

**BOARD MEETING MINUTES**  
**San Ignacio Heights, Inc.**

- Date:** December 20, 2023
- Location:** SIH HOA Ramada (1620 West Mariquita Street)
- Call to order:** 8:58 am
- Roll Call:** Don Julien, Dave Fenner, Denny Skelton, Caroline Reilly and John Plantz present. Quorum established.
- Residents attending:** Al Malecha, Vaughn Randall, Dan Boelen, Nancy Stewart, Chuck Willie, Marianne Checkovich, Mary Ann Mathison, Bill Bates, Don Fern, Julie Olson, Jeff Bruce, Alden Loomis, and Glenn Yauney.
- Review/Adoption of Agenda:** Motion made to adopt the December 20, 2023 agenda. **M/S/P**
- Approval of Minutes:** Motion made to approve the November 15, 2023 minutes. **Don Fern** requested a modification to the minutes to add the phrase “by the Vice President” to the minutes (regarding who raised the legality concern). He also wanted his verbatim comments added as an attachment. **M/S/P**
- Resident Time:** Don Julien opened a hearing on the proposed revisions to the CC&Rs. The 1990 CC&Rs used the term “may enforce”, while the 2007 CC&Rs removed the word “may” and it also only addressed architectural and landscaping enforcement. He reminded the Board that state law appellate decisions require that HOA’s and homeowners must adhere to the CC&Rs. Per legal interpretation, “Selective” enforcement is not permissible, as the CC&Rs must be equitably enforced. He further explained the problems that exist with the definitions of words in the CC&Rs – that CC&Rs focus on what homeowners can and cannot do, while the Rules & Regulations define how the HOA Board functions. HOA’s must act reasonably – and the term reasonable needs to be defined, as do many of the terms used in the document. **Chuck Willie** asked how many homeowners fall into each category. The answer was thirty-six (36) homeowners fall under the 1990 CC&R’s and one hundred twenty three (123) fall under the 2007 CC&Rs. **Glen Yauney** confirmed his belief that by a Supreme Court decision, CC&Rs cannot be changed. **Bill Bates** raised concerns about the 1990 CC&Rs that place no restrictions on parking while the 2007

CC&Rs state that you cannot park in your driveway. **Don Fern** stated that the 2007 CC&Rs only required a 2/3<sup>rd</sup> majority vote to make changes, while the Supreme Court requires 100%. He further commented that removing the word “habitual” is the major issue. He questioned whether the AZ SC requirement only applied to amendments that would add new restrictions, while removing a restriction might only require the 2/3. **Don Julien** reiterated that legal precedence is, in order, federal, state, & county statutes, regulations & court decisions, plat restrictions, HOA CC&R's and lastly HOA Rules & Regulations. Any conflict between these bodies defaults to the higher precedent. While the Arizona Supreme Court decision holds precedence over the CC&R's, the point is well taken that it is worth checking with the HOA attorney to determine whether the AZ SC decision would only apply to adding new restrictions vs removing restrictions. **Jeff Bruce** stated that experience shows nothing is perfect and proposed taking things one step at a time.

#### **Officer Reports:**

##### **President, Don Julien: HOA**

- The time and place of the HOA Annual Meeting has been confirmed. The meeting will take place on February 15, 2024 at the Canoa Hills Recreation Center. Registration will begin at 1:00 pm followed by the meeting at 1:30 pm.
- Don alerted the board to a scam that is taking place with realtors and Title Companies being the target with bogus title changes being submitted to title companies. The County has established a Fraud Guard Service, whereby the county notifies the original owner of any recording change.
- Don has placed a drop box outside the Ramada so that homeowners can use the box for their “over 55” forms.
- Don has contacted the Republic Services HOA Customer Service representative. Don will continue to pursue a new contract to facilitate the use of smaller receptacles.

##### **Vice President, Dave Fenner: No report**

##### **Treasurer/Secretary, Denny Skelton:**

- Provided a financial statement review. **M/S/P**
- Motion made to transfer all but \$100 from retained earnings to the Road Reserve. **M/S/P**
- A motion was made to change the term Road Reserve on the financials to Common Ground Reserve. Both Marianne Checkovich and Mary Ann

Mathison commented that it was important to continue to focus on road repair. The motion failed due to a lack of a second.

**Member-at-Large, Caroline Reilly: No report**

**Member-at-Large, John Plantz:** John stated that by the first of February we should have the Capital Reserve study completed. He reminded everyone that the last study was done in 2003.

**Committee Reports:**

**Architectural Committee, Chuck Willie:**

- A paint request was submitted with approved colors and was approved.
- The work on the culvert at Constancia and Anastacia continues. The cracks between the wall and the culvert will be re-mortared.

**Landscaping Committee, John Plantz:** “Business as usual”.

**Roads Committee, Al Loomis:** The scheduled work by Bates has been completed, except for the parking division lines which had to be postponed due to the weather.

**Ramada Committee: No report**

The **Nominating Committee** will meet at the January Board Meeting.

**Old Business:**

**CC&R Enforcement:**

- Revisions to the Rules and Regulations:
  - There was a motion to put the proposed changes on the floor for discussion. **M/S/P**
  - Following discussion, a motion was made to add the proposed “New Section, E, to the Rules & Regulations. **M/S/P**
  - A motion was then made to adopt the proposed changes to the Rules and Regulations regarding Parking. **M/S/P**
  - A discussion on the proposed revisions to the Rules & Regulations followed. These revisions set up an enforcement procedure missing from the earlier version. Mary Ann Mathison commented on the difficulty of absorbing all the revisions. Denny Skelton wanted to know when the Enforcement Committee will go into effect. Motion to accept the revisions to the R&Rs as amended at this December 20, 2023 meeting. **M/S/P**
- Forms: A motion was made, that subject to all monetary fines referenced in the forms be made consistent, to adopt the forms. **M/S/P**

**Landscaping Guidelines for maintenance contractor:** There were no changes in the document as distributed at the November meeting. After a brief discussion, the Board acknowledged that the contractor guidelines were an abbreviated

outline of items in the proposed Common Area Landscape Criteria List and did not need separate adoption. There were no objections to using the contractor guidelines until the Criteria List is adopted.

**Landscape Criteria List:** A revised Common Area Landscape Criteria was emailed to Board members the night before the Board meeting. The revised Criteria List was postponed until the January meeting so Board members can review it.

A list of 2024 landscaping projects to be considered was also distributed the night before and is also postponed to the January meeting.

**Google Documents:** John posted the landscaping documents on Google Documents, along with links on how to use Google Documents. He encouraged Board members to review the files as an example of how we could use the program to track suggestions & changes in proposed documents.

**New Business:** Caroline Reilly, (Committee Chair), Norma Baker and Martha Gamez will be members of the Enforcement Committee. Since the revised enforcement policy was adopted at this meeting, Caroline recommended community inspections and enforcement after the annual membership meeting in February.

**Meeting adjourned at 12:25 pm**