

The Vistas Homeowners Association

MEETING MINUTES

BUD BEASLEY ELEMENTARY SCHOOL

September 28, 2017 – 6:00 P.M.

Board Members Present

Briana Foroszowsky
Jacqueline Miller
Sheryl Shay
Margaret Powell - Absent

Staff Present

Stacie Ciesynski, General Manager
Ashley Wiley, Compliance Officer

I. Call to Order

Briana Foroszowsky called the meeting to order at 6:03 p.m.
Introduction of Board members: Briana Foroszowsky, Sheryl Shay, Jacqueline Miller were present. Margaret Powell was absent. A quorum was established.
The meeting was recorded as required by NRS 116.

II. Membership Forum

Homeowners present were given the opportunity to ask questions and make comments pertaining to items on the agenda. No questions from Vistas homeowners.

III. Charlene Bybee, Sparks City Councilwoman was not present.

IV. Approval of Minutes

A. **Motion:** Sheryl Shay made a motion to approve the July 20, 2017 Minutes; Jacqueline Miller seconded, motion carried unanimously.

V. Financial Report

A. The unaudited financial report for July and August 2017, was received as presented by Jaqueline Miller.
Motion: Briana Foroszowsky made a motion to approve the July and August unaudited Financial report; Sheryl Shay seconded, motion carried unanimously.

VI. Reports

- A. Landscape/Maintenance Report – Briana Foroszowsky presented the landscape report for the week of September 17th through the 23rd from One Call Landscape US. The report is as follows:
- Irrigation was turned off toward the end of the week due to warnings of freezing temperatures.
 - Tree well detailing completed.
 - Carpet roses at the round-about were inspected and all irrigation is working properly.
 - Inspection of drip line on the north side of Los Altos by Santa Barbara. Repairs were made to several breaks due to animal bites.
 - Irrigation cycles have been adjusted for cooler weather.
 - Dry spots on the parkway have been checked and the irrigation is working fine. Some of the patches appear to be annual blue grass that is turning purple and looks dead but is not. They are working on identifying the patches and how to eradicate.
 - Continued cleanup of leaves and trash in the drainage ditches.
 - The ash tree, that replaced the dead pear tree, is doing well. The other pear tree will be replaced with an ash tree if it does not show improvement in the next week.
 - Repairs to exposed drip on Southview were made and are holding.

Briana explained on the north side of Los Altos across from Canyon Parkway there is water in the drainage ditch. TMWA was out to investigate and determined there is a spring in that area.

VII. Correspondence

A homeowner sent an email to the Board about the speeding problem on Vista Terrace. Stacie read a portion of the email. The homeowner asked if the words "Slow" can be painted, going up and down the hill, on the street in front of their house on Vista Terrace. The homeowner complained about excessive speeding and vehicles not stopping at the stop sign on Spandrell, almost hitting folks coming around the corner. He explained that the problem is getting worse and his kids are afraid to ride their bikes on the sidewalk. Speed bumps have been requested from the City and they have been told there are adequate road signs and markings that warn of speed restrictions. The homeowner complained the speed signs are buried in the trees and are not clearly visible, and that is why he is asking on behalf of all the neighbors for "Slow" to be painted on the street. Briana explained that while she respects the homeowner concerns, speeding is a problem all over the community. The Board has tried to work with The City on this problem to no avail. Recently the Board adopted an Awareness Week for the community and worked with Bud Beasley to educate kids on safety. The Association purchased banners that were put on Los Altos to remind homeowners to drive responsibly. Hopefully, a committee to support Awareness Week will be put together for next year's event. Stacie explained that she contacted Amber, an Engineer with The City of Sparks, about painting "Slow" on the street. Amber was not able to validate the information the homeowner was given. Amber's name and number was given to the homeowner so he can contact her. A question was asked about who is responsible for trimming trees that are covering signs. It was thought that the homeowner would be responsible, but areas of concern need to be sent to The City of Sparks for follow up. The Association landscape crew makes sure signs are visible on Los Altos and trims back any vegetation that might block them. The school sign at Southview and Crestside is not visible, an evergreen tree branch is blocking a sign right after the information board on Los Altos, and a speed sign on Vista Terrace is partially blocked. Ashley Wiley will take pictures of these areas when she does her drive through next week.

