

Apache Wells Newsletter

February 21, 2008 Issue 78

Bylaw Election

In accordance with Apache Wells Bylaws, a homeowner has submitted a request for a change in a bylaw and, after receiving legal opinion with respect to compliance to Arizona statutes; the Homeowners Board of Directors approved a special election to vote on this proposed change.

Absentee ballots have been mailed to all homeowners to vote on changing the bylaw regarding the approval of special assessments (Article X, Section 2.D.(1)), found on page 18 in the front of the 2007 Apache Wells phone book..

The ballots have been mailed to the address that you currently have on record at the Homeowners Office. Absentee ballots must be received by 3 P.M. on March 11, 2008.

You have the option of voting in person at the Apache Wells Homeowners Administration Building on Tuesday, March 11, 2008 between the hours of 9:00 AM and 3:00 PM or placing your absentee ballot in the ballot box now available in the Homeowners Office.

The Issue

Special assessments have been limited in the history of Apache Wells, but they are essential if and when there is any expense approved that cannot be covered by the general monthly assessment.

The court has interpreted the present bylaw to require a majority vote of all homeowners to pass a special assessment. This means that anyone who does not vote is counted as a no vote.

The proposed bylaw change would require a majority of those voting to pass, consistent with other Apache Wells approval votes, and consistent with other voting practices in a Democracy. Non votes should be just that, they should not count for or against the measure being voted on.

The Problem

The problem is that it is unlikely that we will ever have every one of our 1411 homeowners voting in any election. There are a number of reasons for that: We are a much more mobile society today, often out of reach of an absentee ballot.

People do not appreciate the privilege that we have to vote.

The address for sending absentee ballots is dependent on homeowners keeping the Homeowners Office notified of their current address. **Regardless of frequent reminders in the Roundup, Newsletters and at General Meetings some people do not keep their address at the Homeowners Office current;** it is not a perfect system.

There is no better example of our not having 1411 ballots cast than the number of Apache Wells homeowners who did not vote in recent Apache Wells Board elections. In three recent Homeowners Director elections, 2005-2007, the number of people who did not vote ranged from 434 to 881. In the 2008 election, where absentee ballots were sent out, 341 did not vote.

If a future special assessment election were to have the lowest number of non votes experienced in these Director elections, 341, it would mean that, if the proposed bylaw is not changed to majority of those voting, as few as 365 homeowners (25.8 percent of the homeowners) voting no would defeat a proposal.

365 no votes plus 341 non votes (which presently are counted as no votes) would total 706, a majority of all homeowners.

Another example would be the Feb. 2007 vote on the Community Building, where 173 did not vote even though absentee ballots were sent to all homeowners. This election was held after more homeowners had arrived for the winter, and the issue was about a special assessment. Either the date of the election or the issue on the ballot could have decreased the number of non voters. Using the non voter number of 173, it would take only 533 homeowners (37.7% of the homeowners) voting no to defeat a proposal.

The worst case example would be the Director elections of 2005 (881 did not vote) and 2006 (842 did not vote). If that was the vote count in a bylaw change it would have been defeated just by those who did not vote. Unfortunately we cannot force people to vote.

None of these examples represents a “majority” of homeowners voting no.

Important Reminder

Departure time is not far off for some homeowners. Be sure to fill out a Departure Form at the Homeowners Office.

There is a strong likelihood that there will be more bylaw elections during this year. Nine suggested changes have been submitted to the Homeowners Board and are now in review by legal counsel. Also the Homeowners Board has sent all bylaws and the Declaration of Covenants, Condition and Restriction (CC&R's) to legal counsel to check compliance with Arizona Law. **Be sure your current mailing address is listed at the Homeowners Office so you receive ballots for these elections.**

Events

Saturday, Feb. 23 Chili Feed – 11 AM till 4 PM Gazebo The 18th annual Chili Feed Fund Raiser for the Security Patrol. Free Chili, Coffee, Soft drinks and utensils all furnished. Donations Welcome.

Monday, Feb. 25 thru Saturday, Mar. 1, Library Book Sale - Library Meeting Room, 9AM till 3PM.

Saturday, Mar. 1 Flea Market – Parking area, 8 AM until Noon
Quilters Show and Boutique – Quilters Room (Old Office) 8 AM until 1PM

Library Bake Sale – Library 9AM until 1 PM

Monday, Mar. 3 9AM till 12 AM – Citizen's Time – Meet with President Bing Miller and some directors to answer your questions or express your concerns. Call the Homeowner to reserve a time slot.

