

# Ventana Lakes Property Owners Association

## Board of Directors Regularly Scheduled Meeting Wednesday, October 15, 2008 Minutes

### Special Presentation

Gene Sawyer with Sun Systems briefed the community on solar energy panels for heating pools. Two of the four VLPOA pools qualify for the APS Rebate Program. Through the APS renewable energy credit to offset energy produced, the Recreation and Yacht Club pools qualify, but the Cove and North Park pools are too small to recoup the cost of \$8-10,000 dollars for the equipment installed. Current heating systems use a circulation system which involves the water flowing through the heater, the filter and back into the pool. Using current pump system, the solar system involves the water flowing through the pump filter first which warms the water some prior to the water circulating through the many small passages of the solar collector where it is warmed by the sun before the water is returned directly to the pool.

Based on a US Department of Energy modeling program using 258 heating days per year, the Recreation Center Pool would show a full savings after 1.6 years of \$8,600 annually. The Yacht Club Pool would show a full savings after 1.16 years of \$6,500 annually. Prices range from; Coves \$9,960; North \$15,155; Yacht Club \$14,240; and the Recreation Center \$30,000. Price differences are due to the different installation needs of each location.

This is a budgeting issue to be discussed at the Budget Meeting, Saturday, October 18, 2008.

**Called to Order:** by President Sue Alandar at 1:53 p.m.

### Pledge of Allegiance

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

**Board Members Present:** Sue Alandar, Tony Fiore, Moe Frenette, Richard (Dick) Matsuishi, Joe McCord, and Lori Norris

**NOTE:** Vice President Darrell Smith resigned effective September 30, 2008 citing personal reasons.

**Property Manager present:** Jack Donovan

### APPROVAL OF MINUTES

Frenette moved, Fiore seconded, APPROVAL OF OPEN MEETING SEPTEMBER 13, 2008; EXECUTIVE SESSION SEPTEMBER 11, 2008 AND WORK SESSION OCTOBER 6, 2008 MEETING MINUTES.

Director Matsuishi, one correction to the Executive Session Minutes of September 11<sup>th</sup>, under miscellaneous, the chairmanship of the Architectural Committee should be Laura Miller.

**Motion Passed (5-YES)**

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## COMMITTEE REPORTS

President Alandar, please welcome our new Architectural chairperson, Laura Miller.

### Architectural

Chairperson Laura Miller, the committee processed the following requests: 11 house paintings, 12 landscape issues, 2 concrete walkways/driveways, 3 awnings/patio covers, 2 security doors, 2 garage door replacement/painting, 2 satellite dish installs, 9 follow up violations, and 5 home resale inspections. There were 39 other inspections, of which 32 were approved requests, but the homeowners failed to send back the completed work documents. Special thanks to Committee Member Bill Kietel for following up on all 32 final inspections resulting in 21 closed files, 5 files were placed on hold per homeowner request and 7 letters were sent reminding the homeowners of the 90-day timeframe completion requirement.

**NOTE:** The Architectural Committee is in need of 1-2 Alternate Committee Members. If you are interested please contact the Management Office.

### Maintenance

Chairperson Dave Bracken, 35 light bulbs were replaced at the Recreation Center, it took 3-days to replace a broken shower head at the Recreation Center because an anxious resident used the shower before the dry wall had set. New A-frames will be constructed and some of the old ones will be rebuilding for posting meeting notices and flyers, but need volunteers to paint. Also, the committee is working on new screens and baskets for the water fall pump inlets on Lakes.

### Lakes

Chairperson Tim Willems submitted his letter of resignation as the Lakes Chairperson and the Landscape Co-Chairperson effective September 30, 2008. Mr. Willems cited his reasons for leaving were the Property Manager's intimidating demeanor.

### Truck Traffic and Environmental

Chairperson Joe McCord, five weeks ago attended a meeting regarding the proposed roads to be built going East & West across the Agra Fria from the Mining Operations and a road North & South possibly along 112<sup>th</sup> Avenue that we are pushing for. You will be happy to know the Rose Garden option is no longer on the table; they are looking now at around Deer Valley and others. A briefing on the proposed options by the County may be presented at Ventana Lakes, date pending. Please remember to vote on the bond issue.

