

**LAKE MOOVALYA KEYS**  
**Board of Directors**  
**Approved Meeting Minutes**  
**July 1, 2019**

**CALL TO ORDER:**

President Tony Gaipa called the Board of Directors Meeting of the Lake Moovalya Keys to order at 6:00 pm.

**PRESENT:**

President	Tony Gaipa	Lot 118
Vice President	Bill Manderscheid	Lot 228
Secretary/Treasurer	Kit Furnell	Lot 16
	Karen Gallio	Lot 1
	Kathy Northcutt	Lot 73 and Lot 102
	Chuck Smith	Lot 103 and Lot 104
	Kevin Auman	Lot 137
	Chris Chambers	Lot 164
	Jack Sweeney	Lot 197

**VIA TELEPHONE**

	Blane Coon	Lot 54
	Chuck Baker	Lot 116 and Lot 117

**OTHERS PRESENT:**

Legal Counsel:	John C. Churchill	Lot 153 and Lot 154
General Manager/ Recording Secretary:	Heather Wilson	Lot 166

**GUESTS:**

	Karen Gallio	Lot 1
	Bill Gallio	Lot 1
	Rosemary Carlisle	Lot 25 and Lot 110
	Steven Carlisle	Lot 25 and Lot 110
	Mark Volkoff	Lot 33
	Allan Volkoff	Lot 33
	Dean Nissan	Lot 35
	Dorae Panago	Lot 65 and Lot 87
	Jamie Holzhauer	Lot 76
	Jim Swafford	Lot 92
	Kyle Sullivan	Lot 96
	Gary Anslyn	Lot 113
	Fabio Gaipa	Lot 120
	Hamish Bell	Lot 121
	Linda Mitts	Lot 136
	Doug Mitts	Lot 136
	Bill Chiles	Lot 199 and Lot 120
	Scott Homan	Lot 212
	Joey Flores	Lot 220

**GUESTS CONTINUED:**

Steve Habermann	Lot 229
Carla Faulkner	David Plunkett Realty
Marie Gonzales	David Plunkett Realty
Kim Harsch	Robert Gory Realty

**CALL TO THE PUBLIC**

Mr. Hamish homeowner of Lot 121 reported that he has read the Meeting Minutes from 2004 and in those minutes it states that the overflow parking lot is to be utilized by homeowners only and was wondering if anything has change since then.

Mr. Churchill reported that many things have changed since 2004 and that legislations has passed some statues that makes it very difficult to not allow members of an association to rent out their property and that basically, associations are to give tenants the same access to the property as a member of the association would have.

**BOARD OF DIRECTORS MEETING MINUTES:**

Mr. Gaipa requested that his statement on page 9 under “New Business” where is references the discussion of increasing the Board Membership from ten (10) to eleven (11) to read; to increase the Board of Directors Membership from ten (10) to eleven (11) and that the vacancy should be filled with the running candidate that had the next highest votes on the 2019 Ballots.

Mr. Sweeney made a motion to approve the June 2019 **Board of Directors Meeting Minutes** per the change that Mr. Gaipa requested. Mr. Manderscheid seconded the motion and the motion carried unanimously.

**BOOKKEEPERS REPORT, PREPAID BILLS AND BILLS FOR APPROVAL:**

Mr. Gaipa questioned Invoice #34347 where the association was charged One Hundred Sixty-Five (\$165.00) for Mr. Churchill to review relevant statues regarding increasing the number of directors and to review the statues regarding rentals. Mr. Gaipa reported that it concerns him that not all of the Board Members were made aware of this request and questioned Mr. Churchill as to why the entire Board of Directors were not made aware of this request.

Mr. Churchill reported that anytime a Board Member contacts him for clarification of something that actually took place at a previous Board Meeting, that he will give that Board Member clarification, due to the fact that it was already discussed at a previous Board Meeting.

Ms. Northcutt made a motion to approve the June **2019 Bookkeepers Report, Prepaid Bills and Bills for Approval**. Mr. Smith seconded the motion and the motion carried unanimously.

