

**Minutes of Sunrise Mountain Ridge Homeowners Association  
Board of Directors Meeting, March 13, 2018**

**Call to Order:** President, Larry Glasser, called the meeting of the Board of Directors to order at 6:00 PM, March 13, 2018. Attendance by the Secretary was recorded.

**1.1 Officer/Directors Present:** President –Larry Glasser, Vice President and Landscape Chair – John Flanagan, Treasurer – Carole Malan, Recreation Facilities – Paul Greenberg, Architecture – Ken Smith, Roads and Nominating Chair – Tom Triplett, Secretary – Susan Arbuckle

**1.2 Officer/Directors Absent:**

**1.3 Committee Chairs Present:** Neighborhood Watch –Jim Edward, Publications – Alan Frankle, SAC Representative – Cynthia Clark

**1.4 Committee Chairs Absent:** Archive – John Mitchell, Database – Kathleen Flaherty, Hospitality – Marc and Leslie Adams, Resale – Angie Perryman, Volunteer Liaison – Wendy Reed

**1.5 Committee Members and Guests:** Jim Warner

**President Remarks by Larry Glasser**

At our last Board Meeting, we tried to run a video conferencing software called “Go to Meeting”. As most of us saw at the beginning, we could not get video from Tom Triplett and Susan Arbuckle at their respective homes. When Jim Warner tested it before the meeting at his home, it worked great. He theorized that it was either a bad modem or router. A week or more later, Tom and Jim went into the clubhouse and examined the modem and router. They found that the modem in the clubhouse is new within a year and is state of the art. The router is an older type with a max speed tested at 31 mbs, too slow for reliable video conferencing. Jim suggested replacing that router with the new spec 802.11ac (1000 mbs) multi channel which should boost speed to the 60+mbs. Paul confirmed that there was room in the Recreation Facilities budget to afford a router, not to exceed \$300 and the Directors approved this expenditure. Jim has purchased the router and is running some tests of the Clubhouse system to insure it works well when installed.

Approximately a week after the February Board Meeting, Tom, Jim and I tested the “Go to Meeting” software from our respective homes. These are the results and cost information:

—The software is very easy and intuitive to connect up to 10 people at a time (the Board and 9 remote attendees), which should be more than enough for our needs. Another option is that remote attendees can choose audio only.

—The screen showed the video of all attendees across the top of the monitor with room below for anyone to show information during a presentation or discussion (graphs, charts, treasurer reports, diagrams, etc).

—As we talked, our mouth movements coincided with our audio, without a noticeable delay.

—The cost of this basic system is approximately \$20 per month or \$240 per year.

We all concluded that we thought it was an excellent system. But we agreed to look at Team View/BLIZZ for comparison once the router problem is fixed. Jim has just reviewed Team View/BLIZZ and found that it is not as user friendly as Go to Meeting and it has no capability for multiple people to share on-screen documentation. Given this discovery, I request the Board give authorization to expend up to \$240 per year on this video conferencing system.

Our Mail Carrier, Bob, informed me that his application to replace all the old style mailboxes was approved and he was going to submit 2 per week and see how fast the order would be acted on. The normal replacement process for each location would be:

—Day One. Install new mailboxes and remove old ones.

—Day Two. Establish house numbers, label mail boxes, match keys to each mailbox, and distribute mail into them.

—Day Three. Mail Carrier will deliver new mailbox keys to each resident.

The USPS have replaced the mailboxes on Trocha, near Penoso, and is in process of labeling the mail boxes and getting organized to deliver the keys to the local residents.

Some people were concerned that there was a garage/estate sale at a residence on Carrillo. This is against our CC&R's and not permitted. I went to the residence and found that the home was part of a home tour organized by the Arizona Association of Interior Designers. It was part of Tucson-wide parade of homes organized by this group. The organization had a person out front at all times, making sure that cars parked on one side of the road and not in the red painted curb areas. It was very well coordinated. I did inform the AAID person in charge at the house that, in the future, they should contact the Board President so we would be able to inform the local homeowners.