## PRESIDENT'S REPORT

First off, I read in the Peoria Independent that we have ten meetings scheduled; I sure hope that doesn't prevent anyone from running for the Board. We did bite off an awful lot this year, we are doing a lot of things and that isn't going to be all for next year. Please don't let that frighten you off; we really need some good people. As you know, Mr. Smith resigned from the Board, we hated to see him go, but that's his perfect right, we miss him and now we have to fill that position. So, if there are folks out there who want to offer their services to the community we welcome them to apply for that position too.

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Director McCord, about four years ago we voted on when vacancies occur, if the Board appoints, should the appointed person fill until the next election or for the duration of the vacated positions term. The Community voted to give the Board the authority to appoint until the end of the term. The implicitly of that is that we appoint, we do not wait.

President Alandar, that is on the agenda to discuss and there is a copy of that amendment in your Board packets. The Election Committee reminded me of it; it's not that I'm smart. I did want to mention the Kitchen is done, pending final County inspection. Darrell Smith did stick with this until the bitter end as that was one of his assignments. The door is open for anyone to take a look. We are going to do one more thing and that is to install new tile. We have some volunteers who will lay the tile if we buy it. With everything we have done in there, I think it deserves a new floor too.

We have several important meetings coming up; the Budget Meeting is this Saturday, October 18<sup>th</sup> at 2:00 p.m., the Architectural Committee Meeting the following weekend, Saturday, October 25<sup>th</sup> at 2:00 p.m. and then the Master and Garden Budget Meeting on Saturday, November 1<sup>st</sup> at 2:00p.m.

## **TREASURER'S REPORT**

Colby Financial Statements - The September financial statements will be posted on the web site when available.

Master CD's - There was no CD activity during the past month. Looking ahead we have no more CD's due in 2008 but have many CD's due throughout 2009. This is a good time to discuss the Wells Fargo Brokerage Account. We have 2 separate brokerage accounts (Master & Gardens) The current value for the Master is approximately \$693,000 and the Gardens is approximately \$173,000. Funds are invested through these 2 accounts in the form of CD investment program known as Certificate of Deposit Account Registry Service (CDARS) with various banks not Wells Fargo Bank. The goal is to remain under the FDIC limit with any of the combined investments at a particular bank. FDIC limit was \$100,000 and recently was increased to \$250,000. A one time change of signors with these brokerage accounts covers all of the CD investments. It is my goal to have all of our CD's, when due, become re invested into these 2 accounts. This is a good management tool for the Treasurer. The investments advisor also does the research regarding which banks to make CD investments with. The Treasurer may approve or recommend a different bank.

President Alandar, Treasurer Frenette can I interrupt at this time to see if there are any questions as we have heard a lot of rumors flying around. I'm going to share how my husband explained it to me because I'm really dumb when it comes to this type of stuff. Wells Fargo is acting as a Broker for our CD's. So instead of having an amateur Treasurer, excuse the expression Moe, we are having an expert do it for free.

Treasurer Frenette, it's not exactly for free, they get a small benefit from the banks they place our investments with.

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President Alandar, the thing is our last Treasurer did go out and invest a lot of our money at a lot of different banks. Like one that was called, Bank of the Internet. Now, this was a perfectly good bank and was a viable investment, but where in the world did he find it and they have not been real cooperative with us, even though it was our money. So we need to have a good Broker handling it, we need to know exactly where our investments are so in the future when we have new Treasurers, new Presidents they know. Any time you have volunteer Board, you have got to have a handle on all financial issues; you have to be absolutely positive about what is going on and I think this is the best way to handle it. What Moe has come up with is the best way to handle things and I think all Homeowner Associations should follow this plan.

Treasurer Frenette, Sue before we answer questions I would like to go on with my report because I think it will answer some questions.

Gardens CD's - No new activity in this area. Looking ahead the World/Wachovia Bank CD is due in November. This will be reinvested into the Gardens Wells Fargo Investment Account.

Delinquent Homeowner Accounts - I will receive the current delinquency detail at the time of the release of the September financial statements. I have no new comments at this time.

Audit - As part of the 2007 certified audit, the CPA wanted to verify balances on some certain CD's as of 12/31/07. We had a temporary roadblock with that request as I was not a signor but former Board Members were signors on some of the CD's that he wanted to verify. I have managed to work through that problem and the CD balances requested by the CPA were recently verified as of 12/31/07.

