

**Minutes for
Special Session of HLR BOD
on January 28, 2022, at 1 pm
Schieffelin Hall 402 E. Fremont St. Tombstone, AZ 85638
Online and via Telephone**

Call to Order by: Ms. Pangelinan President call in, Ms. Miller VP call in, Ms. Crouch Secretary/Treasurer call in, Mr. Smith Member at Large call in. Directors: Mr. Barfield, Mr. McFarland call in, Mr. Kling

HLR Property Owners in attendance: Joel Levin, Jim and Sue. Browning, Eileen Ahearn

Video call: Becky Hilgart, George and Sam Barton, Wally Olajide, Karen Tribby, Todd Miller, Jeff Knox, Nance Ceccarelli meeting convened at 1 pm

The agenda item to be discussed: To address the following agenda items.

Opening statement:

My first comments to the members that is attending this is board of directors meeting not a members meeting. Members of the association has the right to speak on a particular measurer after the directors have completed their discussions and debate before the board votes. At no other time the members be recognized to speak. The members have the right to call a meeting that where members may to transact association business at the highest authority in the association. At no time member should call out from the floor or interrupt directors your personal restraint is appreciated. Today we are not in committee we are in normal order each speaker is recognized in each item. Please organize your thoughts before speaking accordingly. All comments are directed to the Chair no cross talk or inquires made between the directors and during later discussion it still applies. At the compelling inquiry is made the chair will recognize the member who previously spoke to her by appoint apply by full understanding of moderate hand. Thank you very much we will proceed to the amendment to the agenda for the following two items.

Motion: Ms. Pangelinan motion to amend the agenda to consider obtaining Mr. Jason as the POA council.

Motion: Ms. Pangelinan adding a board caucus after the appointments are made.
2nd by Mr. McFarland No board discussion. **All in favor**

Board Response to Removal Petition 2nd by Ms. Crouch

The Association adopts this response following the caption ‘Response’ below to the member-initiated director removal petition delivered to the Association Secretary on January 19, 2022, the authorizes amount not to exceed \$1,000 as an amendment to the 2022 Association budget to be expended for the purposes required by the petition. The Board delegates the authority to the Secretary to revise this notice in the event any unauthorized mailings have taken place prior to adopting this resolution

Motion: Mr. Barfield committee as a whole 2nd by Mr. Kling

Discussion: To change sentence “No ballots will be included in postal mailing.” The use of paper ballots.

Motion: To keep the sentence as is. 2nd by Mr. McFarland **passed 5 to 2**

Motion: to correct one agenda item to two. 2nd by Mr. McFarland **all in favor**

Motion: Ms. Pangelinan to end the committee 2nd by Ms. Crouch **all in favor**

Motion: Ms. Pangelinan to adopt all changes 2nd by Mr. McFarland **passed 5 to 2**

Amendment to ARR Form and Associated Documents 2nd by Mr. McFarland

Whereas most HLR developed properties are in violation of the declaration in some form or another and in varying degrees of severity, and, whereas these CCR violations have been let to stand on the ranch for varying time periods (years/months), and, whereas Association counsel advised the Association to establish a roster of waivers to be published on the website which could be an excellent FAQ, and, whereas property is being bought by new

members who can easily ascertain simply by driving around HLR POA that the CCR is not being effectively enforced (violations/waivers are everywhere), and whereas given the approved ARR that did not specify a waiver, the undocumented waivers resulting from longstanding nonenforcement, many association members could face risk of an activist future board attempting to begin even enforcement, and, whereas there has been made 481-line spreadsheet of broken-down line by line into enforceable or unenforceable actions compiled in a way so that any future board could easily use the record to cite and fine a member, and, whereas HLR POA has committed to leave members alone to the quiet enjoyment of their properties, and, whereas these attached documents are not in compliance with the association bylaws, and this is also a matter of housekeeping.

Be it resolved, the Board advises all members with known CCR Violations or longstanding variances to resubmit an architectural review carefully noting their variances and requesting a waiver. The Board will immediately implement the amended ARR Procedures ([ENCL 1](#)) (attachments below) use of the amended ARR form ([ENCL 2](#)) and update the Association Rules so that they reflect the date of the newly adopted ARR Form ([ENCL 3](#)) (attachments below).

