

LAKE MOOVALYA KEYS
Board of Directors
Approved Meeting Minutes
October 7, 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
	Blane Coon	Lot 54
	Kathy Northcutt	Lot 73 and Lot 102
	Chuck Smith	Lot 103 and Lot 104
	Chuck Baker	Lot 117
	Kevin Auman	Lot 137
	Chris Chambers	Lot 164

OTHERS PRESENT:

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

Karen Gallio	Lot 1
Jamie Holzhauer	Lot 76
Jim Tatreau	Lot 178
Robert McKay	Lot 187
Jack Sweeney	Lot 197
Kristie Walker	Lot 201
Maria Lucero	Lot 204

GUESTS:

Don Alexander	Lot 115
Donna Alexander	Lot 115
Rosemary Carlisle	Lot 25 and Lot 110
Steven Carlisle	Lot 25 and Lot 110
Lori Coon	Lot 54
Hamish Bell	Lot 121
Linda Mitts	Lot 136
Doug Mitts	Lot 136
Lori Auman	Lot 137
Steve Catlin	Lot 177
Scott Homan	Lot 212
Steve Habermann	Lot 229
Carla Faulkner	David Plunkett Realty

CALL TO THE PUBLIC

For the matter of record Steve Habermann homeowner of Lot 229 - 8649 Riverside Drive showed up to the meeting with a video recorder so that he could video tape the entire Board meeting and had the video camera pointed at both Mr. Gaipa and Ms. Wilson and that Ms. Wilson felt personally violated with the video camera being pointed at her so she relocated herself away from the video camera.

Mr. Habermann reported that he has done some research in regards to Mr. Manderscheid's request for homeowners to add the Moovalya Keys as additional insured to their homeowners insurance policy and that he has discovered that it is not a law required by the State of Arizona, therefore we as homeowners are not required to by law to add the Moovalya Keys as additional insured to our homeowner's insurance policy.

Mr. Manderscheid corrected Mr. Habermann and told him that was not what he said, but what he did say was, that we need to "**consider**" looking into our rules and that we should "**consider**" that all homeowners owners in the Moovalya Keys Association, list the Lake Moovalya Keys as additional insured on their homeowners insurance policy in order to protect the Association from any lawsuit that a homeowner may experience and that by listing the HOA as additional insured, it will protect the Association from being dragged into a lawsuit that a homeowner may be experiencing on their private property.

BOARD OF DIRECTORS MEETING MINUTES:

Mr. Manderscheid made a motion to approve the **September 2019 Board of Directors Meeting Minutes**. Mr. Baker seconded the motion and the motion carried unanimously.

BOOKKEEPERS REPORT, PREPAID BILLS AND BILLS FOR APPROVAL:

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

SEPTEMBER PREPAID BILLS

Date	Num	Name	Memo	Amount
09/05/2019	7665	La Paz County Sheriff	Boathouse Mtg. Rm. 9/8 & 9/9	100.00
09/05/2019	DEBIT	Desert Dominion Security	Labor Day holiday	635.00
09/07/2019	DEBIT	MyFax Services	Virtual Fax Fee	10.00
09/11/2019	DEBIT	Frontier	667-4484	108.06
09/11/2019	DEBIT	Frontier	667-2840	110.27
		"	Service call/guard shack phone & keypad (was DoorKing prob.)	131.53
09/12/2019	DEBIT	Recreonics, Inc.	Message Display Board, Lettering & Freight	743.26
09/13/2019	7666	Heather Wilson	GM Advance	1,200.00
		"	Fuel	100.00
		"	Recording Secy. Advance	125.00
09/13/2019	7667	Davis Building Supply	Cleaning supplies	32.85

		Law Office of John		
09/13/2019	7668	Churchill	July HOA	330.00
09/14/2019	DEBIT	Republic Services	3-0527-0040037	3,759.00
09/16/2019	7669	Havasu Sweeping	Street sweeping	450.00
		Global Gate		
09/18/2019	7670	Controls, Inc.	10 remotes	144.50
09/18/2019	7671	Postmaster	Stamps for statements	165.00
09/23/2019	7672	K Storage, Inc.	M-3 annual rent	300.00
09/24/2019	DEBIT	APS	6276651000	125.52
09/24/2019	DEBIT	APS	6125100000	1,640.65
			53017-11860 ~~~"Estimate based on last	
09/27/2019	DEBIT	Brooke Utilities, Inc.	month's bill"~~	743.95
09/30/2019	7673	Heather Wilson	GM Balance	1,200.00
		"	Fuel	100.00
		"	Recording Secy. Balance	125.00
09/30/2019	7674	Otis Hall	September Groundskeeping	800.00
09/30/2019	7675	Sue Thomson	September Bookkeeping	1,250.00
		"	Postage	2.75
				14,432.34

Balance Sheet

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

Profit and Loss Report

Mr. Baker made a motion to approve the **September 2019 Profit and Loss Report**.
 Mr. Manderscheid seconded the motion and the motion carried unanimously.

GENERAL MANAGER’S REPORT:

Mr. Smith made a motion to approve the **September 2019** General Managers Report.
 Mr. Baker seconded the motion and the motion passed unanimously.