Under the former Treasurer we ended up with many CD investments with various banks all over the country, thus the difficulty of managing the signors and FDIC limits. I advised the CPA and informing you the homeowners that I have instituted a new policy of having all of the CD's when they become due to be invested through our brokerage accounts to better manage the FDIC limits, to better use the advice of our financial advisor, and to better manage the signors. CPA Greg Jenner advised me that he still has some due diligence work to complete regarding the review of Board meeting and Executive Session meeting minutes. He also advised me that audits take longer due to additional verification steps and a pier review by an unrelated CPA firm.

2009 Budget - The board has scheduled a work study session for the 2009 budget this Saturday on 10/18/08. This is an opportunity for all homeowners to provide input into the 2009 budget. I am looking forward to hearing from any concerned homeowner. Please attend this meeting as it concerns all of us.

McCord moved, Matsuishi seconded, TO ACCEPT TREASURER REPORT DATED OCTOBER 15, 2008.

**Motion Passed (5-YES)**

Comments by Howard (inaudible), did we ever find out where this Bank of the Internet CD was and did we get our money?

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Treasurer Frenette, Absolutely, that was one of the CD's the CPA wanted to verify. I had to take a back door approach, but I found it. It was not in our CD book, it should have been, it was a new CD that was started around July 2007, and during that time frame they were probably lax about putting all the records in one place. I found a 1099 IAT that identified the account. Since contacting the bank, changing signors is in process, a former Board Member who is still a resident here was able to poke through and verify the account.

Comments by Rudy Simon, I think it's a pretty good idea of placing stock in the CDARS, you have better control that way. The rumors that are floating around seem to center around accountability problems and that's what's holding up the audit. Therefore, the audit should have been some time ago. Last fall when the past President was leaving, you should have been a little bit more accountability in what was in all these CD's instead of waiting until now, until an audit takes place to find out what's going on.

Comments by RoseAnn Fiebig, I just want to know if you make it clear that there is NO MONEY MISSING. People are still in the paper today saying, and they mention Bob Della Pia, which is outrageous. You said there was no money missing, it's just you couldn't find it, signors, things like that. Is there some way you can get through to these people there is no money missing.

President Alandar, and I never fell in the lake either. We can't stop people from voicing their opinion.

Treasurer Frenette, you are absolutely 100% correct. And in my mind I never doubted there was no money missing. The only problem was having a current Board Member having access. You would call a bank, you'd have the account in front of you and if you are not a signor, you can not get any information out of them. But now, our attorney has helped us with a process.

President Alandar, that is why we have setup a process to make sure in the future we are completely covered. No there is no money missing, there was no wrong doing.

Comments by RoseAnn Fiebig, it's just not fair to the person who is not even living here to have his name smeared in the paper. Whether or not he did the right thing, you know what I mean, with investments.

Treasurer Frenette, I'll agree with you 100%. I think Bob did an excellent job investing in CD's.

President Alandar, he found some good investments, we just don't know HOW he did it.

Comments by Joe Broschka, I have the September Financial Report, I want to go back to comments relative to Wells Fargo Brokerage investment account, some things are missing. Number one, we don't see the rate of return from the brokerage investment; we have \$529,000 dollars in the brokerage account with no rate of return. Can you come up with a rate of return for that amount of money?

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Treasurer Frenette, that is very difficult to do because the rate of return is the rate where the CD is invested at the different banks. It's not one rate that covers the entire amount. There are multiple CD's in there that have multiple terms and multiple rates through investors.

President Alandar, yes that's a collective amount.

Comments by Joe Broschka, what do we pay in fees for Wells Fargo to administer the account?

Treasurer Frenette, we pay zip. I'm sure they get some little cut of the action from the other banks for investing with them.

President Alandar, we need to find out exactly what it is.

Comments by Joe Broschka, would it be a rate from each CD that Wells Fargo is maintaining?

Treasurer Frenette, I don't understand your question?

Comments by Joe Broschka, if Wells Fargo is going to purchase all of our CD's, then obviously they are going to get a rate of some fee for that service. So, if you don't know what the fees is, then the next question would be, is the CD getting the rate of return that Wells Fargo went originally to that bank for?