Saturday Mar. 8 Volunteers Dinner 5 PM Gazebo – Annual Appreciation Dinner for Apache Wells. Volunteers – Sign up by Feb. 26 at the Homeowners Office.

Saturday, and Sunday Mar. 15&16 - Art Show Room A 11 AM Sat. & 10 AM Sunday

Sunday, March 16 – Ice Cream Social Room C, 1PM

Every Tuesday – 9 AM till 11 AM – Activity Director Bev Fourcade will be at her office just off the Lobby area of the Homeowner Administration Building.

Obituaries

Robert Heyer –Died in December

Bob Norberg – A Memorial Service will be held at Apache Wells Community Church on **Monday, February 25 at 2 PM**

Max Smith – Died in February

**THESE MINUTES ARE UNAPPROVED FOR INFORMATIONAL
PURPOSE ONLY SUBJECT TO CORRECTION**

APACHE WELLS HOMEOWNERS BOARD MEETING – JANUARY 17, 2008

OBSERVERS: Mickie Jung #1437; Lois Stevenson #1056; Elsie Fugman #207; Joice Lange #1205; Gary Fancher #1141; Steve Daughton #263; Phil White #1131; Carolyn Agee #415; Marv Larson #848; Gene Wedic #620; Judie Wenk #619; Colleen MacEachern #1117; Bev Fourcade #299; Bobby Golden #1106; Bill Dixon #826; Jan Sticht #231; Kristin Hansen #230.

President Bing Miller welcomed everyone and informed the audience that under the new secretary the meeting would be recorded for transcribing purposes. Due to the large attendance the Board Meetings from now on would be held in the large outer office.

MEETING CALLED TO ORDER by President Bing Miller at 8:12 AM. Board Members present were Jim Bonnell, Cheri Whalen, Don Fourcade, Sandra Johnson, Irv St. John, Tom Finger, and Ernie Shoults. Absent: Jo Gregory.

MEETING AGENDA. The Board was asked to review and approve the Meeting Agenda. The proposed bylaw amendment would be added to the agenda under New Business and Cheri Whalen's recommendations for the fitness facility and exercise equipment would be added under the Committee Director Reports. Motion made and seconded to approve amended agenda. All Board members present approved the agenda.

SECRETARY'S REPORT: Motion made and seconded to approve the minutes of the January 3, 2008 Board Meeting and the Executive Session Meeting as published. All Board members present approved the filing of the minutes in the record book.

TREASURER'S REPORT: Irv St. John gave the Treasurer's report. Motion made and seconded to approve report. All Board members present approved, report to be filed for audit.

Balance Checking 1/1/08	\$75, 653.66	Balance Savings	\$13,644.87
Deposits	\$209,361.76	Interest	6.54
Disbursements	34,744.19		
		Ending Balance	\$13, 651.41
Ending Balance 1/15/08	\$250,271.23	2 CD'S @ \$50,000	\$100,000.00

Total Operating Funds 1/15/08 \$363,922.64

ENGA' REPORT:

*Received two additional quotes for insurance. Motion was made and seconded to renew insurance with Auto Owners for \$24,256.00. All Board members present approved. Enga will continue to look into increasing liability limits.

*Ceramic ladies are looking into a new kiln. Tabled until next meeting. Need electrical specs and price quotes.

*Bingo group requested \$100. to cover unexpected repairs to monitor. Discussed. Motion made and seconded to provide funds. All Board members present approved.

*Shriner's Club requested blocking off parking lot by Gazebo on 3/20/08 for their Pitch Fork Fondue Event. Motion made and seconded. All Board members present approved.

*Parkinson's class coordinator requested accessible ramps by activity room. Don Fourcade will obtain bids then report to Board.

COMMITTEE REPORTS:

Pool: Jo Gregory absent. Sandra Johnson gave report. Recycling Procedures are given in the January Roundup. AW resident requested fax machine for library. Also in January

Roundup, Apache Wells Realty has offered the use of their equipment at no cost to AW residents.

Exercise Room: Cheri reported on current condition of exercise room. Recommended maintenance company, Triple A Equipment, service equipment three times per year. Trotter 450 machine when inclined causes electrical problems, that function to be disabled. Thermostat was reprogrammed. New ventilation fan to be installed, ceiling repaired, put fire-rated intake grill in door and electrical issues be resolved. Cheri reviewed and submitted a plan, which assessed current equipment, recommendation of needs, and bids for equipment replacement. Submitted copies of report on file. Requested Cross Country Trainer be given to Shriner's garage sale. Motion made and seconded. All Board members present approved. Other repair items addressed fall under Maintenance.

