

**Minutes of Annual meeting of  
Coronado Ridge Neighborhood Association**

January 24, 2019 6:00 pm

President Zeemont Called the Meeting to Order

President Zeemont introduced Paul Migliore, President of the PHPOA, who spoke briefly regarding the benefits of belonging to PHPOA. He encouraged interested parties to visit the website ([www.picachohillspoa.com](http://www.picachohillspoa.com)) to learn more about becoming a member.

Secretary Blanco confirmed that there was a quorum with 43 in person ballots and 55 proxy ballots.

Minutes of the 2018 Annual Meeting were approved without objection.

Bob Crowley, Treasurer, presented the Treasurer's report for 2018 along with the proposed budget for 2019. Each line item on the 2018 expenditure report was explained. Expenditures for the year were within \$800.00 of the budget. There was a question from the floor asking what the current balance in the Emergency Fund was. Bob said it was \$20,635.00. This fund does not include funds for the roads. It was asked what the emergency fund was for. Bob explained that the fund is for any unexpected expenses, with gates or roads for example, that may arise. Bob Crowley then presented the 2019 Budget. He reported that the annual dues of \$550.00 will remain the same for 2019. The 2019 budget includes \$1,000.00 for drainage this year. One of the flumes in the main arroyo may need some concrete work this year. The 2019 budget includes \$5,000.00 for gates maintenance and \$900.00 professional fees in case additional professional consultation is needed. The budget also includes \$15,000 for the emergency fund. Expenses for gate maintenance and repairs have been so erratic the past couple of years that the Board believes that we should continue to fund the emergency fund at least one more year, before we consider reducing contributions. The road reserves fund has a current balance of \$28,000, and we will add another 20,000 this year. Basically, all accounts are in balance.

Sonny Mayer reported on the annual audit that he conducted of the accounts and financial practices. He reported that all accounting practices that he reviewed checked out very well and were in accordance with accepted accounting practices. The audit report was accepted without objection.

Dave Zeemont reported that Sandy Camden was slated to count ballots tonight, but she was not in attendance. President Zeemont said that Lee Cunningham volunteered to count ballots in her place.

**Committee Reports:**

Mike DeAntonio-CC&R Committee Chair—had no report.

Al Shawala-Gate Maintenance—Al reported that the gate at Anthem was currently operational. Zeemont reported that he has written instructions on operating the gates that he can send to neighbors upon request.

Carrie Gaddy-Landscape Committee Chair—Carrie reported that Kelly Dickson had finished the rock work on the East side of Anthem. A few small projects are being planned for the upcoming

year. Carrie thanked Al Shawala for all of his assistance. Zeemont thanked Walter and Al for working on the lights at the mailboxes.

Lee Cunningham-DCC Committee Chair—Lee reported that a local pool company, Kolmar Development-owner Daniel Flores, has abandoned several pool installation jobs in the area. Three property owners in Coronado Ridge had contracted with the company and are currently stuck with unfinished pools. The committee has approved two house builds and one garage. Lee explained that with each request presented to the DCC, he begins an email thread with the entire DCC and the board of Directors. His intent is to keep the decision-making process as transparent as possible. A question was raised from the floor regarding the approval of a gym set that had been erected on Constitution. Lee said that the DCC will explore the situation to determine if any violations exist and will submit their report to the board. Lee was asked to elaborate on the approval of construction of the garage that had been approved. Lee reported that the plans for the garage were a revised submission of plans that had been submitted and denied last year. He explained how the DCC had concluded that the building of the garage was within the specifications of the CC&Rs. Questions were raised regarding the interpretation of the CC&Rs. Lee Peters took issue with the interpretations made by the DCC and the CC&R committee. He cited differences between early interpretations of the CC&Rs and more current interpretations. He said that he was held to building his entire house and garage on the original pad site, and that is how he thinks that everyone should interpret the CC&Rs. Bob Crowley pointed out that the most houses in Coronado Ridge have the garages built off of the original pad site and that the CC&Rs allowing for 8,000 square foot houses to be built on 7,000 square foot pads indicate that this is allowable. Lee Cunningham agreed that the houses that were built in the early 2000's were held to different interpretations of the CC&Rs as they were interpreted by the builders and the developer of Coronado Ridge who controlled the Board at that time. Now that the homeowners have control of the HOA, the interpretations of the committees will likely vary because of reasons such as precedents that have been set through previous decisions and each committee's efforts to do what is believed to be in the interest of the homeowners of Coronado Ridge.