Treasurer Frenette, actually we can go find our own bank we want to invest into. We go to Wells Fargo and tell them this is the bank, this is the term and at this rate we want to invest in. Right now it's very difficult to say what the current rate of return is on CD's, their extremely liquid. I am guessing where they get their fee is in some form of a kick back they get from the bank for having investors go with them.

Comments by Joe Broschka, okay, that's exactly what we need to know, is what the kick back is. How do you feel is the security of Wells Fargo? We've seen in the last weeks many brokers go down.

Treasurer Frenette, that does not affect us, because the CD's are not invested in Wells Fargo Bank, they are invested in different banks.

Comments by Joe Broschka, let me share my greatest concern and I ask the Board to take a look at last March and the current deficit for nine months is sitting at \$76, 675 dollars. What are you going to do so we do not see a repeat like in 2007 where we had a loss of \$102,000 dollars, in 2006 where we lost \$54,000 dollars? And now we are looking at \$76,000 in nine months.

President Alandar, Mr. Broschka that's why we are having a budget meeting on Saturday. I hope you can be there. Moe, I think we need to double check on if Wells Fargo is getting a fee on those investments when they find them for us.

Treasurer Frenette, it's a fee that doesn't affect us because we go in there at the going interest rate.

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## MANAGER'S REPORT

1. One-half of the aerators on Lake 8 are out of service, due to a pump motor failure. Water Resources will replace the motor (which is just old) and check the rest of the system. The cost to replace the motor should be \$800 – \$900
2. We have had a little bit of red algae, most of which has been eradicated, the remaining amount is insignificant, and should provide food for the carp. I walk all the lakes at least once a week and they are all in good shape and I credit Water Resources, they are doing a good job, our lakes look better than in the last several years.
3. We have had 2 break-ins of autos left in driveways. Please remember to lock your car and take all valuables out of the car if you leave it in your driveway. Do not leave pill containers in your vehicle whether they are full or empty, they will break in to get the prescription information.
4. We have replaced a heat exchanger on the spa heater at the Recreation Center, and re-plumbed the spa at the Coves pool.
5. Painting of the fence on Lake 2 will commence tomorrow, the 16<sup>th</sup>. If you wish to have the fence between your property and your neighbor's property painted, please contact Irene Hart at the Management Office, and she will make sure that the painters are aware of the work to be done. The cost of painting the fences between properties is the responsibility of the homeowner. Once the painting is completed, the MO will send each homeowner an invoice for their share of the welding and the painting. The cost of the work is being shared between the homeowners and the Association.
6. There have been a number of major irrigation leaks on the property. If you see a leak, either call the Management Office and leave a message on line 13, or call the pager number, 623-465-3478. This will connect you to the pager, and allow us to alert the landscaper. The landscapers do no repair on the weekends or holidays, but will come in and shut off the water, and the repair will be made the first business day.
7. The drainage ditch along side the extension of 111<sup>th</sup> Ave., from Beardsley to Rose Garden was to be filled in and a top cover of stone was to be added to the top of the filled-in ditch, has not been completed. There is more work to be done at the Beardsley end of the filled-in ditch. I will keep the Board of the progress of this project. According to the City Engineer they are having a problem getting the grading corrected and they are having a problem with getting the type of stone they want.
8. If you are aware of a swimming pool, that is not being serviced either in an occupied or unoccupied home, please report it to the Management Office. We then contact Maricopa County Vector Control Department, they send in an inspector and treat the pool to prevent mosquito larva from hatching. The Management Office is keeping a log, currently we have 2 reports.

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9. Just when you thought it was safe to let your dog or cat out in the back yard, we have had a report of a cat being attacked and killed by a coyote which may or may not have been rabid. Three adults tried to scare this animal off, but he kept coming back for the cat's carcass. Please remember that coyotes are dangerous to small animals, either cats or dogs and take appropriate precautions.

Comments by Rudy Simon, the irrigation problems seems to be getting out of hand as far as costs to maintain. This Board ought to start looking at doing something different instead of just paying bills for repairs and leaks.

President Alandar, we've paid \$30,000 for repairs.

Comments by Rudy Simon, the last meeting it was mentioned about lakes clean up, that volunteers were doing and that landscapers were being paid to do it, can you please clarify?

President Alandar, it doesn't look like anybody is doing it right now. The Landscapers are doing some of it.

