

# TIERRA SANTA

PROPERTY OWNERS ASSOCIATION

## Board of Directors

### MINUTES

Tuesday, September 13, 2016, Tierra Santa Pool Room, 7:00 pm

Board Members Present: Rusty Dargel, Norma Wilson, Dennis Slavin, Larry Henry,  
Simon Aguilar, and Hannah McCann

Guests: Tim Bruce, Tierra Santa Resident

President Dargel called the Tierra Santa Board of Directors Meeting to order at 7:00 p.m.

#### Welcome

President Dargel welcomed the Board Members to the monthly meeting of the Tierra Santa Board of Directors meeting.

#### Public Comments

President Dargel welcomed a guest to the meeting and asked if there were any comments. There were none.

#### Treasurer's Report

The Treasurer made a report for the month of August 2016. On August 1, the POA had an opening balance of \$78,213.07; incurred expenses of \$9,816.44; made deposits of \$14,252.19; and, closed the month with a Net Operating Balance of \$82,648.82. The Capital Improvement Reserve Account Balance was \$65,124.07. The combined total of the Net Operating and Capital Improvement Reserve Accounts was \$147,772.89. A **motion** was made to approve the August Treasurer's Report as presented. The motion was seconded and carried.

#### Approval of Minutes

President Dargel stated the Tierra Santa Board of Directors' procedural process is governed by Robert's Rules of Order. He reviewed the provisions governing the President's right to vote and what vote must be present for a motion to pass. In small Board's the President, as long as he/she is a member with full rights, is allowed to vote on all motions brought to the table in the same manner as any other board member. The president may also make motions and seconds. For the Tierra Santa POA Board of Directors, a majority vote is required in order for most motions to pass.

The Board of Directors reviewed the minutes of the June 18, 2016 Special Meeting of the Board of Directors. A **motion** was made, seconded, and carried.

After giving the board time to review the minutes of the August 9 Regular Board Meeting, President Dargel noted the August 9 Board meeting included action on a 10% Homeowner Dues increase. The President explained that following the meeting, board members contacted him to notify him that they did not believe that a majority of board members voted favorable for the motion. In fact, only two

positive votes were noted. The President apologized for not having more properly recorded the vote and asked that in the future all votes would be taken by raising hands to eliminate confusion.

A **motion** was made to rescind the motion to increase the dues by 10%. The motion was seconded and carried.

A **motion** was made and seconded to have no increase in Homeowner Dues in 2017. The motion was discussed at length. The rationale for the motion was that by leaving the dues as they are the board will be able to develop baseline budgeting so that it can move forward in such a way as to fiscally manage the needs of the community and also continue to develop the Capital Improvement Fund to meet future significant costs such as replacing roads such as Tierra Santa Boulevard. With the baseline budget established, the board can responsibly seek a Homeowner Dues increase, if necessary, as to what is required in the community's operating budget and to be put away for future major capital improvements. After much further discussion, the question was called and the motion carried.

### Committee Reports

*Architectural Control Committee* – The new home in the Hacienda neighborhood, in Block 5, Lot 8 is in final trim stage, the flatwork is complete, and the courtyard is being constructed. The home is on schedule for an October completion.

The committee approved a fence project for 1310 Tierra Encantada and just received a request for a fence at 1102 Buena Suerte.

Through the committee's work some further clarifications and specifications to the Tierra Santa Rules, Regulations and Fines are needed. These clarifications are necessary in order to continue to maintain Tierra Santa as a safe and enjoyable neighborhood and concern the requirements for property owners who own dogs; proper maintenance of lots and the residential and other structures placed upon them; and, specifications regarding encroaching on easements. The revised Rules, Regulations and Fines can now be found under "Rules, Regulations and Fines" on the website [www.tierrtasantapoa.com](http://www.tierrtasantapoa.com). A **motion** was made, seconded, and carried.

*Building and Grounds* – The board addressed several items needing attention in the Tierra Santa community.

*Alley repair* – the alley repairs, which were tabled until the October meeting, will remain tabled until the October meeting.

*Sprinkler System* – Sprinkler system repairs were done, however, we are still in search of a maintenance contract. After some discussion of the current status of the sprinkler system, it was identified that Station 2 does not appear to be working and should be addressed.

*Powerwashing Bid* – A **motion** was made to take the bid for curb powerwashing throughout the Tierra Santa communities off the table. The motion was seconded. After discussion, the vote was called and failed to carry.

*Common Area Maintenance* – It was noted that weeds and grass are growing up between the asphalt and curbing in the Bella Vista neighborhood. The yard care company had been asked to remove this and the work should have been completed.

*Landscaping items* – A Sago Palm along Tierra Santa Boulevard has died and been removed. A motion to replace the palm was **made**, seconded, and carried. A bid to provide

sprinkler system maintenance was reviewed and discussed. A decision was made to put this action on hold until other competing bids could be received and considered.

### Additional Business

The President informed the Board of Directors that a discussion had been had with our attorneys regarding posting a list of delinquent property owners and amounts owed with the goal of encouraging payment of dues and other fees and fines. A very generalized statement could be posted on the website, newsletter, and/or other sources if desired. After some discussion, it was decided that due to the manner in which the posting needed to be worded, it would cause confusion and therefore not be an effective means of encouraging payment of dues, fines, and other fees.

The President had asked Hannah McCann and Dennis Slavin to develop a flyer regarding the issue of Property Owner dues etc. and the importance of paying them. This has not been done.

The President noted that a Letter of Demand for payment for shared Tierra Santa maintenance and repair expenses to the Declarant. The demand was for \$34,941.93 and represents items back to February 2012.

### Executive Session

President Dargel thanked the guest for their attendance and informed them that at this time they needed to leave the meeting as the Board needed to enter into Executive Session.

A **motion** was made, seconded, and carried to close the Open meeting and open an Executive session of the board. After completion of the Executive Session, a **motion** was made, seconded, and carried to close the Executive Session and re-open the Open Meeting.

Action agreed upon during the Executive Session of the board:

- 1) The Board received an update on the status of our attorney's work on legal actions taken to pursue the removal of the fence placed in common area by a resident on Buena Ventura. The Board President and ACC Chair will continue to monitor and pursue.
- 2) The Board received an update and agreed to continue with legal action taken seeking payment of shared costs for Tierra Santa Community maintenance from Ezequiel Reyna. These shared costs were set forth in the Transfer agreement giving the Tierra Santa POA ownership and operating rights to the Tierra Santa community.
- 3) The Board received an update on legal actions involving Block V, Lot 32 of the Tierra Santa Golf Course Community Phase 1. The President and Treasurer will continue to work with our attorneys on this matter.
- 4) Due to the nuisance created by the trucks that are parking along the East side of Border near the Border Gate, the Board of Directors agreed to place 60 Oleanders on common property along the west side of South Border Dr. to provide shielding from the golf course and Tierra Santa Residents.

### Other Business

No other business was at hand.

### Adjournment

President Dargel announced the next POA Board meeting is Tuesday, October 11, at 7:00 pm  
With no further business to discuss, a **motion** was made, seconded, and carried to adjourn.

Respectfully submitted,

Hannah B. McCann  
Recording Secretary

In accordance with the normal practice, these Minutes are given in good faith and in confidence, without legal liability on behalf of the author or of the Property Owners Association of Tierra Santa, Inc. Board of Directors