

Desert Greens 2001 HOA
Executive Board of Directors Meeting

DATE: June 16, 2020 (Tuesday)
TIME: 9:00 a.m.
LOCATION: Clubhouse
PRESENT: Michael (Buzz) Held, President; Arlene Chandler, Vice President; Michael Mouer, Treasurer; Louis DeCanio, Director; Darren Proulx, Director
ABSENT: Linda Axford, Board Appointed Secretary
HOMEOWNERS: See Attached

1. CALL TO ORDER & ESTABLISHMENT OF A QUORUM

2. HOME OWNER'S FORUM (*Homeowners may address the Board of Directors only on items listed on this agenda. See NRS 116.31083(6). Substance of their remarks or prepared written remarks will be included in the minutes.*) No comments

3. APPROVAL OF PREVIOUS MEETING MINUTES: March 12 & March 18, 2020
Louis D. I make a motion to approve the minutes from March 12 & 18, 2020; Arlene C. 2nd. All in favor. Minutes accepted

4. Acknowledgement of Board Meeting Held in Executive Session: Not Applicable

5. TREASURER'S REPORT: Michael Mouer
Report covers time period 2/1 to 5/31. Printed copies available after the meeting. As of the end of May the operating account has \$101,671; the reserve checking account has \$64,514; Meadows Bank CD is worth \$85,700; American First National CD is at \$209,366. On May 12th we rolled over the AFN CD. Last year accumulated interest of \$5,903.66. New interest rate on CD that was rolled over is 1.20% - up from last year's 0.65%. Michael M. moves the Treasurer's report be accepted; Arlene C. 2nd. All in favor. Report accepted.

6. OLD BUSINESS:

A. Exercise equipment: No estimate has been requested. Leasing equipment would come from the operational budget; purchasing equipment would come from the reserve budget - if allotted in the reserve study.

Louie D.: Questioned whether it would be easier to purchase ourselves or lease through a company?

Buzz H.: Had talked with a company out of Las Vegas re. what we needed prior to purchasing the new weight machine and treadmill. The treadmill we kept was acceptable, as well as the elliptical and the exercise bike. There is a recumbent elliptical that might be good, but we are limited by the estimates in the reserve study.

Darren P.: Reserve study done in 2015 shows we are now three years past the estimated useful life of the fitness equipment. Feels the Board or maintenance committee should obtain bids for fitness equipment.

Buzz H.: We spent about \$5000 a year and a half ago on the new treadmill and weight machine. Could see purchasing a new bike or elliptical, but the weight machine that is in there now is not getting much use.

Darren P.: In the past we got estimates from Pacific Equipment for about \$12,000 for a weight stack, new treadmill, new stepper recumbent stepper and recumbent bike . including shipping & delivery. We would need a service agreement with the provider for maintenance. Am questioning whether lease has to come out of operations . lease with a \$1 buy out considered a purchase - thinks it could come out of Reserves. You own the equipment in 36 months.

Michael M.: I move we obtain estimates & I'll take care of it. We'll get three (3) bids on leasing and three (3) bids on purchasing. Darren P. 2nd. All in favor. Motion passed.

Darren P.: Will investigate the NRS (Nevada Revised Statutes) as to whether leasing can come out of Reserves.

- B. Status of pool and spa: Open for several weeks without complaints. Pool will need re-plastering before opening in 2021. This could be done in the fall or spring & will go into the 2021 budget. Estimate between \$10-15,000. Use of spa demonstrates no jets . blowers failed. Has ordered two (2). They will arrive tomorrow & Shawn will install them this Thursday.

