

RUBY STAR AIRPARK PROPERTY OWNERS ASSOCIATION

Minutes of a meeting of the Board of Directors February 15th, 2014

A meeting of the Board of RSAPOA was held on February 15th at the home of Wendy Magras

The meeting was called to order at approximately 2:21 p.m. Mountain Standard Time.

1) Roll call

Directors Present: Wendy Magras (president), James Lyne (to be named vice president via phone), and Randy Wells (director at large). Ben Duncan (secretary) was only able to attend via phone for a short time because of Military duty.

Members Present: Madonna Taylor (treasurer) and Don DeBelle. Joining the meeting later was Ben Duncan and Mike Magras.

2) Appointment of 2 new directors to replace slots open from resignations by Holly Smith and Rifka Boswell.

- Interested/Willing parties are James Lyne, Don DeBelle and Ted Stanley.
- Appointments are for the duration of the existing/open positions; One ends at the end of this year and the other ends 12/31/2015. James was willing to fill the 2 year term and Ted was willing to fill the 1 year term.

Don would accommodate which ever works best for the board. The floor was opened to the potential new board members to discuss their interests/qualifications. Don pointed out that he is very interested in pursuing a commercial operation to setup an office at Ruby Star creating another reason for pilots to visit the airpark.

James discussed background bachelor in transportation engineering, bachelor degree in law, doctor in law, member of the bar in California, aviation lawyer 19yrs, ATP, flight instructor, A&P, teaches in Tucson Arizona. Air force 13 years, Flight Engineer on C141. Interest is living at the airpark, it's not per se an investment. Looking at the airpark needing some positive changes including roadways, gates and hangers to generate revenue.

Ted Stanley owns an aviation shop at Martha's Vineyard and has a house in Tubac. He met with Wendy, he is interested in seeing forward movement on the airpark as well. He is interested in community, has had some experience with politics and compromise.

Wendy and Randy went into closed meeting to discuss whom to appoint.

Randy made Motion to appoint James Lyne to the longer term position ending in 2015 and Ted Stanley to the other position to both to be effective on 2/20/2014. Discussion: Don DeBelle will be called upon to help with the common area and the common area committee.

With his ideas and the fact that he lives at the airpark it was felt he would be a valuable asset that can be focused on that project.

- Motion is seconded by Wendy.
- Wendy and Randy both voted aye.
- Motion Carried.

Old Business:

Realtor. Based on motions made at the last meeting Barry DiSimone will continue to be the Realtor representing Ruby Star POA.

Motions by Email:

Madonna volunteered to be treasurer. CC&Rs only require President and Vice President offices to be held by directors, allowing the office of treasurer to be filled by a member who is not a director. Motion to appoint Madonna as Treasurer was approved via email.

New Business:

January Minutes:

Wendy made a motion to approve the January Minutes

- Motion is seconded by Randy.
- Wendy and Randy both voted aye.

Motion Carried

Treasurers Report:

Previous balance when Madonna took over on February 12th was \$38,456.69. Deposits were \$5,926.75 and paid insurance, interest on fence and TRICO electric \$5,411.04 current 39,193.61 savings balance is 222.21.

Bills to be paid: \$1200.00 from attorney,
Wendy made a motion to pay the attorney.

- Motion is seconded by Randy.
- Wendy and Randy both voted aye.

Motion Carried

Bills to be paid: \$155.38 to be reimbursed to Wendy Magras for purchasing a copy of QuickBooks for Ruby Star POA

Wendy made a motion to be reimbursed.

- Motion is seconded by Randy.
- Wendy and Randy both voted aye.

Motion Carried

Bills to be paid: \$29.17 to be reimbursed to Mike Magras for replacing a push broom that was ruined while being used to facilitate the sealing of the runway.

Wendy made a motion to reimburse Mike Magras \$29.17.

- Motion is seconded by Randy.
- Wendy and Randy both voted aye.

Motion Carried

Treasurer's Report: Motion by Wendy Magras to "Approve the Treasurer's Report."

- Motion is seconded by Randy.
- No further discussion.
- Wendy and Randy both voted aye.

Motion Carried

Note: Mike Magras reported on the status of survey work and wash engineering design.

Note: Ben Duncan has joined the meeting via phone.

Wash Crossings:

Motion by Wendy Magras to "Move forward with the detailed design for the 10 year flow on both washes".

- Motion is seconded by Ben Duncan.
- No further discussion.
- Wendy, Randy and Ben all voted aye.

Motion Carried

Survey Questions - Reconfiguration: Motion by Wendy Magras to "The board is in agreement with the data shown regarding the reconfiguration of the common area and affected parcels and that we would like to proceed with the creation of the finalized data packet. "

- No further discussion.
- Motion is seconded by Ben Duncan.
- Wendy, Randy and Ben all voted aye.

