

## AWARE Website Claims SAW Flyer Incorrect!

The following information, dated February 20, 2008, has been posted on the AWARE website and claims that the **SAW Exercise Your Right to Vote Flyer**, distributed recently in the Apache Wells community, is incorrect. We wish to respond to some of what they had to say.

**AWARE:** *SAW says on their flyer that the new proposed amendment would allow for a "minority" of homeowners to approve a special assessment. When in fact it would still take a majority of those voting to pass a special assessment.*

**SAW:** Yes, a “majority” of those voting would approve a special assessment under the proposed bylaw amendment. That “majority”, however, could also be a “minority”. On February 21, 2007 644 voted YES and 594 voted NO. The YES votes represented 46% of the residential unit owners. That is a “minority” of homeowners under the current bylaw. Under the proposed bylaw amendment the \$6020 special assessment would have been approved.

**AWARE:** *ALL homeowners will be given the opportunity to vote either in person or by absentee ballot. This will put the responsibility back onto the shoulders of the homeowners to exercise their right to vote and not allow a "non-vote" to become a "no" vote.*

**SAW:** Yes, all homeowners need to exercise their right to vote. Realistically, that is unlikely to happen. Under the current bylaw, 706 YES votes would be required for approval, a total that would be easily obtained if the homeowners were in favor of the proposal that required the special assessment. Under the proposed amendment, approval would be much easier to obtain, requiring far fewer YES votes if voter turnout is low.

*The same flyer also states that the Board of Directors and AWARE both support the amendment.*

**AWARE:** *Yes AWARE supports the change.*

**SAW:** We don't disagree with this statement.

**AWARE:** *What the Board did was give the homeowners the opportunity to vote on the proposed change, they as a Board of Directors did not say they support the change.*

**SAW:** What the Board did was vote to put the proposed amendment election on RUSH at the February 7<sup>th</sup> Board Meeting. From the Unapproved Minutes: **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. We believe that the actions of the Board at this meeting clearly show that a majority of the members not only supported the proposed bylaw amendment, but also facilitated the upcoming election scheduled for March 11<sup>th</sup>. Furthermore, the Apache Wells Newsletter for February 21, 2008 Issue 78, devotes almost two full pages to promote the virtues of the proposed bylaw amendment. AW Newsletter 2/21/08 Issue 78 (excerpt): 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. Since the Board of Directors controls the content of the community newsletter, it is further proof that they support the proposed amendment.**

*Please Vote “Yes” on March 11, 2008*  
**AWARE’s position.**

**Please Vote “No” on March 11, 2008**  
**SAW’s position.**

Save Apache Wells Committee