

MEETING MINUTES
Las Torres Homeowners Association
Board Of Directors Working Meeting
Wednesday, January 30, 2019 at 10:00 am
Las Torres Community, Unit 106

ATTENDANCE

Board of Directors:

- Leigh Tollefson, President (*Present*)
- Pam Dixon, Vice President (*Present*)
- Debbie Robertson, Treasurer (*Absent*)
- Pam Kaffer, Secretary (*Present*)
- Michael Moore, Member at Large (*Present*)

Las Torres Homeowners:

- #106 — Leigh Tollefson
- #302 — Pam Kaffer
- #401 — Pam Dixon
- #504 — Michael Moore
- #602 — Tracy Barry

I. Call to Order

HOA Board President Leigh Tollefson called the meeting to order at 10:10 am

II. Approval of Minutes from January 22, 2019 BOD meeting

Motion to accept the Minutes as previously reviewed by the Board made by Michael Moore

Motion was Seconded by Leigh Tollefson

VOTE: 3 approved — 1 abstain

III. Old Business

A. Revision of 2011 Resolutions

1. Notice of Violation and form letters (first, second, third notices)

Discussion:

Documents revised according to Arizona State HOA Laws and Las Torres HOA CC&R's in order to send to Las Torres attorney for review prior to filing with Maricopa County.

- Note: Documents need to be sent to Homeowner via Certified Mail.
- Question: Will Carefree P. O. Box be able to accommodate that requirement?
Michael Moore checked with Post Office clerk...
Yes, a postcard will be placed in the P.O. Box directing the Homeowner to check with the P O Clerk and sign for the certified letter.

2. **Assessment Delinquency Procedure and form letters**

(first, second, third notices, intent to lien, lien letter, intent to file small claims)

Discussion:

Documents revised according to Arizona State HOA Laws and Las Torres HOA CC&R's in order to send to Las Torres attorney for review prior to filing with Maricopa County.

IV. New Business

- A. Pool heating policy— procedure — guidelines (*please see attached*).

Discussion:

Research was conducted from the National Weather Service, and 6 sites for guidance on this matter.

Las Torres Homeowner – Tracy Barry – expressed including options for heating the pool during the months of December and January

Based on discussion – Pool Heating Policy – procedure — guidelines revised

- Motion to accept revised Pool Heating Policy – Procedure – Guidelines pending review by HOA Board members made by Michael Moore

Motion was Seconded by Pam Dixon

VOTE: unanimously approved.

V. Homeowners Forum

There being no further business of LTHOA Board at this time, President Leigh Tollefson called for a motion to adjourn.

- Motion to adjourn the January 30, 2019 LTHOA Board meeting was made by Michael Moore

Motion was Seconded by Pam Dixon

Vote: unanimously approved

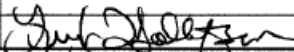
President Leigh Tollefson declared the meeting adjourned at 3:04 pm

Respectfully Submitted on January 30, 2019,

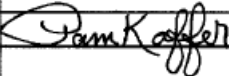
Pam Kaffer


Las Torres HOA Board, Secretary

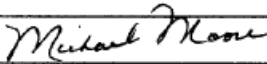
Las Torres Community, Carefree, AZ — HOA Meeting ATTENDANCE ... January 30, 2019

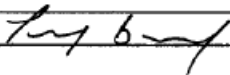
<u>Las Torres Building 100's</u>	<u>SIGN-IN... Signature</u>	<u>SIGN-IN... Signature</u>
# 101 — Robert & Diane Luciani		
# 102 — Lewis & Betsy Sternthal		
# 103 — Sunny Wong		
# 104 — Frantz & Lorayne Verheist		
# 105 — Dorothy Rerich		
# 106 — Bob & Leigh Tollefson		

<u>Las Torres Building 200's</u>	<u>SIGN-IN... Signature</u>	<u>SIGN-IN... Signature</u>
# 201 — Eileen Swete		
#202-Steve Searle&Nan Boyer-Searle		
# 203 — Maria Salinas-Hayes		
# 204 — Jim Vaughn		

