

Catalina Foothills Estates No. 9 Association

Meeting of the Board of Directors

MINUTES

www.CAT9.org

DIRECTORS

Nancy Kay Greg Sciabica
Jeff Landers Conni Struse
Jim Ponzio Joyce Su
Karin Sawtelle Adam Watters

OFFICERS

PRESIDENT: Joyce Su
VICE PRESIDENT: Jim Ponzio
TREASURER: Jim Ponzio
SECRETARY: Conni Struse

SPECIAL ASSIGNMENTS

Newsletter: Teri Ellen
Webmaster: Dick Bryant

Meeting Date: **June 10, 2024**

Directors and Officers Present: Nancy Kay, Jeff Landers, Jim Ponzio, Karin Sawtelle, Gregg Sciabica, Conni Struse, Joyce Su

Directors and Officers Absent: Adam Watters

Owners Present: Diane Frank, Jody Ponzio, Anne Segal

1. **Call to Order.** A quorum was established, and the meeting was called to order at 7:05 pm by the President, Joyce Su.

2. **Approval of the Minutes.** Nancy made a motion to approve the minutes of the Board of Directors Meeting on May 13, 2024, seconded by Jeff. Unanimously approved.

> Motion carried.

3. **Owner Comments.** None

4. **Reports and Actions**

a. **Treasurer's Reports.** Jim reported that there is \$31,795.63 in the checking, and \$6,572.28 in savings. \$31,000 was paid for an investment in a CD. There is one outstanding assessment payment for Lot 80. The son of the owner lives in the house and has not responded to mail or phone calls. The financial power of attorney does not respond to emails, and her phone number is disconnected. Jeff did a search on the owner and found alternative addresses, which he will forward to Jim.

b. **Roads and Landscaping.** A big thank you to all the volunteers who cleaned up the landscaping along the roads over two weekends. More cleanup will be done in October.

c. **Architecture.** No new requests for review.

d. **Compliance.** Karin has nothing new to report. Conni reported that there is a violation of the CC&R's at 6801 N. Solaz Cuarto with a trash can left out in front of the garage

(Article 4.g) and a sign asking people to clean up after their dog (Article 4.m). Conni made a motion to send a letter to the homeowner requesting that they store their trash can out of sight, seconded by Jeff. All agreed except one board member, Jeff.

➤ Motion carried.

Conni made a motion to send a letter to the homeowner requesting that they remove their sign asking neighbors to clean up after their dog, seconded by Jim. No: Jeff, Jim, Nancy and Karin; Yes: Joyce, Conni and Greg. Motion not carried.

e. **Resales.** Conni reported that there is one house on the market, Lot 125, 2350 E. Calle Los Altos, and the sales price is \$950,000.

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

5. **Old Business**

a. **Storage Unit.** Conni and Larry Ivy moved all the trash bins to Conni's garage. A notice will be included in the June Newsletter offering trash bins to neighbors. June 29 is a good weekend to try to move the remains of the storage unit into a small unit. Jeff, Jim, Karin and Conni will make the transition.

b. **Website Survey.** Conni will collect the surveys and present the results at the special meeting on July 15, 2024.

c. **Committee to Review Forms.**

(1) **Schedule of Fines** – Jim prepared an analysis of the schedule of fines. The flagpole fine and the sign fine were updated and approved by email in 2021. Short-term rental fines will be eliminated, and late assessment payment fees need to match the CC&Rs. Jim will update the assessment letter accordingly. The Board will hold a special meeting on Tuesday, July 15, 2024, to review the schedule of fines.

d. **Blast Email** – Sent to homeowners along with the website survey
(1) Stinknet
(2) Owner Landscape Maintenance – not included in the blast email, but will go in the newsletter
(3) Mistloetoe Video Link – not included in the blast email. Jeff is still working on it and will send it to Teri to include in the newsletter.
(4) Road Landscape Cleanup

e. **Locking Mailboxes** – Jeff will investigate the price of 128 new mailboxes and the mounting of the mailbox on the pole. Because of the need to replace all the mailboxes for consistency, as required by the CC&Rs, Karin and Jeff will prepare a list of pros and cons for future discussion.

f. **Newsletter**
(1) Trash cans available - done
(2) Driveway Materials - done
(3) Roads Committee done
(4) Election Policy/Candidate Form - done
(5) Treasurer's Corner - done

- (6) Rattlesnake Removal - done
- (7) Potluck – Jeff will host the next potluck.

