

**BELLASERA COMMUNITY ASSOCIATION
BOARD OF DIRECTORS MEETING
Bellasera Community Clubhouse
7350 E. Ponte Bella Drive, Scottsdale Arizona, 85266**

Approved
Date: 6-23-11

May 26, 2011

MINUTES

Members Present

- Susan Loiselle, President; Gregg Dittoe, Vice President; Anne Chernis, Secretary; and Ted Dixon, Treasurer
- Absent: Bruce Martin, Director

Others Present

- Viola Lanam, Community Manager, AAM, Frank Puma, AAM Area Manager and Sharon Foxworth, Assistant
- Several committee members and home owners were present.

Call to Order

- Susan Loiselle, President, called the meeting to order at 2:05 p.m.

Approval of Minutes

- A motion was made to approve the minutes from the March 24, 2011, and April 17, 2011, Board meetings. **Minutes were approved as submitted.**

Budget and Finance

- Ted Dixon reviewed the Reserve Plan.
- Clayton Loiselle explained the Assessment Collection Policy.

Resident Questions

- None

Treasurer's Report

- None

Modification Committee

- None.

Building and Grounds Report

- None

Communications Report

- None

Community Manager

- The report is attached.

Old Business

- None.

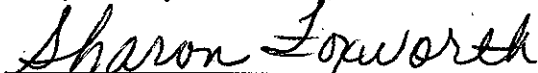
New Business

- Susan moved to approve the amended and restated policy regarding overnight parking in the clubhouse parking lot. **Motion carried.** See attached.
- Susan moved to approve the policy regarding video/audio recording of meetings pertaining to the new Arizona Legislation. **Motion Carried.** See attached.
- Susan moved to approve the changes to the Violation Policy as read. **Motion Carried.** See attached.
- Ted read the Reserve Fund Investment Recommendation, dated April 29, 2011 into the Minutes. See attached.
- Susan discussed the suggested need for Sun Shades for the Fitness Center window. Susan moved to table the discussion until a later date. **Motion Carried.**
- The application to join the Building and Grounds Committee by Larry Seres was reviewed. Susan moved to accept and seat immediately. **Motion Carried.**
- The application to join the Budget and Finance by Don Bowman was reviewed. Susan moved to appoint and seat effective immediately. **Motion Carried.**
- Susan moved to accept the resignation of Anne Chernis, effective June 7, 2011 and to declare a vacancy on the Board, effective June 7, 2011. **Motion Carried.**
- Susan moved to review two applications to fill the vacated Board seat and to appoint a Board Member to fill the vacancy at this, May 26, 2011 Board meeting. **Motion Carried.**
- Dennis Soeffner was elected as the new Board member, effective June 7, 2011.
- Susan moved to discuss at a later date the possibility of increasing the number of Board members. **Motion carried.**
- Susan moved to appoint a Board Secretary at a later date. **Motion Carried**
- Susan moved to amend the Facilities Policy to state a change in liability insurance from \$2M to \$1M based on legal opinion. **Motion Carried.**

Adjournment

- There being no further business, the meeting was adjourned at **3:25 p.m.**

Respectfully submitted,



Sharon Foxworth
Board Secretary

Attachments:

Community Manager's Report

Resolutions: Clubhouse Overnight Parking Lot,

Policy Regarding Recording or Videotaping Open Meetings,

Amended and Restated Violation Enforcement Policy

Community Managers Report
Viola Lanam
Board of Directors – Regular Session
Thursday, May 26, 2011

MANAGEMENT REPORT

Bellasera Homeowners Association

Submitted by: Viola Lanam, Community Manager
5/24/2011

BOD Meeting Date: May 24, 2011

FINANCIAL:

- Reviewed and coded invoices for AP processing
- Reviewed financials
- Prepared MTD & YTD variance reports
- Forwarded AR and attorney reports to Paul Snyder for his delinquency report
- Forwarded delinquent AR to Brown Law Group
- Reserve funds were transferred as outlined in the Budget and Finance Committee's Reserve Fund Investment Recommendations dated 4-29-2011 and accepted by the BOD has been completed as outlined.

VIOLATIONS:

- Inspection of property at intervals.
- The response to the Manager Choice Letters sent to homeowners that require granite replenishment has been positive.

