

# Ventana Lakes Property Owners Association

## Board of Directors Regularly Scheduled Meeting Wednesday, January 16, 2008 Minutes

**Presentation:** (was not recorded) At 6:30 p.m., CareScape, Inc. representatives Russ Warner and Ron McCann provided an overview of CareScape's landscaping operation and future plans for maintaining VLPOA common areas. Community questions asked:

1. How are CareScape workers identified? All CareScape works wear a CareScape shirt with a name tag, they also wear an orange vest which may hide their name tag, if there is a question regarding whether the worker is with CareScape or not, ask the individual to show his name tag.
2. How can the community communicate with CareScape workers if there is a language barrier? The CareScape Foreman does speak English; there should be no language barrier. All work related communications should be through the Office Manager Jack Donovan.
3. Does CareScape provide service to private homeowners? CareScape does not contract with individual homeowners for work. Check with the CareScape Foreman who may have some individuals who work on the side, but not as representatives of CareScape.
4. Does CareScape have plans to remove useless bushes and grass to save water? CareScape will review all common areas and provide suggestions to the VLPOA Board regarding the removal of shrubs and the replacing of grass with granite, but the decision will be the VLPOA Boards.

**Called to Order:** by President Sue Alandar at 6:56 p.m.

**Meeting Location:** Ventana Lakes Yacht Club  
20015 North 108<sup>th</sup> Avenue

**Board Members Present:** Sue Alandar, Darrell Smith, Moe Frenette and Lori Norris

**Property Manager present:** Jack Donovan

President Alandar reminded everyone forms are available in the back for requesting items to be placed on the agenda for the next Open Board Meeting. Forms do not need to be filled out to speak at an Open Board Meeting; the community is free to speak spontaneously to any item that is on the agenda.

A written request was submitted this evening asking the Board to provide an update on the Shore's Lawsuit. This topic is not on the agenda; therefore it will not be discussed at this meeting. President Alandar explained the reason items that are not on the agenda are not discussed is because it is not proper and for those homeowners who saw nothing on the agenda

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that interest them and chose not to attend the meeting and then an item that did interest them was discussed it would upset them and create problems.

## **APPROVAL OF MINUTES**

Smith moved, Frenette seconded, APPROVAL OF EXECUTIVE SESSION BOARD MEETING MINUTES, DATED DECEMBER 12, 2007.

**Motion Passed**

Frenette moved, Smith seconded, APPROVAL OF OPEN BOARD MEETING MINUTES, DATED DECEMBER 12, 2007.

**Motion Passed**

Frenette moved, Smith seconded, APPROVAL OF EXECUTIVE SESSION BOARD MEETING MINUTES, DATED JANUARY 10, 2008.

**Motion Passed**

President Alandar, all of the Minutes are posted on the website, even when they are pending, except for Executive Session Minutes, then once they are approved, the pending is removed.

## **PRESIDENT'S REPORT**

President Alandar kept her report short due numerous business items to be addressed. Ventana Lakes are going to have some NEW NEIGHBORS. President Alandar and Manager Donovan met on Friday January 11, 2008 with the owner of the vacant lot behind Walgreen's, and the company who is trying to purchase the lot. They are proposing to build a Big Boys Toy Storage and a small strip mall in that area. The good news: this is not a "corrugated metal" ugly monster, but a private, individually-owned condominium high-end storage area for recreational vehicles and expensive cars that does not allow garage repair or living on-site. It will be finished in stucco and landscaped, and they plan to mirror the new storage facility at 107<sup>th</sup> and Beardsley near the Recreation Center. The small strip mall will be off of Beardsley and there will be a new cut-through in the median which will allow common entrance to Walgreen's and the strip mall (no more u-turns necessary to get to Walgreen's.) At President Alandar's request, the new owners will be giving a presentation to our community here at the Yacht Club at the February Open Board Meeting. All of the Board candidates should attend, because the new Board should be prepared to vote on the company's architectural design in March.

A reminder – the next Meet the Candidate night is this Friday at 6:30 p.m. The only one after that is not until Saturday February 9<sup>th</sup> at 9:30 a.m. Tell all your neighbors so they can attend at least one of them!

## **TREASURER'S REPORT**

Treasurer Frenette provided the following report;

### Colby Financial Statements

The Colby final financial statements were not available for December. The final version of the financial will be posted on the website when they become available. The November financial

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statements have been posted on the VLPOA website. Due to the financials being readily available on the website, they will no longer be attached to the Treasurer's report.