Manager Donovan, the Landscapers are cleaning out the baskets Monday through Friday. They don't necessarily clean the fingers and that's where we have the most problems. We have some one come in on the weekends to clean the baskets because we absolutely have to clean the baskets every day or we'll be burning out pumps and motors.

## OPERATIONAL MATTERS

1. Removal of trees/bushes obscuring Traffic on Beardsley  
Intersections along Beardsley at 104<sup>th</sup>, 106<sup>th</sup> and 109<sup>th</sup> Avenues have trees and bushes that make it difficult to exit safely and to properly observe oncoming traffic without placing your vehicle into a hazardous position.

Director Fiore, On behalf of the Board I would like to thank Joe and Dave for the excellent pictures and the effort they put into organizing the data which clearly shows numerous trees and shrubs obstructing a driver's vision when they try to pull out onto Beardsley from these various intersections. I would like the Board to approve marking these trees for removal.

President Alandar, we may be able to sell some.

Comments by Dave Bracken, a year and a half ago a lady evaluated the Saguaro's in the area and determined the pollution had affected the trees and they were diseased, no one will purchase these Saguaro's. I've tried two places for selling the Palm trees and they want to know the age and type, I don't have that information.

Director Matsuishi, is it possible to give some one the Saguaro's and Palm trees for free if they will remove them?

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Comments by Dave Bracken, that's possible, but until the Board decides what they want to do, I'm not going to spend 3-4 hours on the phone trying to track some one down who will do that.

President Alandar, it is quite a job to take Palm Trees out, if they are to be taken out alive, the whole root ball has to be included, so there's some expense involved. If a company wants to make any profit, they have to consider the expense involved with removing the entire root ball, placing in a box and shipping. We can make it part of the requirement that they must fill in the hole and fix everything up nicely after the tree is removed, so giving them away might be what we have to do, especially since there is only a couple, as long as it doesn't cost us to remove them.

Comments by Donald Holtzee, Linden Tree Nursery down the street is the one who put the Palm trees in originally, they would know approximately how old they are. When we had to remove the large Saguaro by Walgreen's we had an inspector come out and the Saguaro's are diseased and no one wants them so we had to pay to have it removed.

President Alandar, do we have to get a tag or something to remove a Saguaro?

Comments by Donald Holtzee, yes, but I don't remember who you get a permit or tag from.

Director McCord, Peoria has a zeroscape program which will pay us if we replace any landscaping with zeroscaping, but we have to coordinate with the City to insure we meet the requirements.

Matsuishi motioned, Fiore seconded, ACCEPT PROPOSAL SUBMITTED BY JOE & DAVE TO REMOVE/TRIM TREES AND SHRUBS THAT ARE TRAFFIC SAFETY CONCERNS ALONG 109<sup>th</sup> AVENUE/BEARDSLEY, 106<sup>th</sup> AVENUE/BEARDSLEY, 104<sup>th</sup> AVENUE/BEARDSLEY AS INDICATED. THEY ARE TO GET THE BEST PRICE POSSIBLE FOR SELLING OR GIVE THEM AWAY FOR FREE. ANY PLANT REPLACEMENTS ARE TO BE COORDINATED WITH THE CITY OF PEORIA USING THE ZEROSCAPE PROGRAM.

**Motion Passed (6-YES)**

**NOTE:** Manger Donovan tasked with obtaining any necessary permits from the State/City/County for removing Saguaro cactus plants and obtaining quotes for the trimming of all plants in the targeted areas.

## 2. Paving of the Coves and North Park Pool parking lots

The Cove and North Park Pool parking lots do not receive the large amount of traffic like the Recreation Center or Yacht Club parking lots to warrant hot seal re-surfacing. Central Paving recommends cleaning, cold sealing and striping for both parking lots at a cost of \$2,375. Cold sealing does not last as long as hot seal, but we should get 2-3 years. To get our parking lots looking good, I recommend we accept Central Paving bid. Central Paving will do touch ups to the Recreation Center and Yacht Club parking lots at the same time they come out to do the Cove and North Park parking lots.

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McCord motioned, Frenette seconded, ACCEPT BID FROM CENTRAL PAVING IN THE AMOUNT OF \$2,375 FOR CLEANING, COLD SEALING AND STRIPING THE COVE AND NORTH PARK POOL PARKING LOTS.

