

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

**January 24, 2013 – 2:00 PM**

**MINUTES**

**Members Present**

- Gregg Dittoe, President; Richard Hoffman, Vice President Ed Szkardnik, Treasurer; Joe Pruess, Secretary
- Absent, Craig Johnson, Director.

**Others Present**

- Viola Lanam, Community Manager, Sharon Foxworth, Office Administrator
- Nine Homeowners were present

**Call to Order**

- Gregg Dittoe, President, called the meeting to order at 2:00 p.m. A quorum was present.

**Approval of Minutes**

- Richard Hoffman moved to approve the minutes from the December 20, 2012, regular meeting. **Minutes were unanimously approved as submitted.**

**Treasurer:**

- Joe Pruess deferred the Treasurers Report to Marilyn Lillenfled for discussion. Marilyn reviewed the reserve proposals and plan regarding the Reserve Fund.
- Joe Pruess made a motion to approve the amount of funds available for deposits in Chase Bank are raised to a maximum of \$1.4 million AND Reserve Funds currently on deposit in Mutual of Omaha Bank be transferred to Chase Bank. **Motion Passed.** See attached.

**Building and Grounds Report**

- Bob Huff reviewed the items that are being considered by the committee, including new Christmas lights and more road reflectors.

**Communications**

- Ed Szkaradnik reviewed the information that is available on the new website at [www.homeownerresources.com](http://www.homeownerresources.com). On March 6<sup>th</sup> a meeting will be held regarding the use of the website.
- The Communications Committee will conduct a "Meet the Candidates Night" on Tuesday, April 4<sup>th</sup> at 6:00 pm in the Clubhouse provided there are more than two candidates on the ballot.

### Community Manager

- See the attached report.

### Old Business

- A violation policy revision is being drafted to include new fines for repeated violations.
- Richard Hoffman made a motion to adopt the proposed violation procedures effective April 1, 2013. **Motion Passed.** See attached.
- The 12-Acre Parcel Lawsuit Update will be sent to the community via Eblast.


### New Business

- Gregg Dittoe moved to approve the revised transponder rules to be effective on April 1, 2013. **Motion Passed.** See attached.
- The Dog Park Grand Opening will be held February 9, 2013, at 4:00 pm. An announcement will be sent to the community.
- Jay Cole will be joining the Modification Committee and Bruce Martin will join the Building and Grounds Committee. Dennis Corbett will join the Modification Committee. Gregg Dittoe moved to accept all applications for the committees and become effective immediately. **Motion Passed.**

### Adjournment

- There being no further business, the meeting was adjourned at 3:33 p.m. The next regular Board meeting will be held on February 27, 2013, at 3:00 pm.

Respectfully submitted,



Sharon Foxworth  
Recording Secretary

Attachments:

Community Manager's Report  
Resolutions  
Violation Policy

## **MANAGEMENT REPORT**

### **Bellasera Homeowners Association**

Submitted by: Viola Lanam, Community Manager

01/22/2013

BOD Meeting Date: January 24, 2013

#### **FINANCIAL:**

- Reviewed and coded invoices for AP processing
- Reviewed December financials
- Prepared MTD & YTD variance reports

#### **VIOLATIONS:**

- Inspections of community completed at intervals.

#### **LANDSCAPE ITEMS/ISSUES:**

- Four Peaks removed the debris from lot B-47 as requested.
- 5' Perimeter wall cleanup is to begin again next week and Four Peaks will send progress maps.

#### **MANAGER ACTION ITEMS:**

- ADT replaced the reader on the door between the clubhouse entrance hall and the pool area
- Landscape lighting at rear gate repaired.
- Contacted Robert Chandley of CAU, the Association's insurance broker, to meet with the Board at Thursday's meeting; however, he was not available but will be able to attend the meeting in February.
- Sunland is scheduling the repair of the street-sealing for approximately the first of March. The seal-coating itself can freeze and when it does it "powders". Once the repairs are completed, Tom McDonald will prepare the punch list.
- Attended the Building and Grounds Committee meeting.
- Forwarded signed contract to Association Reserves for the updated reserve study.
- Requested proposal for repairing of sidewalks.

#### **UPCOMING:**

- Reviewing contracts with vendors for the 2013-2014 budget and where necessary obtain proposals for comparison.