And finally, a BIG THANK YOU TO ALAN FRANKLE AND EACH BOARD/COMMITTEE MEMBER THAT CONTRIBUTED TO THE HOMEOWNERS GUIDE AND DIRECTORY!!! A JOB WELL DONE. THANK YOU FOR ALL FOR THE GREAT TEAM EFFORT!!

#### **Discussion and Additional Comments:**

Larry Glasser reminded Board members that preliminary board reports are due to the Secretary by Friday before Board meeting.

Questions about cost and use of "Go To Meeting" software were answered by Larry Glasser, Jim Warner, and Tom Triplett. The cost of the software is inclusive in the \$240 annual fee. Individuals using the system will not be charged for its use and it can be used not only by the Board, but also by members of the SMR committees which makes the annual cost even more reasonable. At any time, up to 10 different people can call in, and using a password, log into the system.

A motion was made and approved to proceed with the purchase of the "Go To Meeting" software.

The system will need an integrated microphone and camera in addition to the software. Larry will present his recommendation for that purchase at the next Board meeting.

#### **Secretary's Report by Susan Arbuckle**

The February 13 Board minutes were unanimously approved by those present.

#### **Treasurer's Report by Carole Malan**

Carole presented a report covering Cash and Reserve Accounts held by SMR. She also submitted the monthly SMR Balance Sheet and Supplementary Budget Report as of February 28, 2018. For security reasons, these numbers will not be posted on the website but can be requested by residents by contacting the Treasurer at [treasurer@smrhoa.com](mailto:treasurer@smrhoa.com) or the Secretary at [secretary@smrhoa.com](mailto:secretary@smrhoa.com)

March Update:

- 1) The audit has been completed and I have sent you all copies of the report. It went very smoothly with no surprises.
- 2) The master credit card at Chase Bank has been transferred from Bob Cole to me. A new credit card has been issued to John Flanagan for the Landscape Committee. I will be closing the cards issued to Sylvia Burton and John Ladd. The remaining credit cards are still active – Tom Triplett and Paul Greenberg. I am now able to issue a new card to the hospitality committee. Please contact me at your convenience.
- 3) We have not yet opened the new bank account approved at last month's meeting at BBVA Compass Bank. I hope to do that in the next few weeks.
- 4) Budget and Finance Committee – I have two new names to add to the Budget and Finance Committee – Mary Yaconiello and John Rourke. Please approve these additions. Currently the committee consists of only me and Bob Cole.
- 5) There are still 13 lots that have not paid the assessments due January 1<sup>st</sup>. I will try to follow-up with them via email in the next few weeks.

#### **Discussion and Additional Comments:**

Carole has agreed to inquire into the cost of bonding the accounting firm who writes checks for SMR Association. Currently only one accountant is required to sign checks which could lead to error or misuse. Bonding would give more protection to HOA funds.

Carole also agreed to investigate cost of lock box system which would be linked to our bank account so that delivery and tracking of dues could be better managed.

The board approved the addition of Mary Yaconiello and John Rourke to the Budget and Finance Committee. Carole will choose someone to sign checks and do business in her place when she is out of town for an extended time. Carole is in process of setting up auto pay for water bills.

The Board discussed whether to open the additional bank account that was approved at the last meeting. Since the Reserve Fund accounts will decrease by over \$150,000 in the next two months for road repair spending, it was decided that a new account will not be needed at this time.

### Architecture Report by Ken Smith

Date: 2018-3-1

	Pending	Completed	Year-To-Date Completed
AC Project Application	0	2	7
AC Resale Inspections	0	4	7
AC Garage Door Exterior Inspections – Noncompliance or Maintenance Issues	0	0	0

#### Comments:

- Exterior survey of garage door compliance (structural, color) completed. Compilation of survey underway. Notice of non-compliance will be sent to applicable residents in March.
- Dropbox up to date.

#### Discussion and Additional Comments:

Ken Smith, Architecture Chair and John Flanagan, Landscape Chair expressed concerns about how to enforce compliance after notices of non-compliance have been sent out. They would like the board to consider creating a system to support a more positive and timely response from the community.

