

# Catalina Foothills Estates No. 9 Association

## Meeting of the Board of Directors

### MINUTES

[www.CAT9.org](http://www.CAT9.org)

<u>DIRECTORS</u>	<u>OFFICERS</u>	<u>SPECIAL ASSIGNMENTS</u>
Nancy Kay	Greg Sciabica	PRESIDENT: Joyce Su
Jeff Landers	Conni Struse	VICE PRESIDENT: Jim Ponzo
Jim Ponzo	Joyce Su	TREASURER: Jim Ponzo
Karin Sawtelle	Adam Watters	SECRETARY: Conni Struse
		Newsletter: Teri Ellen
		Webmaster: Dick Bryant

Meeting Date: **April 8, 2024**

Directors and Officers Present: Nancy Kay, Jeff Landers, Jim Ponzo, Karin Sawtelle, Conni Struse, Joyce Su, Adam Watters

Directors and Officers Absent: Gregg Sciabica

Owners Present: Diane Frank, Jody Ponzo, Craig Sawtelle, Yonatan Kurland, Kat Kurland

**1. Call to Order.** A quorum was established, and the meeting was called to order at 7:08 pm by the President, Joyce Su.

**2. Approval of the Minutes.** Jeff made a motion to approve the minutes of the Board of Directors Meeting on March 11, 2024, seconded by Nancy. Unanimously approved.

➢ Motion carried.

**3. Owner Comments.** Joyce received an email regarding the invasive stinknet plant. Karin will prepare an email to inform neighbors to be on the lookout for it and dig it out by the roots. Conni made a motion for Karin to prepare an email to blast to the neighbors, seconded by Jeff. Unanimously approved.

➢ Motion carried.

**4. Reports and Actions**

**a. Treasurer's Reports.** Jim reported that there is \$62,920.58 in the checking, and \$6,571.95 in the savings account. Eight homeowners have not paid their assessment fees this year. Jim emailed the delinquent homeowners on April 1 requesting payment plus late fees. Jim will send physical letters in May if assessments are not received.

**b. Roads and Landscaping.** Adam signed the Hughes trash collection contract and will send it to Connii for the Secretary's signature. A homeowner suggested a solution for the road with sand spilling over it, and Adam will circulate an email with the specifics. Adam will collect the blower and cones from Joyce. Jim and Adam will coordinate the street cleanup by contacting

Larry Ivy and make a plan. The email blast for the stinknet plant can include a request for volunteers. Jim, Adam and Jeff will be on the road maintenance committee.

c. **Architecture**. No new requests for review. Jeff altered the form to make it fillable, and he will forward it to Joyce for an edit on the checkbox. Joyce will forward it to Dick for posting on the website.

d. **Compliance**. Lot 49, 6870 N Solaz Cuarto - Yonatan Kurland advised the Board that his new driveway treatment has been covered with gravel. The Board thanked him for fixing his driveway.

e. **Resales**. Conni reported that there is one house on the market, 2325 E. Calle Los Altos. The selling price was reduced by \$100,000 to \$1,069,000.

f. **Calendar**. Nancy reviewed the calendar.

## 5. **Old Business**

a. **Storage Unit**. ARS 10-11601 requires that corporate minutes must be maintained indefinitely. The HOA should also keep insurance policies and claims, correspondence for three years, architectural plans and financial records for seven years. The documents would have to be scanned electronically if they are removed from the storage unit. We may be able to get a smaller storage unit if we only keep the documents and house plans. Jim will write an article for the newsletter to offer trash cans to the homeowners.

b. **Website Survey**. Jody prepared a survey for the members of the neighborhood to consider whether to update the website. Nancy made a motion to distribute the survey to the neighbors, seconded by Jim. Unanimously approved.

➢ Motion carried.

Karin made a motion that the survey be distributed by the free version of Survey Monkey, or a paid version not to exceed \$50, seconded by Conni. Unanimously approved.