## JUNE PREPAID BILLS

06/05/2019	7626	Buckskin Fire Dept.	Usage fee for Board Meeting	25.00
06/05/2019	7627	Chris Chambers	Labor to demo bollard	350.00
06/05/2019	7627	Chris Chambers	Equipment rentals for bollard repair	425.00
06/05/2019	7627	Chris Chambers	Materials for bollard/concrete repair	180.43
06/05/2019	7628	Davis Building Supply	Flag	71.23
06/05/2019	7628	Davis Building Supply	Grass seed	41.63
06/05/2019	7628	Davis Building Supply	Mortar	7.66
06/05/2019	7628	Davis Building Supply	Key	13.06
06/05/2019	7629	Law Office of John C. Churchill	April Bolton	247.50
06/05/2019	7629	Law Office of John C. Churchill	May HOA	137.50
06/05/2019	7630	Desert Dominion Security	Memorial Day holiday	609.60
06/06/2019	7631	Beaver Insurance Agency	D&O coverage 6/15/19 - 6/15/20	1,552.00
06/07/2019	DEBIT	MyFax Services	Virtual Fax Fee	10.00
06/07/2019	7632	Auto-Owners Insurance	Annual liability insurance	5,010.46
06/12/2019	DEBIT	Frontier	667-2840	106.90
06/12/2019	DEBIT	Frontier	667-4484	104.46
06/12/2019	7633	Jack R. Sweeney	Reimb. 5 camera system invoices	511.89
06/12/2019	7634	Desert Dominion Security	Tube Float weekend	482.60
06/12/2019	7636	Havasu Sweeping	Street sweeping	450.00
06/14/2019	DEBIT	Republic Services	3-0527-0040037	3,859.00
06/14/2019	7635	Heather Wilson	GM Advance	1,200.00
06/14/2019	7635	Heather Wilson	Fuel	100.00
06/14/2019	7635	Heather Wilson	Recording Secy. Advance	125.00
06/19/2019	7637	Postmaster	Stamps for statements	110.00
06/20/2019	DEBIT	APS	6125100000	1,639.92
06/20/2019	DEBIT	APS	6276651000	62.23
06/21/2019	DEBIT	Desert Dominion Security	Father's Day Weekend	406.40
06/26/2019	DEBIT	Brooke Utilities, Inc.	53017-11860	253.70
06/28/2019	7638	Heather Wilson	GM Balance	1,200.00
06/28/2019	7638	Heather Wilson	Fuel	100.00
06/28/2019	7638	Heather Wilson	Recording Secy. Balance	125.00
06/28/2019	7639	Otis Hall	June Groundskeeping	800.00
06/28/2019	7640	Sue Thomson	June Bookkeeping	1,250.00
06/28/2019	7640	Sue Thomson	Postage	6.60
				<u><u>21,574.77</u></u>

## BILLS FOR APPROVAL

Law Office of John C. Churchill (6/30/19 – HOA) \$687.50

## Balance Sheet

Mr. Sweeney made a motion to approve the June 2019 **Balance Sheet**.  
Mr. Manderscheid seconded the motion and the motion carried unanimously.

## Profit and Loss Report

Ms. Northcutt made a motion to approve the June 2019 **Profit and Loss Report**.  
Ms. Furnell seconded the motion and the motion carried unanimously.

## **GENERAL MANAGER'S REPORT:**

Mr. Auman made a motion to approve the June 2019 General Managers Report. Mr. Sweeney seconded the motion and the motion passed unanimously.

## **OLD BUSINESS:**

### **Construction Progress Report**

Ms. Wilson reported that we currently have eleven (11) Lots that are under some type of construction/home improvements; Lot 14, Lot 25, Lot 56, Lot 67, Lot 69, Lot 101, Lot 123, Lot 126, Lot 199, Lot 208 and Lot 227.

Mr. Sweeney reported that the new construction at Lot 57, at one point the finished height was actually at 7-1/2" higher than the allowable height and that after he met with the homeowner, the necessary steps were taken to get the finished height to be in compliance and that he went over to the property and re-measured it and it is now in compliance with the CCR'S.

Mr. Habermann homeowner of Lot 225 asked if the home at Lot 227 is nearing completion and was wondering if there are actual time lines as to when a new construction project needs to be completed.

Mr. Sweeney reported that house has been under construction for the past 2 to 2-1/2 years and the answer to Mr. Habermann's question, is yes there is a time line as specified in **Section 11.2.1 The Design Review Committee may, at time of approval or thereafter, set time limitations for the completion, within specified periods after approval, of the improvements for which approval is required pursuant to this declaration. In any event, all construction, maintenance and repair work shall be prosecuted diligently from commencement until completion.**

Mr. Gaipa requested that Ms. Wilson contact the homeowner as to the status of the completion of their project.

