

**BELLASERA HOMEOWNERS ASSOCIATION
BOARD OF DIRECTORS MEETING
Bellasera Community Clubhouse
March 13, 2006
6:30 p.m.**

Members Present: Carol Sotnick, President (participation via conference call)
Michael Simpson, Treasurer
Bruce Martin, Secretary
Paul Broad, Acting Chairperson and Director

Others Present: Patti Smith, Community Manager, AAM
Sheila Nazareth, Recording Secretary, AAM

Call to Order: After connecting via conference call with Carol Sotnick, Paul Broad, Acting Chairperson, called the meeting to order at 6:33 p.m. Due to certain issues needing priority Paul Broad called to adjust the agenda in different sequential order.

New Business: Paul Broad read the names of each member resignation of the Building & Grounds Committee. A homeowner asked for clarification on whether these were resignations and not the dissolution of the Committee. Broad clarified that these were only resignations, and the Committee will continue to stand as such.

Mike Simpson presented a preliminary operating budget for '06-'07. This will be proposed for the new Board at the upcoming Annual meeting. The preliminary budget presentation was for the amount of \$152 monthly dues per home in the new budget. Paul Broad moved to have the proposal be handled by the new Board. Motion passed unanimously.

Mike Simpson presented a letter from Legend Trails on putting together a holiday charity event for the East Valley Child Crisis Center. Paul Broad asked Activities Chairperson, Sheila Lavin, to coordinate with Simpson and come back to the Board. Bruce Martin expressed concern over the Board assigning tasks to Committee members, and asked that the Committee be very clear on what they are looking for with the charity.

Paul Broad moved to appoint Karen Weiss to the Activities Committee. Motion passed unanimously.

Old Business: Paul Broad read through the proposed amendments to the by laws 2.1, 3.1, 3.2, 3.15, and 4.1 [see Appendix A]. Broad moved to accept the proposed amendments. Motion passed unanimously.
(Old Business to continue at later point in the meeting)

Committee Reports: Mike Simpson presented the Reserve fund update and handed a Reserve study cd to the Management Company. Simpson proposed to set the Reserve contribution to \$32 per month. Paul Broad moved to accept the proposal. Motion passed unanimously.

Due to the time difference, Carol Sotnick excused herself from the meeting.

Sheila Lavin asked questions to the Board and Committees on the amount of money the Activity Committee has left in their budget. Carlton Rooks of the Budget & Finance Committee updated Lavin. Paul Broad asked Patti Smith to contact AAM on the allocation of funds. Sheila Lavin asked Keith Christian the status of the March 2006 BCA newsletter. Lavin also asked if as Chairperson she could have full

authorization access to the kitchen keys at any time. Discussion ensued among the Board.

(Committee Reports to continue at later point in the meeting)

Paul Broad called for a 5 minute recess. The Board meeting reconvened at 7:35 p.m.

Management Report: Patti Smith presented three bids to electrostatically paint the tennis court and basketball court poles. Paul Broad asked the restoration be tabled for specific bids for the poles in brown and green paint color. Mike Simpson instructed Patti Smith to ensure that the court poles color be only in green. The fence will not be re-painted. The bids will be resubmitted at the next scheduled Board meeting.

Patti Smith presented a bid from Jon Wayne Construction for the Pontebella Drive bridge and culvert. Bruce Martin moved to accept the JW Construction contract for road repair in the amount of \$4,821.00 to be taken from the reserve fund. Motion passed unanimously.

Patti Smith presented three bids from awning companies for sun ray screen protection for the pool equipment. Paul Broad asked this project be tabled as the Board fully agreed the equipment cover was unnecessary.

Patti Smith presented two bids from Seretis Company for power wash cleaning of the pool area, tennis courts, and basketball courts. One bid was for cleaning one time per week and the other was for bi-weekly. Paul Broad said a contract was unnecessary as he is aware that the landscaper blows the tennis area. A homeowner said that she thought that J & J Cleaning service cleans the pool deck furniture. Patti Smith said she would check with J & J Cleaning service and if they do not, ask if they could provide a bid for washing and cleaning the pool deck area and furniture.