LANDSCAPE ITEMS/ISSUES:

- Maintenance crew worked along entry way, along Portabella up to Corva, the parking lot & Club House area and week 3 service area. They continue to prune trees and plants as needed and remove weeds.
- The rye grass is being mowed weekly at 2" height. The turf is irrigated 4 days per week for 45 minute run times – start time is 12:30 am. Plants are irrigated 2 times per week at 40 minute run times.
- Four Peaks noted an irrigation problem at Scottsdale Road entry south side. The issue is a split filter and pressure regulator in need of replacement. This repair has been completed.

MANAGER ACTION ITEMS:

- The irrigation backflow valve at the Club House has been repaired.
- The repair to the erosion area on the North side of the Club House at pool flush out area has been repaired.
- Met with Building and Grounds committee on Tuesday, May 10th.
- Attended the Board Training conducted by Susan Loiselle on May 13th.
- We obtained occupancy for the activity room from the fire marshal.
- Attended the Board Training conducted by AAM on May 19th.
- Attended the Budget and Finance Committee meeting on May 19th.

- Six pool umbrellas were purchased; one has already broken. Perhaps we should look at purchasing heavier umbrellas.
- Mustang Electric reset the timer for the waterfalls. He also showed Sharon how to change the timer when needed.
- The trip hazards on the sidewalk around the green belt have been ground down.
- The filters in the Osmosis water system have been replaced.
- Susan Loiselle, Dennis Carson, Joe Carlon and I met with representatives from Park Pro regarding the replacement of card readers at the entrances.

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Management Report
May 24, 2011

- Susan and I met with Shasta on April 15th regarding the pool deck repairs required at the beach entry and the repair required at the SE corner of the pool. The proposal has been received in the amount of \$4,819.19; it did not include the repair at the SE corner of the pool as requested.
- Four Peaks has planted Ocotillo as requested at the back gate entrance.
- The request for landscape proposals has been sent to four landscape companies including Four Peaks.
- Accepted the proposal from Four Peaks for the seasonal tree pruning.
- Accepted the proposal for the installation of summer flowers.
- Replied to e-mails and phone calls.

UPCOMING:

- Require BOD approval for trimming trees – proposal received from Four Peaks
- Received a proposal from Four Peaks for the next re-veg area which is for the front entrance and along Pontebella Dr. to Corva.
- Will obtain additional proposals for the pool deck repair.
- Obtaining four proposals for landscape maintenance.
- Drive community specifically for monitoring community walls for painting
- Drive community specifically for monitoring lots for number of trees to meet Community Wide Standards of Landscaping as adopted by the BOD
- Sharon continues to work on the reserve filing system. I am forwarding her the necessary information that will also needed to be included in these files.

**RESOLUTION
BELLASERA COMMUNITY ASSOCIATION, INC.
CLUBHOUSE PARKING LOT
OVERNIGHT PARKING**

**Amending and Restating all prior policies/ rules regarding the subject matter
Effective May 26, 2011**

WHEREAS, Owners in the community and their guests are using the clubhouse parking lot for long-term parking and storage of personal vehicles, boats, and trailers, and.

WHEREAS, this detracts from the overall appearance of the community.

NOW, THEREFORE, IT IS RESOLVED that the Board of Directors directs that Owners and their guests may use the clubhouse parking lot for overnight parking **ONLY** with the **PRIOR** written permission of the Community Manager or the front gate attendant and for a period of no longer than three (3) consecutive days. A \$50 fine will be assessed on the Owner for each day a vehicle belonging to the Owner or the Owner's guest is parked in violation of this rule. In addition, the Association may have the offending vehicle towed, and all costs will be billed to the Owner.

In addition, under no circumstances may a vehicle in the clubhouse parking lot be occupied as a residence. Persons occupying a vehicle as a residence may be prosecuted for trespassing.