Architectural: Jim Bonnell reported there are a couple issues still outstanding. Proceeding with attorney. Otherwise, okay.

Maintenance: Don Fourcade reported blacktopping to start Monday. Repairs and new work to exercise room needed for Cheri. Second list from Fire Dept. to be completed. Quilting room is ready except to change occupancy rating from office to meeting room by the county. \$100. permit fee required.

Activities: Bev Fourcade reported Leisure World Barber Shop group here Feb. 7th. Only 150 tickets at \$4.00. Working on 2007 Volunteer Dinner. Cost for catering approximately \$15.00 per plate. Spanish classes going well, 12-14 participants. Newcomer's Coffee on January 19th. Quilters moving into new room this weekend for Quilt Camp. Quilt show and flea market on March 1st.

Beautification: Tom Finger reported still working on fence along #1 Fairway. Installing barricades to stop Ball Park auto traffic from exiting on path. Painting and plant removal to be done around Administration Building before new soffits installed. Large fountain at library being re-worked due to leakage. Usual trimming and trash cleanup in common areas. Wire buried for post in parking lot.

Arbitration: Tom Finger reported 8 valid concerns still open, yard violations. 3 complaints complied with, continue to monitor as are repeat offenders. One feral cat complaint referred to Joice Lange. Couple complaints turned over to Architectural Committee.

Publicity: Bing Miller reported phone book about ready to go. Waiting to approve changes. Ernie Shoults will no longer be in charge of the Pool Committee. He will be taking over Publicity.

OLD BUSINESS:

***Payment Voucher Form:** Bing Miller and Enga explained the need and procedure to be used with the form. Motion made and seconded to approve use of the form. All Board members present approved.

***Hot Tub:** Status of the hot tub with respect to the Maricopa County inspection report was discussed. Issue tabled until next meeting. Ernie Shoults to bring reports to the next board meeting so matter can be resolved.

NEW BUSINESS:

***Eaves Proposal:** Bob Rasset presented two proposals to repair the eaves on the Administration Building. (Proposals on file.) Motion was made at the recommendation by Bob Rasset that we accept the proposal from ABC Siding to install all aluminum soffits and eaves for a bid of \$19,367.39. Motion seconded and unanimously approved by all Board members present.

***Management Company:** Bing Miller presented information on a management company. Materials were given to board members to review. Rossmar & Graham, a management services company will make a presentation at next month's board meeting.

***Citizen's Time:** Bing Miller explained the procedure for the forum being made available to AW residents. Residents can individually bring concerns to the board by setting up a time by calling the

HOA office. The first scheduled date is February 1st from 9 AM to 12 NOON at the Administration Building. Then March 3rd, April 1st, and May 1st. Fifteen-minute time slots will be scheduled from 9:00 AM until 12 Noon.

***New Monthly Agenda:** Bing Miller explained that the first board meeting of the month would be handled as in the past. At the second monthly meeting the minutes would be approved then work to resolve problems and issues. There will be no committee reports.

***Committee Assignments:** Bing Miller addressed the director committee appointments. Ernie Shoults will be taking over Publicity. The remaining committees will be the same.

***Proposed Bylaw Amendment:** Bing Miller addressed the proposed bylaw amendment. Proposal will be referred to legal counsel for review so we are in compliance with state and federal law. A bylaw committee will be re-appointed. Once committee has reviewed proposal, made their revisions or suggestions, attorneys would be asked to review a second time before going to the public for a vote.

ITEMS TOO LATE FOR AGENDA: Bing Miller read a letter from Jim Nosbish, President, AWCC. The HOA is asked to consider the possibility of a "community hall" leaving ownership of bar/grill and golf pro-shop to the AWCC. (Letter on file) Discussion followed. Issue tabled for further discussion at a later date. Don Fourcade questioned the issue of securing the swimming pool with a fence during AWCC construction. Issue to be addressed at a later time.

ADJOURN: Motion made to adjourn the meeting and seconded. All Board members present approved.

Meeting adjourned and 10:00 AM.

Respectfully submitted,

Sandra M. Johnson, Secretary

**MINUTES ARE UNAPPROVED FOR INFORMATIONAL PURPOSE
ONLY SUBJECT TO CORRECTION**

APACHE WELL HOMEOWNERS BOARD MEETING – FEBRUARY 7, 2008

OBSERVERS: Cheryl Shadle #1147; Lois Stevenson #1056; Judi Teague #196; Mickie Jung #1437; Bobby Golden #1106; Kristin Hansen #230; Phil White #1131; Bill Dixon #826; Bev Fourcade #299; Walt Broden #536; Clarence Lamers #1367; Harold Meyer #1375; Bob Risset #86; Walt Stromme #91.

