



## From the President's Desk.... #12

From the President's Desk...#13

March 1<sup>st</sup>, 2019

Dear Homeowners,

Normally the first letter of the month is a summary of the HOA Board meeting from the previous month. However, as you are aware, the Board did not meet in February.

Let me begin by offering my mea culpa to Brian Couvillion. Brian is a member of the ARC Committee and last month his name was inadvertently omitted from the list of ARC Committee members. My apologies. Brian's bio: Brian grew up working with his father in his home construction and remodeling business. He was in sales and management for several major companies. Brian was the owner of a swimming pool company for eight years before entering the seminary. Brian has been an ordained Episcopalian priest for the past 30 plus years. Brian is currently the Vice President on the Juniper Ridge Board of Directors.

I want to use this letter to take the opportunity to share with you the **organizational business structure** of Juniper Ridge Resort. I wish to do this for two reasons. First, I think we sometimes forget that for many homeowners moving into Juniper Ridge Resort, this is their first experience living within a Homeowners Association. And second, even if you have lived in a neighborhood with an HOA, each one operates a little differently. So, let's take a look.

Did you know that Juniper Ridge Resort is a domestic nonprofit corporation?

In December of 1984, the Juniper Ridge Homeowners Association was granted Articles of Incorporation by the State of Arizona as a domestic nonprofit corporation (1120-H).

In May of 2009, Voyager at Juniper Ridge, an LLC company, relinquished all rights to Juniper Ridge Homeowners Association of the State of Arizona.

The Chief Executive Officer (CEO) of the Corporation is the HOA Board President and the HOA board members are the Corporation Board members.

The CEO is responsible to see that there is an annual financial review, compilation or audit, and that the Annual Report is filed with the Arizona Corporation Commission; that Federal and State taxes are filed and that property taxes are paid. The CEO is responsible for signing off on all these documents.

Because of the various responsibilities and potential liabilities that are involved in the development, operation and administration of an HOA, the HOA operates as both a government and as a business.

### **Government Role:**

The homeowner's association is a private government delivering public services.

The association's governmental role arises from two powers. First, the power to control property:

The association has possession and title to the common elements of the property: eighty acres of land of which forty acres are developed (including the eighteen-hole golf course), forty acres undeveloped, as well as all the buildings, equipment, furnishings and fixtures (1.5 million dollars in assets).

And the association provides for its members' utility services (water and sewer), street maintenance, street lighting, and refuse removal. It also provides security services and different forms of communications.

Second, the power to levy assessments (HOA fees).

The governmental role of the association creates a special concern for strict observance of the dictates of 'due process' of the law. All corporate documents are filed with and enforced through State courts. Courts will become involved when there is an abuse of the directors' discretion or when there is a clear, unreasonable, arbitrary intrusion into the rights of one or more owners.

The Juniper Ridge Resort (JRR) Homeowners Association (HOA) is a 55+ age restrictive association made up of 528 lot owners who wish to provide a communal basis for preserving, maintaining, and enhancing their homes and property.

Each homeowner, by accepting a deed, becomes an association member and submits to the authority of the association and the restrictions upon the use of the property contained in the CC&Rs, Rules and Regulations and ARC Standards (copies of these documents are found on the Juniper Ridge website.)

As a homeowner living in an HOA community, at the time of ownership you relinquish a certain degree of individual rights and freedom for the common good so everyone can enjoy the benefits that come from being a part of the “community.”

### **Business Role:**

The association’s business is obvious. It is a service-oriented, cooperative business for its members. It provides service through its employees or with third parties.

The declaration and bylaws make the officers and directors responsible for the variety of business matters. They must concern themselves with the business details such as finance, asset and property management, taxation, insurance, employee relations, and many other considerations inherent in operating a substantial business.

### **Responsibilities of Owners:**

The basic authority in an HOA community lies with the owners. However, the owners elect a Board of Directors to act on their behalf. The governing documents delegate almost all the association’s decision-making powers to the Board.

The owners have the voting power to:

- Elect and remove directors
- Amend the CC&Rs by a 2/3 vote
- Approve special assessments or capital improvements by a 2/3 vote
- Approve the annual budget for the association by a majority vote.

## Responsibilities of the Board of Directors:

The Board of Directors bears the ultimate responsibility for operating the community association on behalf of its owners. It is the role of the Board to do strategic planning, set the policies, standards, procedures, programs and budget of the association.