RESOLUTION
Bellasera Community Association, Inc.
Policy Regarding Recording or Videotaping Open Meetings
Effective July 20, 2011

WHEREAS, A.R.S. §33-1804 requires planned communities to permit people attending annual meetings, special membership meetings and board of directors meetings open to the membership to record or videotape the meeting, and

WHEREAS, A.R.S. § 33-1804 permits planned communities to adopt reasonable rules governing the taping of open meetings of the board of directors and membership;

NOW THEREFORE, the Board of Directors hereby adopts the following rules regarding recording annual meetings, special membership meetings and board meetings open to the membership as follows:

1. The person intending to record the meeting must provide 24 hours advance notice to the Community Manager or President of the intent to record the meeting in writing, via email or fax.
2. The person recording the meeting must verbally indicate to the Community Manager, President or person running the meeting, at the start of the meeting, that he or she is going to record the meeting.
3. The recording device must be visible to the board of directors at all times during the meeting while the device is recording.
4. All videotaping must be on a tripod and must be located in the back of the meeting room.
5. Videotape tripods cannot obstruct the view of people attending the meeting.
6. The Board of Directors shall have a right to receive a copy of the recording, at Association expense.
7. All recording devices must run on batteries. The Association cannot guarantee that power will be available in the meeting space and power cords cannot create tripping hazards for other attendees.

Bellasera Community Association
Violation Enforcement Policy
Amended and Restated Effective May 26, 2011
Revoking entirely all prior Violation Enforcement Policies

WHEREAS, Article XV of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Bellasera as recorded in the Official Records of Maricopa County Recorder on November 28, 2007, record #2007-1259522 ("Declaration"), in addition to other legal or equitable rights or remedies grants to the Bellasera Community Association, Inc. ("Association") the power to levy reasonable fines against an Owner for a violation of the Governing Documents by the Owner or lessees of the Owner, provided that the Owner is given notice and an opportunity to be heard before the imposition of the fine, and

WHEREAS, Arizona Revised Statute §33-1803 provides rules the Association must follow before enforcing the provisions of the Association's documents, and

WHEREAS, The Board has determined that the existing Violation Enforcement Policy should be amended.

NOW, THEREFORE, IT IS RESOLVED, effective immediately, the prior Violation Enforcement Policy is amended and restated as follows:

Nothing in this Violation Enforcement Policy shall amend or revoke any provision of the Assessment Collection Policy adopted by the Association on December 5, 2000 regarding the collection of Assessments as defined by the Governing Documents.

1. Definitions. Terms used herein shall have the same meaning as defined in the Declaration unless otherwise noted.
2. Violations.
 - a. The following are violations ("Violations") subject to terms and conditions of this Violation Enforcement Policy:
 - (1). Architectural: Any activity or condition prohibited under Section 11.1 of the Declaration and the failure upon receipt of the Initial Notice of Violation: (i) to cease all work on the alleged violation immediately and (ii) cure the alleged violation within 10 days of the receipt of the Initial Notice of Violation (or if such Violation cannot be cured within 10 days, the failure of the Owner to commence correction of the alleged violation within 10 days of receipt of the Initial Notice of Violation and diligently pursue such correction until completed).
 - (2). Use Restrictions: Any activity that occurs on any Lot or Common Area that is prohibited under the Governing Documents or

a Policy or Rule adopted by the Board and not otherwise expressly authorized by the Board.

b. Recurring Violations. A reoccurrence of the same violation within sixty (60) days of the original violation will be considered a new violation and subject the Owner to the imposition of an additional fine.

c. Separate Violations. Each activity or condition identified above shall be a separate Violation.

3. Notice of Violation.

a. Initial Notice of Violation. Upon verification of the existence or occurrence of a prohibited activity or condition described in section 2, the Bellasera Manager will send to the Lot Owner a written notice of the Violation ("Initial Notice"). The Initial Notice will:

- (i) Describe the specific nature, description and location of the Violation;
- (ii) Cite the specific provision of the Governing Documents allegedly violated;
- (iii) Provide the date of the alleged Violation or the date the alleged Violation was observed;
- (iv) Request the Owner (and tenant, if any) to cease the prohibited activity and/or cure the alleged Violation;
- (v) Describe the Association's intended remedy and the manner in which it will be enforced; and
- (vi) Describe the Owner's right to a hearing and appeal.

b. Owner's Initial Response. An Owner who receives an Initial Notice may deliver to the Association, by certified mail within 15 days after the date the Initial Notice was delivered, a written response to the alleged prohibited activity or condition and request a hearing ("Owner's Response"). The response shall be sent to the address contained in the Initial Notice or in the recorded notice prescribed by A.R.S. § 33-1807, subsection J.