➢ Motion carried.

c. **Corporate Transparency Act**. Corporations are now required to file an annual report reporting the beneficial ownership members' personal information. Jim researched whether the HOA is required to file the report, and he determined that it is. The President and Treasurer should be considered beneficial owners. Conni will prepare and submit the information on the form and enter the task on the calendar for next year.

d. **Committee to Review Forms**. Jim and Karin reviewed the forms and policies and looked for a link to the minutes for which they were approved. Karin found several forms that were not voted on and approved by the Board.

(1) **Neighborhood Watch** – The policy to exclude neighborhood watch members from serving on the Board was never voted for, but the statement did appear in the minutes. Jim made a motion to vote to not implement this policy as written in the November 2021 board meeting minutes, seconded by Nancy. Unanimously approved.

➢ Motion carried.

**(2) Election Procedure and Nomination Form** – The HOA attorney advised the Board that exclusion of members is not allowed. Jim changed the form to require secret ballots. The procedure required that the form of ballot be reviewed by an attorney. This requirement was deleted. A new nomination form was prepared, which was previously in conjunction with the volunteer form. Conni made a motion to approve the new policy and approve the form at the next meeting, seconded by Jim. Unanimously approved.

➢ Motion carried.

Jim will forward the new policy to Conni for posting on the website. The footer will include the date the document was approved by the Board.

**e. Meeting Protocols.** Joyce prepared and circulated a draft of protocols to the Board. Conni made a motion to approve the meeting protocols, seconded by Karin. Unanimously approved.

➢ Motion carried.

## **6. New Business**

**a. Locking Mailboxes** – Karin researched different locking mailboxes approved by the Post Office and found one that is a parcel size and looks like the neighborhood's current mailbox, but the reviews were not favorable (\$94). There is a square-shaped parcel size mailbox that is approved by the Post Office and has good reviews. The locking inserts are not approved by the Post Office, and the mail carrier may elect not to deliver mail to them. Karen will provide an image of the square mailbox to the Board for review.

**b. Driveway Materials** – Karin reviewed the CC&Rs, Section 4.t: “All driveways and roads shall be treated and maintained with a minimum of a two-shot bituminous surface treatment to prevent dust.” This refers to having a double coat of chip seal. Many of our members have added pea stone on top of the chip seal. Karin will write an article for the June newsletter on the subject.

**c. Board of Director Attendance** - Board member Gregg Sciaibaca has not attended three consecutive meetings. Pursuant to the By-Laws Article 3.11: “Any director who fails to attend three consecutive regular meetings of the Board, unless excused for valid reasons by resolution of the Board, shall be deemed to have resigned.” Joyce will contact Gregg regarding his absences.

**7. Adjournment** – Meeting adjourned at 9:27 pm

**NEXT BOARD MEETING: May 13, 2024**

Submitted on behalf of the Board,

*Conni Struse*

Conni Struse, Secretary

**ATTACHMENTS:**

March Financial Reports  
Resales Report  
April and May Calendar  
ARS 10-11602  
Election Procedure  
Meeting Procedures

# FINANCIAL REPORTS

## MARCH 2024

CAT9 HOA Budget 2024\_0331.xlsx

CATALINA Foothills Estates #9

Homeowners Association

Financial Report For:

P.O. Box #36225, Tucson, AZ 85740

AS OF 03/31/2024

Total Assets = \$ 172,571.12

EQUITY POSITION		CHECKING 1139	SAVINGS 1269 (Road Reserve)	TOTAL
AS OF 2/28/2023		\$ 50,155.74	\$ 6,569.82	\$ 56,725.56
AS OF 3/31/2023		\$ 59,156.04	\$ 6,570.02	\$ 65,726.06
AS OF 4/30/2023		\$ 58,340.28	\$ 6,570.13	\$ 64,910.41
AS OF 5/31/2023		\$ 29,210.58	\$ 6,570.29	\$ 35,780.87
AS OF 6/30/2023		\$ 29,120.88	\$ 6,570.45	\$ 35,691.33
AS OF 7/31/2023		\$ 29,281.18	\$ 6,570.62	\$ 35,851.80
AS OF 8/31/2023		\$ 29,441.48	\$ 6,570.79	\$ 36,012.27
AS OF 9/30/2023		\$ 29,509.50	\$ 6,570.95	\$ 36,080.45
AS OF 10/31/2023		\$ 28,003.56	\$ 6,571.12	\$ 34,574.68
AS OF 11/30/2023		\$ 27,152.27	\$ 6,571.28	\$ 33,723.55
AS OF 12/31/2023		\$ 26,912.67	\$ 6,571.45	\$ 33,484.12
AS OF 01/31/2024		\$ 31,437.80	\$ 6,571.62	\$ 38,009.42
AS OF 02/29/2024		\$ 53,607.10	\$ 6,571.78	\$ 60,178.88
AS OF 03/31/2024		\$ 62,920.58	\$ 6,571.95	\$ 69,492.53

INCOME	DESCRIPTION	SOURCE	AMOUNT
INTEREST		SAVINGS ACCT	\$ 0.17
Assessment	Check Deposits	checking	\$ 7,005.00
Assessment	Zelle	checking	\$ 2,475.00
		<i>SubTotal</i>	\$ 9,480.17
<b>EXPENDITURES</b>			
Storage Unit Rental	StorQuest	3/4/2024	\$ 89.70
Postage - Taxes	US Post Office	3/12/2024	\$ 11.82
Check 1091	Lot #045 overpayment	3/18/2024	\$ 15.00
check 1093	AZ Dept Revenue	3/18/2024	\$ 50.00
			\$ -
			\$ -
Transfers		\$	
Investment		-	
Misc			
Maintenance			
Insurance			
		<i>SubTotal</i>	\$ 166.52

Monthly Finance Report

CATALINA FOOTHILLS ESTATES NO. 9				
<b>Budget Planned Vs Actual with Balance</b>				
2/1/2024 - 1/31/2025		AS OF 03/31/2024		
Income Category	Planned Income (2023)	Actual Income (2024)	Balance	Notes
Annual Dues - 2022 (\$300 x 130)	\$39,000.00	\$36,600.00	\$(2,400.00)	
Late Fees	\$195.00	\$180.00	\$(15.00)	
Disclosure (Transfer) Fees*	\$750.00	\$0.00	\$(750.00)	
Bank Interest**	\$0.60	\$0.33	\$(0.27)	
Other 1 (pmt & refund no rec bin +\$6-\$6)	\$0.00		\$0.00	
Other 2 (refund Assessment ov'rmt)	\$0.00		\$0.00	
Other Maint Mail Box (Lot 116)& T Can	\$0.00		\$0.00	
<b>Total Income (without savings interest)</b>	<b>\$39,945.00</b>	<b>\$36,780.00</b>	<b>\$(3,165.00)</b>	
<b>Total Income</b>	<b>\$39,945.60</b>	<b>\$36,780.33</b>	<b>\$(3,165.27)</b>	
Expense Category	Planned Expense	Actual Expenses (2024)	Notes	
Taxes + Preparation	\$500.00	\$839.82	\$(339.82)	In house Prep 2024
Road Sweeping (Landscaper)***	\$1,166.40		\$1,166.40	No landscaper for 2023
Insurance	\$2,332.00	\$0.00	\$2,332.00	
Professional fees	\$2,500.00	\$0.00	\$2,500.00	
Rent (Storage Unit)	\$1,162.00	\$179.40	\$982.60	
HOA Meeting Room	\$200.00	\$0.00	\$200.00	
Office Supplies	\$100.00		\$100.00	
HOA PO Box rental	\$250.00	\$0.00	\$250.00	
Printing & Postage	\$600.00	\$0.00	\$600.00	
Website	\$102.00	\$0.00	\$102.00	8% for inflation on 2023 actual
Maintenance (signs/posts)	\$1,200.00	\$0.00	\$1,200.00	
Miscellaneous (admin)	\$100.00	\$0.00	\$100.00	AZ Corp Board HOA
<b>Total Expenses</b>	<b>\$10,212.40</b>	<b>\$1,019.22</b>	<b>\$9,193.18</b>	
Transfer to Road Maintenance Repair (Savings or other as approved)				Planned Transfer made 05/15/2024
<b>Total Expenses + Transfers</b>	<b>\$39,945.00</b>	<b>\$1,019.22</b>	<b>\$39,193.18</b>	<b>**</b>