Patti Smith introduced an example of a re-painted street sign for the 26 road signs in the community needing repair. The sign repair was tabled for more discussion at the next Board meeting.

Patti Smith reviewed the leasing contract with the current IKON copier, and read a recommendation made from AAM IT Support Management. Paul Broad moved to approve the Management Company to purchase a multifunction printer with fax, copy and print capabilities, and not to exceed the amount of \$500 from the operating fund. Motion passed unanimously.

Patti Smith reviewed a bid from Sunland Asphalt for road repair. Bruce Martin moved to grant Sunland Asphalt the contract for crack sealing and road repair in the amount of \$11,747.26 from the reserve fund. Motion passed unanimously.

Paul Broad asked Patti Smith if she had obtained a 2nd opinion that there was mold present in both the men's and lady's steam room. Smith replied that she is in the process of obtaining 2 bids from two hygienists and that there has been mold found. Smith is awaiting the type of mold and the extent of the damage.

President's Report Paul Broad moved to approve the 12/12/05 and 1/30/06 minutes as amended. Motion passed unanimously.

Paul Broad addressed several emails from homeowners on unleashed dogs around the community. Discussion ensued among the homeowners. Paul Broad asked

Governance Committee member, Susan Loiselle if there is anything stated on dog leash rules in the CC&Rs. Loiselle stated there is one statement but nothing on fines to be imposed. As per the Board President, a strong note will be written in the next BCA newsletter to better enforce the issue. Further enforcement issues will be tabled for the new Board after the Annual Meeting.

Treasurer's Report Mike Simpson reviewed the overall Reserve budget, and expressed his appreciation to have worked with the Budget & Finance Committee.

Committee Reports: Carlton Rooks of the Budget & Finance Committee asked why Committee Reports could not be read by the Committee members at the Board meetings, and why the reports have not been acknowledged in the past Board minutes. Bruce Martin and Paul Broad responded by stating that the Board packet is an official document and all Committee minutes are included in the packets. Keith Christian of the Communications Committee explained that the minutes of both the Board meetings and Committee meetings are posted online at the BCA website for residents. The Budget & Finance Committee minutes and reports has been included in the Board packets and will be documented as received in future minutes.

Paul Broad read a resolution presented by Keith Christian on behalf of the Communications Committee for the electronic format of the BCA directory [see Appendix B]. Paul Broad moved to accept the following resolution. Motion passed unanimously.

Paul Broad asked Keith Christian to draw the winner of the BCA Management Survey. The winners were Roy and Vivian Kurtz.

Susan Loiselle gave a brief update on the work progress of the Governance Committee.

As there were no Modifications Committee members present, there was no news to report. The last approved minutes were included in the Board packets.

Old Business: Bruce Martin gave an update on the pack rat issue and NAOS areas. Martin discussed the great involvement by the Board and Management company to research this issue. Martin explained the process for an individual resident to petition the city through appropriate channels to trap the rat(s) in the NAOS area. This process would be at the homeowner's expense. Martin noted the correspondence from the city on the pack rats and dog leash law will be part of the minutes documents (see Dog Leash and Pack Rat correspondence).

There being no further business to come before the meeting, the meeting adjourned at 9:10 p.m.

The Meet the Candidates night is scheduled for Thursday, March 30, 2006 at 6:30 p.m.

The Annual Meeting is scheduled for Thursday, April 6, 2006 at 6:30 p.m.

The next board meeting will be determined pending the newly elected Board's decision.

Respectfully submitted,

Sheila Nazareth
Recording Secretary

Resolution to Approve Changes to the Bylaws
(see ADOBE ATTACHMENT for full changes)
March 2, 2006

Whereas, The Ad Hoc Governance Committee has made a number of recommendations to revise the Bylaws of the Bellasera Community to improve governance.

Whereas, Several corrections are still required to the Bylaws.

Be It Resolved, The Board approve the following changes to the Bylaws:

2.1. Membership. The members of the Association shall be homeowners of Bellasera as set forth in the CC&R's. The provisions pertaining to membership in the CC&R's are eliminated.

3.1 Governing Body: Composition All directors shall complete as soon as practicable all training requirements established by the Board.