**Bellasera Community Association**  
**Motion by the Chair of the Budget and Finance Committee**  
**January 24, 2013**

The Chair of the Budget and Finance Committee moves the Board to adopt the following  
**RESOLUTION:**

WHEREAS the Board of Directors of the Bellasera Community Association ("BCA") approved a resolution dated October 5, 2012 permitting the transfer of one million dollars from BCA's Reserve Fund at Mutual of Omaha Bank ("MOB") to Chase Bank;

WHEREAS one million dollars of cash from BCA's Reserve Fund has been transferred to Chase Bank;

WHEREAS BCA currently maintains additional reserve funds in cash in an account at Mutual of Omaha Bank;

WHEREAS the Federal Deposit Insurance Corporation's limit on insurance of funds deposited in banks was reduced to \$250,000 on January 1, 2013;

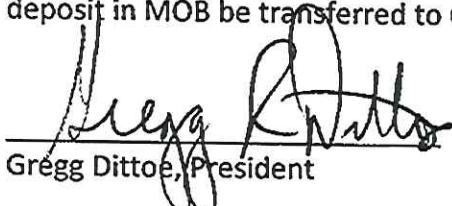
WHEREAS it is the judgment of the Budget and Finance Committee that Reserve Funds should be covered by FDIC insurance to the extent possible using sound investment measures and practices;

WHEREAS Chase Bank as the capability to advise BCA on investment opportunities and execute the investment of Reserve Funds with financial institutions, thus maximizing the amount of Reserve Funds insured by the FDIC;

WHEREAS the Budget and Finance Committee **RECOMMENDS TO THE BOARD OF DIRECTORS** that the limit of Reserve Funds available for deposit in Chase Bank be raised to a maximum of \$1.4 Million (One million, four hundred thousand dollars) **AND** that Reserve Funds currently on deposit in MOB be transferred to Chase Bank.

**NOW THEREFORE BE IT RESOLVED:**

The Board of Directors approves the amount of funds available for deposit in Chase Bank be raised to a maximum of \$1.4 million **AND** that Reserve Funds currently on deposit in MOB be transferred to Chase Bank.

  
Gregg Dittoe, President

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE BELLASERA COMMUNITY ASSOCIATION  
ADOPTING A NEW VIOLATION ENFORCEMENT POLICY  
AND REVOKING ENTIRELY ALL PRIOR VIOLATION ENFORCEMENT POLICIES  
ADOPTED JANUARY 24, 2013**

WHEREAS, Article XV of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Bellasera as recorded in the Official Records of the Maricopa County Recorder on November 28, 2007, record #2007-1259522 ("Declaration"), in addition to all 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 including any Rules adopted by the Board of Directors, by the Owner, their co-occupants, lessees and their Guests/Invitees under the authority of Section 2.1 and 4.3 of the Declaration, provided that the Owner is given notice and an opportunity to be heard before the imposition of the fine; and

WHEREAS, the Board of Directors of the Association has determined that the existing Violation Enforcement Policy dated effective May 26, 2011, should be revoked and replaced by the new Violation Enforcement Policy set forth below; and

WHEREAS, this resolution is adopted by the Board of Directors of the Association pursuant to Arizona Revised Statutes §33-1803 and the procedure for imposing fines for such violation(s) of the Governing Documents including any Rules adopted by the Board of Directors is set forth below and supersedes any other such procedure previously adopted by the Board. This policy is presumptive for all violations. In its discretion, the Board may deviate from the policy depending on the facts and circumstances of an individual violation.

NOW, THEREFORE, BE IT RESOLVED, that the following Violation Enforcement Policy is hereby adopted, effective immediately:

- I. **"Friendly Reminder"** In most cases, and when appropriate as determined by the Association Manager or the Board, the first notification to an Owner of their violation of the Declaration, the Governing Documents and/or a Rule will be by means of a "friendly reminder" letter. The Association Manager will issue the letter.
- II. **"Notice of Violation"** - If within ten (10) days of the date of the **"Friendly Reminder"** compliance is not gained, a written **"Notice of Violation(s)"** together with a request to cease and desist from an alleged violation(s) may be sent to the Owner of the Lot via regular mail and shall specify the relevant facts relating to the violation.