6. **New Business**

a. Candidate Kickoff – The newsletter will have a notice to advise the homeowners that it is time to think about running for the Board.

b. Facebook Page – Jody Ponzo created a page for the neighborhood to share photos, meetings and social events. It will be monitored for bad behavior by Jody and Joyce. Joyce made a motion to open the Facebook page, seconded by Jim. Unanimously approved.

> Motion carried.

7. **Adjournment** – Meeting adjourned at 9:13 pm

NEXT BOARD MEETING: July 15, 2024

Submitted on behalf of the Board,

Conni Struse

Conni Struse, Secretary

ATTACHMENTS:

May Financial Reports

Resales Report

June – September Calendar

Schedule of Fines

FINANCIAL REPORTS

MAY 2024

CAT9 HOA Budget 2024_0531.xlsx

CATALINA FOOTHILLS ESTATES NO. 9				
<i>Budget Planned Vs Actual with Balance</i>				
2/1/2024 - 1/31/2025			AS OF 05/31/2024	
Income Category	Planned Income (2023)	Actual Income (2024)	Balance	Notes
Annual Dues - 2022 (\$300 x 130)	\$39,000.00	\$38,700.00	\$(300.00)	
Late Fees	\$195.00	\$450.00	\$255.00	
Disclosure (Transfer) Fees*	\$750.00	\$300.00	\$(450.00)	
Bank Interest**	\$0.60	\$0.52	\$(0.08)	
Other_1 (pmt & refund no rec bin +\$6-\$6)	\$0.00		\$0.00	
Other_2 (refund Assessment ov'pmt)	\$0.00		\$0.00	
Other Maint Mail Box (Lot 116)& T Can	\$0.00		\$0.00	
Total Income (without savings interest)	\$39,945.00	\$39,450.00	\$(495.00)	
Total Income	\$39,945.60	\$39,450.52	\$(495.08)	
Expense Category	Planned Expense	Actual Expenses (2024)	Balance	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	\$1,126.00	\$1,206.00	
Professional fees	\$2,500.00	\$0.00	\$2,500.00	
Rent (Storage Unit)	\$1,162.00	\$358.80	\$803.20	
HOA Meeting Room	\$200.00	\$0.00	\$200.00	
Office Supplies	\$100.00	\$26.55	\$73.45	
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	\$10.00	\$90.00	AZ Corp Board HOA
Total Expenses	\$10,212.40	\$2,361.17	\$7,851.23	
Transfer to Road Maintenance Repair (Savings or other as approved)	\$29,732.60	\$31,000.00	\$(1,267.40)	Planned Transfer made 05/15/2024
Total Expenses + Transfers	\$39,945.00	\$33,361.17	\$6,583.83	**

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

** Bank interest not included in budgeted expenses

Budget Plan vs. Actual

**CATALINA FOOTHILLS ESTATES #9
HOMEOWNERS ASSOCIATION
FINANCIAL REPORT FOR:**

P.O. Box #36225, Tucson, AZ 85740
AS OF 05/31/2024

EQUITY POSITION	CHECKING 1139	SAVINGS 1269 (Road Reserve)	INVESTMENT ACCT	TOTAL
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	\$100,951.37	\$ 137,031.82
AS OF 10/31/2023	\$ 28,003.56	\$ 6,571.12	\$102,051.90	\$ 136,626.58
AS OF 11/30/2023	\$ 27,152.27	\$ 6,571.28	\$103,078.59	\$ 136,802.14
AS OF 12/31/2023	\$ 26,912.67	\$ 6,571.45	\$103,997.77	\$ 137,481.89
AS OF 01/31/2024	\$ 31,437.80	\$ 6,571.62	\$103,997.77	\$ 142,007.19
AS OF 02/29/2024	\$ 53,607.10	\$ 6,571.78	\$103,997.77	\$ 164,176.65
AS OF 03/31/2024	\$ 62,920.58	\$ 6,571.95	\$104,019.43	\$ 173,511.96
AS OF 04/30/2024	\$ 61,220.33	\$ 6,572.11	\$104,946.06	\$ 172,738.50
AS OF 05/31/2024	\$ 31,795.63	\$ 6,572.28	\$136,761.43	\$ 175,129.34

INCOME	DESCRIPTION		SOURCE	AMOUNT
INTEREST		5/31/2024	SAVINGS ACCT	\$ 0.17
Assessment	Annual Assesments		checking	\$ 675.00
Assessment	Zelle-Annual Assesments		checking	\$ 690.00
Disclosure Fee	Lot 71, Buyer-Amante, Seller Kane Trust	May-24	Checking	\$ 300.00
			SubTotal	\$ 1,665.17
EXPENDITURES				
Storage Unit Rental	StorQuest	5/3/2024		\$ 89.70
Check 1095	Edward Jones	5/17/2024		\$ 31,000.00
				\$ -
Transfers				
Investment				
Misc				
Maintenance				
Insurance				
			SubTotal	\$ 31,089.70

