

Ventana Lakes Property Owners Association

June 12, 2007

1:30 p.m.

Management Office

Work Study Notes

Present: Chuck Hellquist, Bob DellaPia, Tony Fiore, Sue Alandar Vada Bowers and Norman Steinberg. Absent: Rudy Simon. Manager, Jack Donovan present for part of meeting.

Reserve Study: Discussion of which level of study to choose. Agenda for Board meeting.

July Board Meeting: changed to 7/18 at 1:30 pm.

CAI: Decision to join if dues is \$300 or less. Will continue membership in West Valley group also.

Rec Center: Both the steam room and ladies locker room have been locked down due to a water and mold problem. Mid State, the general contractor, estimates \$22,500 - \$26,000 to repair. Steam Room could run \$40,000 because of removing nearly all of the tile. Will have to see if damage has extended to the men's locker room. More information is needed before proceeding.

Palm Trees: We have 268 palms. Scapes has bid \$35 each for trimming. Other bids have not yet been received. Expect them in time for the board meeting.

Volunteer dinner is scheduled for October 21. 125 – 150 people are expected. \$1200 has been budgeted for the event.

Board packets will be assembled by office staff and will be available one day prior to the meeting. Anyone with presentation material will provide it in time to be included in the packets.

Kitchen: We have a retail license. Will nominate an Ad Hoc Committee to study the feasibility of a class three license and the expense involved. Theft continues to be a problem.

Newsletter Ads: Discussion of possible prices. Fees were set at \$30 for 1/8 page, \$60 for 1/4 page, and \$120 for 1/2 page to allow a price break from 10% to 20% for advertisers who purchase for 3-6 months.

Web Site: We have two sites. There is nothing on the vlpoa.com site. Chuck Schumm will insert the necessary information to redirect users to ventanalakespoa.com.

Work session notes will be available on the web.

Committees: discussion regarding need for written reports, charters and how the resident landscape requests are handled.

Lake 8 lot property maintenance request: Board has decided in past that it is the homeowner's responsibility to maintain the fence and property abutting the lake. We need to take more time with the file.

Pool Policy: Corrections did not get in the finished resolution. It will be corrected by the secretary and placed on the June 20 agenda..

Guest Passes: Erroneous information on the back of the pass. It will be corrected.

Meeting Adjourned at 3:45

Submitted June 13, 2007
Vada Bowers, Secretary

Summary of Input on Code of Conduct Policies
Evaluated at Board Work Session May 8, 2007

1. Unfriendly policy

Reading the policy makes me feel that every meeting held at Ventana Lakes is a very unsafe event to attend.

Couldn't you just put bullets like:

- Be kind, courteous and respectful at all meetings.
- No profane or abusive language or actions toward any resident or their guests.

Just simply list the do's and don'ts and then list the procedures that will be taken by the Board. Why must you be so wordy just to say a few things. It is very tiresome to read all the same redundant meanings and berate your point to the adults in this community.

You make it sound like a resident needs their lawyer at every meeting. Please do not make us feel as bad as the rest of Peoria thinks we are.

Board: The rules should be written so they will stand up in court if necessary. However, the notice that is put on an agenda could certainly paraphrase the rules in a friendlier manner, as long as a reference to the original policy is included and it is available to residents (along with all other governing documents.)

2. Firearms

- a. **You cannot prohibit firearms**, again, this goes against your civil rights. Buildings may have the posted sign as required by statute, but not common areas.
- b. (I support the Board on firearms but) ... However, I would feel much better and be able to support such measures if the definition of 'Association Property' is 'spelled out. **What does the Board mean by 'Association Property'?** Is that limited to 'common areas', parking lots or sidewalks that immediately border the Ventana Lakes Property or just public meeting facilities? I really am puzzled. In the way that the language is written it can mean 'just those areas' or does 'Association Property' imply that the moment I cross the property line that one can reasonably believe that you are now in Ventana Lakes on the way to my home is now by leave 'Association Property'?

Board: This will be left in as this is private property and firearms can be prohibited.

3. Should this be an amendment to the CC&R's?

I know that a number of years ago, a Code of conduct resolution was signed by the Board. Can you tell me why a Code of conduct can be a resolution and not an amendment?

Board: The CC&R's (Article V, Section 3) give the Board authority to create rules.

