

# Tonto Hills Improvement Association

President: Michael Jans  
Vice President: Nancy Nelson  
Treasurer: Kathleen Kuchta  
Secretary: Diana Cole

## Board of Directors Meeting Minutes Wednesday July 14, 2021 6:30

Due to the pandemic, this meeting was conducted via Zoom webinar.

- I. Call to Order: 6:30 p.m.
- II. Roll Call
  - A. Present – Robyn Baker, Ann Dichiaro, Jim Gibbs, Michael Jans, Kathleen Kuchta, Nancy Nelson, Bud Tolp
  - B. Absent – Diana Cole, Jacki Hoagland
  - C. Guests – 7 Tonto Hills owners attended
- III. Open Forum
  - A. Deborah Pagal asked where we are with fire mitigation – report coming up in agenda.
  - B. Rick Pagal asked about road updates – Robyn said that there are no definite dates yet.
- IV. Consent Agenda Items:
  - A. Acceptance of Meeting Agenda of 07/14/21
    - i. Robyn Baker made a motion to accept the agenda. Jim Gibbs – 2<sup>nd</sup>. Kathy Kuchta asked to amend to add agenda item “Language of Bylaws” under Treasurer’s report. The amendment was accepted. The motion passed.
  - B. Approval of Meeting Minutes of 06/03/21
    - i. Nancy Nelson made a motion to accept. Kathy Kuchta – 2<sup>nd</sup>. The motion passed.
- V. Reports
  - A. Treasurer’s
    - i. Kathleen Kuchta gave the Treasurer’s report.
      - a. \$47468 in Checking account; \$2000 in ACC account; \$89,395 in savings.
      - b. 17% of lot owners have not yet paid their dues
    - ii. CES services update was given. A subpoena was issued for THIA documents to CES. CES provided 4 boxes of THIA documents without notification to THIA. CES has provided a list of documents to Kathy Kuchta who has requested them back from attorney representing Rent-Sell Real Estate under Rensel v. Westhoff. Documents included public information, property transfer information and invoices. Kathy has been in contact with the attorney to find out when they would be returned. Date is TBD. Kathy doesn’t feel this will impact THIA ability to function. Foothills Accounting is taking over THIA accounting services on 7/22/2021. CES did not receive privileged attorney communications with THIA Board, only invoices.
    - iii. Jim Gibbs, Robyn Baker, and Kathleen Kuchta have reviewed THIA Policies and Procedures and Bylaws. Kathleen Kuchta made a motion to approve a change to the Bylaws as follows: Article Two, Section 2 Voting Rights – Add "A member is not in good standing if there are any outstanding annual assessments."; Article Nine, Section 2 Payment of Dues – Replace "Dues shall be payable in advance no later than the 15th of May in each year" with "Dues shall be received by May 31st in each year."; Article Nine Section 3 Default and Termination of Membership – Add "If membership is terminated by the THIA Board Of Directors any office held with the

THIA Board of Directors or the Architectural Control Committee shall also be terminated". Nancy Nelson – 2<sup>nd</sup>. The motion passed.

- iv. A discussion on Article Nine Section 3 language "Class" of membership ensued. Nancy Nelson pointed out that no definition of "class" of member is readily seen in any current document and needs further investigation.
- v. Kathleen Kuchta recommended an amendment to the THIA Policies and Procedures Section 7 as follows: Table – 2 Assessment & Late Notice Schedule to read DUE DATE for Late Notice Statement as June 15, 2<sup>nd</sup> Late Notice Statement as July 15, 3<sup>rd</sup> Late Notice Statement as August 15, and Lien Notice as September 15; Amend the sentence "Property liens shall be placed against any property with assessment 90 days past due." to replace "shall" with "can"; Add the following after the above paragraph "Any property owners (Association Member) that is not in good standing regarding payment of the annual assessment will not be able to vote in the upcoming Annual General Meeting or hold a position with the Architectural Control Committee or THIA Board of Directors until the assessment has been made current." Ann DiChiara made a motion the amendments as read by Kathy be accepted. Robyn Baker -2<sup>nd</sup>. The motion passed.
- vi. Kathleen Kuchta discussed the need to contact attorney Beth Mulcahy to clarify the lien process. Robyn Baker made a motion to authorize Kathy to contact Beth Mulcahy. Ann DiChiara – 2<sup>nd</sup>. The motion passed.

B. ACC

- i. Bud Tolp reported on the July meeting. See ACC minutes.