**Motion Passed (5-YES)**

### 3. Graeme Baker Act / Pool and Spa Regulations

Safety of all pools and spas, after December 19, 2008 all pools and spas with single drains must be equipped with devices designed to prevent suction entrapment. In particular, pools and spas with only one drain must be equipped with an anti-suction device. The device senses when the pool is no longer pulling suction, and instantly shuts down the pump.

We have determined that, the Yacht Club pool and spa would require 3 anti-suction devices, 1 for the spa and 2 for the pool. The Coves pool would require 2 devices, both for the pool. This is a total of 5 devices at \$1,500 each, or \$7,500. The key is, even though the Yacht Club and Coves pools have multiple drains, they both have a central floor drain that could theoretically entrap a swimmer. Side pool drains do not meet the requirement, this Act deals with single floor drains.

This regulation also specifies that each pool and spa must be equipped with dual drains by 2014, whether they have an anti-suction device on the pool/spa or not. Cost approximately \$30,000 per pool/spa. Pools and spas will have to be drained, the old drain removed, and a portion of the pool/spa removed to accommodate a two drain system approximately 3 feet apart. This is the law, we do not have a choice in this, Maricopa County will be policing compliance, we need to budget to meet this requirement. Fines for noncompliance by 2014, is \$100,000 dollars.

**NOTE:** Manager Donovan tasked with poling various Pool Companies to see if they are aware and have knowledge of the Graeme Baker Act, do they recommend specific equipment and what cost are associated with complying with the Graeme Baker Act.

## **OLD BUSINESS**

### 1. Reconsider pruning City easement Palm trees

Resident Ed McDonnell has requested the Board re-consider its decision to not have the Palm trees in the City easements pruned this year and have them pruned immediately. These trees along with the entrance to Ventana Lakes are the first impression made on visitors, residents and potentially new homeowners as well as surrounding communities. These un-maintained Palm trees have become an unsightly eyesore and evidence of a poorly managed community. When you consider there is not much direct control we have on things like graffiti, cars broken into, damage to lawn fixtures, copper piping thefts which have be the case at Ventana Lakes, we can take control of our landscape problems and neglect. Our landscaping appearance has been deteriorating, the bigger picture in my opinion is a need for a new landscaper, and however we need to have the Palm trees immediately trimmed. Estimated cost is \$15,000 dollars.

**PROPOSAL DIED DUE TO A LACK OF A MOTION.**

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Comments by Lou Ellen (inaudible), we have two Palm trees in our backyard and the birds are having a field day with the berries and its fun watching them, but it's messy and unsightly. If we lose those Palms tress due to a lack of watering its wrong, I heard the Palm trees are no longer being watered.

President Alandar, No, we are still watering all Palm trees, the only thing we didn't do this year is prune them. They've been pruned every year except this year, but we'll have to prune next year.

Manager Donovan, the landscapers are aware we are not going to be pruning this year and have been tasked with cleaning up any debris that falls to the ground from the Palm trees.

Director Matsuishi, the question arises, because of our short fall in the budget, we need to have input from the community, do you want to increase your assessment fees to cover the \$15,000 every year, that is the question.

## NEW BUSINESS

### 1. Board Member Appointment

As you know Vice President Darrell Smith resigned. His term in office has 2.5 years remaining. We have an amendment to our Bylaws Article 4, Section 5 which states; Vacancies: any vacancy occurring in the Board of Directors may be filled by the affirmative vote of a majority of the remaining Directors, though less than a quorum or by a sole remaining Director, and any Director so chosen shall serve as a Director for the remained of the term of the vacancy. Alternatively, the remaining Directors may, in their discretion, allow the Members to fill any vacancy in the Board at the annual meeting following the creation of the vacancy, and any Directors so elected shall serve as Directors for the remainder of the term of the vacancy.

Frenette motioned, Norris seconded, THE BOARD WILL NOT FILL THE VACANCY, THE HOMEOWNERS BE TASKED WITH FILLING THE VACANCY THROUGH THE ANNUAL ELECTION COMING UP MARCH 2009.

