



DC Ranch Association
Board of Directors Special Open Meeting Minutes
Wednesday, May 6, 2026 | 5:00 p.m.
Zoom

Board Members Present: Marla Walberg, Dr. David Green, David Underwood, Chris Mullen, Jodi Kaye

Board Member(s) Absent: None

Staff Present: Scott Levy, Kim Visser

I. Call to Order/Quorum Established:

President Walberg called the meeting to order at 5:00 p.m. Roll call confirmed a quorum of five (5) directors present.

II. Adopt Agenda

Mr. Underwood motioned to adopt the agenda; seconded by Dr. Green. Motion passed unanimously.

III. Consider Approval of Board President to Call Executive Sessions

Mr. Levy opened discussion by sharing that Ranch Association general counsel Curtis Ekmark requested that all of his client HOA boards meet to address a recent procedural change stemming from a recent court decision.

On April 28, 2026, the Arizona Court of Appeals issued a decision that significantly impacts board meeting procedures for planned communities and condominium associations in Arizona. *AZNH Revocable Trust vs. Sunland Springs Village Homeowners Association (Mesa, AZ)* the court emphasized transparency in Association governance and provided guidance on how board must conduct meetings in accordance with A.R.S. 33-1804.

The court held that while boards may meet in closed/executive session to discuss limited sensitive matters (such as legal advice, litigation, personnel issues, or member appeals) – boards can no longer vote or take formal action in closed session.

The authority to identify topics that can be discussed in a closed session meeting may be delegated to a managing agent or to a board member.

Mr. Levy shared feedback from general counsel that this ruling is problematic in several ways, but for now it is the law.

DC Ranch already anticipated some of the issues raised in this court case, which DC Ranch was not affiliated with. DC Ranch Association governing documents – specifically Bylaws Section 3.8 and Policy 104.11 – authorize the Board President to call meetings and set meeting agendas via Association leadership staff.

In the hierarchy of documents, state law is superior to Association Bylaws and policies. So we are seeking a motion to re-affirm this authority

Dr. Green motioned that the Board President may determine whether to call an Executive Session pursuant to A.R.S. 33-1804, call executive sessions and work with management to prepare an agenda – with immediate effect; seconded by Mr. Underwood.

Member question: does this ruling/law apply to Community Council? Mr. Levy stated his understanding is no, that Community Council is seeking legal guidance from their counsel on this. Community Council does not operate as a homeowners' association, which the relevant law A.R.S. 33-1804 specifically applies to.

The question was called. Motion carried unanimously.

IV. Member Open Forum

No members present offered any comments/questions.

V. Adjourn Meeting

There being no further business, Mr. Underwood motioned to adjourn the meeting. Ms. Kaye seconded the motion. Meeting adjourned at 5:09 p.m.