

Val Vista Park - Special Projects



Heywood HOA
To DAVID CLEM SR
Feb 7 at 2:24 PM



Good afternoon,

Please see the attached notice from the Board.

Thank you

Heywood Community Management



HOA Special Projects Final (003).pdf



Reply



More

"A"

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Dear Val Vista Park Homeowners,

The decision has been made based on the survey from the last email to discontinue heating the East pool during the winter months until the HOA returns to a more favorable financial position. Thank you to those who participated in the survey. The response was overwhelmingly in favor of incurring the savings rather than heating the pool.

The primary issue that we as homeowners at VVP share is the fact that since the HOA dues were reduced by the Board in 2009, we have not been collecting what is now needed to fund the large projects such as painting, roof repair and street repair and maintenance. These funds were not stolen or mismanaged, they simply were never collected due to the above-mentioned reduction. As a result, we must now make some difficult decisions as to how to fund these projects now and in the future to protect the property values of all owners.

The following example was published previously but is helpful in understanding what we are describing. At the time the dues were reduced we were paying \$140 per month. If we had continued to raise the dues 5% each year as we had done previously, the amount would have increased as shown below:

2009 - \$140.00	2016 - \$196.99	2023 - \$277.20
2010 - \$147.00	2017 - \$206.84	
2011 - \$154.35	2018 - \$217.19	
2012 - \$162.07	2019 - \$228.05	
2013 - \$170.17	2020 - \$239.45	
2014 - \$178.78	2021 - \$251.42	
2015 - \$187.61	2022 - \$264.00	

At \$136.00 per month, we are currently paying less than half of what we would have been paying. It is simple to see why the reserves do not exist to cover the special projects such as painting, etc.

Construction began on the community in 2002/2003 and they have been painted once in 2010. This was approximately 12 years ago.

How to fund these large projects comes down to the following options:

1. Vote to raise the association dues to approximately what they would have been had no reduction been made, approximately \$275 per month per member and begin accumulating the reserves necessary.
2. Vote on a special assessment for each project. It was determined that we would need approximately \$2,700 or \$150 per month per member over 18 months to complete the

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painting. This figure is only an estimate, based on quotes provided, as we have no way of knowing what actual pricing would be 18 months into the future.

3. A combination of options 1 and 2.

We would like to propose the following as option 3:

Vote to raise the association dues \$25 per month to \$161 per month for the rest of calendar year 2023. Simultaneously, vote on a special assessment of \$125 per month beginning May 1st through the end of calendar year 2024, or 20 months which amounts to \$2,500 per member.

The project funds would not be co-mingled with monthly association dues and would be published each month so that everyone would be aware that the monthly deposit is being made into the account which would include the assessment funds paid each month and interest. We requested quotes previously and have a good idea that this amount should be sufficient to paint after 20 months. We do not have the ability to request quotes 20 months into the future but after approximately 18 months we will request quotes not only for the painting but the roof repair and street repair. We will do an analysis as we approach 20 months as to when to begin the project, all of which will be communicated to the HOA members. It is possible that the roofs or streets deteriorate ahead of schedule and if that were the case we would consider those items in advance of painting but that is not our current thought.

Once we have completed the painting, we will reassess based on current information and make the next decision. Any money previously collected and not spent on painting would remain in the special projects account awaiting the next project.

Based on the prior example of a 5% increase a year, HOA dues most likely will increase to approximately \$169 per month in 2024 and then we would vote on another special assessment for the next project at the beginning of 2025 to begin thereafter. If we all work together this can be done with the highest level of visibility possible but it will take a willingness to get the work accomplished.

We believe that allowing the membership to vote on each special assessment is preferable to raising the monthly dues so extremely as in Option 1 as it keeps everyone more involved in the process. Under normal circumstances the Board would simply be using reserve funds to pay for these projects as needed but our situation is not normal. As a result, we believe that voting on each special assessment is the best option.