**Motion Passed (4-YES / 1-NO)**

Treasurer Frenette, I'd like to make a political statement, if we do not get six or more candidates to run for the Board of Directors this March for the vacancies that will be available, we should give serious consideration to returning the Board to a five member Board of Directors, because members are being elected by default, rather than a majority vote.

Comments by Peter (inaudible), maybe I misunderstood, but I believe this leaves you with six on the Board and there is a possibility of a 3-3 split vote. I recommend you reconsider to avoid any 3 on 3 decisions.

President Alandar, that is a valid issue, if you recall we did have a 3 to 3 vote for a split decision.

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Director McCord, I respectfully disagree with Treasurer Frenette, I looked up the decision and the community voted 2 to 1 (594 votes in favor, 310 against) to seat a 7 member Board. The Community told us they wanted a seven member Board.

President Alandar, just a reminder, the Board does not have the authority to change the number of Board Members, a petition would have to be filed and a vote of the Community completed.

## 2. Board Officers

The Board will determine who should become Vice President and if any other Officer positions should be changed.

Secretary Norris, I NOMINATE DR. RICHARD (DICK) MATSUSHI AS THE NEW VICE PRESIDENT.

**Motion Passed (4-YES / 1- ABSTAIN)**

Director Matsuishi, I accept the nomination.

Comments by (inaudible), since we broached the subject, what do we have to do to change the Board back to a 5 member Board before the next election?

President Alandar, there is not enough time to accomplish it before the next election. You have to get signatures from 20% of the 1,700 residents, file the petition and then the issue is placed on the ballot, there is not enough time.

## 3. Boat Registration

The Board will decide whether this policy should be discontinued in view of cost/benefit to enforce. Boat fees are currently counted as annual income of \$680 dollars. The Management Staff ran a cost/benefit analysis on processing boat registration fees which included staff hours, stickers, letters and postage at a cost of \$721 dollars annually.

Matsuishi motioned, Fiore seconded, RECENT \$10 DOLLAR BOAT REGISTRATION FEE.  
**WITHDRAWN**

Comments by Don Lorentzen, part of the problem with boat registration is people do not apply for the stickers within the time frame and the amount of time by the staff to get people to get their stickers and no enforcement of any fines for violations by the Board.

President Alandar, but why do we need to require boat stickers in the first place?

Comments by Dave Bracken, to raise money to buy replacement fish.

Comments by (inaudible), my understanding of the stickers was there is a requirement that boats be kept dry and if there is no sticker on the back, who is contacted to have the boat cleaned up and when ropes break or boats come loose floating on the lakes how to get them back to the right people. There's a requirement that only so many boats can be put on a particular lot and where it can be placed on public/private water and the money was to have been used for some of the

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expenses of the fishery. Part of the cost analysis is the lack of compliance and no enforcement by the Board.

Director Fiore, without boat stickers and if there is an accident on a lake involving a boat does the Association then become liable?

President Alandar, I do see how, the boat owner would.

Vice President Matsuishi, may be we should go with what Mr. Watson suggests, increase the fine and make sure the fines are carried out. If registration is \$10 dollars and they don't register within a certain time, then the registration jumps to \$25 dollars. That way they may be more content to comply with the policy. I guess the question would be we don't want to run this at a loss to the Association, so we should fine non-compliance which would make it more cost affective.

President Alandar, I've been here ten years and I've never seen anyone place a boat illegally on our lakes. People store their boats by their lots, if someone is in violation of more than two, then we can inform them they are in violation. I don't understand why these boats have to be registered; even the Legislature about six years ago repealed any requirement to register any watercraft that is not motorized. So why we are doing it to our own homeowners is beyond me.

Director McCord, I have a question about the cost analysis, why are we calculating the staff's time, when they are already conducting business, they are not being paid extra for handling boat registrations, the analysis list 30-minutes to issue a boat tag, why?

Manager Donovan, it doesn't take 30-minutes to issue a tag, it takes 30-minutes when you look at the overall problem of trying to get people to comply. They argue, letters have to be drafted, and trips around the lakes to document compliance. Staff time is included in the calculation because if they weren't working on boat registration they could be working on other projects.

Secretary Norris, reference your question of why are we registering boats, I think you answered you question, if lots are limited to two boats in the CC&R's, then by registering them we can hold people accountable to be compliant.

President Alandar, is that in the CC&R's? I believe it's a rule.

