

SAVE APACHE WELLS OPPOSES BYLAW CHANGE

Save Apache Wells strongly opposes the proposed amendment of the current bylaw relating to special assessments. We feel that the change in wording is unnecessary and that it is not in the best interest of the homeowners. Under Arizona law (ARS 33-1812), absentee ballots must be made available in all elections and provides the opportunity for all homeowners to vote under the current bylaw.

One homeowner who supports the amendment states, "It is critical that this amendment is approved so that future special assessments can be approved". We feel that the current bylaw will allow for the approval of future special assessments if and only if they are supported by a majority vote of all residential unit owners.

CURRENT BYLAW:

Article X, Section 2.D. (1) Special Assessment

Special assessments shall be approved by a two-thirds (2/3) vote of the Board at a duly called meeting at which a quorum is present, and by a majority vote of residential unit owners at a special election called and publicized for that specific purpose.

Note: Under Arizona law ARS 33-1812; absentee ballots must be made available in all elections and apply to the current bylaw.

PROPOSED BYLAW:

Article X, Section 2.D. (1) Special Assessment

Special assessments shall be approved by a two-thirds (2/3) vote of the Board at a duly called meeting at which a quorum is present, and by a majority vote of residential unit owners **present and voting** at a special election called and publicized for that specific purpose. **Absentee ballots are considered present for the purpose of this section.**

Our reasons for opposing the proposed amendment include the following:

- The current bylaw enabled homeowners to avoid an \$8,500,000 (\$6020 per residential unit) building project that was way overpriced and would have primarily benefited the Apache Wells Country Club membership.
- Fortunately for opponents of that project, a Superior Court Judge interpreted the wording and intent of the current bylaw correctly. There are of course those who disagree and say her ruling was ridiculous and questionable. Many believe that she got it right!
- The major reason to keep the current bylaw is that it prevents a **minority** of homeowners from approving a special assessment if voter turnout is only average. Example: a \$2500 per unit special assessment is put to a vote of the homeowners. Only 750 homeowners vote (absentee and in-person). When the votes are counted there are 426-YES and 324-NO. Under the proposed amended bylaw the special assessment would be approved by 30% of the homeowners.
- In order to approve a special assessment under the current bylaw it would require 706 YES votes, which should be obtained easily if the special assessment is supported by the majority of homeowners.

Vote NO on your Absentee Ballot or on March 11, 2008

Save Apache Wells Committee