Pursuant to ARS §33-1803, the Notice of Violation shall include a written statement signed by the complaining Member or the Association Manager that contains:

- (A) The Name of the complaining Member or Association Manager;
- (B) The provision or provisions in the Declaration, Governing Document or Rules that has allegedly been violated; and
- (C) The date or dates of the alleged violations;

If the Owner is leasing his/her home, the Association may provide a copy of the Notice of Violation(s) to the Owner's tenant. In the Board's discretion, the Board may begin the process

with the Notice of Violation, bypassing the Friendly Reminder. The Board may deviate from any guidelines herein based on the application of the factors contained in paragraph VI below.

**III. Definition - Continuing Violation(s).** Each day a violation(s) continues after notice to cease has been given by the Board to the Owner constitutes a separate violation(s) and can be subject to a fine.

**IV. "Notice of Hearing"** - In its discretion, the Board may decide to send the Owner a written "**Notice of Hearing**". The notice should contain:

- (a) The nature of the alleged violation(s);
- (b) The time and place of the hearing, which shall be not less than seven (7) days from the date of the notice;
- (c) An invitation to attend the hearing and produce any statement, evidence, and witnesses on his or her behalf; and
- (d) The proposed sanction to be imposed, which includes the imposition of a fine and the payment of any attorney fees incurred by the Association.

*In the alternative, the Board may put the burden on the Owner to request a hearing within a defined deadline. The Board may impose a fine without a hearing in the event the Owner does not timely request a hearing.*

**V. Hearing.**

(a)

The hearing shall be held pursuant to the Notice of Hearing. The complaining Member and the Owner shall be afforded a reasonable opportunity to be heard. In cases in which a complaining homeowner initiated the process, the Board shall evaluate the proof according to protocol adopted by the Board.

- (b) Before any sanction becomes effective, the Association shall submit proof of the notice and the invitation to be heard.
- (c) Such proof shall be deemed adequate if a copy of the notice together with a statement of the date and manner of delivery is entered into the Owner's lot file.
- (d) The notice requirement is satisfied if the Owner appears at the meeting.
- (e) The minutes of the meeting shall contain a written statement of the results of the hearing and the sanctions, if any, to be recommended to the Board.

**VI. Imposition of Fine and any other Sanctions.**

(a) Fines. At the conclusion of the hearing, the Owner may be excused from the hearing and the Board of Directors shall deliberate on the amount of the fine to be imposed, if any, based on:

- The seriousness of the violation(s),
- Whether this is a first violation or a continuing violation(s)
- Whether the type of offense poses a danger to property or any person
- Any other extenuating circumstances and whether the Owner agrees in good faith to correct the violation(s) within the time specified by the Board of Directors.
- Whether the amount is sufficient to obtain compliance, based on the facts
- Impact on property values
- After the Board of Directors determines the amount of the fine, the Board of Directors shall send notice to the Owner of the amount of the fine and its due date.
- The Board of Directors is empowered to impose a fine for each day that the violation(s) continues. **SEE ATTACHMENT A – FINES GUIDELINES.**
- **The attached Fines Guidelines are not binding. The Board of Directors may impose a fine in any reasonable amount, based on the application of the factors above**

(b) **Costs.** Owners to whom certified mail notices are sent shall be assessed the management company's charge to the Association for the mailings. Owners may also be assessed an administrative processing charge in an amount established by the Board.

**VII. Request for Reconsideration to the Board of Directors.**

- (a) The Owner may request reconsideration by the Board of Directors.
- (b) In order to schedule an appearance before the Board, the Owner must submit a written request to the Association Manager within seven (7) days of receipt of notice of the sanctions.
- (c) The meeting shall be scheduled and the Owner notified of the date, time and location via certified and regular mail.
- (d) The meeting will be held in executive session pursuant to the Notice of Hearing and the Owner shall be afforded a reasonable opportunity to be heard.
- (e) At the conclusion of the meeting, the Owner may be excused from the meeting and the Board shall issue a ruling on whether the sanction stands, is modified or is rescinded.
- (f) The Board shall send a written notice to the Owner of its ruling.
- (g) The ruling of the Board will be final.

**VIII. Payment of the Fine and/or Penalties.** The Board shall advise the Owner that any fine, which is not paid within fifteen (15) days of its due date, is delinquent and subject to late fees and interest the same as any other assessment, subject to applicable Arizona law. 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.

