

**ARIZONA BILTMORE ESTATES VILLAGE ASSOCIATION
BOARD OF DIRECTORS MEETING
MINUTES
February 20, 2012**

MEMBERS PRESENT ARE CHECKED:

Richard Arroyo	X
David Damron	X
Camille Ercolano	Phone
Marcia Finberg	X
Steve Goldston	X
Stephen Hoffman	X
George King	X
Mark Monserez	X
Judith Shafkind	X
Harvey Shrednick	X
Jay Swart	X

ABEVA STAFF PRESENT: Roberta Peterson, Executive Director, Beryl Ross, Administrative Assistant

CALL TO ORDER: Vice President Mark Monserez called the meeting to order at 5:31 PM.

GUESTS: None

BYLAW CHANGE: A **MOTION** was made by Mark Monserez, seconded by David Damron and passed, 10 for and 1 opposed to delete a portion of Article VII, Section 7.1 that has any reference to Assistant Secretaries or Assistant Treasurers and delete the wording, “thereof and must occupy a Lot or Unit on the covered Property as his or her primary and permanent residence”. This will sent to Scott Carpenter so no portions of the Bylaws that refer to this will remain.

OFFICERS & COMMITTEE MEMBERS:

President, Mark Monserez
Vice President, David Damron
Secretary, Marcia Finberg
Treasurer, Steve Goldston

See attached for committee members.

APPROVAL OF MINUTES: A **MOTION** was made by David Damron, seconded by Steve Goldston and passed to approve the January 16, 2012 Meeting Minutes.

FINANCIAL REPORT: Steve Goldston reported that the balance of the financials does not reflect year-end auditor adjustments; they will show on the February financials. Otherwise everything is in good standings. A **MOTION** was made by Harvey Shrednick, seconded by Marcia Finberg and passed to acknowledge receipt of the January 16, 2012 Financial Report.

COMMITTEE REPORTS

CEVPC – Jay Swart reported the February’s meeting was canceled.

Security – Jay Swart reported he received a letter from the resorts attorney Nick Wood asking permission from ABEVA to put up new signs, and painting on the street to better assist trucks where to be staged. The board had no objections.

BOARD DECISIONS/INFO

Grandfathered Mansion Homes 40&41-Zoning Variance – Roberta Peterson presented a letter from, Michael Peloquin, homeowner of 40 &41 Biltmore Estates Drive requesting a zoning variance on these lots so he can have more Estate Sales / Open Houses city permits. A **MOTION** was made by Jay Swart, seconded by Stephen Hoffman and passed to have Roberta Peterson, Jay Swart and Marcia Finberg write a letter to the city and oppose the zoning variance.

Cloisters – 24th Street – Roberta Peterson reported that the Cloisters had pulled out the Oleanders on 24th St. due to a disease. They will be replaced with either oleanders or bougainvilleas. The board had no objections.

BAP Lunch – Roberta Peterson advised the board that the luncheon will be held February 28th, at Ruths Chris. It was confirmed that Jay Swart, Richard Arroyo and Harvey Shrednick will attend.

Lincolnview Plaza update – Roberta Peterson reported that Starbucks is to open March 2nd and the Squaw Peak Animal Hospital has relocated to the new building and is open.

Mayor Stanton – ABEVA Brief – Roberta Peterson reported that Mayor Stanton has asked for a paragraph in the ABEVA Brief each month. A **MOTION** was made by Marcia Finberg, seconded by Camille Ercolano, NOT to have the Mayor do a monthly paragraph. He can submit when there is something important. The board does not want to open the door to other politicians.

Legislation – Bill Hogan Letter – Roberta Peterson presented a letter that Bill Hogan wrote to the editor of the Arizona Republic, which was published on Saturday February 18th. See attached. Steve Goldston presented an article from an Attorney Lou Stahl lawyer also published in the Arizona Republic; titled Legislative Overkill could impede HOA’s. See Attached.

Items from report not on the agenda – Roberta Peterson reported that she had spoken with Doug Cole, Vice President of Pyramid Advisors for the Resort to follow up on the budget approval process for the resort pertaining to the repaving of Thunderbird Trail. He reported that the budget is in front of the owners. The board also discussed and approved that the new General Manager should be invited to speak for a few minutes at the board meetings.