## Updated CD List (the list will not to be posted on VLPOA website)

The First Community Bank CD for the amount of \$16,935 was incorrectly listed with a renewal date of 10/06/2008. The actual renewal date was 01/06/08. This CD was renewed as a 13-month CD with the same bank.

The CD with FNB of \$81,188 is due on 1/30/08. It is Treasurer Frenette's recommendation that this CD be invested with a different bank because we have two other CD's that exceed the FDIC insurance limit of \$100,000. It is his intent to reinvest this CD for a short term of one year or less. He would like to maintain adequate liquidity to finance any future projects. Treasurer Frenette has noticed that the short term CD rates are increasing and the long term rates are decreasing.

## Delinquent Homeowner Accounts

Total delinquent amount is \$6,382. This is a 60% reduction from November 2007. It is believed that the sending of notices to home owners and personal contact by the Treasurer has helped to reduce this amount.

## Certified Audit for 2007

Manager Donovan has initiated communication with three CPA firms. Manager Donovan and Treasurer Frenette have personally met with one of the CPA's. Due to financial debacle of a few years ago CPA's are now required to perform more in dept checks for fraudulent practices, therefore; the fees for a certified audit have significantly increased from \$6,000 to \$12,000. All three CPA's that were contacted stated a certified audit would cost approximately \$12,000 dollars.

## Taxes and Other Reports

The Federal & State Income tax returns along with the Corporate Commission Report are now due. Treasurer Frenette is willing to prepare the Federal and state tax returns at zero cost to the VLPOA and Secretary Norris is willing to prepare the Corporate Commission Report. Treasure Frenette plans on completing the tax returns before the end of January 2008.

## Cash Surplus

Treasurer Frenette's review of the draft financial reports indicates the Master Association has an amount in the cash portion of its assets that relates to a surplus from 2006 (and possible other fiscal years) in the amount of \$96,248. A second computation of subtracting prepaid dues assessments from the total cash supports excess cash of \$100,962 in the operating cash accounts. This confirms that there is extra cash in our operating cash account. This is how the Association was able to pay for the legal fess related to the Shores litigation during 2007. Treasure Frenette wanted to shed light on this to prepare the Board and home owners to have a frank discussion about these excess funds at the next board meeting (February) concerning future dues increases and how this will relate to the Reserves and future budgets.

The Gardens also has an operating surplus in 2007 from a significant reduction of the insurance liability during 2007 along with reduced landscape maintenance cost during 2007 created by the

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landscape moratorium and the new contract. We will discuss this further at the next Open Board Meeting (February).

Norris moved, Smith seconded, TO ACCEPT TREASURER REPORT DATED JANUARY 16, 2008.

## **Motion Passed**

## **MANAGER'S REPORT**

Manager Jack Donovan provided the following report;

The heat to the Coves Pool has been shut off, due to the falling mesquite tree leaves getting into the baskets and into the filter system. The leaves are blocking the water flow through the heater and the system shuts off automatically. Since the falling leaves can not be controlled, the Yacht Club pool will be heated, it should be ready by Friday, January 18<sup>th</sup>.

The area above the Men's Room at the Recreation Center has been examined and tested by the remediation people, they found no mold. This week, the construction crew will come in, repair the ceiling cut-outs and paint the Men's Room.

In the steam room, the plan is to strip the ceiling tiles, re-check above the ceiling area for mold, remediate if necessary, put beams across from wall to wall, and prepare to re-place the tiles. Along the floor, where mold is suspected to be, several courses of tile will be removed and the remediation people will inspect and recommend further remediation action. Once any necessary remediation is completed, they will re-build. It is impossible to judge the time to complete the work, until the scope of the problem is known.

Due to a lack of interest, several planned programs have been cancelled. Everyone seemed to enjoy the New Years Eve party and the omelet breakfast. Activities Director Tina Dunn's goal is to provide the kind of activities that the residents are interested in and one's they will support. The plan is to make a small profit (which Tina has managed to do), or to breaking even with planned events.

Manager Donovan is working closely with CareScape Area Manager Russ Warner, and they are getting a lot of things done. Manager Donovan has completed three reviews of the VLPOA property with Mr. Warner and looked at things that are six and nine months down the road. CareScape has provided suggestions for addressing the issues. It's a slow process, but things are beginning to look a lot better.