VIII. Compliance Report

No compliance report was presented due to staff turnover. Ashley Wiley will be the new Compliance Officer for the Association.

IX. Old Business

- A. Stacie Ciesynski reported on the status of Case No. CV15-00167. The case is in the process of being dismissed with no liability to the Association. The property is currently up for sale.
- B. Stacie reported on the status of Case No CV14-00952. A motion for Summary Judgement with the District Court was granted dismissing the Counterclaim against the Association. Plaintiff appealed the District Court's decision to the Nevada Supreme Court.
- C. Stacie Ciesynski reported on the Nevada Real Estate Division Claim 16-432, Alternative Dispute Resolution. Stacie explained that this ADR is related to Case No. CV15-00167 which is in the process of being dismissed. Once the case is dismissed the ADR should be dismissed as well.
- D. Briana Foroszowsky explained that changes in the last Legislative Session required the Association to update its Collection Policy. This requires a Military Verification Form be sent to homeowners as part of Senate Bill 33, Service Members Civil Relief Act. This Act is currently in effect and protects active duty service members and their dependents from lender and Association foreclosures during active duty or deployment or for one year following active duty or deployment. The Vistas is required by law to provide the form to homeowners to gather information about homeowner's military status. The Collection Policy and schedule of fees was reviewed.
Motion: Sheryl Shay made a motion to adopt the revised Collection Policy; Jacqueline Miller seconded, motion carried unanimously.

X. New Business

- A. Briana Foroszowsky explained executive session meetings were held July 27, 2017, August 24, 2017 and September 28, 2017. Each meeting discussed delinquency and violations. There were no personnel issues or legal matters discussed.
- B. Stacie explained that officers are chosen shortly after the July 20, 2017 annual meeting. The CC&R's allow for a Unanimous Consent in Lieu of a meeting be completed for 2017/2018 officers and ratified at the next meeting. Your Board President is Briana Foroszowsky, Secretary, Margaret Powell and Treasurer, Jacqueline Miller.
Motion: Briana Foroszowsky made a motion to ratify the Unanimous Consent in Lieu of 2017 Annual Meeting for the 2017/2018 Board officers for the Association; Sheryl Shay seconded, motion carried unanimously.
- C. Susan Hallahan has tendered her resignation on the Board.

