

Tonto Hills Improvement Association

President: Robyn Baker
Vice President: Nancy Nelson
Treasurer: Jennifer LaLiberte
Secretary: Chris Prentice

BOARD OF DIRECTORS MEETING MINUTES - APPROVED

June 11, 2025 – 6:30 PM

- I. Call to Order at 6:33pm
- II. Roll Call
 - A. Present – Robyn Baker, Stacy Holland, Jennifer LaLiberte, Chris Prentice, David Tappe, and Duke Vukotic (in person); Raelene Milne, Nancy Nelson, and Paul O'Connor (via Zoom)
 - B. Guests - David & Cathy Chappell, Ann DiChiara, Terry Glass, Tom and Diana Halpin, Keith Heiman, Diana & Dave Hutchinson, Phil Kaufman, Amy Kent, Kris Kiriazov, Kris Kiriazov (Jr.), Sue Kolb, Katie Lane, Deb and Rich Pagel, Terry Luker, Tom & Samantha Miedema, Pat & Joe Monforte, Steve Rensel, Amy & Mark Tisland, Paulie Vukotic (in person); Bork, Sam Brandt, Sal DiChiara, Nina Kiriazov, Mark, LaLiberte, Tara Laman, Brian Milne, Rick Nelson, Kris & Don Schoonenberg, Bob & Kathy Swan, Nick Tilley (via Zoom)
- III. Opening Remarks
 - A. Westhoff, et al. vs Rent-Sell, LLC litigation
An appeal was filed in February and the pleadings are in the process of being drafted and filed.
 - B. Rent-Sell Real Estate, LLC countersuit vs the THIA, Westhoff, et al.
The litigation referenced as CV2021-006695 Consolidated with CV2023-011043 is ongoing and is being handled by the Association's attorney Augustus Shaw. As advised by Mr. Shaw, the Board of Directors will not have any further comment on the lawsuit. Mr. Shaw will advise the Membership of any developments of note that occur.
- IV. Open Forum
 - A. Robyn advised Open Forum would only be for comments; no questions.
 - B. Katie Lane advised she heard from a neighbor of an incident where Chris Prentice had her dog off leash while not on her property. Ms. Prentice denied that was the case and her neighbors Dave and Cathy Chappel agreed they haven't seen her walking her dogs off leash.
 - C. Katie Lane requested an item be added to the next Board agenda regarding the inclusion of refusal of service wording in the DWID's Policies and Procedures if a customer is in violation of THIA or ACC rules/policies or hasn't obtained approval from the ACC for construction.
 - D. Steve Rensel presented the Board with a Notice of Violation from Maricopa County regarding lot 230A. Mr. Rensel stated he was told at prior ACC meetings that Raven's View had an email from the County stating they didn't need any permits, but that he has not been provided a copy yet from the Board's attorney. Mr. Rensel asked anyone who is involved in the lawsuits and currently serving on the Board, ACC, DWID, or fire department to resign because they are biased.
 - E. Tom Miedema asked who makes the decision for the Board to join in on a lawsuit. Robyn Baker advised the Board, which is elected by the community, is granted this authority and they followed legal advice when they voted about 3 years ago to join the lawsuit. Mr. Miedema inquired if our attorneys could do a presentation explaining what liability homeowners may have if we don't win the second lawsuit, as well as provide additional details. Ms. Baker responded that THIA attorneys won't be able to conduct a public meeting, but regular litigation updates are provided. Chris Prentice commented that most of the current Board members were not on the Board when it voted to join the lawsuit. Additionally, the Board is being defended in the 2nd lawsuit under their Directors and Officers insurance coverage.

- F. Nick Tilley questioned when the agenda was changed to prevent questions from the membership. He also asked that Board meetings take place on a monthly basis. It was stated that the frequency of Board meetings was discussed and voted on in the last meeting.

V. Consent Agenda Items:

- A. Acceptance of Meeting Agenda of 06/11/25
Chris Prentice motioned to accept the agenda for the 6/11/25 with 3 changes: AGM draft minutes will not be voted on tonight, add new business item to discuss removing questions under the open forum and setting up a community meeting with the THIA's attorneys. Stacy Holland 2nd. Motioned passed 7 in favor; 2 against.
- B. Approval of Meeting Minutes of 04/02/25
Jennifer LaLiberte moved to accept the meeting minutes; Nancy Nelson 2nd. Motion passed 8 in favor; 1 against.
Duke Vukotic stated he voted against the meeting minutes because they don't list Robyn Baker as the legal liaison. He felt the legal liaison should be listed with the other liaisons the Board approved at the meeting (i.e. Environmental, DWID, THVFD, etc). Nancy Nelson clarified that the minutes list all of the elected officers and the appointed liaisons. The Policies and Procedures (P&P) outline each of the officer's role and specifically state the President is the designated legal contact. The Treasurer is the designated contact with Foothills Accounting. The VP may be called upon to fill in for the President. Mr. Vukotic further stated that he did not receive a response to 2 emails he sent to the Board regarding the meeting minutes. Chris Prentice clarified that Mr. Vukotic received a reply referencing the President's duties as outlined in the P&P.

