

**Lake Moovalya Keys II**  
Board of Directors Regular Meeting Minutes

**October 17, 2016**  
**Christ's Church on the River**  
**9098 Riverside Drive**  
**Parker, AZ 85344**

**CALL TO ORDER**

The meeting was called to order at 5:30 by President Stefanie Hartnell

**PRESENT** Stefanie Hartnell, Todd Cramer, Karen Ward, Kit Furnell and Gary Svider

**OTHERS PRESENT** *Secretary/Treasurer:* Cheryl Shockley, Janice Herrick Lots 16 & 17, Sheryl Samuelson Lot 12 and Pam Leggett Lot 9

**Approval of Meeting Minutes**

Ms. Hartnell asked for a motion to approve the July 17, 2016 Meeting Minutes. Mrs. Furnell made the motion to approve the minutes. The motion was passed unanimously.

**Financial Report**

Ms. Shockley reported that all association dues were paid in full except for Lot 68, Keith Gunther. Ms. Shockley reported that there was transfer of lot ownership of Lot 21, Lari Ashley to Jeff and Sarah Ames. Ms. Shockley stated that she had sent Lot 48 a cleanup later.

Mr. Svider asked if the transfer fee was deposited into the Association's checking account, Ms. Shockley answered yes. Ms. Shockley stated that transfer fees were recorded in QuickBooks under income in a separate line item named transfer fees.

**OLD BUSINESS**

**CC&R's**

Ms. Hartnell asked the Board if they had done their homework and reviewed the current CC&R's. Mr. Cramer said what need to be figured out if there were absolute sticking points that needed to be worked out. Mr. Svider said his question is what do we do with the CC&R's? Ms. Ward asked if Mr. Svider was referring to the CC&R's that were created by the last Board and Mr. Svider answered "correct". Mr. Svider asked from this point forward what is expected to be done with the CC&R's? He asked do we get with property owners who submitted requests or concerns with the changes and incorporate them in writing and then send them out for review or does the Board turn around and start all over. Ms. Furnell said she felt that the Board did not have to start all over and that they have a really good base to work from. Mr. Cramer stated that what they had last time were legal issues and that the lawyers suggestions were for more legal terms so that the Association was covered and the less chance of the Association being sued. The more things that were left out and not defined in the CC&R's were issues that could be brought up in court. But some property owners still had issues with the definitions. The lawyer had reasons for adding all the legal definitions but the community didn't want to accept some of those details, but the basic meaning of the CC&R's draft was meeting current state law, where the old CC&R's don't even begin to. Mr. Cramer suggested that the



whichever CC&R's are adopted that they should still be sent to the lawyers to make sure that no laws have been changed or added in the past 2 years. Mr. Cramer said that people who opposed the drafted CC&R's or the sticking points were afraid that the Association was asking for too much control into a homeowner personal space but from a lawyers point of view the reasons for the legal definitions was because they had so many stupid things happen in another HOA and if you don't want to go to court over them you better have them covered in the CC&R's. So if there are specific things that need to be weeded out, then weed them out and more or less be in agreement and get property owners to vote on the CC&R's so that the Association is covered legally.

Ms. Hartnell stated it would be more financially sound to start with the existing draft since it's already been paid for and it meets the state requirements. Mr. Cramer said the existing draft is a valid document as far as the lawyer and legalities is concerned.

Ms. Samuelson stated that she and other property owners had concerns with the draft and had voiced those concerns to the previous Board in a three page document. Mr. Cramer said that these concerns needed to be addressed and a solution needed to be reached so that the Association could move forward and vote and approve the CC&R's.

Mrs. Furnell stated that after the general meeting in April she asked Ms. Samuelson if she would be on a committee to work on the CC&R's and Ms. Samuelson declined. Ms. Samuelson said that she declined due to differences of opinion on the CC&R's issues. Ms. Samuelson said at that time they had asked for changes to be made to the draft and they weren't. Ms. Furnell said unless we come together as a group and discuss the issues how can anything progress. Ms. Samuelson said they had tried and got nowhere with their input on the drafted CC&R's and Ms. Furnell responded that was a different Board and why not try again and join a committee to help resolve the issues and move forward. Ms. Samuelson responded that she was not interested in joining a committee and suggested that the new Board get together and go over what their group had submitted in the past and make a counter presentation. Ms. Furnell said we won't get very far if it's only getting discussed once a quarter.