### **Down River Boat Ramp Repair**

Mr. Sweeney reported that he has received bids for the replacement of the ramp and that he is waiting for one more bid to come in. Mr. Sweeney also reported that he will be out of the country for the next month and requested that this item be tabled until the Board meets again in September.

### **Video Cameras at Guard Shack**

Mr. Sweeney reported that all of the video cameras have been fixed and are operating properly.

### **Suddenlink**

Ms. Wilson reported that she has met with Joshua Coman the Quality Control Lead for Suddenlink and that work has been scheduled to drop new lines a various locations on Yaqui Loop, Papago Loop and Moovalya Drive and that she has been told by Joshua Coman that we should see construction crews on the property within the next couple of weeks. Ms. Wilson also reported that we are currently experiencing a major Suddenlink shut down all the way up to the dam and that customers in these areas have no phone, internet or cable since this morning.

**OLD BUSINESS:**

**Community Message Board**

Mr. Gaipa reported that Steve Catlin was asked to make a presentation on the community message board at this meeting, however he is not present so it will be tabled until the next Board Meeting.

**Rental Committee**

Ms. Northcutt reported that the Rental Committee did meet last night and that there was a good turnout. Ms. Northcutt reported that it was discussed the importance of issuing parking passes for as many vehicles that the property can accommodate and the importance of parking passes/stickers when using the overflow parking lot.

Ms. Northcutt reported that it was also discussed the possibility of only allowing one trailer per property to use the overflow parking lot and that any additional trailers be parked off the property.

Ms. Northcutt reported that is has been requested that the committee name be changed from Rental Committee to Issues Committee, due to the fact that some of the issues that are being discussed pertain to both renters and homeowners.

Ms. Northcutt reported that the next “Issues Committee Meeting” will be held on Sunday September 8, 2019 and that the “Issues Committee Members” are as follows:

Rosemary Carlisle	Hamish Bell
Kyle Sullivan	Jack Sweeney
Jamie Holzhauer	Christie May Ward
Chuck Smith	Kevin Auman
Mark Nicholls	

Mr. Sweeney reported that the intentions of the “Issues Committee” is for the committee to investigate the various issues at hand whether the issue be related to renters or homeowners, and to present to the Board possible solutions for the Board’s consideration.

**NEW BUSINESS:**

**Motion to create a vacancy in Board of Directors Membership**

Mr. Sweeney made a motion to create a vacancy on the Board of Directors in order to take the membership from (10) ten to (11) eleven members and that we actually nominate and elect a new board member per section 4.4 of the CCR’s. Blane Coone seconded the motion.

**Discussion**

It was expressed from various homeowners that were present at the Board of Director’s meeting, their concerns as to whether or not the Board of Directors actually has the right to fill a vacancy made by the Board of Directors without the entire membership voting on it personally or by proxy.

**NEW BUSINESS CONTINUED:**

**Motion to create a vacancy in Board of Directors Membership Continued**

**Discussion Continued**

Mr. Habermann asked; if the majority of the members that are present at the Board of Director’s meeting that is being held today are against bringing on an eleventh Board Member, is the Board of Directors legally allowed to proceed with the nomination of the eleventh Board Member.

Mr. Churchill reported that when you have 255 members total in the Association and only a small percentage of the members are present here today, that the members that are here today **do not** have the ability to stop the Board of Directors from proceeding with the installation of a eleventh Board Member, due to the fact that it was properly posted as to what the Board of Directors are trying to take place today.

Fabio Gaipa homeowner of Lot 120, reported that he feels that the Board of Directors is creating a vacancy, due to the fact that the vacancy was not created by an existing Board Member that was voted in by the membership resigning.

Fabio Gaipa is asking that the Board of Directors do what he feels is the right thing and that is to allow the members of this community to have the opportunity to vote on the eleventh Board Member at the next Annual Homeowners Meeting.

Mr. Churchill reported that the Board of Directors does have the right to create a vacancy if the CCR’s contemplate a variable number of Directors, and that the Moovalya Keys’ CCR’s specially states that we can have no less than (5) five members and no more than (11) eleven members, that being said, the Board of Directors can appoint additional interim Directors to fill up the membership to the maximum amount that is allowed per the CCR’s.

Mr. Churchill also stated that this is not an uncommon request because you cannot have the entire association voting on every little activity that is going on with the Board and that the Board has been elected by the membership to carry on business on the behalf of the association.