We have scheduled a meeting on Thursday, March 2, at 5:30 pm to vote on the proposal. It will be held at the east pool. Absentee ballots will be sent out soon.

We appreciate your assistance in this manner.

Your Val Vista Park Board

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Subject Request for Documents
From Wanda Swatling <redd5166@yahoo.com>
To: Steve Cheff <steve@heywoodmanagement.com>, Patti Locks
<plocks@cox.net>, Carlee Collins <carlee@heywoodmanagement.com>
Bcc: Shelley Dusek <shelleydusek@yahoo.com>
Date Mar 2 at 8:28 AM

Steve & Patti,

After consulting an attorney, I am making the following request for documents.

Since the board took action without a meeting in regards to this special meeting scheduled for 3/2/2023, I am requesting copies of the minutes and written consent via e-mail. If the board discussed community business or conducted community actions in written form (which the e-mails are.) they are records of the associations and required by ARS 33-1805 to be made available to any member so requesting. In fact in some cases if the board does not conduct it's communication on a separate e-mail accounts, the board members have been required to provide their entire e-mail history from their personal e-mail accounts in response to subpoena's from the courts. This is not a small deal, and boards should be more cautious in not conducting community business via e-mail.

In 1997 the Attorney General of Arizona cited in an official opinion that in the absence of definition of what constitutes a "meeting" in Title 33, you can go to the only other definition of the word "meeting" in statutes and that is in Title 38 for public bodies. The definition in that Title (38-431 (3)) is clear and in detail discuss types of e-mails that constitute a meeting. That particular statute was modified last year to incorporate another Attorney General opinion directly related to the use of e-mails.

The only time email should be used to accomplish board business is when action is being taken without a meeting. According to the Arizona Non-Profit Corporations Act Title 10 of the Arizona statutes section 3821 allows a board of a non-profit corporation to take action without a meeting with unanimous consent. In fact based on that long standing statute most HOA bylaws, including ours, include the exact same provision. Approval by email is written approval of the action.

But Title 33 Chapter 9 and 16 apply open meeting laws to Planned Communities (33-1804). There are no open meeting laws for non-profit corporations, and what the courts have long held, is that when general statutes conflict with more specific statutes the more specific statutes prevail. Any aspect of Title 33 Chapter 9 or 16 that conflicts with statutes in Title 10 the provisions in Title 33 chapter 9 or 16 prevail.

Arizona open meeting laws for Planned Communities' require that any meeting of the board must be noticed and must allow the members of the community to attend and

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Subject Re: Documentation Request
From Carlee Collins
<hello@heywoodmanagement.com>
To: Wanda Swatling
<redd5166@yahoo.com>

Date Today at 8:38 AM

Good morning,

The Board has been notified.

Best Regards,

Carlee Collins
Administrative Assistant @ [HeywoodHOA](#)

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[Download our mobile app](#) to access your
homeowner account!

Please take a moment to rate my reply?

[Great](#) [Okay](#) [Not Good](#)

On Fri, Jun 16, 2023 at 4:35 PM MST, Wanda
Swatling <redd5166@yahoo.com> wrote:

I would like a copy of any written consent of the
Board of Directors for 2023 for Actions taken
without a meeting along with the minutes.

Thank you,

Wanda Swatling
VVP Unit 82

Sent from Yahoo Mail for iPad

[View less](#)

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Subject Email Info
From Wanda Swatling <redd5166@yahoo.com>
To: Carlee Collins <carlee@heywoodmanagement.com>
Bcc: Wanda Swartling <valle5166@yahoo.com>
Date Jun 21 at 6:39 PM

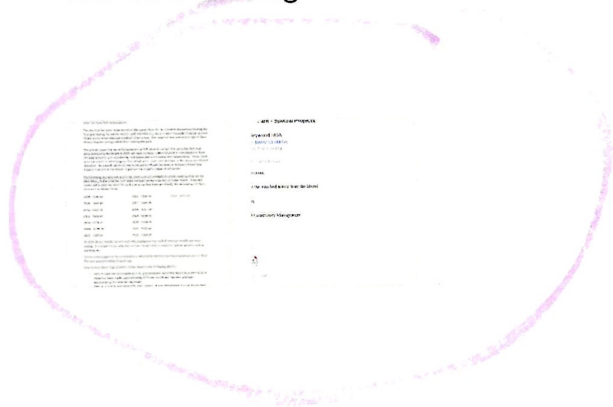
Carlee,

Below you will find pics of an email that was sent on February 7, 2023 along with the attachment it contained.