Kelly Dickson—Erosion Committee. Kelly reported that not much is going on with erosion at this time. Bob Crowley reported that there is an issue at the top of Constitution. Currently, the issue cannot be fixed to prevent run-off from the slope owned by Picacho Mountain. So, we will continue to clean the road when run-offs occur.

OLD Business—There was no Old Business.

Dave Zeemont asked Dick Johnston to Present the proposed by-laws changes that he had submitted.

4. Two proposed by-laws changes #4 and #5 Submitted by Dick Johnston

4) DIRECTORS MEETINGS

The Directors will hold meetings as follows:

- A. Regular Meetings of the Board of Directors will be monthly at time determined by a vote of the Directors. A monthly meeting may be waived by the Directors, with notice to members.
- B. Emergency meetings of the Board may be called by the President or, through the Secretary, at the request of any Director. Although no advance notice is needed to CRNA members, the Board is urged to inform them by e-mail. The outcome must be communicated to members. An emergency is an occurrence that threatens the well-being of the Coronado Ridge Community and that demands immediate action by the Directors.
- C. All meetings of the Directors are open to CRNA members, with two possible exceptions, at the discretion of the Board of Directors:

- a. Discussions of threatened or actual litigation in which the CRNA may be or is a participant, with or without legal counsel present.
- b. Discussions of sensitive personal information about a CRNA member's financial condition or other factors that have a bearing on the member's relationship with the CRNA.
- D. The Board is required to state in advance the reason for any closed session and to record that in the official minutes of the CRNA. CRNA members will be informed of all closed sessions in an e-mail communication that includes the reason for the closure.
- E. Final action on any matter requiring a vote must be made in open session, with a recorded vote. Consensus votes are permitted, if there is no objection from a Director.
- F. A meeting of the Board is any gathering of a majority or quorum of the Directors, excluding social relationships in which CRNA business is not discussed or acted on. Telephone or e-mail communications by Directors that collectively include a quorum of the Board is a violation of this By-Law if CRNA business is discussed.
- G. Advance notice of the next planned meeting of the Board is to be made by e-mail to all CRNA members in the minutes of the last meeting and again no less than 72 hours before the next meeting. Such notice will include date, time and location of the meeting. Emergency changes can be made by the President up to the stated time of the meeting, by e-mail or by a note taped to the meeting place door.
- G. CRNA Board meetings will set aside ample time for CRNA member communications, including but not limited to requests, petitions, questions and comments.

5. PROPOSED CHANGES FOR CCR'S /BYLAWS CRNA By-laws Paragraph 5 A DIRECTORS MEETINGS  
By-Laws of Coronado Ridge Neighborhood Association, Inc., shall be amended to add this subparagraph as follows:

5 A- 1) BOARD MINUTES

Minutes of the CRNA Board of Directors will include the substance of all matters before the Board, including communications from community members, whether delivered in person or submitted by mail or by e-mail. Names of the contributors will be included in the minutes.

Deletions from the minutes may be made only to exclude potential invasion of privacy or potentially actionable utterances that are deemed to be false and defamatory (libel).

Draft minutes are to be complete within ten working days after the meeting and e-mailed to the CRNA membership, including members of the Board. Questions and proposed changes may be sent to the Board Secretary. Minutes are not official until endorsed by a majority vote of the Board of Directors.

