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**ANNUAL MEMBERSHIP MEETING MINUTES**  
**May 27, 2023**

The meeting convened at 12:40 pm and was called to order by Steve Stearns. Handouts containing the Meeting Agenda and the Annual Treasurer's Report were given out.

**Introduction/Welcome - Steve**

- Steve thanked everyone for attending. It appears that this may be the largest turnout of members and their families in history.
- Steve asked the current Board members to introduce themselves, and then asked all BAC members present to introduce themselves as well.

**Secretary/Treasurer Annual Report**

- Jim Albu made a motion to waive the reading of last year's meeting minutes. Second – Ted Mathias. Unanimous approval.
- Denise presented and discussed expenditure and income details from the Financial Report that had been handed out to the members.
- She discussed the changed report format from the old, manually calculated report to the QuickBooks Profit/Loss report that will be used onward. The QB report has all credit/debit entries linked to the report and is much more easily generated.
- Steve discussed the \$2,000.00 fiscal year negative balance on the report, stating that the balance does not reflect the approximately \$10,000.00 in past dues being collected and the approximately \$3,000.00 paid out by water system repairs and connection fees yet to be reimbursed by homeowners and by Navajo County.

Motion to accept Secretary/Treasurer reports – Mark Hullinger. Second – Camille Cisek. Unanimous approval.

**Architectural Committee Report**

- Maggie and Gary spoke of eight new home construction requests and several architectural change requests that have been reviewed and approved by the Architectural Committee in the last year. Committee members have met with several homeowners on site to discuss member requests.
- With a couple of minor alterations to plans, and based on BAC's architectural requirements, Architectural Committee approval has been very easy.
- Maggie asked for member input on allowing metal sheds. She stated that the Architectural Committee and BAC officers are not opposed to them. The following are comments from members:
  - History of rusted, old sheds.

- BAC approved color schemes must be approved by Architecture Committee.
- They must be aesthetically maintained. No rusting, and metal deterioration.
- Size must be limited.
- Most new sheds are guaranteed against rust for 10 to 50 years depending on the manufacturer's coating.
- They should be set on a concrete or other base to eliminate base rust problems.
- Should be addressed in the CC&R's with specific guidelines.
- Steve will have the Architectural Committee research the questions and report back to the Board with recommendations. In the meantime, there was no action taken by the Board.
- When asked why BAC architectural change requests are required for small sheds when the County doesn't require a permit, Maggie and Gary answered that set back requirements and the color schemes need to be checked and consistently followed.

### **Water System Committee Report**

- Jim reported that water quality is good and that there were no violations in the past year. Demand last winter was met with just one well in operation. The Annual Water Quality Report is posted on BAC's website, ourbac.com.
- Jim noted that water system testing for bacteria has not had a positive test in over five years. Even then, it was suspected to be a sampling error.
- Digital data on some parameters is being reported at both upper wells and an additional internet connection at the lower well will soon allow us to monitor more of the water system there.
- Jim remarked that Doug Eddy has retired with close to 20 years of service and the HOA gave him a present for all of his service in the March board meeting.
- When asked about cloudy water, Jim discussed the water line break and repair at Buckskin Wash and that residual air in the line sometimes takes a while to work through.
- There was a short discussion on booster pump needs in homes in the higher elevations of BAC where our water system has lower pressure. Jim stated that about a dozen members now have booster pumps. A member mentioned that he also has a holding tank.
- Jim spoke of Kenny Garvin, who keeps repairs and work in BAC a high priority and is quick to respond to our water issues. When the 6" main line was broken in Buckskin Wash, Kenny and Rich, his helper, were on scene within about 30 minutes and worked until the line was repaired about five hours later.