Any future association action taken against members approved waivers will be recognized as discriminatory in nature.

Motion: To accept the Amendment to ARR for and Associated Documents **passed 5 to 2**

Vacant Director Seats 2nd by Mr. McFarland

Discussion:

Whereas the bylaws of the association establish a board of directors composed of nine members: and Whereas the bylaws of the association require vacant seats on the board of directors to be filled before the close of the next meeting after any vacancy is declared unless it is determined to fill the vacancies by election; and Whereas the board of directors has violated its bylaws by adjourning the meeting of 23 January 2022 without a resolution to fill two existing vacancies; Be it resolved the Board of Directors will caucus to fill the two existing vacancies by appointments drawn from the list of candidates who have submitted their names for consideration in the regular annual election of 2022.

All in favor

Appointments to Fill the Board Seats 2nd by Ms. Crouch

In accordance with the Bylaws provision expanding the Board to nine directors, the Board resolves to appoint Association members to the Board subject to acceptance of those invited. This is driven by the requirement to have the positions filled by the next board meeting.

Be it resolved that the following members are invited to join the Association Board of Directors effective immediately upon their written acceptance, following adoption of this resolution.

1. Beckie Hilgart **All in favor 2-year term**
2. Walley Olajide **All in favor 1 year term**

Motion: open to the committee of the whole **all in favor**

Discussion: The importance having a Treasurer to take the extra burden off the Secretary.

Favor input from a several board members that Ms. Hilgart is very qualified to handle the position of Treasurer and she be a valuable addition to the board.

Motion: to close the committee of the whole **Six in favor 1 obtained.**

Motion: Ms. Pangelinan motion to extend time for 30 minutes. 2nd by Mr. Kling and Mr. Smith

All in favor

Motion:

To adjourn the meeting 2nd by Mr. Smith **All in favor** meeting adjourned at 3:15 pm

See Below Attachments for: ENCL 1, ENCL 3

Minutes by, Barbara Crouch Board Secretary for January 28,2022 – *Barbara Crouch*

ENCL 1

High Lonesome Ranch Estates – Architectural Review Request

HLRPOA (AR)
PO Box 215
Elfrida, AZ 85610

Lot #: _____ Lot Address If Available: _____
Name of point of contact: _____ Date submitted: _____ Contact
Information: (mailing address, phone, email)
Printed Name: _____ Signature: _____ Printed Name:

Signature: _____
Date Received by Board: _____
Date Approved / Disapproved by Resolution of the Board: _____

rev: 01/28/2022

Property Owner Name: _____ Lot #: _____

Attachments:

A) Main Building

This is () Proposed () Under Construction () Completed () An Addition to Existing Structure Approx
square footage: _____ length _____ width _____ max height _____ Exterior material:
_____ color: _____
Roof style: _____ material: _____ color: _____
Attached porch/patio roof style _____ material: _____ color: _____

B) Outbuildings or Other Structures

These are: () Proposed () Under Construction () Completed () An Addition to Existing Structure 1) Type:
_____ length: _____ width: _____ max height: _____ exterior mate-
rial: _____ color: _____
roof style: _____ material: _____ color: _____
2) Type: _____ length: _____ width: _____ max height: _____ exterior
material: _____ color: _____
roof style: _____ material: _____ color: _____
3) Type: _____ length: _____ width: _____ max height: _____ exterior
material: _____ color: _____
roof style: _____ material: _____ color: _____
Property Owner Name: _____ Lot #: _____
These are: () Proposed () Under Construction () Completed
() Water Storage Tanks () Pool () Pond () Solar/Wind Power Generation () Corrals / Animal Pens
() Entry Gate () Cattle Guard () Fencing / Walls

D) Other: (please describe; attach a separate page if required):

ENCL 3

High Lonesome Ranch Estates Property Owners Association

Official email: <mailto:admin@hlrpoa.com>

Official website: www.hlrpoa.com

Association Rules

as amended ~~01/23/2022~~ 01/28/2022

The following rules and procedures were adopted on the dates indicated below in accordance with paragraph 5.3 of our CCR. Association Rules are defined as: “5.3 Association Rules By a majority vote of the Board, the Association may, from time to time and subject to the provisions of this Declaration, adopt, amend and repeal the Association Rules. The Association Rules may, among other things, restrict and govern the use of the Common Areas; provided, however, that the Association Rules shall not discriminate among Owners and occupants and shall not be inconsistent with this Declaration, the Articles, or the Bylaws. The Association Rules shall be intended to enhance the preservation and development of the Properties and the Common Areas. Upon adoption, the Association Rules shall have the same force and effect as if they were set forth in this Declaration. A copy of the Association Rules, as adopted, or amended, shall be available for inspection at the office of the Association.” In the future, some provisions will be incorporated into the Bylaws as they involve the operation of the Association, leaving the Association Rules to focus on their primary purpose, regulation of the common areas.

