- Represented the interests of the THIA by supporting our Governing Documents in recent litigation and sent out routine litigation updates after every board meeting.
- Worked with THVFD and DWID to support installation of 2 standpipes, increasing the fire safety of the community
- Focused on fire mitigation and Firewise by increasing dumpsters, encouraging lot owners to clear brush
- Enhanced communication with the community, sending 73 THIA Blasts to inform community on events and enhance communication with all lot owners
- Conducted 7 Regular and Special board meetings to communicate to community issues in a timely manner
- Resolved three outstanding complaints from 2021 and 2022
- Initiated Board Member training session to ensure smooth transfer of board responsibilities and operations as well as communicate Tonto Hills history to new residents.
- Responded to questions from homeowners regarding Dark Skies initiative, native plants and general operational questions

- ACC conducted 11 meetings to communicate design requirements, and to review / approve plans
- Website modified to make Governing Documents more easily accessible for residents and non-residents.
- Updated Policies and Procedures to clarify and update contract accounting relationship and changes to balance workload among officers and assistants to officers. The original Policies and Procedures focused primarily on financial procedures
- Assistant Secretary Sue Kolb was installed to assist secretary
- Updated Policies and Procedures to define the interpretation of common indoor pets in relation to our DofR's paragraph 14
- Welcome Wagon: Taco fiesta hosted by Jacki Hoagland. Updated paper directory
- Had multiple meetings with MCDOT representing the interests of Tonto Hills

Approval of March 22, 2023 Annual General Meeting Minutes

Motion to approve: Diana Cole. Second: Nancy Nelson. Motion passed with 1 member voting against.

2024 Election count

- Results were certified by Foothills Accounting.
- New Board members: Sandra Abbey, Robyn Baker, Don Belousek, Kathleen Kuchta, Nancy Nelson, Paul O'Connor, Christine Prentice, Brian Richard, David Tappe
- New ACC Members – Robyn Baker, Wendy Crenshaw, David DiSanto, Mark LaLiberte, Rick Nelson, Gil Stedman

Reports

Treasury Report – Kathleen Kuchta

- Nancy Nelson reviewed the 2023-2024 THIA Financial Summary.
 - o The ACC account has been closed since all deposits have been returned to appropriate lot owners.
 - o Total Income is \$56,513 vs 54,337 last year due to additional transfer fees from lot sales.
 - o Total Expense is \$34,093 vs \$60,658 last year primarily due to a decrease of \$33,185 in legal expenses which offset additional expenses in dumpsters, maintenance, and THVFD donation.
 - o Total net income for 23/24 is \$22,420.
- Nancy Nelson reviewed the proposed budget for 2024-2025.
 - o The proposed budget is \$65,775.
 - o Expense for two additional standpipes were carried forward from 23/24 budget.
 - o The legal budget is projected to be \$15,000.

ACC – David Tappe

- The ACC approved 3 final designs for construction and gave 1 preliminary approval.
 - The ACC approved other structures including final approval for 2 new garage constructions, pool design, and landscape remodel; preliminary approval for a residence remodel and new garage; approved Ravens View business remodel final design; and approved THVFD storage shed and business sign.
 - The ACC notified owners with recent/current construction projects of the DofR requirement to clean up after the work was done.
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- Created an initial draft of guidelines on Fire Safety During Construction.

Environmental – Paul O'Connor

- There has been a turnover in management at MCDOT on our road project 3 times this year making communication challenging.
- Real Estate agents representing MCDOT are contacting residents for right of way approvals. Residents can negotiate with MCDOT.
- The design phase is expected to be completed mid 2025 with a scheduled start date of 2026.
- MCDOT FAQ project page at www.maricopa.gov/5890/Tonto-Hills-Paving
- Additional questions contact project team at MCDOTProjects@maricopa.gov or call 602-506-3342.

Landscaping and Fire Mitigation – Jim Gibbs

- We are on our 5th Dumpster. They will be extended based on use.
- Over Jim's tenure water pressure valves have been replaced and new hard PVC piping was installed to get rid of leaks. Timers were also replaced.
- Entrance lights have been updated and are all working.
- The landscape contractor price has been stable for 4 years.

Welcome Wagon – Chris Prentice

- New residents were welcomed via THVFD fundraisers, and the Taco Fiesta hosted by Jacki Hoagland.
- Copies of the Tonto Hills Membership Book were available at the AGM.
- The Welcome Wagon information will be combined with THVFD and DWID information to make delivery more consistent and complete in 2024.