Motion Carried

Survey Questions - Front Gate Easements: Bill from Alan Speth for field survey work and writing easements, \$420 less \$95 credit = \$325 due:

Motion by Ben Duncan to "That we pay Alan Speth's bill for \$420.00 front gate easement descriptions and proceed with them."

- Motion is seconded by Wendy Magras.
- No further discussion.
- Wendy, Randy and Ben all voted aye.

Motion Carried

Survey Questions - Update survey maps with new gate area easement and with new easements for the two landlocked lots to the east and west: Motion by Wendy Magras to "That we have Alan Speth produce survey maps for the cost of \$190.00"

- Motion is seconded by Randy Wells.
- No further discussion.
- Wendy, Randy and Ben all voted aye.

Motion Carried

Enforcement Policy - Motion by Wendy Magras to "That we adopt the enforcement policy that has been distributed to board members"

- No further discussion.
- Motion is seconded by Randy Wells.
- Wendy, Randy and Ben all voted aye.

Motion Carried

Enforcement policy is attached to these minutes.

Note: Ben Duncan had to leave the meeting.

New Officers- Motion by Wendy Magras "Officers are Wendy Magras President, James Lyne Vice President, Ben Duncan Secretary, Ted Stanley and Randy Wells Members at Large."

- Motion is seconded by Randy Wells.
- No further discussion.
- Wendy, Randy voted aye.

Motion Carried

Items for the next meeting are:

The "To Do List".

Property Management

Consolidated list of policies and procedures.

Review Proposed CC&R Changes.

Next Scheduled meeting is Wednesday 3/19/2014 @ 6:00pm.

Adjourn. Time 4:15pm

Motion is made by Randy Wells to adjourn

- Motion is seconded by Wendy Magras.
- No further discussion.
- Wendy, Randy voted aye.

Motion carried

Wendy Magras, President

520-749-0696 wendymagras@gmail.com

Ben Duncan, Secretary

520-260-2668 Ben.Duncan@edwardjones.com

Randy Wells, Member at large

502-579-0418 randy.wells1@flica.net

RUBY STAR AIRPARK PROPERTY OWNERS' ASSOCIATION
an Arizona non-profit corporation

A RESOLUTION OF THE BOARD OF DIRECTORS
Re: ENFORCEMENT POLICY

At a meeting of the Board of Directors of Ruby Star Airpark Property Owners' Association (the "Association"), an Arizona non-profit corporation, duly called and held on the ____ day of _____, 2012, a quorum being present and voting, the following policy was adopted and shall become effective on _____:

1. Informal Notification. When a violation of the Declaration of Establishment of Covenants, Conditions Reservations and Restrictions for Ruby Star Airpark (the "CC&Rs")¹ or an Association Rule is noted by or reported to the Association's Board of Directors, an authorized Association representative will contact the Lot Owner in writing (via email, hand delivery or U.S. Postal Service). The Lot Owner will be informed of the violation and asked to rectify it within the following two weeks.

2. First Notice of Violation. If the Lot Owner has failed to correct the violation within two weeks from the date of the informal notification, a first notice of violation will be sent to the Lot Owner of record (via first class mail) with a timetable for corrective action, which will be at least 10 business days from the date of the notice.

3. Contents of First Notice. The first notice of violation from the Board of Directors or its authorized agent shall provide at least the following information:

- A. The rule or restriction that allegedly has been violated.
- B. Action(s) required to cure the violation.
- C. The date of the violation or the date the violation was observed.
- D. The first and last name of the person(s) who observed the violation.
- E. A copy of this Policy to assure the Lot Owner is aware of the process he or she must follow to contest the notice.

¹ Words that are defined terms in this Policy or in the CC&Rs are noted by the first letter of the words being capitalized.

4. Contesting the Notice of Violation. If the Lot Owner wishes to contest the first notice of violation, he or she shall provide the Board a written response by certified mail within 10 business days after the date of the Association's first notice of violation, which shall include a request for any additional information he or she requires. This response shall be sent to the Association at the address shown on the notice of violation.

5. Response by Association to Owner. Within 10 business days after receipt of the Lot Owner's response, the Board or its authorized agent shall respond to the Lot Owner with a written explanation regarding the notice of violation, and shall provide any additional information the Lot Owner reasonably requires.

6. Second Notice of Violation. After the procedure in Paragraphs 4-5 is completed, or after the initial 10-day notice period set forth in the first notice of violation (if the Lot Owner has not responded), a follow-up inspection will be conducted by the Board's authorized representative. If the Lot Owner has not cured the violation(s) within the time specified, a second notice of violation will be sent, wherein the Lot Owner will be instructed to cure the violation(s) within 7 calendar days after the date of the second notice.