Monthly Finance Report

A.R.S. 33-1806 Resales

June 2024

ACTIVE LISTINGS 2024

Status	Lot	Address	Owner	List price	Realtor	MLS
LISTED	125	2350 E. Calle Los Altos	Mark & Nicole Pecha	\$950,000	Peter Deluca	22410474

PENDING, CONTINGENT & CLOSED SALES 2023-2024

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 Schifilliti	Deborah A. Meyers	\$1,923,800	Yes	8/3/23	9/5/23	8/7/23
5/9/24	71	2325 E. Calle Los Altos	Adam and Kristen Amante	Edward J. Kane and Gloria V. Kane Trust	\$1,069,000	Yes	4/10/24	5/6/24	4/23/24

Calendar

June – August 2024

JUNE	Board	1-June Board meeting
JUNE	Elections	Agenda Item - Candidate Kickoff - Interest forms and biography due by Aug 1
JUNE	Newsletter	Publish JUNE Newsletter
JUNE	President	Coordinate with legal counsel to file property liens for unpaid assessments
JUNE	Roads & Landscaping	Confirm road sweep June - July
JUNE	Secretary	Upload May approved minutes to Google Drive and website
JULY	Board	No regular board meeting
JULY	Elections	Outreach and follow-up to any candidate questions
AUG	Board	No regular board meeting
AUG	Elections	Collect Candidate Interest forms & Biography - due by August 1
AUG	Elections	To Board - Draft ballot, annual meeting agenda & proposed amendments (if any)
AUG	Roads & Landscaping	Review trash collection contract performance; obtain bids or renew
AUG	Roads & Landscaping	Sign contract for trash collection
AUG	Secretary	Draft Agenda and send board package for September meeting
AUG	Webmaster	Publish reminder for Elections on website; send reminders
SEPT	Board	1-September Board meeting

CATALINA FOOTHILL ESTATES NO. 9 ASSOCIATION

Effective as of February 1, 2021

SCHEDULE OF FINES

This Schedule of Fines is authorized by the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Catalina Foothills Estates No. 9, Sequence 20062500879 recorded December 29, 2006, Pima County Recorder’s Office. Ratified by Board vote on February 1, 2021. TO BE POSTED ON THE CAT9.ORG WEBSITE.

Fines below are cumulative, and will be assessed for each violation separately. Failure to pay the fine within thirty (30) days shall result in a \$15 late fee per month for each violation. Fines commence as of the second notice date and continue to accrue until corrected. Fines may be double for second violations. Owners shall immediately cease and desist the violation(s) for which they have been cited.

ENHANCED ENFORCEMENT

Violations continuing for more than six (6) months shall be assessed an additional enhanced enforcement fine of **\$500.00** per month. The purpose of Enhanced Enforcement is to motivate any Owners that fail to remedy violations of the CCRs, Rules and governing documents within six (6) months from the date of the first assessed fine.

Description	Violation	Authority
Annual Assessment Period is February 1 – January 31		7.d.
A. Failure to Pay Assessments		
1. Failure to pay annual assessment by March 1	\$15 late fee per month starting March 1 until paid	7.g.(1)
2. Failure to pay annual assessment by May 1	Suspension of voting rights + \$50 additional fee per week until paid	6.i.
3. Failure to pay annual assessment by June 1	HOA lien until paid + \$50 fee to remove lien + attorney fees	7.g.(2)
4. Violation of other CCR provisions	Suspension of voting rights + other Board approved fines	6.i.
5. Failure to pay fine within thirty (30) days of invoice	\$15 late fee per month	7.g (1)
B. Failure to submit request for Architectural Review Request		
1. Possible or actual commencement of work without Board approval	Review Request Notice from Board	4.a.(2)