3.2. Number of Directors. The number of directors in the Association shall be not less than three or more than seven.

3.15 Action without a Formal Meeting Action can be taken by unanimous consent and must be posted within three days for it to be valid.

4.1 Officers: The officers of the Association shall be a President, Vice President, Secretary, and Treasurer. The officers of the Association *must* be members of the Board and *must* be Homeowners. The Board may appoint such other officers, including one or more Assistant Secretaries and one or more Assistant Treasurers, as it shall deem desirable, such officers to have the authority and perform the duties prescribed by the Board. Any two or more offices may be held by the same person, except the offices of President and Secretary.

**RESOLUTION TO AUTHORIZE DISTRIBUTION OF THE BELLASERA COMMUNITY
DIRECTORY BY ELECTRONIC MEDIA**

Date: March 13, 2006

Whereas,

The Charter of the Bellasera Communications Committee is to plan and conduct an effective communications program to improve communication among members, committees, community management, and the Board of Directors.

Whereas,

The Bellasera Communications Committee publishes an annual Community Directory, with a revision issued in the interim.

Be it resolved,

That the Communications Committee be authorized by the Board of Directors to provide the Bellasera Community Directory in electronic format (Adobe Acrobat file) to those residents that request it. Upon such request, the directory will be sent as an encrypted attached file to an e-mail message. A second file in a graphic format (*.JPG) will be sent that depicts a password that will unlock the encrypted directory file. This ensures a very secure transmittal. Both Windows and Mac systems will be supported

Dog Leash and Pack Rat correspondence:

The website for Maricopa animal control
is <http://pets.maricopa.gov/pets>

I just got off the phone with the Maricopa Care & Control Dept (602 506-PETS). I was on hold from 11:25 to 12:01.

If we report the name and address of those dog owners who have dogs off leash, they will send someone to "educate" the dog owner on proper procedure.

What I will propose at the Board meeting is that we do a newsletter article reminding people about leash laws and then advising anyone who sees a dog off leash to send an e mail to "<http://pets.maricopa.gov>".

So this will be an agenda item for 3/13 Board.

Carol

Carol, I am responding to several questions you have regarding the concerns some residents within Bellasera have raised. I appreciate your interest on behalf of the Board of the Bellasera association, and I hope that this provides information that is helpful to you.

1. We would like a written copy of the change in the city's policy on NAOS that allows for the removal of the pack rat nest.

Response: There is not a new policy. From a strict interpretation of the ordinance, nothing should be done to interfere with the natural processes that occur in NAOS areas. "Maintenance" is prohibited, and the city does not support any activity that creates the perception that the desert can be landscaped or manicured. Sec. 6.1100 of the zoning ordinance does contain provisions for extremely limited interaction with NAOS areas that is allowed. These include the ability to remove man-made trash and debris (by hand) that may accumulate in NAOS areas, and the ability maintain defensible space around homes by removing weeds and dead plant material. The reference to defensible space is indicative that there is a balance between the goals of preservation of natural areas and the protection of health, safety and welfare. The following is the section of the ordinance which I reference above:

Sec. 6.1100. Maintenance and violations.

A. Maintenance--Improved areas. The owner of private property on which grading or other work has been performed pursuant to a grading plan approved under the ESL regulations, shall maintain in perpetuity and repair all graded surfaces and erosion control devices, retaining walls, drainage structures or devices, and planting and ground covers according to specifications established by the city.

B. Maintenance--Natural Area Open Space (NAOS).

1. NAOS shall be permanently preserved in its natural condition to be self-sustaining.
2. The removal of small amounts of man-made trash and debris that may accumulate within

NAOS is permitted.

3. Clearing, pruning, raking, and landscaping within NAOS areas is prohibited except as provided in subsections 4, 5, and 6 below.

4. Maintenance of public non-paved trails within NAOS shall be subject to specific approval by city staff.

5. The removal of man-made dumping piles, and specified invasive, non-indigenous plants and weeds within NAOS shall be subject to specific approval by city staff.

6. A defensible space will be permitted to be established and maintained around homes in Wildland/Urban Interface and Intermix areas as defined in Section 3.100. The removal of flash fuels, which include invasive annual grasses, for an area of thirty (30) feet from a habitable structure, to provide for fire safety around dwellings, is permitted, but shall not result in the destruction of native plants* within NAOS.

