

Tonto Hills Improvement Association

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

Board of Directors Meeting Minutes Wednesday, May 11, 2022 6:30

This meeting was conducted via Zoom webinar.

- I. Call to Order: 6:30 p.m.
- II. Roll Call
 - A. Present – Robyn Baker, Diana Cole, Ann Dichiara, Jim Gibbs, Michael Jans, Kathleen Kuchta, Nancy Nelson, Bud Tolp
 - B. Absent – Jacki Hoagland
 - C. Guests – 14 Tonto Hills owners attended all via ZOOM
- III. Opening Remarks
 - A. Michael Jans gave an overview on the THIA joining the Westhoff, et al. vs Rent-Sell, LLC litigation regarding the 1961 amendment to the Tonto Hills Declaration of Restrictions.
 - i. The Board of Directors of the THIA has the obligation to interpret and enforce the governing documents of the THIA. These documents were part of each parcel's purchase, and all property owners are therefore aware of their requirements.
 - ii. The Board hired counsel to represent us in the case, after we found out that our governing documents were being challenged.
 - iii. The only issue the THIA has asked of the Court is to declare that the 1961 Amendment to the DoRs is effective. We have not asked for anything from either of the property owners who began the litigation.
- IV. Open Forum
 - A. Robert Tattle asked why the lawsuit wasn't addressed at the AGM. Robyn Baker responded that the Board was joined to the lawsuit on 3/29/22 as an Indispensable Party, which occurred after the AGM. She stated as representatives of the THIA it was incumbent upon the Board to take action.
 - B. Mr. Tattle also asked about the meeting recordings. Michael Jans responded he has copies stored in the cloud.
 - C. Mr. Tattle also asked why the THIA doesn't follow the AZ Open Meeting Law which governs HOAs. (****Note - The THIA is an Improvement Association not an HOA and is therefore not required to follow the AZ Open Meeting Law*).
- V. Consent Agenda Items:
 - A. Acceptance of Meeting Agenda of 5/11/22
 - i. Michael Jans made a motion to accept the agenda with the amended addition of one item added to New Business, the complaint from Lot #215 A against Lots #231F, #231C and #231E dated 5/12/22. Robyn Baker – 2nd. The motion passed.
 - B. Approval of Meeting Minutes of 4/5/22
 - i. Kathleen Kuchta made a motion to accept. Ann DiChiara – 2nd. The motion passed.

- C. Approval of Executive Session Minutes of 4/5/22
 - i. Robyn Baker made a motion to accept. Ann DiChiara – 2nd. The motion passed
- VI. Reports
 - A. Treasurer's
 - i. Kathy reviewed the P&L from fiscal year ending 3/22 to the previous year. It showed:
 - a. Income increase of \$21,000
 - b. Accounting expenses reduced by \$2950
 - c. THVFD contributions reduced by \$4000
 - d. Dumpsters increase \$1800
 - B. ACC
 - i. Bud Tolp stated Lot #54 has submitted preliminary plans.
 - ii. Bud reviewed the proposed language for the amendments to the Addendum A to the Bylaws of THIA. The ACC is still finalizing the language.
 - iii. The ACC is investigating two complaints – both are from Lot #212B against Lot #230A. The complaint dated 3/22/22 has been referred to the Board as of 4/21/22 for additional action. The complaint dated 4/19/22 appears to be similar to the previous complaint.
 - C. Environmental and Road Safety
 - i. Robyn Baker the Road Safety Committee will be meeting with MCDOT on 5/16/22 to hear the county's response to THIA concerns. While the meeting is open, the county prefers that a limited group attend.
 - D. Landscaping and Fire Mitigation
 - i. Jim Gibbs is in the process of getting 2 bids for solar lighting at the front entrance.
 - E. THVFD and Firewise
 - i. Ann DiChiara reported that the THVFD held a Fire Wise Scoop event at the Firehouse on May 1 with 35 residents, Rural Metro and Fire Wise representatives in attendance. Rick Holasek gave the scoop on Fire Wise.
 - ii. Ann has submitted a press release on Tonto Hills' new Fire Wise designation to Sonoran News.
 - iii. Ann requests that all residents submit the number of hours that you spent on clearing your lot(s) to either Ann, Nancy Nelson or fire@tontohills.net. This is required for our Fire Wise designation.
 - F. Welcome Wagon
 - i. Jacki Hoagland and Ann DiChiara will be hosting a Welcome Wagon event for new residents at Jacki's home on 5/20 at 5:30. All ladies in Tonto Hills are welcome. Please RSVP to Ann or Jacki if you plan to attend.
- VII. Unfinished Business
 - A. D of R Committee Update
 - i. Robyn Baker will be sending out a communication to solicit members.
 - B. Lot #126 complaint against Lot#125
 - i. Michael Jans reported that this matter is unresolved and other legal options will be investigated.

- C. Lot#136 ACC violation and response
 - i. Bud Tolp reported that he has been in communication with the lot owners and while they did not get ACC approval for the shed which was built on the existing lot footprint, the ACC does not find any other violations in the build and has decided to close the complaint.
- D. Lot #108 complaint against Lot#230A
 - i. Michael Jans reported that this matter is unresolved and other legal options will be investigated.
- E. Approval of Draft AGM minutes for distribution to the THIA.
 - i. Diana Cole made a motion to accept the Draft Minutes of the 2022 AGM for the purpose of emailing to the community. Ann DiChiara – 2nd. The motion passed.
- F. Tonto Hills/Desert Mountain Documents
 - i. Nancy Nelson gave an update. There are no fences between the two communities and no fences will be built in the future.

VIII. New Business

- A. Lot #212B Complaint against Lot #230A dated 4/19/22 – See ACC comments.
- B. Complaint from Lot #215A against Lots #231F, #231C and #231E dated 5/12/22.
 - i. The Board discussed items in the complaint including the rocks on the corner of Lot#231E, the truck tire on Lot #231F, the possibility of easements being impeded, and whether or not the items in question were a violation of the D of R's. Steve Rensel, owner of all 3 lots in question, stated that the truck tire was still present and that no easements were impacted. The ACC will investigate and make a recommendation to the Board at the next meeting.
 - ii. The complaint also mentioned an exterior camera placed on the Firehouse by Mr. Rensel. This matter was referred to the THVFD governing members.

IX. Announcements

- A. The next board meeting is June 15 via Zoom.
- B. Future Board Agenda Items – none

- X. Adjournment– Ann DiChiara made a motion that the board adjourn to Executive Session under Section 10.0 Reason #1 of Tonto Hills Bylaws at 8:01 PM. Kathleen Kuchta – 2nd. The motion passed.

6/15/2022 Diana Cole

Diana Cole, Secretary