\* Assessment Refunds shown as net \$0 (- to income / + to expenses)

\*\* Bank interest not included in budgeted expenses

Budget Plan vs. Actual

## A.R.S. 33-1806 Resales

APRIL 2024

### ACTIVE LISTINGS 2024

Status	Lot	Address	Owner	List price	Realtor	MLS
NEW	71	2325 E Calle Los Altos	Laura Kane	\$1,169,000	Judy Smedes & Kate Herk Sotheby's	22403893

### PENDING, CONTINGENT & CLOSED SALES 2023

Closing Date	Lot	Address	Buyer	Seller	Sales price	Fee paid	Title form provided	CAT 9 CC&R receipt received	Welcome Letter sent
7/10/23	49	6870 N. Solaz Cuarto	Yonatan D. Kurland and Katherine Dunne Kurland	Gregory S. Poucher and Patricia B. Poucher	\$1,175,000	Yes	6/29/23	7/1/23	6/30/23
7/31/23	26	6960 N. Solaz Segundo	Theresa A. West, Trustee	James and Mary Horvath	1,410,000	Yes	7/11/23	7/31/23	7/13/23
8/31/23	31	6901 N. Solaz Tercero	Joseph and Sheila Schifiliti	Deborah A. Meyers	\$1,923,800	Yes	8/3/23	9/5/23	8/7/23

# Calendar

## April and May 2024

APRIL	<b>Board</b>	1-April Board meeting
APRIL	<b>Roads &amp; Landscaping</b>	Sweep roads – April
APRIL	<b>Secretary</b>	Upload March approved minutes to Google Drive and website
APRIL	<b>Secretary</b>	Draft Agenda and send board package for May meeting
APRIL	<b>Treasurer</b>	Ensure taxes filed and pay income taxes (federal and state) - roads and common areas
APRIL	<b>Treasurer</b>	<b>Assessments - 3rd</b> Past Due Notices sent (add \$15 late fee per month)
MAY	<b>Board</b>	1-May Board meeting
MAY	<b>Board</b>	<b>Agenda Item</b> - Board Vote to approve filing of lien for delinquent owners
MAY	<b>Elections</b>	Determine articles for draft JUNE newsletter with Vice President
MAY	<b>Newsletter</b>	Circulate draft JUNE newsletter to board
MAY	<b>Secretary</b>	File corporate annual report form by May 28
MAY	<b>Secretary</b>	Upload April approved minutes to Google Drive and website
MAY	<b>Secretary</b>	Draft Agenda and send board package for June meeting
MAY	<b>Treasurer</b>	<b>Assessments - 4th</b> Past Due Notices sent (add \$15 late fee per month)

## **ARS 10-11601. Corporate Records**

E. A corporation shall keep a copy of all of the following records at its principal office, at its known place of business or at the office of its statutory agent:

1. Its articles or restated articles of incorporation and all amendments to them currently in effect.
2. Its bylaws or restated bylaws and all amendments to them currently in effect.
3. Resolutions adopted by its board of directors relating to the characteristics, qualifications, rights, limitations and obligations of members or any class or category of members.
4. The minutes of all members' meetings and records of all actions taken by members without a meeting for the past three years.
5. All written communications to members generally within the past three years, including the financial statements furnished for the past three years under section 10-11620.
6. A list of the names and business addresses of its current directors and officers.
7. Its most recent annual report delivered to the commission under section 10-11622.
8. An agreement among members under section 10-3732.

