

To: Joan Tober

From: Civano 1 HOA Board of Directors

Date: August 30, 2011

Re: Tober Posting on Neighborhood Association website on 8/27/11 pertaining to Amendment to Civano 1 Bylaws that was recently posted on the Civano 1 HOA website.

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The statements in your above-referenced posting are not accurate. The Civano 1 Board of Directors properly amended the Civano 1 Bylaws to state that HOA committee meetings would be open to all members. This amendment to promote transparency in committee operations was adopted at the open Civano 1 Board meeting on January 18, 2011 and affirmed at the February 15, 2011 open Civano 1 Board meeting, after you objected to the Board's adoption of the amendment and the Board reviewed the adoption procedure with the Association's attorney.

While gathering documents to respond to your request for production of voluminous information in your pending lawsuit against the Association and the Board, the Association's manager recently realized that the actual Bylaws amendment had not been signed—a procedural oversight. She obtained the signatures of the current President and Secretary. Thus, the amendment shows that it was signed on August 23, 2011, and the body of the amendment states that it was adopted at the Board meeting of January 18, 2011. Like all governing document amendments, the Bylaws amendment was posted on the HOA website.

On July 20, 2011, six months after our Board approved the Bylaws amendment, a revision of the open meeting law in the Arizona Planned Communities Act took effect, which made "any regularly scheduled committee meeting" open to all members of the association. In your posting, you wrongfully accuse the Board of adopting an invalid Bylaws amendment because it conflicts with this revised statute and you further imply that the Civano 1 Board of Directors, the Association's manager, and the Association's attorney are all acting in bad faith by processing an amendment that does not fully comport with the Planned Communities Act. This is a groundless accusation because the revised statute overrides the Bylaws amendment, which was adopted before the open meeting law was revised.

As for your assertion that the Board of Directors is not authorized to amend the Association's Bylaws, you only posted part of the information that pertains to this issue, which was fully reviewed and discussed by the Board in March 2011, with full information sent to you and shared with Association members to support the Board's authority to amend the Bylaws. Your publication of half-truths and groundless accusations on the Neighborhood Association website is not constructive and causes needless upset in the community.