VI. Reports

- A. Treasurer
Jennifer LaLiberte reported we received a total of \$36,000 in assessment fees to date. Approximately forty-five reminder letters were sent out this week.
- B. ACC
David Tappe advised there have been 4 ACC meetings since our 4/2/25 meeting. Preliminary approval for casita on lot 80; final approval for low step walls on lot 40 and remodel on lot 68. There were several complaints filed: Lot 17 vs. Lot 37, Lot 17 vs. Lot 58, and Lot 16 vs. Lot 17. Additional details can be found in the ACC minutes.
- C. Environmental
Paul O'Connor shared that Tom Hermann, the main contact at MCDOT for the TH road project, visited TH on 6/6/25 and spoke with several homeowners. Residents have been advised in advance of power shut offs related to the utility relocation project. Mr. Hermann stated there was another power outage unrelated to MCDOT's work that affected some homeowners.
- D. Landscaping and Fire Mitigation
Stacy Holland advised that the landscapers cleared the area around the mailboxes. We had a total of 8 dumpsters this year. Dumpsters are set in the same place each year by the water tower on HoHoKam, from early March to end of April. We obtained 3 bids for the dumpsters.
- E. THVFD and Firewise
Duke Vukotic provided a financial update: \$5,306 in checking, \$27,405 savings. Insurance premiums are due soon, so \$6k will be moved to checking. The Italian Dinner and "Fill the Boot" fundraisers totaled about \$5k. Ann DiChiara reminded property owners to report hours spent clearing dead brush from your property to fire@tontohills.net; you can even report hours of work performed by landscapers. In addition, there will be CPR training on Sunday, 6/15/25 at Rural Metro in Carefree.
- F. DWID
Raelene Milne attended the 6/8/25 DWID meeting. Water use letters are going out next week. The DWID is waiting for an update if any from MCDOT for district's cost on road improvements. The next DWID election will be in November 2026. There was an executive session on 6/10/25. Nick Tilley asked if there were any updates on the new standpipes; Ms. Milne did not have an update.

VII. Old Business

- A. Lot #212B complaint against Lot#230A (3/22/22); Lot #212B complaint against Lot#230A (4/19/22); Lot#215A complaint against Lot#231F, 216, 230A – On Hold
- B. THVFD reached out to Desert Mountain regarding a stretch of land they own adjacent to several TH homes on Kachina Rd that has dead brush, creating a wildfire hazard. DM didn't agree to clear the area of brush. They will allow access to a small portion of the tract for TH to clear. Discussion followed about the Board sending a letter to DM. Steve Rensel advised there was a fire in that area 5+ years ago that the THVFD & Fire Service put it out. City of Scottsdale cleared the ROWs along Cave Creek Road almost to Bartlett Dam Road before they ran out of money. MCDOT maintains the ROW for a stretch of Cave Creek Road as well and has cleared as much brush as they are able to clear. Jennifer LaLiberte moved to have Chris Prentice draft letter to DM; Stacy Holland 2nd. Motion passed unanimously
- C. Discussed sending another email to the community re: excess brush clearing. Paulie Vukotic asked to include a statement discouraging the use of Round-Up. Jennifer LaLiberte moved to send an email to the community regarding brush clearing; Stacy Holland 2nd. Motion passed unanimously.
- D. Stacy Holland checked with the Cave Creek Post Office and was advised it would cost \$15k to \$20k to replace each section of mailboxes and well over \$100k for all the boxes. The mail carrier said the boxes we have are good. Ann DiChiara asked if USPS could use stickers to label the mailboxes as the marker fades easily. Jennifer LaLiberte moved to give Ann DiChiara authority to contact the post office about adding new numbers to the neighborhood mailboxes; Chris Prentice 2nd. Motion passed unanimously.
- E. Robyn Baker advised only a few people expressed interest in serving on a special committee to explore adding a dispute resolution provision to the By-Laws and that the Board received several emails related to the request for volunteers. Ms. Baker clarified that the suggestion to add a dispute resolution provision came from a community member and not from the Board. It was never the intention of the Board to function as the mediator; a neutral third party would need to be involved. Of those who responded to the email, most were against adding a dispute resolution process. Courts appear to usually require mediation before proceeding to trial. Chris Prentice motioned that the Board abandon adding some sort of dispute resolution to the By-Laws and the dispute resolution committee at this time based on lack of community support; Jennifer LaLiberte 2nd. Motioned passed unanimously.