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2. No application received after Review Request Notice from Board	\$250 per incident + 2 nd Review Request Notice	4.a.(2)
3. Continued lack of response and/or no application received after 2 nd Review Request Notice from board	Additional \$100 + \$100 for each additional 30-day period until application received	4.a.(2)
4. Unauthorized or illegal use or alteration of a building structure, Improvement, or property	\$100 per incident + cessation, removal of alteration	4.a.(5)
C. Deviations from approved Architectural Review Request		
1. Possible or actual deviation from Board approved Review Request	Review Request Notice from Board	4.a.(4)
2. No application received after Review Request Notice from Board	\$250 per incident + 2 nd Review Request Notice	4.a.(2)
3. Continued lack of response and/or no application received after 2 nd Review Request Notice from Board	Additional \$100 + \$100 for each additional 30-day period until application received	4.a.(4)
D. Activities below are prohibited by the CCRs subject to a first warning, with the second warning imposing the fine if not corrected. All violations are subject to Enhanced Enforcement and the Association Lien.		
1. Fire, safety or health hazard or other dangerous condition (for personal property, streets, or common areas; speeding)	\$100 per week until corrected	4.a.(5)
2. Failure to maintain exterior of property	\$100 per month until corrected	4.a.(5)
3. Illegal or unauthorized use, damage, or alteration of Association common property	\$100 per incident per month until corrected + cost of repair	5.a. – 5.c.
4. Violation of Flagpole Rules	\$15 per day until corrected	4.m.
5. Violation of CCR Sign rules and Political Sign Rules	\$15 per day until corrected	4.m.
6. Leaving trash cans where visible	\$ 25 per week until corrected	4.g.

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7. Permitting nuisance, clutter or unaesthetic appearance which interferes with the rights of others	\$ 25 per week until corrected	4.c.
8. Unauthorized parking of boats, RVs, trailers, or similar vehicles or equipment	\$ 25 per week until corrected	4.o. & 4.p.
9. Use of property for other than single family residence and/or for commercial short-term rentals of residence/guest house	\$ 100 per day until corrected	4.j.
10. Failure to comply with trash collection provisions* *Note – The Board maintains the master agreement for trash collection in the neighborhood but service set-up and close-out, payments, and all fees for trash collection shall be made directly to trash provide	Termination of trash service and/or late fees paid to trash provider as set forth in HOA trash collection agreement	4.g.

ENFORCEMENT PROCEDURES

Pursuant to A.R.S. 33-1803, the Association has the power to impose reasonable monetary fines after notice and an opportunity to be heard for any violation of the CCRs, bylaws and Rules of the Association. **The imposition and collection of fines does not preclude the Board from taking enforcement action.** Any failure or delay of the Association to take enforcement action with respect to a violation shall in no way constitute a waiver of the Association’s right to impose a fine or enforce compliance presently or in the future (CCR’s Section 7.a). Owners shall be liable for any violations of the CCRs or Rules committed by a family member, resident, guest, invitee, tenant or another occupant of the owner’s Lot.

The Board is not required to follow the above procedures in every situation, and has the absolute discretion to vary from the above procedures at its discretion based on the nature and number of violations. As such, the Board hereby adopts the following enforcement procedures.

I. First Notice - Notice of Violation

All observed or reported violations of the CCRs and association governing documents will be investigated and verified by a member of the Board of Directors. Upon verification of a violation, a Board member will contact the property owner (personally, by phone, through email, or through U.S. Mail) notifying them of the violation.

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II. Second Notice – Notice of Fines Imposed

Should the issue remain unresolved, a second notice will be provided to the offending owner in writing and sent via U.S. mail (with copy via email if available). This letter will notify the owners that they are being assessed a fine for the violation. Owners must comply with the procedures set forth in A.R.S. 33-1803 and reply in writing (certified mail) within 21 days from the date of the second notice in order to request the opportunity to be heard. Fines will be applied retroactively to the date of the violation letter. If the violation is of a continuing nature, the Board may impose a continuing fine (such as a daily or weekly fine) until the violation is cured.

III. Association Lien

The Association shall have a lien on each lot for all fines levied against the Owner of the Lot, and any attorney fees, court costs, title report fees, costs and fees charged by any collection agency in attempting to collect fines due. (CCRs Section 7.g(2))

If the Board determines that violation constitutes a nuisance or intentional violations of the CCRs, State Law or the Rules, the offending Owners shall be responsible for all costs of enforcement, including attorney fees, collection fees, and all fines approved by the Board for the violations, and such amounts shall be secured by the Association Lien. (CCRs Section 8.d)

IV. Enforcement

The Association has the right to enforce the CCRs, bylaws and Rules in any manner provided for by law or in equity. **The owner must notify the Board in writing that the violation has been cured, or fines will continue.** If the fine remains unpaid, it will be collectible pursuant to A. R. S. 33- 1807, and shall be subject to a late fee. Further, fines will continue to accrue late charges until paid and until the Board confirms that corrective action has been completed.

The Board may take legal action to require the owner to comply with the provisions of the Association's governing documents, and/or exercise the Association's rights to self-help.

The Board may amend and add additional categories of violations from time to time as deemed necessary.