Breakdowns of our exercise equipment continue to be a problem. As an example, one of the treadmills needs a new elevation motor and is a hazard if operated. Management has unplugged the broken treadmill and hung an "out of order" sign on it, but the next morning, the broken treadmill has been plugged back in and the "out of order" sign thrown away. Additional measures will be taken to ensure residents are not utilizing the flawed equipment.

There have been a few instances of vandalism at the Recreation Center. With the exception of having to call a plumber for one of these acts, they have not resulted in any major economic loss.

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Manager Donovan is asking everyone to be a Block Watch person, if you see someone that does not belong somewhere, call the Management Office. Even if it is after hours or on the weekend, Manager Donovan checks the Management Office voice mail on a regular basis.

Quotes from three separate companies regarding a financial audit costs are still pending.

Bids are being solicited to paint the Craft and Crochet rooms. Painting the Management Office is being delayed, the Coves Pool will be painted as approved.

Finally, the Management Office is looking for a home for our resident cat. She is young (less than 1 year), friendly, playful and pretty. Stop by the Management Office if you are interested. Four Paws (no kill shelter) is not accepting any new animals for two weeks.

## **OPERATIONAL MATTERS** (experienced technical difficulties with recordings)

1. On Lakes #2 & #7, there are pedestals and control boxes that contain electrical equipment and irrigation and motor/pump controls. These pedestals are surrounded by grass and when the irrigation system starts, it has been spraying the pedestals resulting in significant rusting of the pedestals and control boxes, in addition to popping breakers and triggering GFCI's. CareScape provided a quote on removing the grass, turning off the irrigation and replacing the sod with granite at both locations for a total of \$2,577.64 (quote #0051). In addition, CareScape quoted \$1,989.60 (quote #0052) to remove and replace the rust damaged pedestal and control box on Lake 2. It is Management's opinion that the Board should consider these necessary repairs.

Treasurer Frenette, is removing the grass the only option, or can the pedestals and control boxes be moved?

Manager Donovan, no it would probably cost more in the long run to move the pedestals. Lake #7 has no place to move the equipment its all grass.

Secretary Norris, this is more of an administrative question, is the numbers on the quotes, #0051 and #0052 your numbering system for quotes that come in? And have we had fifty-two quotes come in for 2008? Is your numbering system by the calendar year or is it a running total?

Manager Donovan, yes the quote numbers are an internal numbering system. No, we have not had fifty-two quotes for 2008, we use a running total.

Secretary Norris, that's something we may need to change and make per calendar year.

Frenette motioned, Smith seconded, ACCEPT CARESCAPE QUOTE #0051 IN THE AMOUNT OF \$2,577.64 TO REMOVE THE GRASS AT LAKES #2 AND #7 AROUND THEPEDESTALS AND CONTROL BOXES AND REPLACE WITH GRANITE.

**Motion Passed**

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Frenette motioned, Smith seconded, ACCEPT CARESCAPE QUOTE #0052 IN THE AMOUNT OF \$1,989.60 TO REPLACE RUSTED AND DAMAGED IRRIGATION TIMER AND PEDESTAL AT LAKE #2.

## **Motion Passed**

2. Management has received two quotes on insurance for the Association, a third quote is pending. We will re-negotiate some of the policies and be ready to place our insurance before the February 1<sup>st</sup> due date.

Manager Donovan, these came in so late that we need to go back to both State Farm and Travel people and make some readjustments. Some of the deductibles are set too high and some too low, they need to even some of these out. Travelers will probably be the better of the two.

Comments by Unknown (did not use microphone), Premiums are due February 1, 2008.

President Alandar, then a Special Board Meeting will have to be held before February 1<sup>st</sup> to finalize. TABLED UNTIL SPECIAL MEETING.