c. Second Notice. Within 10 business days after receipt of the Owner's Response, the Association shall deliver to the Owner a written explanation ("Second Notice") that shall provide at least the following information (unless previously provided in the Initial Notice of Violation):

- (i) the specific nature, description and location of the Violation;
- (ii) the specific provision of the Governing Documents that has allegedly been violated;
- (iii) the date of the Violation or the date the Violation was observed;
- (iv) the first and last name of the person or persons who observed the Violation; and
- (v) the process the Owner must follow to contest the notice.

d. Remedy. The Association's remedy may be one or more of the following:

- (i) assess a fine at the rate of \$250 beginning on the 15th day following delivery of the Initial Notice if the alleged Violation has not been corrected by such date, and an additional fine of \$250 for each additional 14 days the Violation remains uncorrected thereafter;
- (ii) correct the offending improvement at the expense of the Lot Owner through a Benefited Assessment being levied against the Lot Owner, which may be recorded as a lien against the Lot; or
- (iii) any other remedy under law or at equity, the Governing Documents or this Violation Enforcement Policy, including but not limited to injunctive relief.

e. Late Payment Charges. A 10% charge will be assessed for a late payment of a fine. A payment is deemed late if it is unpaid fifteen or more days after its due date. Any monies paid by a member for an unpaid fine shall be applied first to the principal amount unpaid and then to the interest accrued.

4. Hearing and Appeal Rights. An Owner may request a hearing before the Board by delivering a written request for a hearing to appeal the fine ("Notice of Appeal") by certified mail to the Board within 15 days after the date of the Initial Notice. The Notice of Appeal shall set forth the reasons the Owner believes the alleged Violation is invalid or the proposed remedy is not warranted. The Board will notify the Owner of the date and time of the hearing. The Assessment and collection of all fines shall be postponed pending the hearing of the appeal before the Board if the Owner files an Owner's Response with 15 days of the Initial Notice.

Should the Lot Owner fail to deliver the Owner's Response by certified mail within 15 days after the date of the Initial Notice that Owner will have waived the right to a hearing and an appeal.

Subject to applicable law, the appeal shall be heard and decided in Executive Session and the Board President shall preside at the hearing and establish rules for the orderly conduct of the hearing. Upon request of the affected Member, the appeal shall be heard and decided in open session. The President shall deliver written notice of the Board's decision to the Owner within seven (7) working days after the hearing.

5. Association's Corrective Action. At any time after providing the information required in paragraph 3.c., the Association may elect to correct an offending improvement Violation, but only if, in its reasonable judgment, it determines the Violation may be readily corrected, removed or abated without undue expense and without breach of the peace, and with qualified contractors. Where management decides to initiate any action by qualified contractors, the following will apply:

- a. Management must give the Lot Owner and any third party directly affected by the proposed action prior written notice of undertaking of the action.
 - b. Cost incurred in correcting or eliminating the Violation will be referred to the Association to be recovered from the Lot Owner as a Benefited Assessment as set forth in Article X of the Declaration.
 - c. The Association, and its agents and contractors will not be liable to the Lot Owner or any third party for any liabilities, damages or costs alleged to arise by virtue of action taken under this Paragraph 5 where the Association and its agents have acted reasonably and in conformity with this Violation Enforcement Policy.
6. Referral to Legal Counsel. In addition, nothing in this Policy will limit the Board of Directors right to seek immediate injunctive relief at anytime, regardless of the presence or absence of notices hereunder, for any violation of the CC&Rs that the Board of Directors determines, in its sole and absolute discretion, constitutes a material danger to persons or property or requires immediate action for any other substantial reason.
7. Notices.
- a. All notices must be in writing.
 - b. Any notice other than certified mail will be deemed delivered upon the earlier to occur of the following:
 - (i) When the notice is delivered by facsimile the notice is deemed delivered when the sender receives a receipt acknowledging delivery.
 - (ii) When the notice is mailed using the United States Postal Service, the notice is deemed delivered on the fourth business day after the notice is deposited into a receptacle of the United States Postal Service with postage prepaid and addressed to the most recent address of the recipient according to the records of the Association.
 - c. Certified mail shall be mailed with a return receipt requested to prove delivery.

End