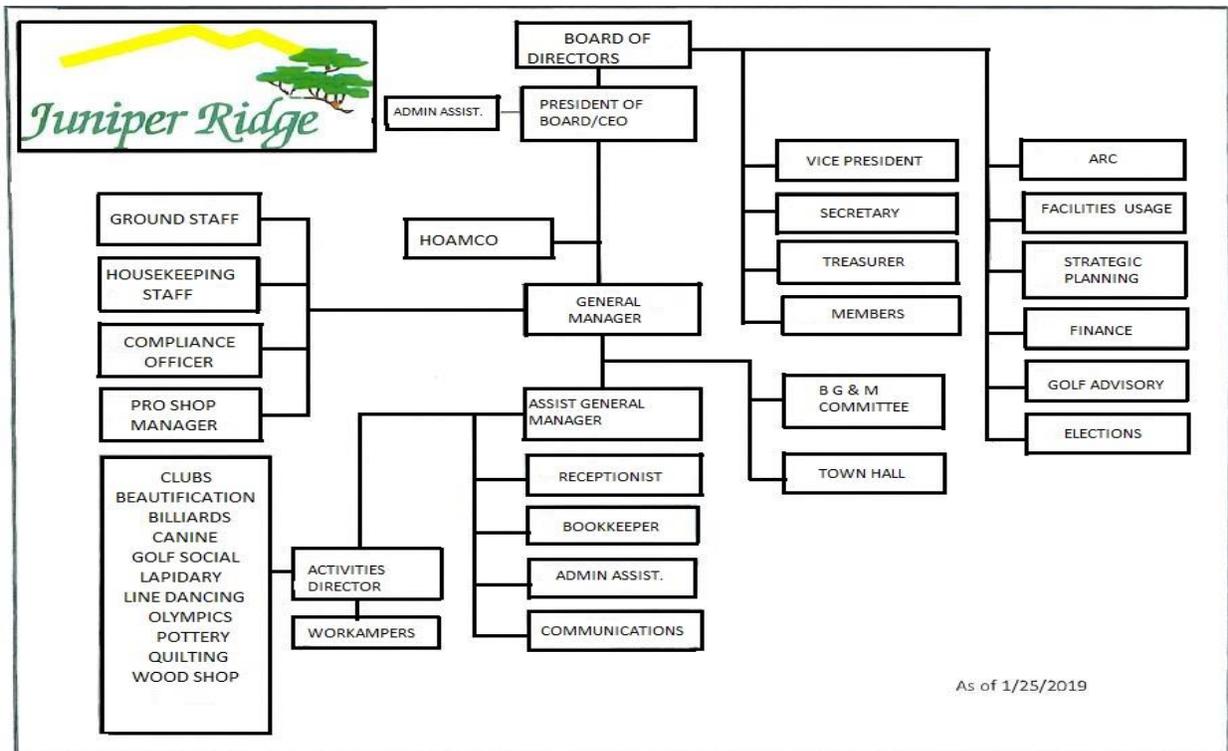
Directors are responsible for making policy and ensuring the overall supervision of the association.

The Board has an obligation to listen to the owners' concerns and to take those concerns into consideration in making decisions.

If the owners do not like a Board decision, they usually do not have any authority to 'veto' or 'undo' the Board's action. Under such conditions, their only remedy is to elect a new Board to represent them.

The question now becomes, how does the Board carry out its responsibilities and address the needs and concerns of the homeowners?

Let's look at the Juniper Ridge Resort flow chart.



## **Board of Directors:**

The Board of Directors is made of seven elected (or appointed) homeowners. The Board elects four officers and three members at large. (Currently the Board has five members with two open seats until the July elections.)

There are currently six committees that serve the Board (see flow chart).

**HOAMCO:** In September of 2006, the Board of Directors made the decision to hire HOAMCO to administer certain areas of the corporation.

HOAMCO is responsible for assessment collection (HOA fees), preparing the monthly and end-of-the-year financial statements, the coordination of annual tax return and audit, Corporate Commission filings, association member roster maintenance, and all aspects of HR (Human Resources) concerning employees.

**General Manager:** Phil Phillips is our General Manager and answers directly to the President of the Board. The General Manager is responsible for overseeing the day to day activities of the resort and specifically oversees the Assistant General Manager, ground staff, housekeeping staff, compliance officer and the pro shop manager. In addition, the general manager is supported by the Buildings, Grounds and Maintenance Committee.

To receive homeowner input, the General Manager conducts regular Town Hall Meetings.

**Assistant General Manager:** Gloria Bushnell is our Assistant General Manager and she answers directly to the General Manager. Gloria is responsible for communications and for overseeing the receptionist, bookkeeper, and administrative assistant. During the winter months the Assistant General Manager also serves in the role of Activities Director.

**Activities Director:** Karen Humphrey is our Activities Director and answers directly to the Assistant General Manager This is a full-time summer position. Karen oversees the ten clubs (see flow chart), prepares and coordinates all daily and weekly summer events, negotiates the contracts for entertainment, supervises the workampers, oversees ticket sales and is the editor of the Monday Morsels.

Now, the purpose of giving you all this information is not to give you a headache. As I stated earlier, you elected us, and the Board works for you. When you have a question, concern or great idea, we want to hear from you. But we also want to

make sure that you address your question, concern or great idea to the right individual. All that I ask you to do is take a minute, look at the flow chart and ask yourself, “Who can best address my concern?” If you’re unsure, ask a staff or Board member and they will be happy to answer your question or direct you to the right person.

A final note. In the past I have heard a few homeowners say to a resort employee when they wanted something done or weren’t happy with their response, “I pay your salary” or “you work for me.” While it’s true that part of your HOA fees goes toward the resort’s payroll, that doesn’t make you the employees’ boss. The staff works for the General Manager, the General Manager works for the Board and the Board works for you. I personally find comments like these to be not only inappropriate, but also unkind and demeaning. Our facilities here at Juniper Ridge Resort are great, but our employees, volunteers, owners, renters and guests are even greater. Let’s all try to respect and value one another.

Carpe Diem,

Larry Weidner, President, CEO

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