## **OLD BUSINESS**

1. 16 x 16 Community Map – Resident Leslie Smock produced a community map with all the street names and numbers, the only thing missing were the lake numbers. Manager Donovan was given approval to produce the maps and they will be available to residence at a reasonable cost. APPROVED.
2. Electronic/Magnetic Signs – Manager Donovan advised signs were produced for the Meet the Candidate and Board Meetings. The signs can be posted where the Bingo signs currently are posted. COMPLETED.
3. Fence Repair/Painting – Manager Donovan advised he had one bid for fence repair and painting, another bid is pending. The repairs involve sections being cut out and welded before it can be painted. The contracted that completed work at Lake #7 did a good job at a very reasonable rate (approximately 30 feet for \$105 dollars) and he has submitted a bid. Work specifications have been identified for each job and each contractor is using these to place their bids. TABLED UNTIL FEBRUARY MEETING.
4. Security – This topic was opened for discussion at the December Open Board Meeting and several homeowners provided input and addition comments came through e-mail and telephone calls. That information is useful and will be used. However, security isn't something that you can address piecemeal or without knowledge of the field itself, and without know what needs protecting and why. Resident Bill Jones has an excellent background and expertise in this field and has volunteered to help. Therefore, an Ad Hoc Security Committee shall be established to identify the problems areas, the risk of loss or damage to property, and the costs and benefits of mitigation, and bring its results and recommendations to the Board in open meeting. President Alandar also has background experience in risk management and Manager Donovan will both be part of this committee.

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When the new Board is elected and sitting, President Alandar hopes to have one other Board member involved.

Comments by Bill Jones, I would like to assist the Board on an assist and expertise basis, I have 35-years in security. I think there are some things that can be done with the community, we need to take a look at what needs to be protected, what the cost is to protect our assets and mitigate the risk in protecting those assets. It not anything that will happen quickly, that is why we need a committee to discuss and investigate. I have an extensive list of security equipment companies that I can call upon that might be available to assist in identifying some new products we could utilize.

Comments by Joe McCord, are you talking about community property or private homes?

President Alandar, community property only.

Frenette motioned, Norris seconded, APPROVE THE ESTABLISHMENT OF AN AD HOC SECURITY COMMITTEE.

**Motion Passed**

## NEW BUSINESS

1. Records Retention and Destruction Forms – One of the things we need to do in order to achieve stability and continuity in our community is to address basic management policies. Records Retention and Destruction may seem like a small office management issue, but with this the Board is setting policy for proper records management for Ventana Lakes. The process – the form itself and the procedures may undergo change with use, but we have a strong beginning and we have to start somewhere. President Alandar commended our Secretary Norris for her excellent work on this.

Frenette motioned, Smith seconded, APPROVAL OF THE RECORDS RETENTION AND DISPOSAL SCHEDULE AND RECORDS DESTRUCTION FORM.

**Motion Passed**

Vice President Smith, One of the things I have found since sitting interim on the Board is we can not find a lot of records of things that supposedly happened here. Going through and setting record policies are going to guarantee this Board, future Boards and community homeowners that if we need to find a record, we can find it. Another thing it will do is hold the Board Members accountable to follow that policy so the crucial pieces of paper needed to make decisions that affect all of us, they just can't be lost, found today and gone tomorrow.

2. Truck Traffic – Letter to City of Peoria - At least two newspapers, the Peoria Republic in the Arizona Republic and the Peoria Independent, ran stories in December 2007 about Peoria officials' announcement about getting the trucks off of Union Hills. They talk about celebration among the residents in that area. They talk about it being a 17-year endeavor. Only one person – Councilwoman Cathy Carlat – pointed out the fact that Ventana Lakes is left with the stink and the noise and the congestion of the 1000 and more trucks a day that grind through the heart of our community. Instead of just relying on Joe McCord to carry the

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ball alone – with all thanks and appreciation to him! President Alandar requested this Board to take an active stance regarding the truck traffic through Ventana Lakes by writing a letter to the Mayor Bob Barrett of Peoria pointing this out, and stating that we believe it is time our concerns are met and we do not want to wait another 17 years for that to happen. It is not just an inconvenience; it is a matter of health and safety. A copy of the letter is to go not only to the newspapers, but to every official mentioned in these articles, including the City Attorney Steve Kemp, members of the City Council and the Arizona Department of Environmental Quality, because it is time we reach out for more help.

Frenette motioned, Smith seconded, APPROVE BOARD TAKING AN ACTIVE ROLE IN THE TRUCK TRAFFIC ISSUE BY CRAFTING A LETTER TO CITY OF PEORIA MAYOR AND OTHER OFFICIALS LISTED IN NEWSPAPER.

## **Motion Passed**

3. Board to use Robert's Rules of Order – A resident has requested the Board use the Robert Rules of Order while conducting Board business.

Norris motioned, Frenette seconded, APPROVE THE USE OF ROBERT'S RULES OF ORDER.

President Alandar, I'm not sure if we are properly using Robert's Rules of Order or not.

Comments by (unknown Resident, did not use microphone), who is Robert?