Dick Johnston explained that his proposals were modeled on what other HOA's do. He said that this was not to criticize the current Board of Directors; it was really meant to clean-up ambiguities that exist in current by-laws. Bob Crowley said he was concerned about the implementation of the proposed by-laws. How could it be enforced? What would happen if the by-laws were violated? Dick said that litigation would be the recourse. Crowley said that he agreed with the concepts in the proposal, but he stated that the language used in the writing of the proposals might be problematic and could not be easily changed. He warned that members need to consider how the wording of the proposals can cause more problems than they solve. Bob Crowley asked about the proposal requiring that "draft" minutes be sent out to the Coronado Ridge Association members. The discussion that ensued, pointed to the confusion that arises as a result of the wording of the proposals. Lee Peters stated that he had a lot of experience with the Open Meetings Act, and he endorsed the amendments as written, despite the ambiguity of the writing.

Jan Thune spoke in support of proposed changes to the CC&Rs. Items 6, 7, 8, and 9 on the ballot.

**6. Submitted by Jan and Bob Thune: PROPOSED CHANGES FOR CCR'S /BYLAWS**

ARTICLE IV  
DESIGN CONTROL

The following Paragraph to be added to the end of Paragraph 3 of Article IV Design Control.

PROPOSED AMENDMENT

At the receipt of a request by the Design Control committee, for approval of ANY KIND OR FORM of a construction addition what-so-ever to an existing home or property, they shall be required to notify all current home owners in writing of that request whose existing home value or views may be negatively affected. Approval of that request will additionally require a signed statement of approval from the affected home owner(s) as well. Since the term "view" is NOT defined in writing in the covenants, any and all view blockages shall be deemed as a legitimate reason for any affected existing home owner to deny approval, which shall then become final and binding. Failure of the Design Control committee or the Board of Directors to comply with this procedure will result in an automatic denial of the request. 7. **Submitted by Jan and Bob Thune: PROPOSED CHANGES FOR CCR'S /BYLAWS**

ARTICLE IV  
DESIGN CONTROL

The following Paragraph be added to the end of Paragraph 3 of Article IV Design Control.

PROPOSED AMENDMENT

Any property owner may submit a perceived covenant violation letter to the POA board. Upon receipt of that letter, the POA Board of Directors will be required to answer that letter in writing within 30 days of action(s) taken, or the reason(s) for their inaction(s) on the matter. All denial of action(s) will be distributed with the next month's POA meeting minutes. Failure by the POA board to comply with this item will result in their immediate termination with a call for an automatic election of all new and different POA board members.

8. **Submitted by Jan and Bob Thune: PURPOSED CHANGES FOR CCR'S /BYLAWS**

ARTICLE IV  
DESIGN CONTROL

The following Paragraph be added to the end of Paragraph 3 of Article IV Design Control.

PROPOSED AMENDMENT

While POA Board of Director members have in the past recommended membership approval or disapproval of proposed covenant amendments as from the board as a whole, and not individually, they must henceforth inform all members 10 days prior to the annual meeting, as to how each member of that board voted (recommended or not recommended) relative to that covenant change proposal recommendation, by both individual name and total. No voice only vote shall be allowed. Failure by the board to comply with this item will result in their immediate termination with a call for an automatic election of new and different POA board members.

9. **Submitted by Jan and Bob Thune: PROPOSED CHANGES FOR CCR'S /BYLAWS**

ARTICLE IV  
DESIGN CONTROL

The following Paragraph be added to the end of Paragraph 3 of Article IV Design Control.

PROPOSED AMENDMENT

Private former and so-called "executive session meetings", or the like, where the non-board members are not allowed to attend, shall henceforth not be allowed. Such meetings if they happen will result in an immediate termination of all existing board members with an automatic call for an election of new and different POA board members. Also, a meeting of any two or more board members to discuss POA related matters privately shall be considered a "executive session meeting". Private "executive session meetings" shall continue to be allowed only if the single and only matter to be discussed involves a filed lawsuit where the POA, any of it's members, or their board members is/are specifically named as a Defendant(s).

Minor changes to this wording, not affecting the major intent or purposes of the proposal, in order to meet legal necessities and/or where needed for better clarifications are allowed.