### **Road Committee Report**

- Steve discussed work done to Deer Hill and Crest roads and their bar ditches to repair flood damage. There were severe thunderstorms last year that caused quite a bit of road damage.
- Driveways that slope down and carry a lot of water causing unneeded damage to BAC roads was mentioned. Steve said road committee members will be addressing the problem this year. He asked that homeowners help out by ditching or building a small angled berm to direct flow from their driveways into bar ditches before it flows onto the roads.
- There was unusual freezing and thawing this winter and spring that contributed to severe rutting on several of BAC's roads. Heavy construction loads also contributed to bad road conditions on Green Valley, Rock Ledge and Crest roads. Robin Peterson was able to come in with his small road grader the second week of March and bladed Deer Hill, Green Valley,

Ansell, Cliffview, Pine Cone and Rock Ledge roads. We hope to have him blade the roads again this fall.

Motion to accept committee reports – Gary Martin. Second – Maggie Dahlgren. Unanimous approval.

### **New Business**

- Steve thanked Omar Eaton for his travel and time in picking up the chicken and potato salad at Bashas in Snowflake today. Omar tipped his hat and received a round of applause.
- Steve then read a text from a realtor concerning the high quality, the amount of information and the easy navigation of our website, ourbac.com. He stated that Sue Conner, who was unable to attend today, has spent hours in creating and managing the website, and sincerely thanked her for her effort. Sue received a round of thankful applause.

### **Board Election Results**

- Steve reviewed the voting for three Board positions. The candidates with the three highest vote totals and new Board members are Maggie Dahlgren, Kelly Fletcher and Brian Kennison. The three other candidates, Tanner Perkins, Joe Kemp and Shawn Barbetta also received votes.
- Steve discussed the voting criteria of voting for three openings this year and three next year to return to the rotation goal of one third of the Board open for voting each year as stated in BAC's Bylaws. He mentioned that he came across an old ballot where, in order to fill all Board openings, an individual with the lowest number of votes received a two year instead of the usual three year tenure. He stated he felt, with all candidates receiving votes, that the three with the lowest number of votes could be appointed to the Board with lesser first terms. That would allow BAC to operate with a full board and allow the newest members to gain valuable experience in BAC's operation.
- A member stated that it was a good idea to do the suggested rotation and allow those who showed interest in being more involved and serving our community to do so.
- Motion by Maggie Dahlgren to allow Tanner Perkins, Joe Kemp and Shawn Barbetta on the Board with lesser tenure in their first terms. Second – Camille Cisek. All approved. No votes opposed.

### **Discussion of the Bachman's mailings and issues**

- Steve briefly introduced the subject and stated that David would be speaking first concerning his three mailings to some members and then he would speak. Following the presentations, the floor would be opened up for membership questions, opinions and comments.
- David voiced the following comments and opinions:
  - When he was on the Board and voted for Board members and contractor pay for some, he didn't know what he knows now.
  - He stated that we are the HOA. The Board works for us.
  - We have to get rid of the Board and make changes.

- Rules are subjectively applied and spoke of his garage door colors and said the CC&R's say nothing about garage doors. As a result, he said he is not a member in good standing.
- He asked for an updated BAC HOA contact list which is required by State law.
- He asked for transparency from the Board.
- He said that survey monkey should be used to poll the membership related to Board agenda items.
- He stated that the membership should vote on the BAC President, not just the Board.
- He stated that half of the dues are going to Board member pay.
- Several members then made the following comments, some being contentious:
  - Jim asked "How is the water service?" and with no comment stated that the excellent service costs a lot to monitor and maintain.
  - Ted said he has been here since 1978 and that he ran the water system for 15 years and he was doing the job on one well. He said that Jim and Steve do much more – well and above what he did. The days are different now.
  - A member said that information isn't known and asked for more transparency.
  - Kelly mentioned that there is no transparency issue, that we have Board meetings posted with agendas and meeting minutes posted on the website. Board member phone numbers are listed.
  - A member stated that their HOA sent out a monthly newsletter.
  - Gary said that to open every Board discussion and decision to all BAC property owners is not how our, or any Corporation works. Our Corporation, as most, are operated by a Board of Directors who are elected by the membership to conduct the Corporation's business.
  - Two other members stated that property management companies cost a lot. Other members were in agreement.
  - A member stated that these guys work all the time. Property management costs a lot.
  - Two other members stated that the Board is doing a great job.
  - Steve stated that a membership list is available at this meeting and has been available for membership review and copying as the law required. However, he would not provide a copy to David, that David, at his own expense, could have obtained his own copy. Steve stated that to protect members privacy as much as possible, he would not have a copy posted online because it was not required by law.
  - One member stated that David is doing a disservice to the community. Another said to comply or get out.
  - Cully spoke to David directly, stating, among other things that David agreed to rules that he hasn't followed. They need to be kept to remain a BAC member.
- No action was taken by the membership on items from Bachman's comments and opinions.
- Steve then presented the following:
  - Steve detailed the instances from July, 2021 through April, 2023 when the Bachman's knowingly and willingly ignored BAC's CC&R's and architectural approval requirements in the building of a temporary fence and what they agreed to do in building, locating, color and mural painting of a permanent fence and then in the