MEETING CALLED TO ORDER by Cheri Whalen, 1st Vice President at 8:10 AM. Board Members present were Jim Bonnell, Jo Gregory, Don Fourcade; Tom Finger, Ernie Shoults, and Sandra Johnson. Absent: Bing Miller, President and Irv St. John, Treasurer.

MEETING AGENDA: The Board was asked to review and approve the Meeting Agenda. The SAW Committee proposed bylaw amendments would be added to the agenda under New Business. Motion was made and seconded to approve the amended agenda. All Board members present approved the agenda.

SECRETARY'S REPORT: The minutes of the January 17th meeting had two wording corrections. After review a motion was made and seconded to accept the minutes as corrected. All Board members present approved the filing of the minutes in the record book.

TREASURER'S REPORT: Cheri Whalen gave the Treasurer's Report in the absence of Irv St. John. Motion made and seconded to approve report as presented. All Board members present approved. Report to be filed.

Balance Checking 1/1/08	\$75,653.66	Balance Savings
\$13,644.87		
Deposits	\$243,761.53	Interest
6.54		
Disbursements	\$100,085.70	
	<hr/>	Ending Balance
\$13,651.41		
Ending Balance 1/31/08	\$219,329.49	2 CD'S @ \$50,000.
\$100,000.00		

Total Operating Funds 1/31/08 \$332,980.90

Total Reserve \$50,000 CD

ENGA'S REPORT: Received an insurance quote of \$4085. for an additional \$10,000,000.00 umbrella liability coverage. Following discussion a motion was made and seconded to purchase the additional coverage. All Board members present approved the motion. Room A is in need of a new 100-cup coffee pot. Approval given to make purchase. 9 Hole Swingers requested use of two Gazebo coffee pots on March 5th for their invitational tournament. Request granted. Room C short on chairs. They are currently being shared with other activity rooms. New chairs are on order. This will correct shortages. Ceramic ladies request for new kiln was tabled last month. No new information at this time. Ceramic ladies will be asked to work on their bid and re-submit request at a later date. The Parkinson's class coordinator had requested accessible

handicap ramps by activity rooms. Don Fourcade to get bids and will address under Maintenance at next meeting.

COMMITTEE REPORTS:

Swimming Pool: Jo Gregory reported 19,744 sign-ins for 2007. January 08 count is 1231. Skimmer lines have been cleaned. Harry and morning ladies continue to keep blue line cleaned. Tom and crew will take care of weeds on east side. Don made electrical changes in storeroom. Got rid of old supplies from storeroom. Barrel contents in storeroom are being used so not yet removed. Needed tile repair is on hold as well as spa bubblers and timers. Have a new broom, dustpan, and wastebasket. Hot tub will be discussed under old business.

Exercise Room: Cheri Whalen reported 1061 residents and 8 guests registered in exercise room for January. Annual numbers were reported in December per Jo Gregory. Contacted cleaning company due to substandard work being done. We have a new crew and instituted a cleaning checklist. Changed cleaning product to include an antifungal disinfectant and antibacterial component. We are monitoring them closely. They reduced their bill for the month by 50% in consideration of the poor performance. Getting bids to spiff up signs on doors, cleaning carpets, refreshing the floors and fixtures, and the shower rooms. Also getting bids to replace storage lockers. Three bids were presented to replace one of the treadmills in the exercise room. Bids ranged from \$3299. to \$3750. plus tax, delivery and installation. Motion was made and seconded for the Exercise Committee to purchase a new treadmill within the price range of the bids. All Board members present approved motion.

Architectural: Jim Bonnell had little to report. Been fairly quiet. Going well.

Maintenance: Don Fourcade reported blacktopping of road is completed. Contractor is installing new soffits on Admin. Bldg. Second ceiling fan in exercise room to be installed today. Written bids to be obtained to install new ceiling in exercise room and painting exercise room and shower rooms. Ernie's verbal bids to be reduced to writing for consideration. There are some electrical problems in the exercise room that will need to be addressed at a later time. The usage of the south half of the Admin. Bldg. was discussed. To meet Mesa Fire code proper ingress and egress needs to be addressed in this part of building. A motion was made and seconded to form an ad hoc subcommittee to address the usage and reconfiguration of the south half of the Admin. Bldg. to meet fire code. All Board members present approved motion

Eaves Project: Bob Ressett reported the project is progressing nicely. Should be completed in two weeks. New lights and bulletin board will be installed upon completion. Asphalt is down but project is not quite completed. Nice job and good drainage. Putting up tents by softball field. Parking bumpers will be put down. Have some rock to add, projects are coming along good.