Jan stated that her proposals were not in reaction to any of the current Board or Committee members. She stated that a decision to approve the building of a wall at her neighbor's house several years ago was the impetus behind her proposals. She maintained that the view that was obstructed by the building of her wall violates the CC&Rs. She warned everyone that this could happen again and that she proposed the Amendments to protect all property owners in

Coronado Ridge and to prevent this from happening again. She invited everyone to attend monthly meetings of Coronado Ridge Homeowners Association.

Oscar Andrade reported that he was on the DCC at the time the building was approved, and he noted that they did not approve the construction of a wall. They approved the enclosure of a patio that already existed. Additional discussion ensued regarding whether or not a view of Picacho Mountain is actually protected in the CC&Rs.

Larry Felhauer stated concerns on the wording in the proposals. He noted that there would be no way to determine if any of the proposed rules were violated. He noted how the writing of these proposals creates problems with enforcement. Bob Crowley stated that as written the proposal would allow anyone to hold up projects for no good reason.

Mike DeAntonio, CC&R Chairperson, spoke regarding the interpretation of current documents. He stated that we should make decisions based on what is written in the CC&Rs. The CC&R Committee has been charged with advising the Board regarding the interpretation of the CC&Rs. He pointed out that the committee and the board must go by what is written, not by what they feel is in them. Therefore, amendments must be written to convey very clearly their intent. He stated that the writing of all of the proposed amendments have a lot of ambiguity in them that will make the job of the CC&R and DCC committees very difficult. Lee Peters said that he interprets the CC&Rs to mean that the views to be protected are those that you can see from your house, all directions, based on the design of the neighborhood. Mike DeAntonio agreed that the DCC exists in order to approve exceptions based on their interpretation of the CC&Rs. He pointed out that the CC&R committee and the DCC, not individuals in the community, have the responsibility of interpreting the covenants and advising the Board. He again emphasized that these interpretations have to be made according to the written word, rather than what individuals believe them to convey. Lee Peters stated that if the Board or a committee fails to act, any lot owner in Coronado Ridge who believes that a violation of the CC&Rs has occurred can go to court to enforce the violation. Dave Zeemont noted that this has been threatened in the past. Bobbi Hettinga completely disagreed with the amendments, but she did agree with the need for lot owners to be notified when a variance is being considered.

Mike DeAntonio was asked to discuss items 10 and 11 on the ballot. Item 10 Changes to Article 4 Section 2 of the CC&Rs.

**10. Submitted by CCR'S committee: PROPOSED CHANGES FOR CCR'S /BYLAWS**

ARTICLE IV Section 2  
DESIGN CONTROL

(change) The Board of Directors, on its own, may not approve a variance that the Design Committee has disallowed. However, residents directly affected by a positive or negative vote of the Design Committee, whether on a regulation or a variance, may appeal that decision directly to the Board. The Board will set up an appeals process that includes the participation of all affected residents to said decision. The Board can either hear the appeal itself or designate a special committee to hear the appeal. A resident will be considered "affected" if resident can show they will be at least moderately affected. It is not the intention of this rule to make it difficult for a resident to be declared "affected," and furthermore, "affected" status shall not be unreasonably withheld. However, the Board will be the final arbiter of who is affected. Affected residents must declare their intention to appeal within 30 days of a published decision. Sending notice to all residents via email constitutes "published decision" for this purpose. A written appeal must be presented to the Board no later than 45 days from the date of the initial published decision. Notice of this written appeal must be sent out to all residents immediately upon receipt. The Board must schedule the initial appeal process no later than 30 days following a written appeal from a resident. The Board decision must be unanimous. The decision of the Board regarding the outcome of the appeal will be final and final decision to be emailed to all residents.

**11. Submitted by CCR'S committee: PROPOSED CHANGES FOR CCR'S /BYLAWS**

Article V Section 13

(add to the end) If the situation warrants, the Board of Directors may change the date and/or time of the annual sale provided adequate notice is given to the residents, so they may prepare for the event.

Additional

Attach copies of the current plats for Phases 1, 2 and 3 or a proper real estate description to the CC&R.