In the attachment, you will find that it states (Underlined) that this information was previously sent out. I've gone through all my emails and can't find that it was previously sent out. Could you please check your records / emails and let me know when it was sent prior to February 7, 2023?

Thank You,

Wanda Swartling



Subject Val Vista Park - Special Meeting
From Heywood HOA <Email_Alert@heywoodmanagement.com>
To: DAVID CLEM SR <redd5166@yahoo.com>
Date Feb 22 at 4:44 PM

Good afternoon,

Please see the attached notice regarding the upcoming special meeting.

Thank you

Heywood Community Management

2023 VVP Special Meeting Packet.pdf

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VAL VISTA PARK HOA

Managed by Heywood Community Management
42 S. Hamilton Place, Suite 101
Gilbert, Arizona 85233
hello@heywoodmanagement.com

NOTICE OF SPECIAL MEMBERSHIP MEETING

The Special Membership Meeting of the Val Vista Park Homeowners Association will be held on **Thursday, March 2, 2023 at 5:30 PM**. The meeting will be held at the east pool. You may also want to bring a chair as we often run out of adequate seating at these meetings. The purpose of this Special Meeting will be to complete the voting for the special assessment for painting.

AGENDA

1. Owner Check-in and quorum requirement certification.
2. Owner comments (please limit comments to no more than 3 minutes)
3. Assigning ballot tabulator(s)
4. Vote on special assessment
5. Adjournment

Homeowners in attendance are asked to limit their comments to three minutes so that everyone will have the opportunity to be heard. You may only speak once.

IF YOU ARE UNABLE TO ATTEND, PLEASE FILL OUT THE ENCLOSED ABSENTEE BALLOT AND RETURN IT TO MANAGEMENT OFFICE PRIOR TO 3 PM ON MARCH 2, 2023.

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Val Vista Park Townhomes

Managed by Heywood Management Co.
42 South Hamilton Place, Suite 101
Gilbert, AZ 85233
hello@heywoodmanagement.com

2023 Special Meeting Absentee Ballot

The HOA previously sent a letter from the Board of Directors proposing options for funding capital improvement projects, such as painting, roof repair and street repair and maintenance. Please vote below to increase the monthly assessment from \$136 to \$161 as of May 1, 2023, and to approve a special assessment of \$125 per month beginning on May 1, 2023 through December 1, 2024 (total special assessment of \$2,500 per homeowner).

- ☐ I vote YES to increase the monthly HOA dues to \$161 and to establish a special assessment of \$125 per month for 20 months or a total of \$2,500.00.
- ☐ I vote NO to increase the monthly HOA dues and to the proposed special assessment.

Once you have completed your Absentee Ballot, return it to the Association via mail: Val Vista Park Townhomes BALLOT; 42 South Hamilton Place, Suite 101, Gilbert, AZ 85233 by **March 2, 2023 at 3 PM**. You may also fax your completed ballot to Heywood Management at 480-420-1706 or email to hello@heywoodmanagement.com. All ballots will count toward the satisfaction of meeting the quorum requirements. You may also submit your ballot at the Special Meeting held on March 2, 2023, at 5:30 PM at the east community pool where ballots will be counted.

The undersigned owner(s) reserve the right to appear in person at the Special Membership Meeting of the Homeowners and to thereupon revoke this absentee ballot and to act on his/her own behalf.

DATED this _____ day of _____, 2023.

Signature of owner(s)

Printed name of owner

Unit #

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