<u>Las Torres Building 300's</u>	<u>SIGN-IN... Signature</u>	<u>SIGN-IN... Signature</u>
# 301 — Warren & Debbie Robinson		
# 302 — Jack & Pam Kaffer		
# 303 — Tom & Georgia Desmarias		

<u>Las Torres Building 400's</u>	<u>SIGN-IN... Signature</u>	<u>SIGN-IN... Signature</u>
# 401 — Pam Dixon		
# 402 — Kelly & Lynn Storla		
# 403 — Jeff & Jane Daley		

<u>Las Torres Building 500's</u>	<u>SIGN-IN... Signature</u>	<u>SIGN-IN... Signature</u>
# 501 — Leslie Hine		
# 502 — Tim & Barb McFadden		
# 503 — Diane Griffith		
# 504 — Sherman Agins & Michael Moore		
# 505 — Sara Rea Ray		

<u>Las Torres Building 600's</u>	<u>SIGN-IN... Signature</u>	<u>SIGN-IN... Signature</u>
# 601 — Paul Archibald		
# 602 — Mike Cresta & Tracy Barry		
# 603 — Kris Strike		
# 604 — Loraine Simons		

**LAS TORRES HOMEOWNERS ASSOCIATION
BOARD OF DIRECTORS WORKING MEETING
AGENDA**

Wednesday, January 30, 2019 at 10:00 am
Unit 106

I. Call to Order

NOTE: This is a LTHOA Board of Directors meeting. LTHOA Owners may participate only during Old and New Business portions of today's meeting after being recognized by the presiding Director. Owners can comment on and ask questions about agenda items after the Board has discussed the item, but before the Board takes formal action on that item. We are a small group but Parliamentary Procedures still apply unless suspended by the Chair.

II. Approval of Minutes from January 22, 2019 BOD meeting.

III. Old Business

A. Revision of 2011 Resolutions

1. Notice of Violation and form letters (first, second, third notices)
2. Assessment Delinquency Procedure and form letters (first, second, third notices, intent to lien, lien letter, intent to file small claims)

IV. New Business

A. Pool heating policy and procedure

V. Homeowners Forum

NOTE: This is the time for Owners to make comments and suggestions about anything. We respect your opinions and will always welcome them. Members of the Board may not discuss items that are NOT on the agenda. No actions, pursuant to A.R.S. §38-431.01(G), can be taken today as a result of Owners comments.

VI. Adjournment

Per Arizona State Statute 33-1248 (AZ Condo Act) All meetings of the Association and Board of Director Meetings are open to all members of the Association or to any person designated in writing by a member to appear as the member's representative for that meeting.

DRAFT WORKING COPY TO ATTORNEY

LAS TORRES HOMEOWNERS ASSOCIATION
A 55+ Community

Notice of Violation Procedure
Revised 2019

Board Resolution (revised)

WHEREAS, Las Torres Homeowners Association (the "Association") is a nonprofit corporation that governs, in whole or in part, the property subject to the Declaration of Covenants, Conditions and Restrictions for Las Torres, recorded as Document No. 2009-079042 in the Official Records of the Maricopa County Recorder's Office, as amended from time to time ("Declaration") including the real property more particularly described in Exhibit A thereto any other real property made subject to the Declaration.

WHEREAS, the Board of Directors wishes to revise, in compliance with Arizona statutory changes, and pass the resolution, originally done in 2011, determining how to seek compliance from Homeowners in violation of the Property use; Conditions and Restrictions as dictated in the Declaration of Covenants, Conditions and Restrictions and Rules and Regulations.

NOW, THEREFORE, the Board of Directors resolves as follows:

I. VIOLATION OCCURS OR IS FIRST NOTICED

First written notification of the violation which includes:

1. The provision of the community documents that has allegedly been violated.
2. The date of the violation or the date the violation was observed.
3. The first and last name of the person or persons who observed the violation.
4. The process the member must follow to contest the notice.

Per REVISED A.R.S. §33-1242(B) the Homeowner has 21 calendar days after the date of the Notice of Violation letter to correct or respond to the violation notice. Per Revised A.R.S. § 33-1242(B) and A.R.S. § 33-1803 The Homeowner has the opportunity to provide the Association with a written response or request for a hearing with the Board (which must include a request to be placed on the agenda of the next Board meeting) concerning the violation. The Homeowner's response or request must be sent within 21-calendar days after the date of the initial violation letter by certified mail to the address referenced in the violation letter before the Association can impose a fine or file an injunctive lawsuit.