Sonny Mayer noted that requiring a unanimous decision of the board does not seem consistent with any other decision-making guidelines for the board, and asked why it was written this way. Mike DeAntonio stated that this proposal had been written without any of his input, because he had been ill at the time of its writing. He agreed that he, too, disagreed with the amendment. Steve Bailey said that he thought that the levying of fines might require a unanimous decision, but he was not sure. Bob Crowley said that the wording of proposal 10 does not provide a provision for the board to ever make a final decision and allows for a dispute to go on indefinitely. This could create havoc for anyone trying to build. The standard for the review of the board is not at all clear. As written, the proposal completely strips the authority and responsibility of the DCC, rendering it useless. He recommended that we vote "NO" on the proposal and try to reword it for future consideration. Ginger stated that the proposal does not convey the intent of the attorney who recommended that the board should be allowed to provide final approval on a DCC decision that approves or disapproves a requested variance. As written, the proposal requires that every decision, regulation or variance, made by the DCC would have to be approved unanimously by the board. This would result in chaos for the board. Ginger acknowledged that we do need a provision for the board to make a final decision regarding variance approvals and disapprovals. Such an amendment would provide equal opportunity for everyone, and would provide better consistency in decision making. Unfortunately, the proposed amendment does not achieve this goal. Ana Leuenberger noted that similar amendments have been presented and voted down in the past. She stated that she believes that the proposal should be accepted, and changed later if necessary. Lee Peters noted that despite the issues with the wording, there is a crying need for appeals at this time, and endorsed the proposal. Crowley said that as this is written, I could get an approval to build a house on my lot that is in complete compliance with the CC&Rs, and someone/anyone could appeal it simply because they don't like it. The proposed amendment has no provision requiring an appeal to be justified by the CC&Rs. Gwen McClure stated that you should not put something in writing if it isn't correct. She recommended that we re-write the proposal correctly and present it for future consideration.

Dave Zeemont noted that attorney Bill Lutz had recommended that future CC&Rs include the Plats for Phase I, II, III, or a proper real estate description as part of the by-laws. The Board of Directors will vote on this and, if approved, it will be done.

Acting as Nominations Chair, Dave Zeemont introduced the candidates running for office. The following candidates presented their desire to run for office, their credentials, and reasons for running.

Bob Crowley-running unopposed for Treasurer;

Steve Bailey-running for Secretary announced that he withdrew his candidacy;

Kathy Mayer-running for Director at Large;

Walter Gomez-running for Secretary;

Mike Buchanan-running for Director at Large.

Dave Zeemont opened nominations from the floor for each of the positions of Treasurer, Secretary, and Director at Large. No nominations were presented. A motion to close nominations was made and seconded from the floor. Nominations were closed without objection. Dave Zeemont

thanked Laurie Blanco, for her service as interim Secretary and Ginger Dickson for her service as Director at Large; he also extended thanks to previous Secretaries Deb McCallen, and Steve Bailey for their service.

Dave Zeemont asked that ballots be cast and handed in to the Secretary. The meeting was adjourned. Next Regular Monthly Board meeting of CRNA is February 11, 2019.

Below is the reported count of the ballots. The election will be certified at the regular board meeting in February.

**Ballot Item**                      **Total Votes**

**#1 Treasurer**

Bob Crowley                      93

**#2 Secretary**

Steve Bailey                      35

Walter Gomez                      63

**#3 Director at Large**

Kathy Mayer                      42

Mike Buchanan                      56

**Items 4-5 required a simple majority to pass. Both items failed.**

**#4 CCR's Amendment**

YES 48      No 50

**#5 CCR's Amendment**

YES 46      No 52

**Items 6-11 each required a vote of 2/3's of the total ballots cast or 66 votes to pass. All items failed.**

**#6 CCR's Amendment \* Some ballots were left unmarked for this item**

YES 16      No 72

**#7 CCR's Amendment**

YES 5      No 93

**#8 CCR's Amendment**

YES 4      No 94

**#9 CCR's Amendment**

YES 6      No 92

**#10 CCR's Amendment**

YES 17      No 81

**#11 CCR's Amendment**

YES 45      No 53