7. Notice of Hearing. A follow-up inspection will be conducted on or after the deadline date of the second notice of violation. If the non-compliance still has not been cured, the Board may refer the matter directly to the Association's attorney for further action or may send the Lot Owner a "Notice of Hearing" via certified mail, return receipt requested and first class mail, wherein the Owner will be invited to attend the next Board Meeting/Hearing Panel Session and have an opportunity to be heard. The date, time and location of the hearing shall be stated in the Notice of Hearing.

8. Hearing Panel. A quorum of the Board of Directors shall act as the Hearing Panel. The Hearing will be held in an executive session (closed) Board meeting unless the Owner requests an open meeting (pursuant to the open meeting law in A.R.S. §33-1804).

9. Designated Representative. A Lot Owner may present to the Board (prior to or at the Hearing) written notification that another person is the Owner's designated representative. A designated representative may speak on behalf of the Owner.

10. Procedure for Hearing. Procedure for the Hearing will be set by the Board of Directors. The Lot Owner and his/her designated representative will be informed of the procedure before the Hearing begins. The Lot Owner and/or his/her designated representative will be given an opportunity to present supporting documentation and testimony to show cause why further enforcement action should not be authorized by the Board, which could include the levy of a monetary penalty and/or referral of the matter to the Association's attorney.

11. Proof of Delivery of Notice. Proof of delivery to the Lot Owner of the Notice of Hearing 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 minutes of the meeting, by the officer, director, or agent who mailed or delivered the Notice.

12. Procedure if Owner or Representative Does Not Appear. If the Lot Owner or his/her designated representative does not appear at the hearing, the Board may levy a monetary penalty and/or refer the matter to the Association's attorney for further action.

13. Hearing Panel's Decision. Notice shall be sent to the Lot Owner by the Board or its designated agent, within 15 days after the date of the Hearing, stating the Hearing Panel's decision, including the amount of any monetary penalty that may have been imposed by the Board, and its due date.

14. Post-Hearing Grace Period. An additional grace period of 10 days, beyond the date of the Hearing, will be granted for correction of any violation brought before the Hearing Panel. Failure to correct said violation within that time frame will result in the monetary penalty that may have been specified for the violation being imposed retroactive to the date of the Hearing.

15. Delinquency of Penalty. Any monetary penalty imposed, which has not been paid within 30 days after its stated due date shall be delinquent, and a late charge of \$15.00 shall be added to the penalty.

16. Repeat Violations. A penalty for repeated violation of an Association Rule or restriction may be imposed by the Board for each issue of noncompliance of the same Rule or restriction. Daily penalties for violation of a Rule or restriction may accrue for ongoing issues of noncompliance until each such violation is corrected.

17. Collection of Penalties. The Association has a lien for penalties and associated late charges, attorney fees and costs, imposed for violation of a rule or restriction, after the entry of a judgment in a civil suit for penalties, late charges and associated attorney fees and costs, by a court of competent jurisdiction, and the recording of that judgment in the office of the Pima County Recorder. This lien is effective on conveyance of any interest in the subject Lot. The Association may collect the amounts due under the judgment prior to conveyance of the Lot, by any lawful means.

18. Cumulative Rights and Remedies. All rights and remedies of the Association at law or in equity are cumulative, and the exercise of one right or remedy shall not waive the Association's right to exercise another right or remedy. This means that the Association's Board can decide to bring a lawsuit against an owner to enforce an applicable rule, restriction or statute in addition to or instead of imposing a monetary penalty. This also means that all pertinent provisions of the CC&Rs also apply.

DATED this ____ day of _____, 2012.

RUBY STAR PROPERTY OWNERS' ASSOCIATION
an Arizona non-profit corporation

By: _____
Its: President

ATTEST:

Secretary

AMENDED Treasurer's Report

2-12-2014 thru 2-15-2014

Previous Balance: **\$38,456.69**

Deposits:

Revenue \$ 5,580.00

Rewards Income \$ 345.75

Total Deposits: **\$ 5,925.75**

Bills Paid:

Auto Owners Insurance Company \$ 512.00

The Arizona Group \$ 3,838.55

Mike & Wendy Magras (Fence Interest) \$ 105.21

Ted Stanley (Fence Interest) \$ 600.00

Wolfram & Ortrud Schuh (Fence Interest) \$ 300.00

Trico Electric \$ 19.10

Trico Electric \$ 19.10

Trico Electric \$ 17.08

Total Bills Paid: **\$ 5,411.04**

Current Checking Balance: **\$38,971.40**

Current Savings Balance: **\$ 222.21**

Total Cash Assets: **\$39,193.61**