

**Three Canyons Ranch Master Homeowners Association
Monthly Meeting
January 14, 2004**

Board Members Present: T. Pickering, J. Arndt, D. Paris, D. Crowley, P. Holland, C. Carson, G. Chouinard, G. Brock, J Dodis, R Frederici, E Guidroz

Absent: None

Members Present; Beverly Pickering, Tommy Stoner, Ron & Judy Slyter, Grant McClain, Cathy Gilbert, Wilda Frederici, Pat & Dave Angell, Theresa Foster, Dave Tennenbaum, Tom Roberts, Ross Miller, Dennis & Donna Willard, Rita & Dick Pomroy, David & Dorothy Brown, Jim Picard, Dale & Suzanne O'Neill, John T. Williams, Penny A. Williams, P.J. Picard, John & Sandy Canary, Michael & Jane McGee.

Call to Order: 5:30 p.m.

Acceptance of October 8, 2003 Minutes:

G. Brock made a motion that the Minutes be accepted.

G. Chouinard seconded.

Motion was carried unanimously with the exception of J. Arndt who voted no.

Call to Membership:

J. Arndt stated that Lewis management be added under old business.

He also added that billing discrepancies should be added under the attorney's report.

Acceptance of Agenda:

J. Dobis made a motion for the acceptance of the agenda.

R. Frederici seconded.

Motion was carried unanimously.

President's report:

T. Pickering stated that a lot of the board's time, effort and expense are spent in dealing with factions that continually oppose actions taken by the board long after they have been discussed in open meetings, debated and voted on.

Here are some examples:

1. 3 Canyons Road

Even though the county has stated on more than one occasion that they have no interest or desire to make 3 canyons public and be responsible for the maintenance, a small faction still insist that the county should do so.

Mr. Pat Call (county supervisor) made this very clear when he addressed our association on June 11, 2003.

2. West end gate on 3 canyons road

A faction still exist which feels the gate should be removed even though it was activated on march 27, 2003 and is supported in our CC&R's on page 2, paragraph 4 and paragraph 5.20. The actual planning for the gate began shortly after the association was formed.

3. Controlled access west bound at the west gate on 3 canyons road.

As stated earlier the west gate was activated on March 27, 2003 with controller access (keypad) for east bound traffic and an exit loop for west bound traffic.

At the October 8, 2003 meeting the board in an open meeting voted to have controlled access for west-bound traffic. This requires the addition of a keypad, radio frequency receiver and the removal of the exit loop. Of the board members present, 7 approved, 1 abstained and 1 voted no.

On November 14, 2003 at an open meeting with the Palominas Fire Board, the gate and maintenance were explained in detail. Specifically, the Palominos Fire Dept. is able to activate the gates by:

1. Key code
2. Siren-yelp
3. Knox box
4. Emergency button

A letter explaining these procedures along with the necessary codes was given and signed for by the Palominos Fire Department on August 4, 2003.

Similar letters were given and signed for by Fry Fire Department, Cochise County Sheriff and the Border Patrol. It was also explained that the gate is tested and maintained monthly and that in the event of a power failure, the batteries open all gates. At that meeting the Palominos Fire Board approved the removal of the exit loop.

On Jan 8, 2004, through the efforts of the factions, the Palominos Fire Board re-visited the issue. After seeking legal opinions from the county attorney they concluded that they did not have any authority or jurisdiction over the operation of the gate. It was strictly a 3 canyons master homeowners association issue.

Some of the reasons why the west gate must be controlled in both directions are:

1. Under Arizona law, if the public is allowed to use the road for 10 years without controls they will have a prescriptive easement to continue to use the road forever. We have less than 2 years before this happens.

2. Liability for the road and gate are still the responsibility of 3 Canyons Master Homeowner's Association, whether the individuals are trespassers or are legal residents (owners).

3. Previous traffic studies have shown an amount of traffic on 3 Canyons Road that far exceed the number of legal residents even allowing for construction trades, public services, etc. Speeds in excess of 80 mph have also been recorded. The 3 Canyons Master Homeowners Association is responsible for any accident occurring on 3 Canyons Road regardless of whether it is a legal resident or a trespasser.