Secretary Norris, that's how I'm looking at it, if their not registered how do we hold someone accountable? Also, it was brought up that the Board is not enforcing violations of compliance. This is the first I have ever heard there are violations of Boat registrations. Who is responsible for reporting to the Board so that the Board can enforce violation fines? If we don't have a policy or procedure in place, how can the Board be responsible for failing to enforce violations?

Comments by Dave Bracken, every year the County warns not to have standing water due to mosquito infestation. So if you have a boat on the lake with 4-inches of green standing water, I guarantee there are mosquitoes in there. If you have a sticker on the boat you call up the owner and tell them to take care of the problem, if there is no sticker people claim its not their boat and

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there is no way you can prove it's their boat because it's on common area. You have people who don't live on the lakes but they place a stake in the grass and tie a boat to it. Stickers provide a means for accountability.

President Alandar, why do we have to renew it annually?

McCord motioned, Matsuishi seconded, CHANGE ANNUAL BOAT REGISTRATION TO A ONE TIME STICKER WITH A FEE OF \$25 DOLLARS AND WHEN A BOAT IS SOLD TO ANOTHER RESIDENT, THE NEW OWNER MUST RE-REGISTER THE BOAT AND PAY THE \$25 DOLLAR FEE.

**Motion TABLED**

Comments by Don Lorentzen, where is this documented in the rules? It sounds like to me the Board has not read where this is covered.

President Alandar, you try to remember all of those rules & covenants.

Comments by Don Lorentzen, well it's on the agenda and I would think that the Board would have looked at the rule before they tried to change something.

Comments by Dave Bracken, okay, you're going to have a one time tag or decal, in the Arizona sun it won't last more than two years. Then you'll have a boat out there with a sticker, but you can't read the number to identify who it belongs to.

Comments by RoseAnn Fiebig, its \$10 dollars a year, what's the big deal, I don't understand. We have rules in this place; nobody likes to follow the rules, they signed a paper to follow the rules and they should follow them.

Manager Donovan, the burden is on the staff, 25% of the people do not respond or comply.

NOTE: Manager Donovan to notify Board in writing of any violations, so the Board can take appropriate enforcement action.

#### 4. Proposed Vacant Property Policy #2008-10-01

The Board may adopt a policy to authorize the Management Staff to arrange for the cleaning up of vacant properties after proper notification of violations and to charge costs to the property owner. The proposed policy is:

- A. Notification to the Homeowner. Within 3 business days of being made aware of a vacant property needing cleaned up (in accordance with VLPOA CC&R's/Architectural Rules for landscaping/pool requirements), the Property Manager shall send a written complaint via registered U.S. mail to the homeowner.
- B. Homeowner response. Within 10 business days of receiving the registered complete letter, the homeowner shall respond in writing to the Association with either a proposed plan to clean up the property or initiate clean up to be completed within 20 business days.

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- C. Property Manager Authority. If no response is received from the offending homeowner after 10 business days, the Property Manager is authorized to contract with an independent clean up company to restore the property to within the CC&R/Architectural guidelines.
- D. Clean up Costs. All clean up costs shall be charged to the property owners account and are to be paid in full within 30 calendar days unless other payment arrangements are made in writing.
- E. Health Hazards. Any property qualified as a health hazard according to City or County standards shall be reported to the City and/or County.

5. Proposed Work Session Policy #2008-10-02

The Board may adopt a policy for its own practice which would require a draft agenda of the regularly scheduled business meeting be posted prior to the work session. The proposed policy is:

- A. The President will prepare the draft monthly Business Meeting agenda ten calendar days prior to the regularly scheduled monthly Business Meeting, and distribute it to the Board for review.
- B. Any Board Member may make additions to the agenda. If any Board Member feels that a Work Session is needed to discuss the issues and be more prepared for the Business meeting, they may notify the President, who will then call a Work Session of the Board.
- C. A Work Session is to be posted under the same rules of practice as the normal Business Meeting and is open to all homeowners, who may participate in discussions as in the normal Business Meeting, but no final decisions are to be made at the Work Session.
- D. Items may be added or deleted from the draft agenda at the Work Session, and afterwards until 48 hours prior to the regularly scheduled Business Meeting.

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

**Motion passed**

**Board Meeting adjourned at:** 3:50 p.m.

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

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