

# Tonto Hills Improvement Association

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

## BOARD OF DIRECTORS MEETING MINUTES August 18, 2025 – 6:30 PM

Meeting held via Zoom only.

- I. Call to Order 6:37pm
- II. Roll Call
  - A. Present – Robyn Baker, Stacy Holland, Jennifer LaLiberte, Nancy Nelson, Paul O'Connor, Chris Prentice, David Tappe.
  - B. Guests: BORK, Sam Brandt, Ann & Sal DiChiara, Chuck & Merilee Edwards, Richard Grady, Dave & Diana Hutchinson, Kris Kiriazov, Tara Laman, Lot 17, Sam Miedema, Pat Monteforte, Suzy & Steve Myers, Tom Palmer, Steve Rensel, Doug Roesener, Kris Schoonenberg, Nick Tilley, Jennifer Witschger
- III. Opening Remarks
  - A. Westhoff, et al. vs Rent-Sell, LLC litigation  
No update appeal in process
  - B. Rent-Sell Real Estate, LLC countersuit vs the THIA, Westhoff, et al.  
The second lawsuit and counterclaim were assigned to a different judge. Therefore, counsel is required to respond to a motion detailing upcoming filing and hearing dates.
- IV. Open Forum
  - A. Diana Hutchinson asked if the meeting with the potential commercial developer would be scheduled and was advised that the Board was not aware of a new meeting date.
  - B. Tom Palmer asked if the Board had any information regarding the recent water outage. The DWID will be providing a response.
  - C. Jennifer Witschger asked if there was any interest in bringing cable/fiber internet into the neighborhood while the other utility work is being completed. The Board doesn't have control over what utilities operate in TH.
- V. Consent Agenda Items:
  - A. Acceptance of Meeting Agenda of 08/18/25
  - B. Approval of Meeting Minutes of 06/11/25
  - C. Approval of Executive Session Minutes
    - i. 2/05/25
    - ii. 7/24/25
    - iii. 7/28/25
  - D. Approval to release draft AGM Meeting Minutes to the community

Nancy Nelson motioned to approve all consent agenda items; Jennifer LaLiberte 2<sup>nd</sup>. Motion passed unanimously
- VI. Reports
  - A. Treasurer  
Jennifer LaLiberte stated we are on budget. Standpipes cost \$10,500 and we budgeted \$12,000. Nancy Nelson is reaching out to the 12 lot owners that haven't yet paid annual fee.
  - B. ACC  
David Tappe attended 2 ACC meetings since the last Board meeting. Preliminary pool approval was given for construction of a pool on lot 17, final approval was granted for a new casita on lot 199 and final approval was issued for a new home on lot 165. The ACC received a request for a meeting with the developers of some of the commercial lots, but was unable

to set up a date. Developers then planned to set up their own community meeting on 8/23/25, but neither the Board nor the ACC members were invited and we don't know if meeting occurred.

- C. Environmental – Paul O'Connor advised MCDOT is still working on getting easements from homeowners in preparation for the road paving. Stacy Holland asked if anything can be done about runoff on Deer Trail that was worsened after road improvements were made several years ago. How will MCDOT mitigate the potential for similar runoff issues after the road construction is completed?
- D. Landscaping and Fire Mitigation – Stacy Holland advised no issues with landscaping. Dumpsters were filled and we came in on budget. Ms. Holland will provide Nancy Nelson with the # of dumpsters filled in 2025 for the Firewise report.
- E. THVFD and Firewise – Nancy Nelson stated the P&L end of year report as of June 30, 2025 will be available soon. Income was \$9,665 and operational expenses (building repair, equipment repair, insurance costs) were \$10,802. The FD has \$19,406 in savings; \$14,248 of this amount is allocated to the truck fund. There is about \$4,500 remaining in budget for building repairs or other items. Ann DiChiara shared that the THVFD is having a Bingo fundraiser on 8/21/25 and they are planning on holding a chili fundraiser in the beginning of November. Ms. DiChiara will ask Sunny Parker to provide a Firewise presentation at the chili fundraiser as required to be a Firewise community. The THVFD will be selling T-shirts (I support THVFD) as a fundraiser. Ann DiChiara responded to Nick Tilley's question about 2 inoperable standpipes, advising that the DWID is waiting on parts to get them operational. Don Schoonenberg obtained a pressure measurement device so we can test water pressure in standpipes.
- F. DWID – Nancy Nelson attended meeting to get updates on the cost of the standpipes. The DWID meetings are usually held on the last Saturday of the month.