Once the Homeowner's written response or request has been received, the Board must respond within 10 business days.

DRAFT WORKING COPY TO ATTORNEY

Per the above statutes, the Notice of Violation letter serves as notice that the Homeowner has the option to petition the State Real Estate Department for an administrative hearing concerning the enforcement of alleged violation(s) pursuant to A.R.S § 32-2199.01. and/or A.R.S § 41-2198.01.

Should this notice be in response to Board unapproved building exterior changes or Board unapproved structural changes, the cost to repair or restore the building to its original condition as a result of these unauthorized architectural changes or modifications made by an owner or tenant, will be the responsibility of the Homeowner.

II. VIOLATION EXISTING AFTER THE FIRST NOTICE IS SERVED

Second written Notice of the Violation. If the violation is not corrected by 21 calendar days after the first written notice and no response or request for a Board hearing have been received from the Homeowner, per ARS ss 33-1803(B) *After notice and an opportunity to be heard, the board of directors may impose reasonable monetary penalties on members for violations of the declaration, bylaws and rules of the association.* The Homeowner will receive a follow up Notice of Violation and has 14 days beginning on the 22nd day after the date of the first written notification to comply. A fine of \$25.00 will be assessed to the Homeowner's account.

The Board of Directors will make every reasonable effort to seek a resolution with the Homeowner provided a response to the Notice of Violation or a request for a Board hearing occur within the 21 calendar day period.

III. VIOLATION EXISTING AFTER SECOND NOTICE IS SERVED AND A FINE IMPOSED/RECURRING VIOLATION

Third written Notice of Violation. Failure to correct violation will result in an additional monetary penalty beginning with a \$10.00/day fine, not to exceed \$500.00, beginning on the 37th day after the first written Notification of Violation until compliance is reached or by day 50. After which time the Board of Directors will consider injunctive relief.

The Board of Directors will make every reasonable effort to seek a resolution with the Homeowner throughout this process.

IV. VIOLATION EXISTING AFTER THIRD NOTICE IS SERVED AND A FINE TOTALLING \$525.00 HAS BEEN REACHED

Failure to correct violation by day 88 and full amount of penalty has been assessed, the Board of Directors, after due consideration, has the right to file injunctive relief in an effort to conclude the ongoing violation. Written notification of intent to file an injunctive lawsuit will be sent to the Homeowner.

All costs to repair or restore the building to its original condition, if the violation is due to Board unauthorized exterior changes or Board unapproved structural changes, will be the responsibility of the Homeowner.

DRAFT WORKING COPY TO ATTORNEY

LAS TORRES HOMEOWNERS ASSOCIATION
A 55+ Community

Assessment Delinquency Procedure

Revised 2019

Board Resolution (revised)

WHEREAS, Las Torres Homeowners Association (the "Association") is a nonprofit corporation that governs, in whole or in part, the property subject to the Declaration of Covenants, Conditions and Restrictions for Las Torres, recorded as Document No. 2009-079042 in the Official Records of the Maricopa County Recorder's Office, as amended from time to time ("Declaration") including the real property more particularly described in Exhibit A thereto any other real property made subject to the Declaration.

WHEREAS, the Board of Directors wishes to revise, in compliance with Arizona statutory changes, and pass the revision of the resolution originally done in 2011, determining how late assessments will be collected by the Association.

NOW, THEREFORE, the Board of Directors resolves as follows:

ASSESSMENTS/FEES DELINQUENT 15 DAYS AFTER DUE DATE:

1. Board or management company will send a standard late payment notice.
2. Delinquent account will be charged/assessed a \$15.00 administrative cost per Las Torres CC&Rs, Article VII, Section 7.

ASSESSMENTS/FEES DELINQUENT 45 DAYS AFTER DUE DATE:

1. Board or management company will send a second late payment notice.
2. Delinquent account will be charged/assessed a \$15.00 administrative cost.
3. The Board or management company will make every reasonable effort to seek resolution with the Homeowner to address the delinquent status and remedies to bring the account current.

change to:

3. The Board or management company is available to the Homeowner to address the delinquent status and remedies to bring the account current.