#### Archive Report by John Mitchell, Electronic Archive Manager

The Archive Chair continues to maintain the folders in Dropbox to ensure that the relevant documents are archived. In addition to the Dropbox cloud backup, the Dropbox files are backed up on an external hard drive. The use of Dropbox by Board members appears to be going smoothly, as no one contacted the Archive Chair for assistance this last month.

There have been occasions when a Board member needs to have a PDF document converted to Word (.doc). Both Herb and I have the professional version of Adobe that lets us do that easily, so if you have a file that needs converting, send it to me.

You can easily go the other way and convert a Word document to PDF. On a Windows machine go into the *File* menu and use *Save as Adobe PDF*. On a Mac use the *Print* menu and select *PDF* from the window at the bottom of the screen.

#### Data Base Report by Kathleen Flaherty

The Database is up-to-date through 2/22/2018 and the listings for the 2018 Directory were generated with information as of that date.

I propose that we phase out the [smr\\_data\\_update@smrhoa.com](mailto:smr_data_update@smrhoa.com) email address now that we have "database@smrhoa.com. The old one, which contains underscores, creates problems for people to type and get right so the new one should be easier for people to use.

A letter from the BOD was emailed to every resident for whom we have an email address listed and receives hard copy of the newsletter.

Emails Sent: 43

Invalid Addresses:4

Requests for email delivery: 3

Requests for USPS delivery: 2

The letter was subsequently sent to all USPS recipients along with the Directory mailing and received the following responses:

Request for continued USPS delivery: 9 (as of 3/8/18)

Email with no response (will be changed to email delivery per letter):34 (or so, will submit final report next month).

#### **Discussion and Additional comments:**

Jim Warner told board that old e-mail address is no longer being used. New e-mail address of [database@smrhoa.com](mailto:database@smrhoa.com) is listed in new directory and also on website.

Alan Frankle reported that a dead line of February 28 was given to residents who wish to continue receiving hard copies of the newsletter.

#### **Hospitality Chair Report by Leslie and Marc Adams**

Our next event will be held on Wednesday, 3/21/2018 and will be a "Music and Munchies" happy hour theme. Food and libations will be served, and music will be live by The Over Easy Band, featuring Jim Halterman on guitar and vocals and Jay Flaherty on bass. (Both members of the band are SMR residents.) It will be a casual event, based in the clubhouse, but with music played out near the pool. Happy hour begins at 5:00pm with musical entertainment until 7:00pm.

Closely following the March event, will be the annual SMR Barbeque on Wednesday, April 4<sup>th</sup>, at 5:00pm. The committee spent some time discussing the past successes and challenges and believe we have put together a plan for an organized and enjoyable event. We are using the 117 attendance number from last year as a jumping off point. For 2018, we will plan for additional attendees, will add one or two more BBQ's so more food can be cooked at the same time, and will insure there is plenty of food and drink. We will continue with a charge of \$5.00 at the door.

#### **Discussion and Additional comments:**

Alan Frankle suggested that when scheduling an event on the calendar, the hospitality committee give a set up time as well as time for the actual event so that there is no overlap in use of facilities.

#### **Landscape Chair Report by John Flanagan**

During the month of February the first rotations for zone 1 and zone 2 were completed. In zone 1 there were 5 large prickly pear rat infested patches removed. There were 2 trees that had mistletoe removed. The "Carrillo Island" makeover was completed with the addition of many new plants. Two caution for pedestrian signs were installed in concrete for the roads committee along Carrillo hilltop and South of the Carrillo island. Also, general maintenance activities were performed throughout the Zone. Zone 2 saw 8 prickly pear infested patches removed along with the prickly pear on the Ferreo Islands. This zone had 2 mistletoes removed. General maintenance was done at the East pool inside and out, The Rosada cul de sac, and the swale west of the east pool saw weeding, trimming, raking and blowing out of debris. The special project at the tennis court area was completed with trestle Pyracantha, three islands of plants, and riprap on the slope below the power boxes. With the new tennis court and the landscaping this area is quite impressive.

