

Tonto Hills Improvement Association

President: Robyn Baker

Vice President: Nancy Nelson

Treasurer: Kathleen Kuchta

Secretary: Diana Cole

Board of Directors Meeting Minutes

June 6, 2023, 6:30

This meeting was conducted via Zoom webinar.

- I. Call to Order: 6:32 p.m.
- II. Roll Call
 - A. Present – Sandra Abbey, Robyn Baker, Diana Cole, Jim Gibbs, Kathleen Kuchta, Nancy Nelson, Paul O'Connor, Chris Prentice, David Tappe
 - B. Guests – Tonto Hills owners
- III. Opening Remarks
 - A. Westhoff, et al. v. Rent-Sell, LLC:

The Court heard arguments in May for the motion for summary judgment that the Westhoffs and THIA filed attempting to fully resolve this case and avoid having to go to trial on the remaining issues. The judge took the matter under advisement and will render a decision in the coming weeks.
 - B. Rent-Sell, LLC v. THIA, et al. (Counterclaim):

The counterclaim against THIA by Rent-Sell remains on hold pending resolution of the underlying case.
- IV. Open Forum
 - A. Katie Lane requested that the Improvement Association allow all Tonto Hills members to vote on dissolution, expressed concern that 1 million dollars in insurance coverage will not be enough to pay damages should THIA lose, and asked if potential assessments have been addressed with THIA members. Robyn Baker responded that assessments have not been addressed as it is putting the cart before the horse, that last year's board voted against dissolution which would be the first step, and that community comments have largely been in support of board actions.
 - B. Steve Rensel asked why THIA has spent almost \$50,000 in legal fees since THIA carries insurance. Kathy Kuchta clarified that ytd. legal fees are \$43,365.78 not \$50,000. Robyn Baker explained that insurance coverage pays to defend claims brought against the board (for example, the counter claim) and does not pay when THIA is the plaintiff.
 - C. Steve Rensel claimed that two board members were in violation of the DofRs last year and yet went after other residents who were in violation, and asked what the board's plans were to avoid this in the future. Robyn Baker answered that all board members take an oath to uphold the DofRs every year, that the board didn't 'go after' any members but worked to uphold the DofRs, and that when decisions were controversial the board asked for community input prior to making decisions. If a board member is in violation of the DofRs, a complaint is filed, procedures are followed, and that board member would be recused from voting. No specific situation was submitted by Mr. Rensel for board review. Nancy Nelson stated that there was one non-actionable complaint against a board member last year and the complete information is in the minutes.

- V. Consent Agenda Items:
 - A. Acceptance of Meeting Agenda of 6/6/23
 - i. Nancy Nelson made a motion to accept with the addition of a complaint from Tammy Seymour Lot#32 regarding parking at Tonto Hills front entrance. Robyn Baker-2nd. The motion passed.
 - B. Approval of Meeting Minutes of 4/25/23
 - i. Nancy Nelson made a motion to accept. Kathy Kuchta – 2nd. The motion passed.
 - C. Approval of Executive Session Meeting Minutes of 4/25/23
 - i. Kathy Kuchta made a motion to accept. Nancy Nelson-2nd. The motion passed.
 - D. Approval of Orientation Meeting Minutes of 4/28/23
 - i. Sandra Abbey made a motion to accept. Chris Prentice-2nd. The motion passed.
- VI. Reports
 - A. Treasurer's
 - i. Kathy Kuchta gave the Treasurer's Report as of June 6, 2023
 - a. There is \$56,082 in the Chase Checking account and \$89,428 in the Savings account.
 - ii. Of 233 lots, 27 owners of 31 lots are delinquent on their dues. Late notices went out June 1. Kathy thanked the community for paying their dues in a timely manner.
 - iii. Significant savings were incurred in assessment expense of \$999, only \$4000 vs \$8000 was dispensed to THVFD, out of \$10,000 budgeted for dumpsters only \$7150 was needed, and out of Maintenance and Repair a savings of \$1387 was incurred, for a total savings of \$13,500 vs budget. In addition, we supported the installation of two standpipes.
 - B. ACC
 - i. David Tappe gave the ACC report
 - a. Pre-design review for Lots 58
 - b. Preliminary Design Review for Lot 076, 130, 200 approved.
 - c. Lot#212B Revised Design was approved, and they were reminded to submit a request for approval for temporary storage.
 - ii. ACC put out a reminder that temporary structures are only allowed during the building phase of construction.
 - iii. Complaint by Lot #13 and #14 against Lot# 21 for a 6 ft high tower installed without ACC approval. Subsequent submission was approved provided that action be taken to improve the appearance.
 - C. Environmental and Road Safety
 - i. Paul O'Connor reported that he is reviewing past information, and site visits and appraisals are ongoing from Acquisition Sciences.
 - D. Landscaping and Fire Mitigation
 - i. Jim Gibbs reported that two controllers for the water system were replaced.
 - ii. Had 2 months of dumpsters used successfully.
 - E. THVFD and Firewise

- i. Sandra Abbey reported that the THVFD hosted a coffee and donuts education day.
- ii. The community should continue to clear brush and report hours spent to fire@tontohills.net.
- iii. Checking \$6,100 and Savings has \$11,670. The fiscal year ends June 30.
- iv. Expenditure includes a new notification system. Notice goes out to fire dept leadership and firefighters when a call comes in.
- v. Two new firefighters signed up and need PPE.
- vi. Gil and Carol Stedman are donating beautiful metal signage for the fire station.

F. Welcome Wagon

- i. Chris Prentice reported that there was a good turnout for the May 5 Taco Fiesta held at the home of Jacki Hoagland with 40-50 people in attendance. More events are planned.

VII. Unfinished Business

- A. Lot #108 complaint against Lot#230A; Lot #212B complaint against Lot#230A dated 3/22/22; Lot #212B complaint against Lot#230A dated 4/19/22; Lot #215A complaint against Lot#231F, 216, 230A, etc.
 - i. These complaints are on hold from further board action pending the outcome of the Westhoff, et al. v Rent-Sell, LLC lawsuit.
- B. Review of Governing Documents to bring together and enhance procedures and outline steps to be taken for violations or disputes that would occur prior to litigation.
 - i. Nancy Nelson reported that this is in process and initial review of VP, Secretary, and Secretary duties is taking place .
- C. Pet Provision #14 of DofRs
 - i. Diana Cole, Kathy Kuchta, and Sandra Abbey will begin work on this. Several community members volunteered to participate. A blast will be drafted for the community.

VIII. New Business

- A. Secretary Assist
 - i. Diana Cole made a motion that Sue Kolb be approved as Asst Secretary for the balance of this term. Kathy Kuchta -2nd. The motion passed.
- B. Lot #32, Tammy Seymour, re parking on median at entrance of Tonto Hills
 - i. Tammy Seymour stated that parking has blocked accessibility to the community, could block fire or emergency trucks and that people have driven over the median. She suggested that overflow parking be on Cave Creek Road.
 - ii. Paul O'Connor will submit the issue through the NOTIFY MCDOT app.
 - iii. Jim Gibbs will get an estimate to place boulders on the median and will also see if there are boulders that can be donated from TH lot owners.

IX. Announcements

- A. Future Board Agenda Items –

B. Next Meeting – September 12, 2023, at 6:30 PM

X. Adjournment–

A. Nancy Nelson made a motion to adjourn the meeting to Executive Session under Section 10.0 Reasons #1 and #2 of Tonto Hills Bylaws at 7:38 PM. Robyn Baker- 2nd. The motion passed.

 Diana Cole 9/12/23
Diana Cole, Secretary
