

Cielito Lindo de Tubac

Board of Directors Executive Session Lot 52 Hearing/Abeyance Request

Date: 1.4.21

Time: 5:30pm

Location: Zoom Meeting

Homeowner attendees included Leo Francis and Trudy Nowak. Management represented by Tammy Censky.

1. Call to Order/Establish Quorum/Roll Call-Meeting called to order at 5:30pm.

Lois Zettlemyer – President-Present

James Horn – Vice President-Present

Cathy Marrero – Secretary-Present

Kevin Baker – Member at Large/DRC Chairperson-Present

Hilde McNeil – Treasurer-Present

2. Abeyance Request of Denial of Water Harvesting Cistern-Trudy Nowak provided a written report concerning activities of the Ad Hoc Committee. Leo Francis addressed the Board concerning her request for abeyance of the water harvesting cistern/tank installed in her rear yard without prior approval and the Design Review Committee's denial of the tank. The abeyance request was submitted and discussed at the last board meeting but was denied as the Board had no information as to any progress made by the Ad Hoc Committee and the understanding that an amendment would be needed in order to reconsider the water harvesting cistern/tank. The Board also solicited legal advice from the Associations attorney to obtain clarification of the language in the Cielito Lindo CCRs and any restrictions the Barrio Master HOA may have. Legal advice provided by Michael Shupe is attached as part of the minutes. The associations attorney has indicated that the Cielito Lindo Board of Directors have no authority to approve or grant a variance for the current device due to the language in the Barrio Master HOA CCRs.

After lengthy consideration and discussion, it was unanimously agreed to table the reconsideration of the abeyance request until February 1st to allow Leo Francis to discuss the issue with the Barrio Master HOA Board of Directors to determine what interest the Master Association may have in granting a variance if possible or amending their CCRs to allow such devices. The Board will expect a report from the Ad Hoc Committee on January 31st and will conduct a virtual special meeting on February 1st at 5:30pm to be arranged by Kevin Baker. Management will not participate in the 2.1.21 meeting.

3. Adjournment and Next Meeting-There being no further business, a motion was made, seconded, and carried to adjourn the meeting. Meeting adjourned at 6:45pm.