7. NEW BUSINESS

- A. Opening clubhouse to activities
Buzz H.: Would like to open back up for some of our activities while maintaining social distancing. Allow people to wear a mask or not. Will limit the number of people around a table. We should not do the customary 4th of July celebration . too many people show up for that event. We will have the golf cart parade though.
Louie D.: Need to get things going again. Think we need to leave it up to individuals.
Michael M.: Both Judy & I discovered we had the virus back in December. I feel that by using common sense, we can get together. We need to have community back.
Michael M.: I move that we open again. Arlene C. 2nd. All in favor. Motion passed.
- B. West wall: Stucco is peeling on the exterior west wall - not in area of 2019's repair. Received bid for \$450 from McMillian. Michael M.: I move we get McMillian Painting to do the repairs. Money will come out of the Reserve Account. Darren P. 2nd. All in favor. Motion passed.
- C. Trimming palm trees: Safety issues if our crew do the work. Should we contract with a qualified vendor? Our crew has done this work in the past, but the trees are getting taller. Concerned for our crew's safety. Would like to get estimates and hire it out. Buzz will do this. Will look for vendors who are bonded, insured with experience and proper equipment.
- D. Spa blowers failed Friday, 6/11/20. New blowers ordered.
- E. Painting of wrought iron gates and fencing - beginning to not look good. Discussion & disagreement about whether the Board is legally able to spend the money for this at this time.
Darren P.: It has been funded.
Michael M.: We see this differently. Just want to do what is right. Will research this more. Everything we do becomes a liability that is not done correctly.
Darren P.: The liability in painting wrought iron is negligible.
Michael M.: Agree that it needs to be done. Let's just check the budget and present at the next meeting.
Buzz H.: Concern about depleting the Reserves in case of emergencies that would then be difficult to fund.
- F. Repair and painting of exterior of clubhouse
Both these need to be in the 2021 budget. Can get estimates. Darren P.: Questions why it cannot be done now if needed.
Michael M.: If it is not an emergency, it should wait until it is budgeted. In addition, I would want to spend reserve money out of the checking account and not have to touch the invested reserve money.
Buzz H.: Will get estimates.
- G. Upgrade of horseshoe area
Darren P.: Would like to improve the horseshoe pit (At one time volunteered Desert Greens Properties to do this work, but the Board at that time denied it.) DGP has since upgraded the bocce ball court and still believes the horseshoe pit is an eyesore. Willing to improve the horseshoe pit himself, but thinks a shuffleboard court would be a better amenity.
Louie D.: Would want to have some idea of how many residents would use a shuffleboard court.
Buzz H.: Remembers that it was on the advice of the HOA's attorney that the Board originally denied DGP's offer to improve the horseshoe pit.
Darren P.: Asks whether the Board will support improvement of that area? If it doesn't work or is unacceptable in some way, he would pull it out.

Michael M.: I move we allow Darren to accomplish whatever he wants to do with the horseshoe pit area. If we don't like it, or have complaints from the residents, he can rip it up.

Arlene C. 2nd; No discussion on the motion. All in favor. Buzz H.: Aye, Arlene C.: Aye; Michael M.: Aye; Louie D.: Aye; Darren P.: Abstain.

H. Discussion of voting rights for homeowners leasing the lot on which their homes reside.

Michael M.: Has researched how to do this properly. Asked how many lessees present had been assigned the right to vote by the property owner and had they submitted those forms (documenting the assignment of voting rights) to the HOA office. Suggests that if Darren P. assigns those voting rights, we can then vote to amend the CC&R's (takes 67% approval from lot owners).

Darren P.: Assignment is different from a proxy. Does not feel the CC&R's need to be amended. Real Estate Division issued an opinion letter in Dec 2013. question was %What is a unit owner within the NRS?+Opinion was a unit owner is any person who is an owner of real property by law.

Continued disagreement on the proper procedure to ensure the right to vote as well as to run for the Board.

Darren P.: Will file an Ombudsman's complaint against the HOA.

Michael M.: The issue is not whether a lessee should or should not vote & hold office. The issue is making this happen legally and I believe that requires amending our CC&R's.

Darren P.: I move that Desert Greens 2001 Homeowners Association Board recognize all Association members owning homes within Desert Greens whether lot ownership is fee simple or 99-year lease ownership as equals. Acknowledging that each Association member is entitled to the same rights, privileges, and responsibilities as any other member. Louie D. 2nd. Vote: Darren P.: aye; Louie D.: aye; Michael M.: nay; Arlene C.: nay; Buzz H.: nay.

I. Schedule of future meetings

Thursdays, July 9 & 23 Executive Board meeting

Thursday, June 25 Executive Board & Maintenance Committee meeting

Michael M.: Maintenance Committee needs to submit meeting minutes.