Ms. Leggett suggested that the Board needs find out the intent of the HOA as a body, Ms. Furnell said that was what she was suggesting. Ms. Leggett responded, do we want all the powers to go to our Board to execute or do we want to be legally sound and as far as getting sued anyone can sue for anything they want to, so anything you put in the CC&R's is not going to stop people from suing. She said that's the HOA has insurance to cover the Board in such instances. Ms. Furnell said it is a concern because if you have current legal CC&R's in place then a person could not sue and win. Ms. Leggett asked at what expense? Are you going to intrude on a homeowner's lives in here to do that? Ms. Leggett stated that was why they did not want to be on any committee but if we could find out what the intent of the body is, which is in what direction everyone wants to go, we'd have a starting point as to how we want to construct the CC&R's, one's that everyone could live with. Ms. Leggett agrees that the Association needs new CC&R's to be legal but at the same time she does not want her way of life changed in the HOA and she doesn't want to turn over powers to the Board that don't need to be. As far as the NO votes go, many of the people who did not respond, including herself did not respond because they did not know if the Board was going to come up with something they could sign yes to because once the CC&R's went out to vote they could not be easily changed. Ms. Leggett said if its better organized this time and they could find out the intent on how many people are for and how many against it then we have a starting point where they could work toward a CC&R's that everyone could agree upon.



Ms. Samuelson suggested that the wording be simpler so the common person could understand but Ms. Hartnell and Mr. Cramer said legal wording was needed to cover the HOA legally. Mr. Cramer said that a solution needed to be found to get the ball rolling and get these CC&R's finalized and approved.

Ms. Ward suggested a brain storming session in her garage, where everyone was invited for input on putting together a legal CC&R's. Ms. Shockley said she would send an email out to the HOA for a CC&R's brainstorming session to be held on Wednesday October 26, 2016 @ 6:45pm @ 9051 Lake View Drive, Karen Ward's garage and a possible second session to be held on Wednesday November 2, 2016.

### **By-Laws**

Ms. Furnell said that the Board also needs to finalize the drafted By-Laws and make sure they are up to date and signed. Ms. Ward suggested that they be discussed at the brain storming session.

### **Street Maintenance**

Ms. Shockley reported that she had contacted T&C Sealcoat and that Terry and Cathy would contact her after the first of the year when they would be in the area to make an visual assessment of the HOA streets.

Mrs. Furnell reported that the street sweeper had done his first sweeping and is scheduled on a quarterly basis.

Mr. Cramer reported that had gotten the cold patch material but after walking around the streets he could not determine which holes exactly needed filling because they did not look very deep. He asked about several places that did not look like they needed patching and said he would try to tamp down the material into the areas and see if it will hold. Ms. Herrick said her worse hole is at the edge of her house. Ms. Hartnell said they were all shallow but just try it to see if it will work.

Mrs. Herrick reported that the property owners across the street from her house have a broken sprinkler that is spraying water onto the street twice a day. She also said the their drain at thier lot is always clogged with leaves that her and Wendy Wynkoop have to clean it up so water will drain properly. Ms. Herrick reported the weeds at lot # 48. Ms. Shockley said she had sent out a clean-up letter to lot 48.

### **Gate Improvement and Golf Cart Parking**

Karen Ward stated that she had reconsidered her idea of gate improvement and golf cart parking and would not like to proceed on the matter at this time. Ms. Hartnell and Ms. Furnell suggested that the table be matter until it can be looked into further.

### **New Street Signs**

Ms. Hartnell reported that she and Ms. Shockley had ordered the new signs for the Association.

## **ADJOURNMENT**

The meeting adjourned at 6:35pm  
Submitted by Recording Secretary, Cheryl Shockley  
Approved January 16, 2017