C. Environmental and Road Safety

- i. Robyn Baker reported on communications with MCDOT.
- ii. Trash Services – Robyn Baker called Republic, Waste Management, and Area Disposal. Republic states they no longer service Tonto Hills. Area Disposal would not provide a community rate. Waste Management proposed a community rate as exclusive provider billed through the THIA. Robyn will make provide more recommendations at the next meeting.
- iii. Question on paving Old Mine from entrance to Deer Trail. MCDOT's position is that dust mitigation has already been completed on this section and it is not part of the current paving plan.
- iv. If trash trucks are speeding, the board can send a letter to the company; companies have indicated to Robyn that they will be receptive and that their policy is to follow posted speed limits.

D. Landscaping and Fire Mitigation

- i. Jim Gibbs reported the irrigation situation at front has been fixed. Lines have been replaced or repaired.
- ii. Jim Gibbs has provided information on 6 lots he sees as potential fire hazards. Jim recommends that either the board or THVFD send formal letters to the lot owners in question. Michael Jans will reach out to the lot owners in question.

E. THVFD and Firewise

- i. Ann DiChiara reported that Rick Holasek has completed Firewise plan. After review it will be presented to TH residents.
    - ii. Ann will be getting a backup battery for Kachina due to lighting not turning off.
  - F. Welcome Wagon
    - i. No report
- VI. Unfinished Business
  - A. Commercial Lots next steps recommendations
    - i. Nothing to report. Meeting still planned.
  - B. Road Safety
    - i. See report above.
  - C. Electronic Payment of dues
    - i. Tabled until next meeting
  - D. Pickle Ball Courts Community Email
    - i. Tabled until next meeting
  - E. Dark Skies Feedback
    - i. Nancy Nelson presented a white paper which reviews the original report from Kristine Holasek and Tom Cagliotti, Maricopa County regulations, and the Dark Skies Initiative.
    - ii. DofR's do not allow for enforcement of Dark Skies. Because we are unincorporated area of Maricopa County, complaints can be filed with them.
    - iii. Nancy Nelson recommends education via flyers and information for neighbors. Also requests ACC formalizes information on Dark Skies in their Addendum A ACC Policies and Procedures.
    - iv. Nancy will reach out to Kristine and Tom to develop community education flyers.
    - v. Bud Tolp supported recommendations made. Bud will provide proposed language for amendments to Addendum A ACC Policies and Procedures at next meeting
  - F. Motion Sensor Lights at Mailboxes
    - i. Robyn Baker reported that she and Kathy Kuchta spoke with postmaster. They will not have an issue with lighting as long as it doesn't impede ability to deliver mail
    - ii. Jim Gibbs will reach out to community member with lighting company for suggestions on solar motion sensor lighting.
    - iii. Postal worker requested from Kathy for the board to consider a shade area over the mailboxes. A covered area could also help with rain which drips into top row of mailboxes. Jim Gibbs will also look into options for this.
  - G. Return to in person meetings
    - i. Christ the Lord Lutheran Church will allow THIA Board and ACC back to use their meeting spaces.
    - ii. ACC just did a hybrid meeting last week with social distancing. ACC will continue with hybrid meetings. Audio was sometimes a problem for remote attendees.
    - iii. Discussion on only vaccinated people attending in person which was supported and encouraged. The next meeting will be hybrid.
- VII. New Business

A. ACC Perc Test Discussion

i. Bud Tolp recommended:

- a. The THIA BOD designee include in any title company escrow questionnaire a statement that THIA requires a property owner to contact the ACC concerning the perc test process
- b. The THIA BOD send a letter to all unimproved property owners regarding the perc test process.
- c. Create a need paragraph requirement Para 2.1 and renumber the subsequent paragraphs 2.2 thru 2.10.
- d. The revised Para 2.1 would state that a property owner must obtain all Maricopa County permits and follow all requirements pertaining to a perc test. This includes as part of the process, a dust abatement permit if the area being disturbed is more than 0.1 acres or 4.356 sq. ft. Additionally, the owner must notify the ACC at least one week prior to the test.
- e. Action on this proposed language is deferred until the next meeting.

VIII. Announcements

- A. The next board meeting will be hybrid on Wednesday, Sept. 15 at 6:30
- B. Future Board Agenda Items – none

- IX. Adjournment– Ann DiChiara made a motion to adjourn at 8:09 PM. Nancy Nelson - 2<sup>nd</sup>. The motion passed.

Diana Cole 9/15/21

Diana Cole, Secretary