

PRESIDENT'S REPORT

Sue Alandar, Director

VLPOA Board of Directors

The Board was accused at its October 25 meeting of not enforcing the CC&R's. Apparently, we are letting Ventana Lakes become a slum.

It happened like this. After two (grueling) hours of going through the draft Architectural Rules, a homeowner stood up and asked if we were aware of any violations that were not being enforced. After asking this in several different ways, and being answered "no," he said in that case *someone* was lying to him, and turned around and looked at a member of the Architectural Committee, who stated we had not responded to a case the Committee had referred to the Board, and had not enforced the others.

My response was an angry one – not at the homeowner, who had a right to ask a question, but at a (single) member of the Architectural Committee who had chosen to spread rumor and false information about a very hard-working board.

First, I apologize sincerely to the community at large, because I did use the "d—n" word, which is inexcusable. (I am specific because I do not want to have this incident turned into something even worse.)

However, the person in question could simply have asked for an update on the status of referrals from the AC if he felt we had not taken care of business, instead stating it as a fact. I'd have been glad to check and see if we overlooked something, and in fact am doing so.

But I am really angry about the accusation that we are not enforcing the CC&R's.

Facts: the Board decided that the Manager should not be making the decision on who or who should not be fined for violations of the Architectural Rules in Ventana Lakes. The Manager's job, by this Board's policy, is to see to the operations of the community.

In keeping with that decision, the Architectural Committee has been asked to refer matters to the Board when they believe a homeowner should be fined for violations of the CC&R's or the Architectural Rules.

Does this mean the Board HAS to fine these people for up to \$500 per day? Here is what it says in Article IV of the CC&R's:

Section 5. Variances. The Board may, at its option and in extenuating circumstances, grant variances from the restrictions set forth in Article IV of this Declaration or in any Tract Declaration if the Board determines in its sole discretion (b) that the activity permitted under the variance will not have any substantial adverse effect onthe Owners, Lessees, and Residents of Ventana Lakes and is consistent with the high quality of life intended for residents of Ventana Lakes.

In the (very few) matters referred to us, the Board fully reviewed each case, to the point of going to the site, taking pictures, speaking to the homeowners, and reconvening to make a decision. **In not one case did any anyone on the Board find a violation that merited imposing a fine, using the criteria in the CC&R's.** That means that the Board could not find that granting a variance would have any adverse effect on Ventana Lakes.

Does this mean that we are not enforcing the CC&R's, as our accusers would have you believe? No. But this member of the AC apparently does not recognize that the CC&R's give the Board the authority to grant variances. He categorized the Board's decision as "refusal to enforce the CC&R's." Yet this same person had previously supported the Architectural Committee giving

variances. Apparently he believes the Architectural Committee should be allowed to give variances, but the Board should have no such authority.

Would you have agreed with our decision? Well, we are at a disadvantage on that, because we discuss these matters in executive session, as our attorney believes we should, rather than holding public hearings. (You can, however, find a summary of the decisions we made if you read the minutes of the Board meetings.)

THERE IS AN ANSWER IF YOU DISAGREE

The policy of this Board is to use Association resources and funds when it is necessary to enforce violations that are **harmful to this community**. If you do not agree with this policy, there are **four** seats on the Board coming up for election. Here is your chance to change this policy and to make this community as restrictive as you wish. If you want to continue an open and representational board, but you don't want to run for the Board, you may watch changes you do not like.

Yes, running for the Board takes courage. I honor the courage of Dr. Dick Matsuishi, who stepped up to make change for the better in his community by running for the Board. Yet he is still characterized as a "violation" by some persons, though he never violated a rule. He just happened to **disagree with an opinion**. It was an opinion that a small decorative bamboo fence in his yard was not in keeping with some undefined "standard" for Ventana Lakes.

Is this kind of thinking what you want for Ventana Lakes? Whatever you think, I hope you are willing to step up and work for what you believe in. Run for the Board. Or at least ask us for the facts and don't just listen to rumor.

BUDGET (AND ASSESSMENTS)

The minutes of our October 18 Working Session on the Budget are up on the website at www.vlpoa.org. If you don't have a computer, don't forget that you can go to the Management Office and use the computer that has been set up for you to view the website during normal business hours.

Increase of only 3% in two years. Remember that there was no increase in 2008 (our bad decision) and only 3% by a previous Board for 2007, and prices have risen since. We are still looking at \$8 a month increase.

Legal fees. The approximate \$40,000 spent this year included \$25,000 to settle a lawsuit created by the actions of a previous Board. The remainder was for legal opinions necessary because of issues raised by the Architectural Committee and legal issues related to the Gardens, as well as the CC&R draft review. We are budgeting far less for 2009, in hope that there will be need for far less...we don't plan to run to the attorney for everything.

Irrigation Systems. A **very** major cost was about \$30,000 for repair to our aging irrigation systems. It is obvious we need to **begin on a replacement plan** or this operating expense will continue to spiral upward for absolutely no benefit. This is what our reserves are for.

Heating our swimming pools. No, I am not suggesting we discontinue this! If you will check the minutes of the October 15 business meeting, you will see that Joe McCord sponsored a presentation by a company that installs solar panels. APS is giving a rebate on these, and if we take advantage of it we could recoup enough cost to begin **saving on our heating costs** within two years.

Palm trees. As you may recall, the Board made an effort to get the City of Peoria to take care of the plants on the city easements on Beardsley and 107th, including the palms. We finally

got an answer from the City Attorney, who advises that the City passed a law in 2001 that requires all developers "and their successors" to install and maintain landscaping on the easements near their property. That means us. The palm trees are extremely expensive to take care of; between water and pruning (we saved about \$15,000 this year by not trimming, but will have to do it next year.) We can and may change other City right of way landscaping to desert, but the palms are a different matter, one that I believe should be a decision by the membership, not the Board.

October 29, 2008