7. Dead or dying native plants within NAOS shall be left in place to provide wildlife habitat.

8. NAOS easements may be released by the Zoning Administrator only to the extent such releases conform to the standards set forth in Section 6.1060F.

2. Based on the attached documentation there is no health hazard or other danger, so we would like an explanation of the reasoning behind the alleged waiver.

Response: There is not a waiver of city policy, but in effect the equivalent to the provision that allows for removal of non-native grasses if staff approves a plan that does not damage the NAOS. To that end, landscaping crews cannot drive trucks into the NAOS and use a herbicide to spray the grass, but if one worker carries a bag into the NAOS and removes the grasses carefully by hand, both objectives can be achieved (removal of the grasses and protection of the NAOS). The consideration given to the concerned neighbors was not that crews could go into the NAOS and scour for nests and destroy them. It was that traps could be set near the neighbor's property (or preferable ON the neighbor's property) to prevent infestation outside of the natural areas. Rodents are a part of the natural ecosystem, and should be allowed to co-exist with residential development. If rodents are coming onto residential property, the residents can trap them. If there is an abnormal infestation in the NAOS, I think a very careful trapping can occur within the NAOS, provided the Association approves.

3. Is this alleged waiver applicable to all desert communities or only to Bellasera? Is it limited to pack rats or does it include snakes, etc.

Response: All communities within ESLO areas can apply for approval to carefully remove grasses, and if there is a legitimate health concern it would apply to other types of infestation as well. Obviously the best course of action is to leave the NAOS completely natural, but just as an overriding safety concern has allowed residents to create "defensible space" for fire protection, there may be other instances where other threats could cause a compromise in the ideal goal of completely natural open space. These should and will be critically evaluated on a case-by-case basis.

4. What specific criteria will the Council accept from their exterminator to be sure that this is the nest that is causing the Messenger problem?

Response: The city will need strong evidence that the nest in question is the source of the problem. This is not an approval to eliminate rodents from the Bellasera NAOS. If the pest control specialists cannot demonstrate that there is a health concern, and if so that they are doing the minimum amount necessary to respond to the threat, the plan will not be approved.

5. If the Board approves the removal, will the City issue us a certified letter exempting us from any liability?

Response: I'm not sure what liability would exist, but the city cannot exempt property owners from liability. I completely understand your concern about the potential for negative impacts on NAOS. The best solution for any individual resident is to set traps on private property and avoid intrusion into NAOS altogether.

Please contact me if you would like to discuss or if you have additional questions.

Randy Grant
Chief Planning Officer

From: "Stockwell, Brent" <BStockwell@scottsdaleaz.gov>
To: <philiptaylor@cox.net>
Cc: "Manross, Mary" <mmanross@scottsdaleaz.gov>; "Lewis, Natalie N." <nlewis@scottsdaleaz.gov>
Sent: Wednesday, March 01, 2006 5:22 PM
Subject: RE: BELLASERA PACK RAT ISSUE

Mr. Taylor,

Thank you for your email and please accept my apologies for the delay in getting back to you.

City staff contacted Mrs. Messinger on February 13, and have been in contact this week with representatives from the Bellasara Community Association. It is our understanding that, from their perspective, the process is in place to get this issue resolved. We were reviewing correspondence from other residents that had written on this issue and wanted to make sure and get back to you.

In short, City staff members are always very sensitive to the objective of Natural Area Open Space (NAOS), which is to maintain the natural conditions and balance of plants and animals. That being said, staff also recognizes that there are overriding threats such as fire risk and the risk of disease carried by rodents that must be balanced with a desire to keep natural areas pristine.

If the City receives a) homeowners association approval, b) a pest control company confirms that the nest is a pack rat nest, c) submits a plan for trapping the rats and d) commits to protect the NAOS from vehicular disturbance, vegetation clearing, etc., then the plan will be approved. These plans will be approved on a case-by-case basis, where there are demonstrated threats.

I hope that this information is helpful, please let me know if you have other questions or need additional information.

Sincerely,
Brent Stockwell
Asst. to Mayor/Council
City of Scottsdale
(480) 312-7288