#### 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 – After review of the file, it was determined that the lots were in compliance with the DoR's subject to the recent judgement in the litigation. Nancy Nelson motioned to remove the complaints; Chris Prentice 2<sup>nd</sup>. Approved unanimously.
- B. The Board approved sending the draft letter to Desert Mountain regarding excessive brush on the lot they own adjacent to TH property owners on Kachina Road. Stacy Holland motioned to send the letter to DM; Nancy Nelson 2<sup>nd</sup>. Motion passed unanimously.
- C. Ann DiChiara advised she spoke with Justin (our letter carrier) regarding the faded numbers on the mailboxes and he took our complaint to the postmaster. The USPS maintenance department won't do anything to our mailbox because it's only a cosmetic issue. That said, individual property owners also own their individual mailbox and are allowed to update the numbers on their box. USPS owns the lock and will charge a \$40 rekey fee. Ms. DiChiara suggested we add something to the new resident welcome package about how residents can obtain a new key if needed.

#### VIII. New Business

- A. Two members of the Board resigned and 1 member of the ACC resigned at the end of July. The Board has been working with counsel and has reviewed the governing documents which are not entirely clear with regards to resignations. The law doesn't provide guidance either.
  - i. Governing docs state board can be from **5-9** members. The Board can either vote to leave the Board at 7 members until the next AGM or a special election may be called. A brief discussion ensued regarding the difficulties of calling a special election when we're already halfway through the term. There is a significant cost involved as well. Nick Tilley was advised that the Board wasn't given any reason in any of the 3

- resignation letters. Jennifer LaLiberte motioned to keep the Board at 7 members; David Tappe 2<sup>nd</sup>. Motion passed unanimously.
- ii. The governing documents are less clear with regard to vacancies on the ACC. They only state that the ACC will have 6 members; however, there is precedence with having 5 members. Board discussed the expense of holding a special election and the fact we're halfway through the term. Diana Hutchinson asked how a reduction in the number of ACC members would affect the number needed to reach a quorum. With 5 members, they would need to have 4 members in attendance to meet quorum. Stacy Holland motioned to leave the ACC at 5 members; David Tappe 2<sup>nd</sup>. Motion passed unanimously.
  - iii. Nick Tilley asked if the THIA liaison to the ACC can stand in as an ACC member. The ACC liaison role is already defined in the governing documents, but this is a great suggestion to consider for future updates.
  - iv. Brief discussion about replacing the Board liaisons with the DWID and THVFD. Nancy Nelson will be the liaison with the THVFD. The DWID liaison was a new position just instituted this year, but it's not an official liaison in the governing documents and doesn't need to be filled. Stacy Holland volunteered to be the DWID liaison.
- B. A property owner requested an agenda item regarding the dissolution of the THIA. A previous Board voted not to dissolve the THIA. Robyn Baker shared the following information:
- i. 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.
  - ii. The deed restrictions (DofRs) are recorded on all properties which include 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.
  - iii. If THIA were dissolved, the DofRs will remain effective, with no one to enforce them except other lot owners on their own through litigation.
  - iv. 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.
  - v. 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. Additionally, border agreements with Desert Mountain, and so on, all of which maintain Tonto Hills in the manner that brought all of us to the community. Without the THIA these contracts would terminate, and there would not be a way for the community to assume these contracts.
  - vi. 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.
  - vii. 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.
  - viii. Doug Roesner asked why we should even consider dissolution and did the owner requesting the agenda item provide a reason. Board advised no reason was provided.
  - ix. Board declined to comment on Steve Rensel's note in the chat that the judge is using HOA Statute.
  - x. Stacy Holland motioned that the Board and the THIA not be dissolved; Jennifer LaLiberte 2<sup>nd</sup>. Motion passed unanimously.

## IX. Future Meeting Dates

- A. Next Board meeting will be October 8, 2025
- X. Future Board Agenda Items
  - A. Nancy Nelson requested Board members review by-laws for things that need to be updated or items that need to be added. Jennifer LaLiberte suggested a records retention schedule be added.
  - B. Steve Rensel inquired about when the complaint against Lot 215A would be heard and was advised it's on the ACC agenda for their 8/20/25 meeting.
- XI. Adjournment
  - Jennifer LaLiberte motioned to adjourn the meeting; Stacy Holland 2<sup>nd</sup>. Motion approved unanimously.

Approved 10/08/2025  
Chris Prentice, Board Secretary