4. Allow residents to speak

- a. Paragraph 6-A: If the individual has signed up prior to the meeting to speak **they should be allowed to speak, regardless if the Board feels the Manager should handle the matter.**
- b. The persons **shall not be limited by a time factor to speak.** To some this might appear to be a waste of time and needless, however that is one of the

main reasons we have had these problems at former meetings and I assure you it will continue. The people **MUST** be allowed to speak, however frivolous or time wasting we feel.

c. This rule violates a person's right to free speech.

Board: While it is the intent to encourage residents to participate in Board decisions, the Board is nevertheless charged with conducting the business of the association. The quandary is how to do all this in a meeting that does not last until the end of time. Few residents would want to attend a Board meeting at all if discussions of minutiae went on interminably. This would be counter-productive for everyone concerned.

A person's second amendment rights are not violated because they must focus on a business agenda and keep their remarks brief. If this were the case, business meetings could not be held in any corporation.

Finally, the rule does not say that the president will not acknowledge any person who submits a written comment, or explain to them that their concerns will be addressed by the Manager as part of the normal course of his duties.

5. Cannot have executive session on violations.

Section C 1 is not legal according to the current open meeting law. There is no provision in the law that allows for an executive session regarding violations.

*Board: This is not true. The law allows the Board to hold these meetings without unnecessary embarrassment to the resident. ARS § 33-1804, allows the Board will meet in Executive Session for the purpose of legal advice, pending or contemplated litigation, or consideration of **personal**, health or financial information about an individual member of the association, or an individual employee of the association.*

6. Prohibit Written abuse

#4 , second sentence, I recommend adding the word "written"

For example the sentence could read:

Physical, **written** or verbal abuse directed at any person is forbidden.

Board: see next item

7. Prohibit distributing flyers with personal attacks

Add another sentence:

" The distribution or handing out of flyers or pamphlets with personal attacks on VL residents or members of the Board of Directors, in the vicinity of the Yacht Club or within the Yacht Club prior to meetings, or during meetings, is not allowed. "

*Board: We disagree. This prohibition **would** be impair freedom of speech.*

8. Fix a typo

Under D. Response to complaints and Notice of Hearing

#6 , first sentence

the word "received" may need to have the "d" deleted.

Board: Done.!

9. Definitions

.... I do not think it is necessary to add "Definitions" of words used to any of these write-ups. A "Dictionary" can provide that service.

Board: A separate definition is necessary if the term is used in a more specific manner than a dictionary definition.

10. Definitions.

You should define “profane, indecent, abusive”

Board: This is not necessary as generally understood, dictionary terms are intended.

11. How can you prohibit intoxication when there are BYOB activities?

Board: Being allowed to bring liquor to a social event does not mean you will become intoxicated.

12. How can a person appeal a “sentence” from the Board under this policy?

Board: While HOA Boards are not regulated under any State agency, there is now an Administrative Law Judge to whom a person may complain regarding an action by a Board. HOWEVER: we are concerned about a person who ignores a letter because they do not realize what the ramifications might be. So the letter must be very clear what could happen if they do not respond. It should also allow a person to request an extension if they need to. And if a monetary penalty is incurred because of default, the person should be given the opportunity to appeal the penalty to the Board. The policy will be changed accordingly.

13. Policies Not Necessary

There are a lot of things I do not agree with as so do many other people, some of that sounds so childish, I feel like I am back in kindergarten, let's all be adults.

Board. Agreed such a policy should not be necessary, but it is, so that everyone understands expectations.

14. Being the Community Police

(NOTE: These comments are addressed specifically to the Code of Conduct, not to the Rules at Board Meetings, with which the writer agrees.)

Philosophically, I do not believe you can legislate civility, nor do I think it is proper for a POA to set itself up as judge and jury of people’s conduct and behavior, particularly when that conduct may have nothing to do with owning property in this community.....(some of the terms used) are very subjective... This policy could possibly set up even more conflict in the community if people start reporting each other for **perceived** violation of the policy and then the Board could be spending hours or days of their time trying to resolve personal conflicts. This should not be the focus of the Board! ... I believe this is a very poorly conceived policy, oversteps the authority and responsibility of a POA, and potentially creates many more problems than it solves. If someone truly feels endangered by another persons behavior let them go to the legal authorities to register a complaint or ask for a restraining order.

Board: This is a viable concern. It is not the intent of the Board to become the arbitrator of personal issues. The policy will be revised to ensure it applies only to conduct toward management staff or at Board meetings.