**IX. Collection.** Fines and penalties will be collected from the Owners.

**X. Definitions.** 1. Capitalized terms not otherwise specifically defined and used in this Violation Enforcement Policy shall have the same meaning as used in the Declaration. .

**XI. Effective Date.** The effective date of this resolution is April 1, 2013.

DATED this 24th day of January 2013.

BELLASERA HOMEOWNERS ASSOCIATION

By: \_\_\_\_\_, President  
Gregg Dittoe

Attest: \_\_\_\_\_, Secretary  
Ed Szkaradnik

## ATTACHMENT A - FINES GUIDELINES

No fine shall be assessed until the Member who has committed a violation has been given due written notice and an opportunity for a hearing.

Presumptive fines are as follows:

Parking: \$50.00 per day

Weeds/landscape: \$100.00

Trashcans: \$10.00 per day

Failure to submit for approval or to comply with ARC request for corrective action: \$250.00

The Board shall also have the authority to increase the presumptive fines above for additional violations of the same nature.

Monetary fines for other violation(s) of the governing documents and/or rules and regulations of the Association may be as follows:

- First violation \$50
- Second violation (of the same nature) \$100
- Third violation (of the same nature) \$150
- Each violation after the third (of the same nature) \$250

An additional fine that accrues each day may be assessed after the aforementioned fines have been assessed if the violation is a continuing one. (**Example:** A Homeowner installs an improvement without ARC approval. A first violation fine of \$250 assessed. If the violation continues uncorrected, an additional fine in a reasonable amount would be assessed for each day until the violation ceases. The Member ultimately corrects the violation. The Member installs another improvement without ARC approval. A second violation fine of \$250 is assessed. If the violation continues uncorrected, an additional daily fine would be imposed until the violation ceases).

The amounts of the: 1) presumptive fines above, 2) other fines, 3) daily fines, and 4) increasing fines of similar violations are mere guidelines. The Board shall have the specific authority to deviate from these guidelines by applying the factors below:

- The seriousness of the violation(s).
- Whether this is a first violation or a continuing violation(s).
- Whether the type of offense poses a danger to property or any person.
- Whether the Owner agrees in good faith to correct the violation(s) within the time specified by the Board of Directors.
- Whether the amount is sufficient to obtain compliance, based on the facts
- Impact on property values.
- Any extenuating circumstances

The Board may impose non-monetary penalties in lieu of or in addition to the fines above including, but not limited to, the suspension of Member voting rights; the suspension of the use of amenities; or placing violation stickers on wrongfully parked vehicles.

It is the obligation of the Member to advise the Association in writing that the violation has ceased.

**Vehicular Transponder Rules**  
**January 16, 2013**  
**Effective April 1, 2013**

1. All vehicles leased or owned by Bellasera residents (Owners, Owner's family members residing full time with the Owner, and Tenants who have a completed Lease Certification on file with the Manager) may purchase an affixed transponder ("soft transponder") for automatic ingress into Bellasera, unless otherwise provided below. A transponder may be used only in the vehicle for which it was issued, and may not be transferred to any other vehicle.
2. The cost of each new soft transponder is \$25.
3. Residents may submit a written application to the Security Committee to purchase a soft or hard transponder for each vehicle owned by a care provider who visits regularly and frequently to provide medical care for the resident.
4. Residents may submit a written application to the Security Committee to purchase a hard transponder for use with rental cars or company cars. The annual cost of each hard transponder is \$50. Each hard transponder will be programmed to deactivate after one year, and may be renewed for \$50 annually by contacting the Manager.
5. Residents who experience technical non-read problems with the soft transponders or who own a motorcycle will be offered the opportunity to purchase a hard transponder for use with that vehicle. In these instances the cost of each hard transponder is \$25. Each hard transponder will be programmed to deactivate after one year and may be renewed annually.
6. All transponders issued to Tenants will automatically deactivate at the end of the lease term as specified on the Lease Certification on file with the Manager.
7. The Board may deactivate any or all transponders associated with any Bellasera address at any time the board determines, in its sole discretion, the Owner at that address, any Owner's family member residing full time with the Owner at that address, or Tenant residing at that address, or a care giver servicing residents at that address has violated any policy or rule set forth in the CC&Rs or adopted by the Board.