# ELECTION PROCEDURE

Catalina Foothills Estates No. 9 Association  
Elections Policy  
Board Policy and Procedure #002

## I) Purpose

This policy and procedure describes the agreed upon process for candidate nominations, ballot preparation, mailing, and voting for election to the Board of Directors for Catalina Foothills Estates No. 9 Association (Board) during or for the annual meeting.

## II) Scope

This policy applies to all elections for the Board at the annual meeting as set forth in Bylaws Article II, Section 1.

## III) Policy

It shall be the policy of this Board to follow this procedure set forth below.

## IV) Procedure

### A) Candidate Nominations

- 1) On June 1, the Board nomination period opens. Any member or non-member may self-nominate.
- 2) By the date listed on the nomination form, candidates must submit a Nomination Form to be listed on the ballot – see website at [www.CAT9.org](http://www.CAT9.org) for a copy of the form.
- 3) With the nomination form, candidates may also submit a brief self-biographical summary.

### B) Owner Communications

- 1) The Election Committee shall develop newsletter articles for the February, June and October newsletters announcing the Election Policy details and slate of candidates (October only).
- 2) The Board shall include an agenda topic in the May, June, September, and October Board meetings regarding this Elections Policy.

### C) Ballot Preparation

- 1) By the September meeting, the Election Committee shall review the Nomination Forms and biographical information received, and shall contact all interested candidates to confirm candidacy, eligibility for the Board, and receipt of necessary information for the ballot and newsletter.
- 2) Prior to the September meeting, the Election Committee will provide the Officers the proposed slate of candidates for the ballot and copies of the material submitted to the Elections Committee.
- 3) Prior to the September meeting, the Secretary and the Election Committee shall provide the draft ballot for Board review at the September meeting.
- 4) At the September meeting, the Board shall:
  - (a) announce the slate of candidates (alphabetical order)
  - (b) review the draft ballot
  - (c) determine if the annual meeting will be held in person or virtual which will determine the Voting Method defined in Section IV.E. below.
  - (d) approve number of Board positions for voting
  - (e) finalize details for the annual meeting agenda.
- 5) Prior to the October meeting, if a Board member requests, the Officers will confirm the ballot legal compliance with outside legal counsel, and make any revisions to finalize for mailing.
- 6) At the October meeting, the Board shall:
  - (a) approve the final ballot and annual meeting agenda for mailing
  - (b) approve the date by which ballots are due
  - (c) approve date on which the Election Committee and Secretary will open and count the ballots

Approved April, 2024  
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Catalina Foothills Estates No. 9 Association  
Elections Policy  
Board Policy and Procedure #002

**D) Ballot Mailing**

- 1) The Election Committee is responsible for obtaining supplies, printing, and mailing the ballot and annual meeting materials.
- 2) The Election Committee is responsible for receiving, safeguarding and counting the ballots once returned.
- 3) The Secretary and the Election Committee will endeavor to mail the ballots by October 15 to allow sufficient time for receipt and return prior to the annual meeting.
- 4) The mailing of the ballots and voting for candidates shall be by secret ballot to include three envelopes:
  - (a) Inside unmarked envelope for ballot anonymity
  - (b) Return outside envelope with an identifying lot number
  - (c) Outside mailing envelope for annual meeting materials

**E) Voting Method**

- 1) If the annual meeting is held in person, the members may vote in person or via Absentee Ballot as set forth in ARS 33-1812 or via Action By Written Ballot as set forth in ARS 10-3708, as amended.
- 2) If the annual meeting is held virtually, the members shall vote via Action by Written Ballot as set forth in 10-3708, as amended.
- 3) In either case, no write-in candidates may be included, nor may any member make a nomination for a candidate from the floor on the date of the annual meeting.

**F) Receiving and Counting Ballots**

- 1) The Election Committee will hold all ballot materials unopened until the date designated for opening the ballot envelopes.
- 2) Upon receiving the ballots, the Elections Committee designee will note receipt of the ballot on the tally log by owner / lot.
- 3) Upon opening the ballots, the Elections Committee and Secretary will separate the ballots and return outside envelopes so that the ballot remain anonymous. Ballots will be counted and tallied anonymously.
- 4) Only "For" votes are counted.
- 5) Candidates will be ranked from greatest to least number of votes received. The candidates with the greatest number of votes win the open Board positions.