VIII. New Business

- A. Discussed what items should be included in the meeting minutes. Robyn Baker felt meeting minutes have been sufficiently detailed. Jennifer LaLiberte agreed the minutes are sufficiently detailed without going overboard. Duke Vukotic questioned what happens if something is omitted from the minutes and was advised Board members have an opportunity to review the meeting minutes prior to voting. Once minutes are approved, they are emailed to the community and posted on the website. Nick Tilley asked how minutes could be changed if a community member feels the minutes don't reflect what the community member said in the meeting. He was advised that community members could email the Board regarding any discrepancies in the minutes and it would be added to the next meeting agenda. The Board would then review and vote if the correction is warranted. David Tappe requested that draft Meeting Minutes should go out to Board members sooner.
- B. Robyn Baker shared that the Board records meetings to aid the Secretary in generating the meeting minutes. The P&Ps do not require the maintenance of meeting videotapes and the meeting minutes are more accessible and easier to maintain. Jennifer LaLiberte received confirmation there's no requirement for the Board to record the meetings. Jennifer LaLiberte moved to continue recording meetings for purposes of writing the minutes; the recordings will

be deleted after the minutes have been approved; Raelene Milne 2nd. Motion passed unanimously.

- C. Robyn Baker stated she is not resigning as President from the Board as requested by a community member because she was elected to the Board by the membership and as President by her fellow Board members. Some community members applauded after her announcement. Jennifer LaLiberte stated she was glad Ms. Baker was fulfilling her commitment to the Board and appreciated her professionalism.
- D. The Board discussed sending an eblast to the community reminding members to pick up after their dogs and to not leave bags alongside the road. Chris Prentice motioned to send an eblast to the community regarding pet waste; Stacy Holland 2nd. Motion approved unanimously.
- E. Robyn Baker advised that such a meeting is not appropriate during litigation, and that THIA's counsel won't violate attorney/client privilege by discussing outcomes or strategies in a public meeting. The elected Board is the client. Duke Vukotic asked about his liability with respect to his participation on the Board and was advised it's a matter of law and it's not mentioned in any of the Governing Documents. All Board actions are taken based on motions passed by the Board.
- F. Robyn Baker suggested that the Board modify the open forum portion of the meeting to only allow for comments from the community and to eliminate questions. Jennifer LaLiberte clarified that questions can be submitted via email and the Board may either add it for discussion on the next meeting agenda or if it's a request of a factual nature, the Board may respond directly via email. Chris Prentice reiterated that questions should be listed as agenda items and discussed in an open meeting. No motion is needed to make this change.

IX. Announcements

- A. Future Meeting Dates
 - i. Next Board Meeting will be 9/17/25.
- B. Future Board Agenda Items
 - i. Approval of end-of-year financials (Jennifer LaLiberte)
 - ii. Approval to shred documents beyond retention requirements. We may need to add a records retention policy to the P&P. (Jennifer LaLiberte)
 - iii. Duke Vukotic asked about adding an agenda item to allow questions from the community during the open forum. Chris Prentice stated that community members can submit questions prior to the meeting and have them added to the agenda for discussion. Robyn Baker added this allows the Board an opportunity to do research to answer the questions prior to the meeting and allow for a more robust discussion at the meeting. Phil Kaufman stated the community should have an opportunity to provide their input with regards to items on the agenda. Chris Prentice confirmed community members can comment and ask questions during discussion of agenda items. Nancy Nelson stated discussions would be more productive if Board members had the opportunity to review questions prior to meetings. David Chappel suggested the Board stick with the agenda to shorten the length of the meetings. Questions should only be asked about items that are on the agenda. Special meetings can be called as needed.
 - iv. Pat Monforte asked if the Board could obtain a speaker so in person audience members could better hear members who were speaking on Zoom, as well as a microphone for comments from in person audience members. It was difficult to hear the complete conversation. Chris Prentice can provide a speaker, but the Board is unsure if a microphone can be provided for in-person comments.

X. Adjournment

Jennifer LaLiberte moved to adjourn the meeting at 8:06pm; Stacy Holland 2nd. Motioned passed unanimously.

Approved 08/18/2025
Chris Prentice, Secretary