If you have thoughts or questions they always they are always welcome just email [landscape@smrhoa.com](mailto:landscape@smrhoa.com).

#### **Discussion and Additional Comments:**

John thanked Sandy Glasser for her help in design of new landscape around the tennis court and also Darrin of Infinity Earthworks for his work on the project.

John also informed the board that the landscape committee would like to proceed with the final stage of rock work on the North and East side of Penosa to mitigate erosion on the steep hill. This area covers approximately 2,000 sq. feet. He will bring this to the board for approval after he gets a bid. It will have to be paid out of reserve funds.

There has been some initial discussion by the landscape committee to build a path and small seating area in the common area off Brison. Larry Glasser referred to the "Good Neighbor" policy in our CC&R's and felt we must consider the privacy of the closest homeowner to this area. No resolution was made, and further consideration by the committee was recommended.

## **Neighborhood Watch Chair Report by Jim Edwards**

(469) 258-4567 [neighborhood@smrhoa.com](mailto:neighborhood@smrhoa.com)

- Issued 4 RV parking permits
- Assisted two homeowners who were victims of scam incident on Paseo Penoso. Sent email blast to alert all homeowners. The criminal has not been apprehended.
- Visited homeowner that had on street overnight parking infractions. This has been a continuous problem. Homeowner was cooperative.
- Updated Welcome to SMR from Board of Directors insert for new resident packets
- Have two vacancies for block leaders on Carrillo and Ferreo. Working to fill these now. I will fill in until vacancies are filled.
- Sent NWC Block Leaders a March newsletter.

### **Neighborhood Watch Special Event Meeting**

**March 27<sup>th</sup> at 6:00 pm at SMR Clubhouse**

Topic: Scam Fraud Alert

Speaker: Jim Williams, Pima County Sheriff's Auxiliary

I would appreciate your attendance

#### **Discussion and Additional Comments:**

Jim asked the Board to approve the addition of Bob Steiger as block leader from Camino de Carillo to the Neighborhood Watch committee. The board approved his addition. Jim is seeking an additional member to cover Camino Ferreo.

#### **Nominating Chair Report by Tom Triplett**

I'm pleased to say we have residents interested in running for next year's Board. Two of our residents have stated they are, let's say, more than 50% of the way there in their decision making. And, I believe we have a third with interest. We will continue putting forth our efforts to add to the list of candidates. Please keep in mind we will need to replace the President, the Recreation Chair and Roads Chair next year.

#### **Discussion and Additional Comments:**

Tom has two people who have committed to run for next year's board.

#### **Publications Chair Report by Alan Frankle**

February was busy for the Publications Committee as both the Newsletter and Directory were composed and sent to SMR owners and residents. Jerry and Linda Moore and Marijo Nagle should be commended for stuffing and stamping 298 envelopes for the mailing. We had one minor glitch in the development of the directory as I overlooked input from Neighborhood Watch which was omitted and was not discovered during the review process. The most important information was the list of, neighborhood watch block leaders. Jim Edwards and I discussed a solution and agreed that putting the list on the website was the easiest and most efficient method of providing the information. I also suggest that at some point before February of next year, we contact and ask all recipients to check the information in the directory and inform Kathleen of any errors or omissions. It is easier to catch these early rather than during the production period. I also printed 24 abbreviated directories (without the names and information of residents) for Angie Perryman for distribution to prospective buyers. Special thanks to Herb Burton for his continued help and mentoring as I learn to manipulate Adobe Acrobat.

#### **Discussion and Additional Comments:**

Larry complimented Alan and his committee for the work done on the directory.

#### **Recreation Chair Report by Paul Greenberg**

No report of any activity except we would like to thank the landscape committee for all of their efforts to install a fantastic planting arrangement along the east side of the court.

Further investigation of the purchase of a large-screen smart television set for the clubhouse seems to zero in on a purchase from Costco which includes a 4-year warranty at no extra charge. We are awaiting purchase until an acceptable video conferencing system has been determined.