Comments by Joe McCord, Roberts was an American Army Officer, during the Civil War and after the Civil War became involved in some church affairs and discovered there were no written rules on how to conduct a meeting. So he devised these rules, which were subsequently adopted by the Congress of the United States, the Parliament of Britain and almost every Parliamentary body in the world. Robert's Rules is the standards for conducting a meeting, it spells out all the ways to hold a meeting. I will point out that normally some one is designated as a Parliamentarian whose job is to interpret or clarify if there is a question regarding a meeting rule. That Parliamentarian is not normally some one on the Board. You should find some one in the community who is knowledgeable on Robert's Rules, is willing to serve as a Parliamentarian and resolve disputes or questions.

President Alandar, Thank you Mr. McCord that was one problem I had was whether we could do the Parliamentarian.

Comments by Sue Ward, there is an organization of Parliamentarians and they do conduct classes for people. We do need a Parliamentarian, I've done some training but I haven't completed the course.

President Alandar, Thank you, are you volunteering?

Comments by Sue Ward, yes.

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Comments by Bill Keitel, if the Board adopts to go to Robert's Rules, and if by chance you foul up on it, does that void your actions?

President Alandar, good question, that's one of the things I like about Robert's Rules, there is a statement in which, the intent of it is to act according to the Boards considered judgment after a full and fair working through of the issues involved. Robert's Rules provides for a constructive and democratic meeting, to help, not hinder the business of the assembly. Under no circumstances should undue strictness be allowed to intimidate members or limit full participation. The fundamental right of deliberative assembly requires all questions be thoroughly discussed before taking action. The assembly rules have the final say. Silence means consent. I would not say it would, we could put it in the policy to say it would not void any action of the Board, if we unintentionally violated Robert's Rules, or if we violated the rules in some minor way.

Comments by Art Pelster, (did not use microphone)

President Alandar, as long as we are not violating something with the CC&R's, right.

Comments by Ed McDonald, we've heard three times that no one is an expert on Robert's Rules of Order. I suggest we first have some one take a very close look at it before we vote on it. Secondly, I think the Board has done a great job in opening up the time in which people can discuss and raise issues. Robert's Rules puts limits on that and there are only certain times you can and can not talk. I'd hate to see the progress that has been made, unintentionally hindered by that.

Secretary Norris, I will amend my motion to table until we have a chance to review and I'd like to point out that was what my intention was Mr. Pelster, the Board wants to make sure there is structure in place so the community doesn't have the problems they had in the past. And whether it's Robert's Rules or an amended type of Robert's Rules, something needs to be put in place and that's what we will work toward.

Norris motioned, Frenette seconded, TABLE THE USE OF ROBERT'S RULES OF ORDER UNTIL THE NEXT OPEN BOARD MEETING AND THE BOARD CAN PROPERLY REVIEW.

**Motion Passed**

4. A Community Forum in VLPOA Newsletter - Two homeowners have requested that a part of the *Ventana Views* be allotted for opinions and articles by members of the community.

Frenette motioned, Norris seconded, ALLOW A PORTION OF THE VENTANA VIEWS BE ALLOTTED FOR OPINIONS AND ARTICLES BY MEMBERS OF THE COMMUNITY.

**Motion Failed**

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Vice President Smith, the only concern would be if someone decided to put their feelings about a problem into this forum, who is going to look at it and decide it will or will not be published? Guidelines would need to be established.

Treasurer Frenette, my problem with it, is it could become personal. We already have enough of that going on in the Peoria Independent. I'm not sure we need it.

President Alandar, I'm going to add for discussion, with editorial policy; no anonymous letters; no criticisms/attacks on your neighbors (meaning any individual in Ventana Lakes); only issues and constructive solutions offered (no complaints without solutions); length would be established, and there would have to be a limit, such as one or two pages for the forum, until we can get advertising or other methods to get costs down.

Comments by June Ettinger, I did the Ventana Views for three years, so I am very interested in that little newspaper that comes out. I think to do this, you would really be opening Pandora's box. What would happen if numerous people submitted articles and there's not room for all of them, how do you chose which one's get selected. I don't think we want to have an open forum like the Peoria Independent, I'm very much against that and I really think it could develop into that. I think everyone has plenty of opportunity to make their suggestions in an open meeting like this and I'm very much against an open forum in our newsletter.

Treasurer Frenette, there's another area of concern we could be opening the Association up to and that's liable. I think that's an area we would have to be extremely careful with.