Activities: Bev Fourcade reported Barbershop show was a sell out. Sunshine Acres drive raised \$22,844.35. Approximately \$1500. of total came from the Village at AW. Great response from the community. Working on Volunteer Dinner caterer, entertainment, etc., sign up sheets are out there. She, Bev, would like to continue as Activity Director next year. She will be in the HO office Tuesday mornings. Open for suggestions for possible events and activities.

Beautification and Arbitration: Tom Finger reported 12 valid concerns in 2008. Mostly yard violations. Stray cats are being handled by Joice Lange. Discussion on

handling of architectural complaints. Need to research additional remedies.
Beautification inventory completed. Assembling fence sections along #1 fairway. Putting in desert landscape plantings around Admin. Bldg. Usual trimming and trash removal. Removing all but two horseshoe pits, others no longer used. Stationery benches to be rebuilt and relocated along walking paths or wherever.
Publicity: Ernie Shoults had nothing to report.

OLD BUSINESS:

***Hot Tub: Regarding the Maricopa County's inspection report and code requirements Cheri Whalen gave a statement of facts.** A motion was made to have Jo and Jim prepare a written scope of work for the Hot tub to address the Oct. 06 violations and bring it into compliance with the health codes and then present it to three contractors for bidding purposes. Motion seconded and approved by all Board members present.

***HOA Management Proposal:** Reminder that Rossmar, Graham will be making a presentation on Feb. 21st to the Board regarding the services they provide to Homeowner associations. Please review the manual they provided and be prepared to ask questions.

***Shower Rooms:** Mickie Jung and Cheri Whalen are meeting with a contractor today to start getting bids to refresh the fixtures and flooring and get bids for storage lockers.

***Fitness Center Equipment:** Sharon Curtis and Colleen Maceachern will continue to review the proposals for updating other equipment.

***Citizens Time:** Seven residents attended the first Citizens Time. Several issues were brought up: Lack of children's car seats; value of management company; audit of financial records; new construction and lot coverage compliance, correct information on HOA improving CC property; and bylaw amendment and restatement of CC&Rs. The next scheduled date is March 3rd from 9 am to Noon. Time slots of 20 mins. will be scheduled. Call the HO office to schedule a time.

***Bylaws:** The attorney's opinion and recommendations on our Bylaws and CC&Rs should be received within the next two weeks. Per Cheri Whalen, President Bing Miller had suggested at a previous Board meeting that a subcommittee of residents be formed to review the opinions and recommendations of the attorneys. At the January 17 meeting a bylaw amendment proposal was presented by Kris Hansen. The language has been reviewed by the attorneys for compliance with AZ law and for clarity purposes. The proposed bylaw amendment was read. Discussion was held on what options were before the Board on how proposals could be handled. A motion was made by Jo Gregory for a resolution to proceed with an election on the proposed bylaw amendment of Article X "Special Assessments". Motion was seconded by Jim Bonnell. After further discussion the vote was taken by raising hands. Board members voting in favor were Jo Gregory, Jim Bonnell, Don Fourcade and Sandra Johnson. Board members opposed were Ernie Shoults and Tom Finger. Cheri Whalen as presiding officer did not vote. Bing Miller, President and Irv St. John, Treasurer were absent. Motion passed 4 to 2.

NEW BUSINESS:

Standing Committee Members: Enga requested that the Chairman of the Standing Committees assemble the names and phone numbers of the committee members and turn them into Enga for publication.

SAW Committee Bylaw Amendment Proposals: Judi Teague in behalf of the SAW Committee had presented Nine Bylaw Amendment Proposals. Each Board member

present signed a proof of receipt form indicating their receipt of the proposals. Cheri Whalen will deliver proposals to attorney for review of language compliance with Arizona State law and clarity purposes. It may take approximately two weeks to complete and we will then proceed in the same manner as with the other proposal.

ITEMS TOO LATE FOR AGENDA: Nothing to be covered.

ADJOURN: Motion made to adjourn the meeting and seconded. All Board members present approved. **Meeting adjourned at 10:09 AM.**

Respectfully submitted,

Sandra M. Johnson, Secretary