**G) Election Results**

- 1) At the annual meeting, either the President or the Elections Committee shall announce the election results and candidates seated.
- 2) By December 1, the Elections Committee is responsible for providing the final tally and all records and copies of elections materials to the Secretary for archive in the corporate records.

Approved April, 2024  
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# MEETING PROCEDURES

2

## CAT9 HOA Meeting Procedure: V1.0 08-APR-2024

**PURPOSE:** The purpose of this procedure is to provide CAT9 HOA Meeting conduct expectations for productive meetings.

**SCOPE:** This procedure applies to all CAT9 HOA Monthly Meetings, Annual Meetings, and applicable Special Meetings.

### REFERENCES:

Document No.	Reference
July 05, 1977	Catalina Foothills Estates No. 9 HOA By-Laws
33-1804. Open meetings; exceptions	Arizona Open Meeting Statute

1. Recording of Meeting:
  - a. If the meeting is remote or virtual, a recording is made of the meeting and stored in Zoom.
  - b. The purpose of recording the meeting will be to assist in the preparation of meeting minutes.
  - c. Recordings shall be retained for a minimum period of 3 months after the date of the meeting.
  - d. After the 3-month period, the recording will be deleted and no copy retained by the HOA.
  - e. If a member requests a copy of the recording prior to deletion, it shall be supplied to the member.
  - f. If the meeting is in-person, a recording is not required.
2. Meeting participants are defined in 3 categories:
  - i. Board Members – Individuals elected to the Board of Directors
  - ii. Owners – owners of property in the neighborhood and therefore members of the HOA
  - iii. Guests – Attendees that do not fit the other two categories
3. Conduct of the meeting:
  - a. The meeting will be moderated by the President, or a Board member designated by the President. If the President is absent, the Vice President will moderate the meeting. (see By-Laws Article II-8, III-7). This person will be referred to as "Moderator" for the rest of this document.
  - b. The Moderator is empowered to:
    - i. Keep the meeting on topic and following the agenda
    - ii. Conclude on time
    - iii. Use the time productively and efficiently
    - iv. Maintain civility
4. Conduct of Meeting Participants:

Approved by the CAT9 Board of Directors on 08Apr2024

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- a. Meeting participants are expected to behave in the following manner:
  - i. Address the members of the Board and homeowners with respect.
  - ii. Refrain from personal attacks on other attendees at the meeting.
  - iii. Stay on topic within the meeting agenda.
  - iv. Do not speak over other speakers.
  - v. Make points clearly and in a timely manner.
- 5. Expected Behavior of attendees:
  - a. Board Members – primary purpose of meeting is for the Board to conduct business.
    - i. It is recommended that Board Members raise their hand to speak to allow the Moderator to ensure each Board Member is heard.
    - ii. Board members may have free form discussion if appropriate for durations as defined in the agenda and approved by the Moderator.
  - b. Owners – Each meeting may have an owner comment period on the agenda. During this period, owners are given time to speak to the meeting on any topic. Outside of this time, owners may request to be recognized by the Moderator provided their question or comment is related to the topic currently being discussed.
  - c. Guests – If a meeting has a guest, the guest will be recognized by the Moderator to speak at the appropriate time. During this time, the Guest will be free to speak and participate in the manner determined by the Board.
- 6. Enforcement of Conduct.
  - a. If any participants violate Conduct as defined above, the moderator may:
    - i. Give a verbal warning.
    - ii. If warnings do not stop the behavior, they may be muted.
    - iii. If muting does not stop the behavior, they may be removed from the meeting.
  - b. Repeated misconduct by a Board member may result in removal from the Board by vote per CAT9 By-Laws (Articles III-10, IV-4).
  - c. If a Board member misses 3 consecutive meetings without a valid reason, approved by resolution of the Board, the member shall be deemed to have resigned (Article III-11).