Darren P.: Previous Board decision was to have Board meetings on the 2nd and 4th Thursdays of the month. Based on that, I booked flights months in advance.

Michael M.: There is no motion now to change the meeting day. Darren is correct that the Board had decided to meet on the 2ⁿ and 4th Thursday of the month.

August 13 & 27: Executive Board Meetings

All meetings at 10:00 a.m.

8. HOMEOWNERS' FORUM (*Homeowners may address the Board on issues that concern the community. Except in an emergency, no action will be taken on issues not on the agenda.*)

MJ Hendrie: Have decided to not purchase my lot. If Darren assigns us, as lessees, the vote and we are in disagreement with our voting, we lose the power of that block vote to allow us not only to vote, but to run for office. My 2nd issue pertains to opening up our activities. I do think we have some liability issues that have not been looked at with opening up. Also think we have liability issues with the donated equipment in the fitness room. need safe equipment not cast offs.

Rob Lamb: You can find ways to make things work or you can find a way to not make things work. As lessees we don't have the vote or hold a position of responsibility and we have no voice. We pay the HOA fees and if you ask Nye County who owns that property, I pay the property taxes. I am the property owner via the State of Nevada. I think lessees should have the right to vote as fast as possible. Holding office can wait to be resolved. That is what I would ask. I think that is a reasonable compromise. Then we can work on amending the CC&R's.

Clara: Feels there is a lack of respect in this community. We should all stick together on this issue of lessees. The swimming pool . is there any way we can purchase a solar cover for the pool and the Jacuzzi . swimming with leaves, dirt, duck poop. Swimming pool good place to get the Covid virus (#7 on some risk list.) Is there some way we can know how our maintenance man is taking care of the pool?

Buzz H.: Shawn is here five days/week. Wind is a problem with leaves. Pool covers: certain liabilities (also with spa covers). Taking them on and off every day is a problem. Can talk to Shawn about posting the pH levels every day he is here. Shawn states they are a little bit high, and that comes from our water source. Will do more research regarding a pool cover.

Ken Booth: Regarding the pool- why can we not drain the pool for the months it is not in use in order to reduce expenses. Do we know the cost of the six months of maintenance when the pool is not in use? Opening the clubhouse: Don't like the fact that the homeowners are not involved in the decision to open up the clubhouse. The coronavirus is not going away . if it starts to spread throughout the community %noe on you.+

Dennis Suter: Discussion re. horseshoe pit, shuffle board, bocce ball court . I am probably one of the residents who has been here the longest. I have a lot of history with the activities in this community. Until we have an individual who will lead, monitor, score, & schedule these activities . these amenities are just %gingerbread+. We don't appear to have anyone in the community who wants to take responsibility for these activities. It takes work. We might be able to find someone in the community to pay as a part time position to lead all these activities. I'm speaking from experience. I ran the bocce ball games for 6-7 years . it's work. Until you do something about participation, these amenities are nothing but something to look at.

Michael Caristo: (Could not hear initial comments regarding Reserves - L. Axford, Secretary) Horseshoe pit looks bad . if Darren is willing to improve it, I don't see why we should not let him do that. The survey that was mentioned (of 67% needed to amend the CC&R's . I was not surveyed.) Michael M.: I did not survey all the homeowners. I also think we should make it that the lessees have the same rights & responsibilities as the lot owners.

David Florio: Re. the bocce ball court and the Peoples Park, they are both beautiful. But these are not common areas . these are Darren's properties. We can't appoint anyone to oversee this property.

Clara: I'm confused about why we can't vote - we have no rights & anything Darren does out of his own pocket is not appreciated. I feel like I should get a lawyer and stop paying my HOA fees because I am being discriminated against. Buzz H.: The HOA fees are for full use of all the amenities. You have full access to all of them. The fees are also to cover the cost of water, sewer, and garbage pickup. We are trying to get you the vote. And then we want to take the next step of giving you the power to run for office.

Arlene C.: I make a motion to adjourn the meeting; Louie D. 2nd. All in favor. Meeting adjourned.

9. ADJOURNED: 10:40

SUBMITTED BY: Linda Axford, Secretary

(June 16, 2020)