1. Architectural Review Request (ARR) Form: The ARR form that is on the web site is mandatory for all ARC submissions. The form is available at: hlrpoa.com. (Adopted Sep0609; updated Aug12; updated March 2022, updated January 2022). Owners are advised to specifically identify, by reference, any waivers they are requesting so that the response from the Board will document approval or disapproval of the waiver. In order to avoid selective enforcement, a list of waivers granted will be maintained on the Association’s website. Revised ~~01/23/2022~~ 01/28/2022

2. Permits: Rescinded 01/23/2022

3. Lot Splits: Rescinded 01/23/2022

4. Power: Rescinded 01/23/2022

5. ARR: Approved ARRs are valid once approved by the Board and form a contract between the Association and the owner-member initiating the ARR, freeing the owner to develop the property free of future concerns related to the ARR that has been approved, on the owner’s timeline. Specific waivers requested and/or approved will be documented with reference to the CC&R provision being waived. A list of approved waivers will be maintained on the Association website. Approved 01/23/2022

6. Email correspondence. Revised 01/23/2022

7. Agenda items for Board meetings. Agenda items are welcome for board meetings. Agenda items **from owner-members** should be topics of relevance to the Association as a whole and to the smooth running of the POA. The board will assume the property owner raising the issue will participate in the discussion with proposed solutions. To ensure timely submission of topic, topics will be solicited not later than (fourteen) 14 days prior to the next meeting. Submitted topics must be in writing and include topic, issue, discussion, and recommendation. When possible, agenda items will be posted on the website prior to a board meeting so that discussions can move towards solutions and non-attending POs can email in their input. (Revised by PO vote 3/15/14) Revised 01/23/2022

8. Complaints. In accordance with the Arizona Revised Statutes, Title 33, Article 33-1803, the specific information needed by a POA Board before taking any action on a complaint includes at least four parts: -1- a formal notice to the board stating which portions of the CCR are being violated; -2- the name and lot number of the person violating the CCR; -3- the name and lot number of the person making the complaint; -4- and specific information concerning on what dates and times the violations were observed. The board cannot accept anonymous complaints. ARS Title 33, Article 33-1803 entitles the person accused of the violation to know who has lodged the complaint. The board also expects that members will attempt to resolve complaints on a neighbor-to-neighbor

bor basis before submitting a complaint. Prior attempts to resolve issues will be a prerequisite to the board acting on any written complaint. With this detailed information the board can determine the next best steps for action, including, but not limited to, a hearing to determine one of the following: a recommendation to contact law enforcement, a recommendation to pursue civil or justice court options, and/or referral to arbitration/mediation as per the Revised Bylaws. (Revised by PO vote, 3/15/14)

9. Request for release of property owner information. During our 2007 annual meeting we asked property owners whether their address, email address or phone number could be released to other property owners for ranch business only. We will continue to update this information. If a property owner requests addresses, email addresses or phone numbers of 2 other property owners and states in writing that they will use the information for ranch business only, the board will release only that data which the property owners have indicated was releasable. (Approved at the 28 Dec 07 Board meeting.)

10. Nomination, Election and Balloting Procedures: on the website (approved July 2021) ¶ ¶

11. Video Taping Board Meetings:

Rescinded 01/23/2022

12. Hearing Procedures: Available on HLRPOA website (Revised by PO vote/3/15/14)

13. CCR Enforcement Policy: Rescinded 01/23/2022.

14. Rescinded 01/19/2022

15. Rescinded 01/19/2022

16. Assessment Policy and Procedures: Rescinded 01/23/2022

17. Files Access Protocol Rescinded 01/19/2022

18. Policies and Procedures for Budgeting: Rescinded 01/23/2022