Comments by Ed McDonald, three years ago we had a one page in the Ventana Views called, Make a Difference and it was interviews with community volunteers. I wrote it so I know, and you wouldn't believe what I had to go through to get every single little word approved. People questioning from the Board down, little things that were being said about others and it was one of the reasons it finally came to its own demise. Without some strong guidance on that, it was very difficult and according to others it was a positive product. So we do have some experience in this area.

5. Revision of CC&R's for all Common Areas be maintained under the Master Budget - A Gardens homeowner has asked to amend the tract declaration for the Gardens at Ventana Lakes to clarify that common areas in the Gardens are not included in the Parcel Assessment Areas. This request is based on Judge Buttrick's decision in the Shores matter.

President Alandar, this is on the agenda because the Board believes the homeowner asked that it be on the agenda, and because the Board believes that the community has the right to know what is going on in the community. However, the Board will not be discussing this or taking any action on it at this time, as the request has gone to the Association attorney for review. We do not know yet if the request is valid or not.

Comments by Don Lorenzen, my definition of a common area are a piece of property owned by the VLPOA. I would caution the Board not to over look the common areas owned on Lake #8

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by the Association. If you do as this is written, you would be opening yourselves up to maintaining the common areas on the Lake #8 fronts.

Treasurer Frenette, there are also other common areas around the Association this could pertain to, so the only way to go is to table it until we have a legal opinion.

Comments by Judy Maibe, I am glad to hear this was sent to the attorney, depending on the Judge's final decision and the attorney's opinion, will this come back to the Board or will it be referred to the CC&R Revision Committee?

President Alandar, it will come back to the Board and we will decide what to do with it then.

Comments by Don Horton, reference to Vice President Smith's earlier comment about the Garden, I would like to explain the difference. The Garden's are the same as everyone, but we are different. We are apart of this 1,701 individual home owners, this year we will be paying \$732 exactly like everyone else in Ventana Lakes and we enjoy all the privileges. The difference is we have 104 individual homes northeast of 107<sup>th</sup> Avenue and Union Hills and an additional four homes are located approximately one mile southwest by the VLPOA Management Office which are included in the Gardens. In addition to the \$732 annual dues, Garden Residents pay \$1,080 of which a portion is to maintain our landscaping on our individual lots. A separate Reserve fund covers house painting, roof repair and/or replacement. In the Garden's area is approximately 3 1/3 acres of common area, over the last fifteen years it has been maintained and is owned by the Master Association and charged to the Garden's one hundred percent. As far as I know, the Garden Residents (108) are the only ones being assessed for their common areas.

## COMMITTEE REPORTS

### Architectural

Ken Hunstad, the Architectural Committee has an issue with the Board. We feel the Board went down the wrong road when they approved a Landscape Committee for the Gardens. Most of the Architectural Committee is present now, how about holding a meeting right now?

President Alandar, Mr. Hunstad did you want to make a report?

Ken Hunstad, that's my report. The Architectural Committee doesn't know what direction the Board is going, don't know what our responsibilities are any more since you are now approving things for the Gardens. I asked Manager Donovan the other day and he said you gave permission, that's bypassing the Architectural Committee. So where do we stand?

President Alandar, did you receive the letter I sent to the Architectural Committee sir?

Ken Hunstad, yeah I'll read it. This is an email sent to Treasure Frenette, sent to me and I tried to get it out to the rest of the committee. It states, I received your request to attend the Architectural Committee meeting on January 21<sup>st</sup>, I am very sorry to hear that the Garden's Landscape Guidelines and Garden's Committee, which the Board approved in December, have caused such consternation with the Architectural Committee. I am writing this letter so that you can provide to the members of the Architectural Committee, I hope you can do so quickly, the

