

## **CCVI Board Meeting Agenda**

DATE: Saturday, February 22 1-3pm

LOCATION: GVR East Center Auditorium, 7 S. Abrego

Present: Gretchen Kabler, Jim Dobbins, Linda Berg, Stephen Shores, Diana Lieurance and Stan Sherman

Absent: Theresa Poruznick

President's call to order at: 1:00pm

- I. Presidents' Welcome.
  - a. Introduction of Michael Shupe, Attorney for CCV1 POA
  - b. Presentation of meeting rules
  
- II. Request from CCV1 Community Members in attendance for items to be included in the next meeting's agenda.
  - a. A request was made to discuss vehicle parking at the next meeting
  
- III. Treasurer's Report.
  - a. Presented by President Kabler in the Treasurer's absence.
  - b. All dues for 2024 have been collected.
  - c. Income and expenses presented in the attached Treasurer's report.
  
- IV. Committee Reports:
  - a. Architectural
    - i. No activity to report in January.
  
  - b. Yards and Alleys
    - i. January Actions
      1. Lot 10 – weeds addressed and resolved
      2. Lot 151 – sidewalk gravel addressed and resolved
      3. Lot 115 – political sign addressed and removed
      4. Lot 145 – weeds addressed and resolved
      5. Lot 117 – political sign addressed and not yet removed
    - ii. Yard of the Month sign is now being awarded by the Chair and consideration is given to community members who work to keep their yards nice regardless of landscaping.

- c. Social
  - i. St Patrick's Day Party is scheduled for March 16<sup>th</sup> but location has not been announced yet. *{UPDATE: since the meeting the party has been rescheduled for March 23}*
  - ii. Yard & Craft Sale is scheduled for Friday & Saturday, April 11-12.

V. New Business:

**Member Record Request Discussion (with Attorney Michael Shupe)**

Mike confirmed that CCV1 is not a Planned Community and therefore not governed by the Planned Communities Act. CCV1 was incorporated as a 528 non-profit corporation so our legal requirements come from the Arizona Non-Profit Corporation Act despite it not being tailored to neighborhood associations.

In brief, the Arizona Nonprofit Corporation Act specifies that:

**10-11601. Corporate Records**

**A.** A corporation shall keep permanent records minutes or all meetings of its member and board of directors, **a record of all actions** taken by the members or the board of directors without a meeting and **a record of all actions** taken by a committee of the board of directors on behalf of the corporation.

**10-11602. Inspection of records by members: applicability**

**A.** ... any member who has been a member of record at least six months immediately preceding its demand is entitled to inspect and copy any of the records of the corporation described in section 10-11601.

**C.** A member may inspect and copy the records... only if the following conditions are met:

- a. The member's demand is made in good faith and for a proper purpose.

- b. The member describes with reasonable particularity the member's purpose and the records the member desires to inspect.
- c. The records are directly connected with the member's purpose.

Based on this law, we are obligated to provide to members who request records of the Board's or Committees ACTIONS, including records of Architectural Committee approvals or denials, and other actions taken by the Architectural or Yards & Alleys Committees.

**Q:** Questions and concerns were raised by multiple community members primarily regarding privacy of their information including names, addresses, email addresses, phone numbers and signatures.

**A:** Certain personal information is not protected because we are all *voluntarily* members of the non-profit association. Email addresses, phone numbers, and signatures may be redacted from certain documents, but names and addresses may not if they are part of a record of Board action. The Board has modified processes for recording actions to minimize member information on documents going forward.

**Q:** Can we refuse to provide the records even if the requirements of the AZ Non-Profit Corp Act are met by the person making the request?

**A:** Individual members do not have the right to withhold records as they are the property of the association not the individual.

**Q:** Can CCV1 become a Planned Community to have more restriction on release of records?

**A:** As a POA with no ownership of common property CCV1 does not qualify to become a Planned Community.

**Q:** What about HIPAA and federal right to privacy laws? Don't those override the AZ Non-Profit Corporation Act?

**A:** HIPAA governs only medical records so is not applicable to our situation. It was unclear exactly what federal right to privacy laws were being referenced but generally those apply to the management of information by federal agencies, not neighborhood associations.

**Q:** What can we do to further protect the privacy of our information?

**A:** Legislators tend to respond to constituents so sending letters with concerns could trigger some action that could expand records privacy for HOA's and POA's beyond the Planned Communities Act. GVC would be a good source to help develop a letter and message that can be sent to the AZ House regarding records requests. Gretchen will consult GVC on this.

VI. Meeting adjourned at: 3:06pm

## **Members in Attendance**

Ruby Payne  
Larry Hall  
Riki Renfro  
Debbie Grande  
James Grande  
Mark Dean  
Barb Baker  
Tom Smorra  
Rob Criminger  
Borden M. Granger  
Sherrill Sienicki  
Kathryn Donnelly  
Len Donnelly  
Joyce Newell  
Andy Teach  
Colleen Bergmanis  
Sam Halterman  
Kelly Halterman  
Elizabeth Beyrer  
Fred D'Angelo  
Jane Vazquez  
James Vickers  
Laurie Hann  
Terri Hanks  
Rebecca Bower  
Charlie Wilber  
Joann Williams  
Pam Szuromi  
Andy Szuromi  
Karen Knoll  
John Knoll  
Sadie Hawkins  
Jan Wee  
Gail Watson  
Linda Tukenmez  
Christina Gregor