- painting of their garage doors. In one instance they stated that “the HOA has no right to tell us that we cannot paint a beautiful mural on our fence.”
- Architectural committee member individual replies to the Bachman’s to not approve the painting of their fence and the mural were read to the membership along with an accompanying statement relating to the stewardship required of the Architectural Committee in BAC.
  - David was asked to resign from the Board after the third knowing and willful violation. The membership would be sent the details of his violations and asked to vote to remove him from the Board if he didn’t resign. He resigned on July 24, 2022.
  - David sent out his survey and survey results mailings to some members. The Board sent out a mailing to the membership discussing the Bachman issue in March 2023, after which David sent out another mailing.
  - Steve noted that the Bachman’s not getting their way in painting the fence served as a springboard for the mailings. There was no problem with BAC and the HOA business from 2012 when they bought their property, including his five years on the Board. BAC, its Board members and effective business practices of 60 years only went south after the Architecture Committee denied their mural and fence color request.
  - After being sent a letter to conform within 30 days, the Bachman’s painted the fence an acceptable color and then two days later, again knowingly and willingly violating the rules they agreed to follow when they bought their property, they painted their garage doors the color and with a mural that the Architecture Committee had not approved for their fence. BAC then sent a “member not in good standing” letter.
  - The Bachman’s drilled a well the second week of May.
  - Steve stated that “Bachman’s BAC membership and water access is based on his following the rules. He has chosen to not do that, and instead, through his negative writing tactics wants to change BAC business practices, Bylaws, CC&R’s, Board personnel, whatever it takes to get the rules changed so that, simply stated, he and Diana can have their cake and eat it too: have their murals and keep his BAC water. That is all there is to it.”
  - Steve spoke of the necessity of consulting BAC’s attorney throughout the dealings with the Bachman’s that he and Jim had done and the cost to BAC. He then ended his remarks by quoting a few of the attorney’s comments related to the Bachman’s, their mailings and other communications, and the simple fact that they have chosen to not follow the rules they agreed to when they bought their property. BAC’s attorney counseled that BAC could move forward with ending the Bachman’s membership.
- A discussion of ending the Bachman’s membership in BAC by the Board was opened to the membership.
    - A member said she and her husband bought their property here several years ago because they believed, with the CC&R’s, the area would be kept natural, and they expect it to continue to be kept that way.
    - A member stated that we have spent enough time and money and that they should be expelled.
    - There were other BAC supportive comments from several members.

- A member suggested that the Board convene and vote on ending the Bachman's membership, and then return to the membership and ask them for a vote in support of the decision.
  - The Board immediately met and voted unanimously to end the Bachman's membership in BAC.
  - The membership was asked to vote to support the Board's decision. The vote by the membership was unanimous in support of the Board's decision. There were none opposed.
- Without further discussion of agenda items, Steve thanked everyone for their participation. Ted made a motion to adjourn the meeting. Camille 2<sup>nd</sup> the motion.
  - The meeting adjourned at 2:50 pm.