Per the request of Mr. Baker, Ms. Wilson reported that she had spoken with the Buckskin Fire Department in regards to the accident that took place at 8690 Hopi, where the person dove off the dock into the canal and was air lifted out, she was told by the Buckskin Fire Department that they could only verify the fact that it took place on private property and the location of the accident, which was at 8690 Hopi, and that they could not give her any details, that only the property owner could request a copy of the incident report.

Maria Lucero homeowner of 8690 Hopi was attending the Board meeting via cell phone and she reported that she did not get a copy of the report and that she had touched basis with the primary tenant and that the primary tenant was not on the property at the time of the accident and that the person that was involved in the accident was not listed on the Tenant Information sheet that he was a last minute add on.

OLD BUSINESS:

Construction Progress Report

Ms. Wilson reported that we currently have ten (10) Lots that are under some type of construction/home improvements; Lot 14, Lot 25, Lot 56, Lot 67, Lot 76, Lot 101, Lot 117, Lot 123, Lot 208 and Lot 227.

OLD BUSINESS CONTINUED:

Down River Boat Ramp Repair

Mr. Chambers reported that he will be starting the work next month and will report back.

Frontier and Suddenlink Pedestals

Ms. Wilson reported that all of the Suddenlink and Frontier pedestals has been repaired by Frontier and Suddenlink, however moving forward they told Ms. Wilson that they will have to start charging to come out and repair the pedestals that have been hit by vehicles and that they will be charging the association for it and that it is the responsibility of the HOA to bill who ever ran the over the post.

Mr. Sweeney reported that one pedestal services many customers that just because a pedestal is located in front of a homeowner's property does not make the homeowner of the property responsible for the pedestal.

Mr. Sweeney also reported that we as an association are only obligated to provide utility companies access to their equipment, so that the utility company can provide service to their customers and when their customer's service is down, it is the utility company's obligation to restore their customer's service not the HOA.

Ms. Wilson reported that the HOA has yet to be billed for any of the pedestal repairs, but moving forward she will purchase more reflector lights to attach to the pedestals so that they can be seen both during the day and at the night.

Community Message Board

Steve Catlin reported that the Moovalya Keys Community Bulletin Board has been installed and that he has agreed to maintain the Board.

Mr. Gaipa reported that we need to establish some guidelines as to what is allowed to be posted on the message board.

Ms. Wilson reported that she emailed the list to the Board for their review and that the lists states that only community event flyers are to be posted on the Message Board and that the Board has agreed to **not** allow real estate sales postings, rental property postings or political postings.

Mr. Gaipa also reported that only if you live in the Moovalya Keys are your allowed to post your business card on the message board.

Issues Committee

No Report.

NEW BUSINESS

Lot 235 – 8794 Riverside Drive Liquor License Posting

Mr. Gaipa reported that the homeowner of Lot 235 – 8794 Riverside Drive had a notice posted by the State of Arizona Liquor Board notifying surrounding homeowners that this person is applying for a liquor license.

NEW BUSINESS CONTINUED

Lot 235 – 8794 Riverside Drive Liquor License Posting Continued

Ms. Wilson reported that when she noticed the posting she notified the Moovalya Keys Board of Directors due to the fact that the homeowner of Lot 235 did not present it to the Board for the review and approval.

Ms. Wilson also reported that Mr. Gaipa composed a letter on the behalf of the Board and that he received the Boards approval via email to send the letter to the La Paz County Board of Supervisors stating that the Moovalya Keys **does not** approve the request for a liquor license and that the homeowner never gave the Board of Directors an opportunity to review the homeowners intentions, along with a list of concerns from the surrounding homeowners, a copy of the Moovalya CCR's and the residential zoning for that particular lot.

Mr. Wilson reported that she attended the hearing that was held today at the La Paz County Board of Supervisors court room and that based on the information that was provided by the Moovalya Keys Board of Directors, the La Paz County Board of Supervisors voted to deny the application.

Mr. Gaipa reported that hearing took place this morning, so he reached out to the Board members via email to get their approval of the letter that needed to be sent on the behalf of the Moovalya Keys Board of Directors, denying the homeowner's request for liquor license and that it needs to be a matter of record.

Mr. Gaipa and made a motion that the Moovalya Keys **not** approve the application for the liquor license for Lot 236 – 8794 Riverside Drive. Mr. Smith seconded the motion and the motion passed unanimously.

Key Pad Access Code

Ms. Wilson reported that the Board has voted to only have one key pad access code for the keypad at the entrance gate and that she will be sending out notices in the next quarterly dues statement in January notifying homeowners of the new key pad access code that will take effect on **February 1, 2020** and that it will be changed annually.

Ms. Wilson also reported that the emergency services access code will remain the same.

New Homeowner Vehicle and Trailer Lot Stickers

Ms. Wilson reported that she is in the process of getting a price to print new "Homeowner" Lot ID stickers and that she is asking for a price to print twelve (12) Lot ID stickers for each lot and that she is waiting for the printer to submit their price and that she will report back at the next meeting.