- Motion:** Briana Foroszowsky made a motion to accept Susan Hallahan’s resignation from the Board; Sheryl Shay seconded, motion carried unanimously.
- D.** Lisa Ruzycski has volunteered to serve on the Board until the next election occurs July 2018.
Motion: Briana Foroszowsky made a motion to appoint Lisa Ruzycski to the Board of Directors; Jacqueline Miller seconded, motion carried unanimously.
- E.** Briana explained that Ron Wright, the Association insurance agent, met with the Board and reviewed the HOA’s insurance. In an email from an industry professional, it explained that “normally, Community Managers and Directors are taught that Exclusions take coverage away and Endorsements bring coverage in. Making that assumption in today’s litigious environment would be a big mistake.” She goes on to explain that she has “seen policies now where Endorsements are taking coverage away.” Ron Wright provided a letter explaining there would “be a number of coverage enhancements on the new MunichRe policy BUT there will also be one change that could be important to your association. The new CAU/MunichRE D&O insurance policy will exclude coverage for foreclosure claims. If this is a concern to you we recommend you renew with the new CAU/MunichRe policy and then purchase the 3 year Extended Reporting Period policy from CAU/QBE. This gives you the best protection currently available for your HOA”. Briana explained this required a change to the 2018 budget. The 3 year policy will cost \$9,361 and it does include coverage for wrongful foreclosure claims. Stacie added that this policy protects the HOA for events that occurred while the old policy was in force but reported to the carrier for up to 3 years after the policy terminates. Briana went on to explain that several questions were posed to Gayle Kern’s office and in a response email it said “We have not seen any judgments against HOAs for the foreclosures. It may be possible in the future and this area changes on a daily basis. Therefore, there is always the possibility of a lawsuit and/or judgment.” After review of all the professional advice there seems to be good reason to have this type of insurance.
Motion: Jacqueline Miller made a motion to accept the liability and D&O renewal effective October 5, 2017; Briana Foroszowsky seconded, motion carried unanimously.
Motion: Briana Foroszowsky made a motion to approve the Extended Reporting Period (ERP) policy; Sheryl Shay seconded, motion carried unanimously.
- F.** Employment Practices Liability Insurance renewal rate is \$1,045 which covers issues pertaining to wrongful acts arising from the employment process.
Motion: Briana Foroszowsky made a motion to approve the USLI Employment Practices Liability Insurance renewal at the \$1,045; Sheryl Shay seconded, motion carried unanimously.
- G.** The annual premium for the CAU Community Association Volunteer Accidental Insurance Program is \$300. This could be used to cover Board members as volunteers and if the Association had volunteers as part of a HOA committee. The volunteers must be documented on a form.
Motion: Jacqueline Miller made a motion to approve the CAU Community Association Volunteer Accidental Insurance program; Sheryl Shay seconded, motion carried unanimously.
- H.** Briana read the Nevada Revised Statue 116.31152 which requires the Board to review the Reserve Study annually to determine if reserves are sufficient. The Association scheduled a Reserve Study Update to be completed by Resource 1 until it was brought to our attention that early in 2018 the Association is required to have a full Reserve Study conducted, which is required to be conducted every 5 years by law.
Motion: Briana Foroszowsky made a motion that the 2017 Reserve Study results are sufficient and to allocate the cost of \$1,895 to have a full Reserve Study conducted for 2018; Jacqueline Miller seconded, motion carried unanimously.
- I.** Briana reviewed the 2018 proposed Reserve Budget.
Motion: Sheryl Shay made a motion to approve the 2018 proposed Reserve Budget; Jacqueline Miller seconded, motion carried unanimously.
- J.** Briana went over the breakdown of costs for the Liability Insurance portion of the 2018 budget, which was the area in the budget with the largest change. Briana asked if the homeowners had any questions. A homeowner asked about the increase in income for late fees from 2017 to 2018. The change from semi-annual to quarterly assessments has seen an increase in late payments. Another homeowner asked about employee raises. Briana said the Board valued their employees and an allotment for increases were included in the 2018 budget.
Motion: Briana Foroszowsky made a motion to approve the 2018 proposed Operating Budget; Sheryl Shay seconded, motion carried unanimously.
- K.** The office is in need of a software upgrade to be able to operate efficiently and consistently and keep up with the times. Stacie explained that current software is just for accounting purposes, it does not include compliance and homeowners do not have access to their account. Research on cloud based systems revealed the cost was on a per unit basis, which is expensive. The user based pricing proposed to the Association last year is not currently available. Briana explained that due to the high cost of the software it could not be included in the 2018 budget. Additional research on the HOA software and costs is needed.
Motion: Jacqueline Miller made a motion to disapprove the Yardi software program and reevaluate a different program in the future; Sheryl Shay seconded, motion carried unanimously.

XI. Membership Forum

Homeowners present were given the opportunity to ask questions and make comments.

- A homeowner asked if anything has happened since the Sparks Planning Commission Meeting regarding the proposed Apartment complex in The Vistas and if there is anything the Homeowners Association can do to inform the members of the proposed development. Meetings before the City Council are scheduled for the second (Nov. 13, 2017) and fourth Monday's (Nov. 27, 2017) in November. Stacie explained she received an email from LandStar Development and they indicated they would be setting up a meeting in November for homeowners to give their input on making the development better. This company was hired by the purchaser of the property. Briana explained that the Board's job is to interpret and maintain the governing documents and the Association has to take a neutral stance on the development to protect from potential legal action. Several questions were asked and the homeowners were referred to call the City of Sparks Planner for answers. The Association boundaries were identified for those present.
- Ron Breaux made a presentation to the Board regarding the advantage of installing irrigation controllers with blue tooth technology. Ron proposed the Association could save water by having the ability to adjust controllers remotely for rain delays and to change irrigation times. Ron will continue to research these types of controllers by contacting TMWA and Western Supply. Briana thanked Ron for looking into this. She also mentioned that forming a landscape committee is being considered and this type of topic would be something that committee could review.

Briana thanked all those in attendance for coming to the meeting.

NEXT MEETING SCHEDULES – November 9, 2017 Budget Ratification meeting is scheduled at 10 am at the Association office. A Board of Directors meeting to follow.

XII. Adjournment

Motion: Being no further business Briana Foroszowsky adjourned the meeting at 7:23 pm.

Respectfully submitted,

Stacie Ciesynski, General Manager

Margaret Powell, Secretary