NEW BUSINESS – Steve Goldston presented a new Board Meeting Schedule (see attached). He would like to discuss this at the next Board Meeting.

ADJOURNMENT – A **MOTION** was made by Judy Shafkind, to adjourn to Executive Session at 6:50 P.M.

NEXT BOARD MEETING – The next meeting of the Board of Directors will be held on Monday, March 19th, at 5:30 P.M. in the ABEVA office.

Respectfully submitted,

Beryl Ross, Administrative Assistant

ABEVA Board Member

**ABEVA BOARD OF DIRECTOR
COMMITTEE ASSIGNMENTS 2012/2012
2012/2013**

ABEVA Required Committees are ACC & Nominating

<p align="center"><u>ARCHITECTURAL</u></p> <p>Jean Grady 602-955-2627 Mark Monserez 602-956-7855 James Roberts (Chair) 602-955-7575 L.A. Shafkind 602-957-6146</p>	<p align="center"><u>NOMINATING</u></p> <p>Board members terms are not up. Camille Ercolano, Steve Goldston, Steve Hoffman, George King, Mark Monserez & Harvey Shrednick</p>
<p align="center"><u>LANDSCAPE</u></p> <p>Camille Ercolano 602-954-0744 Mark Monserez 602-956-7855 L.A. Shafkind 602-957-6146 Marcia Finberg 602-451-3169</p>	<p align="center"><u>EMPLOYEE REVIEW</u></p> <p>Camille Ercolano 602-954-0744 Marcia Finberg 602-451-3169 Steve Goldston 602-957-2686 Stephen Hoffman 602-999-7291 Mark Monserez 602-956-7855 Judith Shafkind 602-321-8234 Jay Swart 602-499-2204</p>
<p align="center"><u>SECURITY</u></p> <p>Camille Ercolano 602-954-0744 Steve Hoffman 602-999-7291 George King 480-202-3661 Jay Swart (Chair) 602-499-2204</p>	<p align="center"><u>LEGAL</u></p> <p>David Damron 602-667-0111 George King 480-202-3661 Mark Monserez 602-956-7855</p>
<p align="center"><u>NEWSLETTER</u></p> <p>Review & Proof Richard Arroyo 909-208-1761 Marcia Finberg 602-451-3169</p>	<p align="center"><u>FINANCE</u></p> <p>Marcia Finberg 602-451-3169 Steve Goldston 602-957-2686 Stephen Hoffman 602-999-7291 Mark Monserez 602-956-7855</p>
<p align="center"><u>HOTEL LIAISON</u></p> <p>Camille Ercolano 602-954-0744 Mark Monserez 602-956-7855 Judith Shafkind 602-321-8234 Harvey Shrednick 602-957-0157</p>	

03/02/12 RP/COMMITTEES

LEGISLATION

My letter to the editor may or may not be published, but writing it makes me feel better.

Bill Hogan
6184 North 28 Place
Phoenix, AZ 85016-2156
602-954-4535
602-370-1139 cell

-----Original Message-----

From: Bill Hogan <wmrhogan@aol.com>
To: opinions <opinions@arizonarepublic.com>
Sent: Sat, Feb 18, 2012 4:24 pm
Subject: HOAs

The Looney Birds who nest on West Washington are at it again. Some Arizona Legislators believe that HOA stands for Horrible Old Aggressors who must be reined in.

HB 2455 (Alston/Gonzales) would make board members of Home Owner Associations *personally liable* for a homeowner's legal fees if the homeowner wins a dispute with the Association. SB 1468 (Klein) contains similar language which makes any board member who votes to allow an HOA to file a suit against a homeowner *personally liable* if the HOA loses. RESULT: If either of these bills should become law there will be a tsunami of board member resignations, and a collapse of all HOAs..

SB 1469 (Klein) invalidates an HOA lien for unpaid assessments until a house is sold. A homeowner could live in an HOA, have his front yard, common areas, streets, and gates maintained and never pay a cent until the house is sold. RESULT: A community in shambles, home values plummeting, and an HOA filing Chapter 7 bankruptcy.

SB 1065 (Klein) takes away the authority of an HOA to require that dogs be kept on a leash if the dog owner has "canine liability insurance of \$50,000." RESULT: If that unleashed dog bites you in the leg, your pet poodle gets an ear chewed off, or your two year old child gets bit in the face, it's OK - the dog owner has liability insurance.