#### **Discussion and Additional Comments:**

Alan Frankle asked if it would be feasible for an interested group of pickle ball players to donate a pickle ball machine and small shed for it's storage somewhere on the tennis court. Paul Greenberg asked about costs of running the machine and expressed concern that it might interfere with tennis ball players as they run to retrieve shots. Larry Glasser recommended that Alan get dimensions of shed and then that he and Paul look at the court together to see where it could be placed without causing a hazard or interference.

#### **Resale Report by Angie Perryman**

SMR Resale Activity for February 2018

Listed:

- 4251 N Camino de Carrillo
- 4389 N Camino de Carrillo
- 6920 E Paseo Penoso
- 4241 N Camino Ferreo

In escrow:

5 properties

Closed:

No properties were closed in February.

#### **Roads Chair Report by Tom Triplett**

Sunland Asphalt submitted the low bid for the repaving of inbound Via Colorada, Vereda Rosada and Placita del Tio. We interviewed Sunland February 20, and agreed their approach to the project met our detail and scope of work. Past problems with Sunland were addressed. We believe they understand our concerns and are the right contractor for this work. Their bid was \$157,356 and was approved by the Board. The other bidders were Ace Asphalt (\$165,510) and Tucson Asphalt (\$182,098). Roads had our first pre-construction meeting, Thursday, March 8, with Sunland's onsite superintendent and lead operator in attendance.

There are two parts to this project: 1) replacing concrete curbing on both Rosada and Tio along with the reduction of the diameter of the Tio circle scheduled to begin Monday, March 19, and conclude Friday, March 30, and 2) the replacement of asphalt on Colorada, Tio and Rosada scheduled to begin Monday, April 2 and conclude Friday, April 13. A detailed plan with time schedule will be delivered by eblast, message boards setup at the mailboxes and hand delivered flyers.

The work schedule (subject to change) is:

**March 19 – March 30:** Concrete curb replacement and Tio circle reduction; five days on Tio and three days on Rosada. We have two weeks scheduled for curing time for the concrete.

**April 2 – April 5 (4 days):** Repaving of Colorada. Both lanes will be closed Monday through Thursday with traffic directed to Carrillo. Colorada will be open to traffic on Friday, April 6.

**April 5 – April 9 (3 days):** Repaving of Tio. The actual paving will take place on Monday, April 9, and the street will be open to traffic after work on Monday. The street will be usable for the weekend, but cars will have to use the west pool parking during work on Thursday and Friday as well as paving day, Monday.

**April 9 – April 13 (5 days):** Repaving of Rosada. Plus, we are attempting to re-slope the middle area of Rosada for better drainage toward the eastside drain pan at the mid-point of the street. Most of Rosada will be closed to traffic for the initial 3 days. Off street parking will be necessary. There are 20 parking spaces at the west pool. Overflow parking will have to be at upper Rosada driveways (with owner approval) and perhaps on Carrillo & Bribon.

The Rosada portion of the project affects 34 homes, most of which will be impacted with "no drive" periods. We will rent one golf cart (if necessary, more than one) to drive residents to and from their cars as well as help in package delivery. Outside services such as private landscapers will not be able to use Rosada during this work. We will do our best to notify residents. I have discussed the idea of not having trash/recycle pickup for Rosada only on Friday,

April 13, with Roger Wiswell, our Republic Services contact. Roger thinks this is a reasonable approach knowing most residents do not have excessive trash or recycle. If anyone is negatively affected, we should be able to accommodate their needs via usage of the golf cart.

Infinity Earthworks installed two “*Caution - Pedestrian*” signs on lower Carrillo alerting traffic flow in both directions of possible foot traffic on this section of the street without sidewalks.

I have six new white on green street signs for the three intersections on Loma del Bribon; Ferreo, Rosada and Carrillo with another four signs for other intersections on order. These signs will be installed in conjunction with the repaving project.

#### **Discussion and Additional Comments:**

An e-blast with construction schedule is being sent out March 15.

Tom will place maps and schedule of work at each mailbox and bring them to hospitality event. He also requested that Alan create a banner at the top of the next newsletter reminding residents of work schedule and closures. Traffic will be heavy on Carrillo during Via Colorada repaving so please drive slowly.