DRAFT WORKING COPY TO ATTORNEY

ASSESSMENTS/FEES DELINQUENT 75 DAYS AFTER DUE DATE:

1. Board or management company will send a third late payment notice and inform the delinquent Homeowner that a Notice of Intent to Lien letter will be sent in 10 days if the account is not brought up to date.
2. Delinquent account will be charged/assessed a \$15.00 administrative cost.
3. The Board or management company will make every reasonable effort to seek resolution with the Homeowner to address the delinquent status and remedies to bring the account current.

change to:

3. The Board or management company is available to the Homeowner to address the delinquent status and remedies to bring the account current.

INTENT TO FILE LIEN 85 DAYS:

1. Ten days after the date of the third late payment notice, if the account is not brought up to date, the Board or the management company will send a Notice of Intent to Lien letter by certified mail to the Homeowner informing them that a lien will be filed in 10 days if their account is not satisfied.
2. Delinquent account will be charged/assessed a \$65.00 for administrative costs.
3. The Board or management company will make every reasonable effort to seek resolution with the Homeowner to address the delinquent status and remedies to bring the account current.

change to:

3. The Board or management company is available to the Homeowner to address the delinquent status and remedies to bring the account current.

FILE LIEN 95 DAYS:

1. The Board or management company will contact the Association's attorney or an HOA collection agency to begin the process of filing a lien against the delinquent unit.
2. Delinquent unit Homeowner will be responsible for all current attorney fees and filing fees in relation to filing this lien (including, but not limited to, lien fee, filing fee, lien release fee and lien release filing fee).

INTENT TO FILE SMALL CLAIMS

1. After every reasonable effort has been made by the Association to resolve this matter, the Association has the right to file a small claims lawsuit
2. Delinquent unit Homeowner will be responsible for all Association administrative costs, attorney fees and any filing fees in relation to filing a small claims lawsuit.

Las Torres Community — Pool Heating Policies — Procedures & Guidelines — PROPOSAL

****RESEARCH ANALYSIS**

**** 6 months out of year — generally — require consideration for “heating” pool

Spring Months: Carefree, AZ Average Temperatures — National Weather Service

February	67 high	44 low	March	73 high	48 low	April	81 high	52 low
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Autumn Months: Carefree, AZ Average Temperatures — National Weather Service

September	96 high	70 low	October	84 high	59 low	November	72 high	48 low
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● Reference Information — Heating Pools Temperatures Recommendations

1. Arthritis Foundation 83 — 92
2. Mayo Clinic 83 — 88
3. American Red Cross 83 — 86
4. Center for Disease Control & Prevention 79 — 81
5. AquaCal Pools 82 — 85
6. US Water Fitness Assoc. 84 — 86
(For Athletes!)

**** **AVERAGE 83 — 87** Temperatures Recommended for 55+

● Las Torres Pool Heating Policies — Procedures & Guidelines — PROPOSAL

1. Recommended heating temperature for pool water 81–84 degrees
2. Pool will be heated February 15 — May 15 and September 15 — November 15
3. Pool will not be heated November 16 — February 14
4. HOWEVER . . . November 16 — February 14
 - if there are unusually warm temperatures for several days during this time . . .
 - And there are 3 or more units of homeowners wanting the pool heated
 - The homeowners may request that the Las Torres HOA Board heat the pool
 - ** Keep in mind that it takes 1 ½ days to heat the pool
5. **A. Process for heating pool & Communication to HOMEOWNERS**
 - 3 LTHOA Board Members agree... *via text email phone face-to-face*
 - then one of those 3 ... “text” or “email” all LTHOA BOD
 - LTHOA BOD Secretary emails Las Torres Homeowners
 - *pool is now heated & open for enjoyment*
- B. Process for turning off pool heater & Communication to HOMEOWNERS**
 - 3 LTHOA Board Members agree... *via text email phone face-to-face*
 - Then one of those 3... “text” or “email” all LTHOA BOD
 - LTHOA BOD Secretary emails Las Torres Homeowners
 - *pool is no longer heated — due to cooler weather*