HOA board members are all volunteers who spend countless hours to maintain the efficiency, aesthetics, and property values of their communities. When you seek to purchase a home in an HOA you are provided all the ruling documents, and required to sign an affidavit that you have read them. If you don't like the rules, then don't buy the property.

From: Lynne Lagarde [llagarde@ECLLAW.COM]
Sent: Monday, February 20, 2012 6:55 AM
To: Bill Hogan; jcmacneil1@msn.com; j.grady1@juno.com; bettyp@extremezone.com; pmagrath@zglawgroup.com; lute2241@cox.net; hdalhof@aamaz.com; lwchakrin@earthlink.net; rpeteron@abeva.com
Cc: adriggs@azleg.gov; kbrophymcgee@azleg.gov; emeyer@azleg.gov
Subject: RE: HOAs

Great letter and I hope it is published. I wrote an email to Klein immediately upon receipt of the notice that this bill was pending saying the same thing albeit less eloquently about wholesale board resignations and the destruction of all communities with HOA's. Hopefully some of our otherwise brain-dead state lawmakers (even using that term for those incompetents makes me cringe) will regain consciousness and defeat this ill-conceived measure although they have not

PROPOSED BOARD MEETING SCHEDULE FOR 2012-13

2012

March 19

April 16

June 18

Sept 10 (annual budget approval)

November 19 (discussion of Annual meeting)

2013

January 21

February???? (Annual meeting)

February 18 (election of officers and committee assignments)

April 15

June 17

Sept 9

November 18

PHOENIX REPUBLIC

Legislative overkill could impede HOAs

The Republic has complained about the Legislature's effort to micromanage cities. This misguided propensity also extends to homeowners associations.

Most of the approximately 10,000 HOAs in Arizona are professionally managed. Most are well managed, although exceptions can be found. Home values are enhanced if all homes and the common areas are properly maintained. It is better to live in a well-maintained community than one where properties are allowed to deteriorate, dogs run wild and residents do not respect the rights of others.

Some members of the Arizona Legislature seem determined to cripple HOAs. Apparently convinced by isolated and sometimes inaccurate stories of misconduct or in a misguided belief that homeowners should be able to do whatever they want, some have proposed bills that would make it difficult, if not impossible, for HOAs to function.

Senate Bill 1469 would make it difficult to collect assessments in a timely manner. An HOA would not have an effective lien for unpaid assessments until a house is sold. A homeowner could allow his assessments to accumulate until he sells, and then there might not be enough equity to pay them. In the meantime, HOAs would not have funds to provide services. Property values — and tax revenues — would decline. It is not in the public interest to encourage the non-payment of assessments.

House Bill 2455 would make volunteers serving on boards personally liable for a homeowner's attorney fees if the homeowner prevails in a dispute. HOAs could not indemnify board members unless two-thirds of homeowners consent.

SB 1468 would make any board member who votes to allow an HOA to litigate with a homeowner



My Turn
LOU STAHL

personally liable if the HOA loses.

These bills would create a conflict for board members. Worse, no homeowner will put his or her personal assets at risk to serve on the board.

The willingness of qualified persons to serve is essential to the proper functioning of HOAs. If these bills were to become law, they would make it difficult for an HOA to function.

SB 1065 would limit the ability of HOAs to protect the peaceful enjoyment of the property. It would take away the ability of HOAs to require dogs to be leashed if the owner has "canine liability insurance" of \$50,000.

It would be difficult to enforce the insurance option, but, more importantly, insurance would be no consolation if a child is mauled by a dog and would be irrelevant to homeowners who no longer felt comfortable walking in their communities.

Sound public policy requires all dogs to be leashed in urban areas. The bill favors the supposed right of owners to let their dogs run wild while ignoring the right of homeowners to enjoy their neighborhoods.

HOAs help preserve property values. If there are abuses that are real and widespread, they can be dealt with by carefully crafted legislation. Ill-advised proposals and legislative overkill will cause more problems than they will solve.

The Legislature should deal with state issues and stop trying to micromanage others.

Lou Stahl practiced law in Phoenix for 33 years and previously served as the president of his homeowners association.

