

Honorable Senator Susan Collins of Main "We must always remember that, it is when passions are most inflamed, that fairness is most in jeopardy."

The charged atmosphere surrounding the feasibility study of Lot 218 has reached a fevered pitch even before the study results were revealed and a decision had been made. It has become a situation of residents bearing extreme ill will towards those who disagree with them.

I am Disappointed in the actions of the BOD. It is we as Board of Directors who should hold ourselves to at least an equal standard if not a higher one.

The BOD continues to expose themselves as well as the THIA membership to liability. This liability will continue to follow the board members and association long after the current board members step down from their positions.

My efforts to represent the association members who have elected me on more than one occasion are thwarted through unauthorized board actions such as, bullying, recusal, ignored emails and unreturned phone calls by the board President.

Currently we have several situations where board members are acting outside of their powers. These actions constitute a breach of the board member's fiduciary duty.

1. After my recusal, the remaining board members continue to incite the Tonto Hills residents about the proposed development of lot 218. A letter dated 8/27/18 was mailed to all association members a full week after the project was discontinued and the key stakeholders had been notified.
2. An attempt has been made to solicit Maricopa County Department of Transportation (MCDOT) to surface a private drive during the paving of Tonto Hills. I have a copy of the email if anyone is interested in reading it.
3. A structure has been erected on a board members property without ACC or county approval.
4. The President has retained counsel to obtain an opinion a second time for the same subject and for weak definitions that will in the very least lead to legal action for a declaratory judgment of the Tonto Hills D of Rs.

The first incident is of concern because of the mismanagement of time and funds by the board members. Through their action to recuse me (and their lack of response to my calls and emails) they were unaware of the decision not to move forward on the Lot 218 proposal. This resulted in continued expense on a community wide mailing which demonized the proposal. If I'd been permitted to continue to have discussions about the pre-submittal, which was following the process, then all of this additional expense and aggravation would have been avoided.

In the second incident above an email was sent to MCDOT containing a blatant misrepresentation. The letter from the board President stated as "Particular concern to TH residents and the THIA BOD" I have been a member of the THIA, BOD and ACC member for seven years and the only mention of this was when the property owner complained to me because their neighbor graded the drive in to a circular shape. This action may be interpreted as a violation of The Arizona Constitution's Anti Gift Clause.

The third incident is in reference to lot 123.

As we know from the D of Rs " The first entry reads as follows, "No structure of any kind shall be commenced, placed or architecturally modified in Tonto Hills until the design, location, and the kind of materials to be used therein have been approved by a majority of the Architectural Control Committee of the Tonto Hills Improvement Association"

The current board member and property owner, to my knowledge took no such action.

As for the misappropriation of THIA funds, the President does not have the authority to "obligate" funds in such a manner.

Per D of R section 1g,

"The usage of Association funds accumulated from assessments shall be according to the discretion of the Board of Directors for incidental operating expenses, for projects of direct or indirect benefit to all Tonto Hills owners, and for legal costs in connection with the enforcement of the Declaration of Restrictions."

Examples of this would be, Incidentals such as printing and Postage.

Projects for the benefit would be the front entrance landscaping.

And since the new board has been seated there has been no enforcement issues pertaining to the D of Rs.

Only a feasibility study, where once it was introduced, a well-run board of the last few years has broken down due to unprofessionalism and arrogance.

I implore my fellow board members to stop treading the dangerous path they are on and return to the harmonious BOD we once had.

Thank you.