Ms. Wilson also reported that the new "Homeowner" Lot ID stickers will be sent out in the next Annual Meeting Voting Package in increments of four (4).

NEW BUSINESS CONTINUED

Members only Section on the Website

Ms. Wilson reported that the Board has asked her to get a price to have Netserve, (our website host) add a “Members Only” section on our website, that only the membership of the Moovalya Keys will have access to.

Ms. Wilson stated that we can post things like the homeowner directory, financial reports and the annual voting package. Ms. Wilson also stated that prior to posting anything on the website, it must be approved by the Board prior to posting.

Ms. Wilson reported that the cost for Netserve to create the “Members Only” section of the website will be **Two Hundred Fifty Dollars (\$250.00)** and that she will be moving forward with the “Members Only Section” website project so that it is up and running January 2020.

On Line Directory:

Mr. Gaipa reported that it is the responsibility of the Moovalya Keys to provide its’ homeowner’s membership with the names and addresses of its membership, but it does not require that the HOA post any personal contact telephone numbers and email addresses, that we need to get the approval from the homeowners to post their telephone numbers and email addresses on the “Membership Contact List” that will be posted in our members only section of the website, without a signed authorization from the homeowner.

Therefore, the Board has requested that in our “Annual Meeting Voting Package” we send out an authorization form to all homeowners asking for their approval to post their telephone phone number and email address on the “Membership Contact List” that will be posted on the Moovalya Keys website under the member’s only section.

Mr. Gaipa also stated that this information will only be made available to our membership on our website under the “Members Only” section.

Ms. Wilson reported that only the homeowners that are **consenting/authorizing** to have their telephone and email address added to the current “Membership Contact List”, need to send the form back.

Forming of a Rules Committee

Mr. Gaipa reported that the Board has been discussing forming a “Rules Committee” that will review our current rules to define clarity and if needed recommend the necessary changes that need to be made to enforce them.

Ms. Wilson reported that the “Rules Committee” is specifically set up to review the existing rules.

Ms. Northcutt suggested that the “Issues Committee” just continue on under the Rules Committee.

NEW BUSINESS CONTINUED

Forming of a Rules Committee Continued

Mr. Habermann questioned what the Board's procedures are when it comes to changing existing rules and that he is concerned that the Board could make or change rules without the approval of the membership.

Mr. Churchill reported that there is a due process when it comes to adding or making changes to the rules and that the members are to be specifically notified of the purpose of the meeting and that it takes two thirds of the members that are **present** at the meeting, and that the members who feel the rules are important will attend the meeting.

Jamie Holzhauer homeowner of Lot 76 reported that the Moovalya Keys are not following the State of Arizona's rules when it comes to fines and due processing.

Mr. Churchill reported that the Moovalya Keys does have a "Due Process" when it comes to protesting fines and that it stats that anyone who wishes to protest a fine must submit their protest in writing to the Board, post marked within the thirty (30) days of the fine.

Mr. Churchill also reported that the protest will be brought up at the next Board meeting where the person will have the opportunity to be heard at which time the ultimate decision will be made as to whether or not the fine becomes collectable.

Mr. Churchill stated that this statement can be found under protests.

Mr. Gaipa requested that Ms. Wilson outline the rules that she is having issues with so that the Rules Committee can review.

Jamie Holzhauer Homeowner of Lot 76 - 8865 Apache Loop

Ms. Wilson reported that Sue Thomson our bookkeeping just received a written protest in regards to a citation that Jamie Holzhauer's tenant received for parking over the white line.

Jamie Holzhauer reported that she received a citation from the Moovalya Keys for one of her tenants who parked over the white line and that she authorized the Moovalya Keys to deduct it from the credit balance that she had on file due to prepayment of association dues.

Jamie Holzhauer then stated the State of Arizona Law states that the HOA may not impose a fine until it first allows a notice and an opportunity for the recipient of the fine to be heard, therefore she feels that this fine is illegal and is not enforceable because the Moovalya Keys has disregarded her rights to have a due process and by doing so the Moovalya Keys deducted the Twenty-Five Dollars (\$25.00) from her credit balance.

Ms. Wilson reported that Jamie Holzhauer was the one who originally requested that she have Sue Thomson deduct the Twenty-Five Dollar (\$25.00) from her account.

NEW BUSINESS CONTINUED

Jamie Holzhauer Homeowner of Lot 76 – 8865 Apache Loop

Mr. Manderscheid reported that we need to credit Jamie Holzhauer's account Twenty Five Dollars (\$25.00) and have her send in a separate check for the citation.

Mr. Manderscheid made a motion that the Moovalya Keys no longer co mingle funds that are in a dues account to pay fines and that we credit Jamie Holzhauer's account in the amount of **Twenty-Five Dollars (\$25.00)**. Chris Chambers seconded the motion and the motion passed unanimously.

Mr. Manderscheid made a motion to enforce the citation due to the fact that the vehicle was clearly over the whit line. Chuck Baker seconded the motion and the motion passed unanimously.

Next Board of Directors meeting is November 4, 2019.

Meeting adjourned at 7:15 pm

Submitted by Recording Secretary, Heather Wilson