4. Six (6) of the seven (7) miles of 3 Canyons Road is a light duty "chip seal". Maintenance on the road is in portion to the amount of traffic and will remain the responsibility of 3 Canyons Master Homeowners Association along with the legal liability.

The Rio Santiago subdivision has legal access going east on 3 Canyons Road from their subdivision to Palominos Road, not west to Hwy. 92

I believe the board's time and effort could better serve the members of the association by exploring new areas rather than having to defend decisions already made. This is not to say that previous decisions should not be revisited but it should not be our entire focus. Some of the areas that could be looked at are:

1. ATV and other noise restrictions
2. Walking and riding trails
3. A clubhouse and meeting room
4. Security
5. Trash pickup
6. HOA Management Services
7. Development of common areas including existing Conservation easements
8. Community involvement

Treasurer's report

G. Brock stated: On Dec. 23, 2003 T. Pickering and G. Brock had a one hour meeting with James Varga, CPA. He had prepared our Federal and Arizona tax returns. During his review of our books he found that all outstanding checks and deposits were accounted for there were no unusual, irregular, or otherwise notable activities.

G. Brock made the following recommendations to the board;
Renewing the agreement with James Vargas CPA for preparing federal and state tax returns and reviewing our books.

J. Arndt asked for a review to see if Lewis Management duties would overlap with cpa duties. Discussion was tabled pending further investigation.

Vice-President's report:

P. Holland stated that Vista del Oro will establish as it's own village.

Attorney's Report

Bob Stachel read report.

Stachel requested that Riedy PC budget be increased from \$1000 to \$2000.

Stachel also announced that the association will file suit in early april if quit claim deeds for 3 canyons road for homeowners along 3 canyons road are not filed.

Stachel asked for a vote from the board to approve a date for an executive session for discussion on Wildhorse Litigation.

E. Guidroz made a motion for a date for an executive session on Feb.18, 2004 at 5:00 o'clock at Stachel and Cardinal offices.

C. Carson seconded.Motion was carried unanimously

Committee Reports

Cleanup Committee

C. Carson stated that cleanup should be divided on a per mile basis.
date for cleanup to be set at a further date.

Master Design

J. Dobis stated that there were 27 new requests of which 11 were new starts and 16 were misc. fences, pools etc.

J. Dobis asked for people to use guideline checklist and they will be returned within 30 days.

Checklist will be on the website by next week.

Gate Committee

Nothing new or excessive to report. Paul thanked his wife and Jim Arndt for their help with the gate.

Ron Slyter stated that welding was done twice to reinforce the gate after being hit.

Tom Pickering stated that the keypad had not been activated but soon will be.

Cameras at the gate will soon be operational.

Map Committee

Is working on a new format

Road Committee

Darryl Crowley stated there is nothing major to report.

Darryl also reported routine maintenance, and spraying will probably resume in the spring.

Governing Documents

Gary Brock reminded everyone to please return ballots on east gate.

Old Business

Motion was made by E. Guidroz to approve Sat. July 24, 2004 for the Annual Meeting at PDS country club. Check in at 11:00 a.m. with meeting starting at noon, cost to include light d'oeuvres. Budget \$350.00.

Motion was seconded by B. Holland, motion was carried unanimously.

Motion was made by G. Chouinard to activate the election committee.

Motion was seconded by E. Guidroz, motion was carried unanimously.

New Business:

None

Call to Membership

No discussion.

Reminders:

Board Meeting Schedule:

April 14, 2004

June 9, 2004

Annual meeting will be held on **July 24, 2004** check in at 11:00 with meeting to follow.
At PDS Country Club.

Board Meetings will be held at the **La Purisma Retreat Center on Stoneridge Road.**

Announcement to members:

The first 15 minutes of the Executive session scheduled for **Feb. 18, 2004 at 5:00 o'clock** will be open to the general membership to discuss and approve an interim administrative services contract with Cardinal and Stachel,PC.

Meeting to be held at the offices of Cardinal and Stachel.

Adjournment motion was made by G. Chouinard, seconded by J. Dobis and carried unanimously.

The meeting was adjourned at 7:01 p.m.

David Paris

Secretary