Carole asked estimated due date for construction **billing**. Tom said it would probably be last week of April or first week of May.

#### **SAC Report by Cynthia Clark –SMR Representative**

The February 21 SAC meeting was held at Sunrise Mountain Ridge Clubhouse with about 25 people attending. The guest speaker was J. Gregory Moxness who is vice president of Sunrise Territory Estates. He is not a lawyer but has experience with their homeowners association revising their legal documents recently, and he shared their experience of the process.

The overriding document is whatever is the current state law, then the articles of incorporation followed by the CC and Rs and lastly the bylaws and standing rules. All of these documents should say essentially the same things and not be in conflict with each other.

Based on Mr. Moxness’ experience his recommendations and observations are:

- Obtain the voluntary help of resident attorneys in your homeowners association as much as possible.
- For clarity it is better to restate a document rather than add amendments.
- A practicing attorney will need to be hired to finalize the documents and get them notarized and registered with the county.
- Many meetings will be necessary to get consensus among the residents on the wording.
- The process will take longer than one would imagine... possibly up to a year.

The next meeting of the SAC committee will be March 28 at 5 o’clock at Sunrise Mountain Ridge.

#### **Discussion and Additional comments:**

Cynthia reported that because of the increased use of e-mails to communicate between HOA officers, SAC may not need to schedule as many meetings in the future.

#### **Volunteer Liaison by Wendy Reed**

No report

**Old business:** None

#### **New business:**

Larry read the following letter to the board.

Hello All,

My name is Mimi Melo. I am on the Board of the Sunrise Territory Estates HOA seeking some information re your HOA fines on behalf of our Board. I am doing this research as we were informed by a fellow HOA member of the

following:

...the Arizona Court of Appeals recently issued an opinion affecting HOAs re the reasonableness of a monetary penalty, and therefore whether the penalty is collectible. The case is Turtle Rock III Homeowners Association v. Fisher, 1CA-CV 16-0455. The Court ruled “[m]onetary fines must be reasonable. See A.R.S. §33-1803(B). Ad HOA fines are per se unreasonable [citation omitted]. [E]ven where the HOA has the authority to levy fines, it must promulgate the schedule of fines prior to imposing the fines, and the failure to prove promulgation is fatal.”

The person also stated

The opinion further states that an HOA must present “competent evidence of a fee schedule timely promulgated (I.e. adopted and distributed to members) demonstrating the fine amounts and the appropriateness of such amounts.

Otherwise, monetary penalties are per se unreasonable. I am told that this does not include assessment for late HOA fee payment.

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At the present time, SMR does not have a fee schedule or procedure for setting fines for noncompliance. The CC&R’s procedures are not specific and do not provide for due process and ability to contest fines. Committee chairs have expressed a need to have something put in place that can be published and enforced. Cynthia referred to the comments of Mr. Moxness who recommends having an attorney advise the board on items that need to be enforced by the HOA. Larry is going to research how to create a procedure for setting monetary fines. Carole suggested that Larry go to website of “National Community Associations Institute” to see if there is information that might be helpful to the Board on how to set and enforce monetary fines. Larry will bring an outline of a process back to the board after researching what other HOA’s have done. After discussion with the Board, Larry will finalize our thoughts and speak with our attorney, Mr. David McEvoy. This approach will bring all the board’s thoughts to our attorney and keep the charges to a minimum.

Ken Smith is speaking with various title companies on how to enforce resale inspection requirements. A procedure put in place to set fines would help with enforcement of inspection requests.

**Member Comments:** None

Motion was made and seconded to adjourn the meeting. Motion passed unanimously and the meeting was adjourned at 8:10 pm.

Respectively submitted by Susan Arbuckle.

**Next regular meeting of the SMR HOA Board will be held on April 10, at 6:00 pm in the SMR Clubhouse.**

**Signed by:**

Secretary -Susan Arbuckle, April 10, 2018

Vice President – John Flanagan, April 10, 2018