THVFD and Firewise – Sandra Abbey

- Thanks to the community for the excellent turnout at THVFD fundraisers. Thanks to Gail and Ralph Spurgin for hosting a very successful fundraiser.
 - Financial –
 - o Funds raised for new vehicles October fundraiser: \$16,747 October Generous benefactor: \$15,000 February fundraiser: \$2599 THIA donation for operations \$8,000 Current checking account: \$7,988.82 Current savings account: \$18,529.
 - Funds are targets for new vehicles and a new diesel side by side for hauling equipment and people has been purchased. That with the pumper truck enhances preparation for any fire the THVFD may have to fight.
 - On 4/20 there will be a community pancake breakfast and as it is Earth Day weekend there will also be the opportunity to plant vegetation around Kachina.
 - All hours spent cleaning up your lots go towards Tonto Hills' Firewise designation. Please send all hours to 'Fire@tontohills.net'
 - Sandra will investigate getting the Video of the Cave Creek Complex fire that threatened Tonto Hills put on our website.
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Old and New Business

Tonto Hills Litigation Update

Information from eblasts to community

- January 10, 2023: Westhoff, et al. v. Rent-Sell, LLC The judge has granted THIA's motion for summary judgment. While the lawsuit is not fully resolved yet, the judge's ruling, as it currently stands, means that the 1961 amendment is valid and cannot be challenged. This is great news for the community, and the conditions we all agreed to when purchasing our properties.
- February 16, 2023: Rent-Sell, LLC v. THIA, et al. (Counterclaim): The Court decided to pause the litigation concerning certain allegations of the Counterclaim until the underlying declaratory judgment action has been resolved. Therefore, the Counterclaim is in a holding pattern.
- December 5, 2023: Westhoff, et al. v. Rent-Sell, LLC: There has not been any activity on this matter since the last update at September's Board meeting. The trial remains set to begin on April 29, 2024, scheduled to last four days. Rent-Sell, LLC v. THIA, et al. (Counterclaim): The counterclaim remains on hold pending the outcome of this trial.

Association Dissolution

Robyn discussed the following points:

- THIA is organized as a non-profit organization registered with the Arizona Corporation Commission. It is an improvement association, not an HOA (homeowners association), as defined in the state of Arizona.
 - The deed restrictions (DofRs) are recorded on all properties, including residential and commercial lots (all tracts). The DofRs are restrictive covenants that run with the land, meaning that they will continue to be recorded on the title of the property; the DofRs will not go away, and will not be dissolved.
 - If the THIA were dissolved, the DofRs will remain effective, with no one to enforce them except other lot owners, on their own, through litigation.
 - In addition, the DofRs stipulate formation of the THIA and ACC. Without the THIA, litigation will increase because there will be no intermediary in the form of the THIA to try to assist with neighbor and community disputes to prevent lawsuits.
 - The THIA has contracts and agreements with other entities that would be dissolved. These contracts include agreements for landscaping the front entrance, power for lighting, water for irrigation, as well as internet support and associated domain names. There are currently border agreements with Desert Mountain and MCDOT interaction, which maintain Tonto Hills in the manner that brought all of us to the community. Without the THIA, these contracts and communication would terminate, and there would not be a way for the community to assume these contracts.
 - Fire mitigation support to protect properties in Tonto Hills would end. Direct financial support to the Tonto Hills Volunteer Fire Department and the community's Firewise designation would also be lost.
 - Tonto Hills is an outstanding community to call home. The community does not gain any improvements by being controlled by Maricopa County only. Maricopa County will not enforce the DofRs; individual lot owners will have to take any DofR violations to Court.
 - There were no comments from the membership, or further discussion.
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Membership Forum

- Tammy Seymour addressed the attendees regarding her concerns that the Board Members can easily change the Bylaws and DofR's. It was clarified that the Board cannot change the DofR's. Tammy discussed her concerns that the board is not representing the community and has too much power to change documents and make decisions.
 - o Tammy will send the document she believes was improperly changed to the board.
 - o It was pointed out that the Board sent communications to the community for their input when certain matters arose, and the Board acted according to the majority opinion of the community.
 - o Several members of the community spoke up in support of the Board and the functioning of the THIA over the years.
- Nick Tilley asked for the number of lots that had participated in the voting. See ADDENDUM RE VOTES below.
 - o Nick also initiated a discussion on ideas to increase participation at meetings.
- Nick Tilley also brought to the board's attention that website security needed review as password protected documents are showing up on google. The Board will follow up immediately.
- There was also a request to bring the ballot forward in the AGM packet to make it easier to find to hopefully increase voting.
- Bob Swan asked about getting potholes filled. Nancy Nelson said the best remedy is to go to NOTIFY MCDOT website or app and submit the information.
- There was a request for the board to have more frequent meetings. Robyn Baker said this would be discussed with the new board.
- Kim Holland mentioned the number of cars parked on the lot across from the fire station.
 - o There was a discussion about property values and fire safety.
 - o Steve Rensel informed the attendees that several vehicles have already been moved and that he was given 90 days to remove the vehicles by Maricopa County. Steve said a letter is expected from Maricopa County.
 - o Robyn Baker stated that information on the cars was previously requested from Mr. Rensel and that a Tonto Hills resident has filed a complaint with the Board regarding the vehicles.
- There was additional discussion about the cars parked on Old Mine in front of Ravens View. The concern is the cars could also be a fire hazard if parked on grass and that they block entrance to the community for emergency vehicles.
 - o The Board has previously asked Maricopa County for NO PARKING signs and will follow up with them.
- There was a question on Lot#200 and the pace of construction. The ACC has been in communication with them.

Motion to Adjourn: Pat Monforte. Ann DiChiara- 2nd. The motion passed.

Meeting adjourned at 8:22 p.m.

ADDENDUM RE VOTES: 70 Ballots were received; one hundred lots voted. That is 43% of lots. (3/28/24)

Approved 3/26/2025
Diana Cole, Secretary