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written explanation should save the committee time for their more important agenda next Monday. What we have appears to be some conflict with our governing documents (Hunstad interjected, I need an answer on what that might be?) on January 7<sup>th</sup> when I became aware of the problem, I asked the Association Attorney for written clarification regarding these issues. The Board has a prior written opinion from the Association Attorney (Hunstad interjected, I'd like to know what that is) based on the Garden's tract declaration, which states that the Board has the sole authority for maintenance within the Gardens. The Attorney's opinion and the tract declaration may be in conflict with the CC&R's. This apparent conflict must be resolved. (Hunstad interjected, this has been going on since I've been on the Committee, so what's new I don't know). To provide some background explanation: The attorney's written opinion was issued last summer. I knew that the Garden's neighborhood committee had been under development for some time and made the assumption that the Architectural Committee had seen the guidelines, particularly since I saw no conflict with the Architectural Committee Guidelines. Until we receive an answer from the Association attorney the Board's decision to approve the guidelines and the Committee will stand, unless and until a specific problem harmful to the community is identified. All of the Gardens' requests for landscape maintenance are going to the Manager for processing, just as they were previously (Hunstad interjected, that's not correct); they are now, I understand, simply going through the Gardens committee first. When the attorney's response is received, this matter will again be placed on the Board's Open Meeting agenda and I believe the entire situation can be resolved professionally and amicably at that time. I appreciate the Architectural Committee's patience until then. I know we all have the same goals, which are for the good of all neighborhoods within Ventana Lakes. The volunteer members of the Architectural Committee have worked long and hard at their job, they are appreciated, (Hunstad interjected, yeah we do work a lot and thank you for the appreciation) and I hope they realize that none of this was intended in any way to create a problem for them. (Hunstad interjected, we have questions and do you have any answers?)

Vice President Smith, when landscape contracts were viewed and they were granted, we've got them. Those that live in the Gardens, they do pay a lot more money than the rest of the community. When we established the Guidance Committee, the Landscape Committee, what ever you want to call it for the Gardens, we did not as a Board, give them authority to change things within this community, we did not obligate this Board or any future Boards to have directions forced upon us for maintenance. What the agreement was for those living within the Gardens that pay the extra fees and have issues specific to the Gardens so that they could work amongst themselves and bring those recommendations to the committee in the Gardens. IF they meet the requirements for our community as a whole, then they are approved and go forth. They do not have any sole power to go in the Gardens and change anything. We have committees in this community from time to time and we need them because its our community. I would hate to thing we have any committee, including the Architectural Committee or any other standing committee that could dictate what will or will not happen, to a Board. The need for the committee is they have some expertise, they gather facts, they can resolve the issues within our guidelines, and our CC&R's approve this. But, at any time there becomes a significant head butting contest, that comes to the Board and the Board takes it to the community. Because we elect the Board to help lead the community. No Board or Committee member should take the position of a dictator. It was strictly an administrative tool for the Gardens, gather their thoughts, ideas, present them and if any were outside established guidelines, they would be brought to the

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Architectural Committee and then finally to the Board and if it couldn't be resolved then it would be taken up at an Open Meeting before the community. And I think that's were each of those committees needs to stand.

President Alandar, in the mean time we have a conflict on our governing documents. The Attorney has said the Gardens Tract declaration is clear, that only the Board has responsibility to take care of maintenance in the Gardens. The CC&R's states the Architectural Committee has that authority. We need to have this clarified and I didn't want to get into an argument with anyone until we do. There is no arguing here, we want to handle on a professional level, has friends, as neighbors and a community.

## Maintenance

Dave Bracken, Monday morning a motion detection light was installed at the Pickle Ball court at the west entrance gate. Tuesday, the front water line was changed. Other than changing a light bulb here and there, nothing major for the last six weeks.

## Lakes

Manager Donovan (for Tim Willems), the Water Resource representatives advise our lakes are in great shape. We are back on a winter cycle for inspection. The red algae in Lake #8 has dissipated itself.

## Truck Traffic and Environmental

Joe McCord, the traffic speed signal will return to Union Hills in the near future, in addition Peoria Police Department will be assigning an unmarked police car to enforce speeding violations. Copies of "What is in Diesel Exhaust" was handed out. The BNSF Railroad has purchased 723 acres of land along Grand Avenue approximately 3 miles south of SR74 intersection. A mammoth warehouse operation will be built to process everything coming in from Los Angeles and will employ 8,000 people. This will increase truck traffic in the area, approximately 144,600 vehicle trips per day. Grand, Bell and SR303 will be the primary roads of travel. If the County decides to widen Beardsley and extent to El Mirage Road, we will need to fight this development which will increase truck traffic expeditiously on Beardsley.

Frenette moved, Norris seconded, THERE BEING NO FURTHER BUSINESS TO DISCUSS,  
MOVED TO ADJOURN.

**Motion passed**

**Board Meeting adjourned at:** 8:30 p.m.

\_\_\_\_\_  
Lori Norris, VLPOA Secretary

Date: \_\_\_\_\_

Cassette(s) Submitted: \_\_\_\_\_  
(number) (initials)