**The vote is as follows to create a vacancy in Board of Directors Membership**

**All in favor of Creating the Vacancy**

Jack Sweeney  
Chuck Baker  
Kevin Auman  
Kit Furnell,  
Bill Manderscheid,  
Blane Coon

**Opposed**

Tony Gaipa  
Chuck Smith  
Kathy Northcutt

**Abstained**

Chris Chambers

The motion passed.

**NEW BUSINESS CONTINUED:**

**Nomination of the eleventh Board Member.**

Mr. Sweeney made a motion to elect Karen Gallio as the eleventh Board Member. Blane Coone seconded the motion.

Mr. Gaipa made a motion to nominate Steve Habermann as the eleventh Board Member. Kathy Northcutt seconded the motion.

The vote for the eleventh Board Member is as follows:

<b>Karen Gallio</b>	<b>Steve Habermann</b>
Chuck Baker	Kathy Northcutt
Bill Manderscheid	Chuck Smith
Jack Sweeney	Tony Gaipa
Chris Cambers	
Kevin Auman	
Kit Furnell	
Blane Coone	

The motion passed to elect Karen Gallio as the eleventh Board Member.

**Request for information from a Rental Committee Member/Homeowner**

Mr. Sweeney reported the Jamie Holzhauer the homeowner of Lot 76 – on Apache Loop and a member of the Rental/Issues Committee has requested that the Board of Directors direct the General Manager to pull all complaints and tickets issued for the past twelve (12) months and all tenant information sheets for the past twelve (12) months, so that she can analyze them in an effort to gather data so that she can provide an outcome and resolution report to the Rental/Issues Committee. Mr. Sweeney also reported that he does not feel it is necessary to fulfill Jamie Holzhauer’s request.

Mr. Sweeney made a motion to deny Items 1-6 of Jamie Holzhauer’s request due to the fact that she has the ability to obtain this information herself and that it is not necessary to ask our General Manager to provide her with all of this information. Mr. Manderscheid seconded the motion.

**Discussion**

Jamie Holzhauer reported that in order for her to collect data on the issues with the renters in the Moovalya Keys she went to the La Paz County Sheriff’s Department and requested a report for the last twelve (12) months in regards to the complaints that they responded to in the Moovalya Keys, and that her findings told her that based on the amount of complaints that the La Paz County Sheriff’s Department has received and responded to divided by the amount of homeowners in the Moovalya Keys, it is about 5% of the community this being complained about and that she feels that 5% is a small number considering the type of community that we live in.

Jamie Holzhauer also reported and that she does not appreciate that the rental community is getting blamed for the issues at hand within the Moovalya Keys and that the homeowners are at fault as well.

## **Request for information from a Rental Committee Member/Homeowner**

### **Continued:**

#### **Discussion Continued**

Jamie Holzhauer also reported that studies that she has read, reported that rental properties within a community actually increases the property value.

Mr. Sweeney stated that he feels that Jamie Holzhauer does not have accurate data as to what is going on the Moovalya Keys, because he has never called the Sheriff or contacted the General Manager when there are issues at the rentals houses that are surrounding his property, that he takes it upon himself to ask the renters to turn down the music or to not park on other people docks or property and that he knows for a fact that other homeowners have taken it upon themselves as well to deal with their renter issues just as he has.

Jamie Holzhauer questioned the fact that rental houses are required to have a \$1,000.00 rental deposit on file with the Association, and that she feels that if the rental houses have to put up a \$1,000.00 deposit why do homeowners not have to put up a deposit.

Mr. Sweeney reported that the \$1,000.00 rental deposit is on record just in case a renter damages anything in the common area, whereas if a homeowner damages the common area we have the homeowner's insurance policy to fall back on.

Mr. Gaipa reported that these are the type of issues that should be dealt with at the Rental/Issues Committee meetings so that they can be presented to the Board for consideration.

Mr. Gaipa reported that we have a motion made by Mr. Sweeney and a second by Mr. Manderscheid on the floor and that the motion has carried unanimously to **not** provide Jamie Holzhauer with the information requested in Items 1-6 on her request.

#### **Up River Buoy**

Mr. Sweeney reported that the upriver buoy solar light is broken again and that he is leaving for a month so he is unable to fix it at this time. Mr. Gaipa reported that he has the light and that he is going to make arrangements to have the solar light fixed.

Executive Session is now in Session at 7:30

7:40 Regular Session is now back in session

Mr. Gaipa reported that there is no August meeting and that the next Board of Directors meeting date is September 9, 2019.

Meeting adjourned at 7:45 pm

Submitted by Recording Secretary, Heather Wilson