

1. AMEND RULES: To add new flags based on

Current RULE 1L. Flags

The following flags may be installed/displayed in accordance with VWAS 08:

- American Flag
- POW/MIA Flag
- Arizona Indian Nations Flag
- Arizona State Flag
- Gadsden Flag
- an official flag of the U.S. Army, Navy, Air Force, Marine Corps, or Coast Guard

New A.R.S. § 33-1261 A

A. Notwithstanding any provision in the condominium documents, an association shall not prohibit the outdoor display of any of the following:

1. The American flag or an official or replica of a flag of the uniformed services of the United States by a unit owner on that unit owner's property if the American flag or a uniformed services flag is displayed in a manner consistent with the federal flag code (P.L. 94-344; 90 Stat. 810; 4 United States Code sections 4 through 10).
2. The POW/MIA flag.
3. The Arizona state flag.
4. An Arizona Indian nations flag.
5. The Gadsden flag.
6. A first responder flag. A first responder flag may incorporate the design of one or two other first responder flags to form a combined flag.
7. A blue star service flag or a gold star service flag.

RECOMMENDATION

The Documents and Communication Committee recommends that the Association replace the current list of flags stated in Rules and Regulation Rule 1L. Flags with the list of flags (1-7) as written in A.R.S. § 33-1261 A (Arizona Condominium Act.) At the same time, we suggest that the identical list of flags in VWAS 08 be replaced with the text "See Rule 1. L. Flags in Villas West Rules and Regulations."

2. AMEND BYLAWS: To add fifth reason for closed meeting

BYLAWS 7.3

1. Privileged communication between an attorney for the association and the association.
2. Pending or to contemplated litigation.
3. Personal, health or financial records of an individual member of the association, an individual employee of the association or an individual employee of a contractor for the association, include records of the association directly related to the personal, health or financial information about an individual member of the association, an individual employee of the association or an individual employee of a contractor for the association.
4. Records relating to the job performance of, compensation of, health records of or specific complaints against an individual employee of the association or an individual employee of a contractor of the association who works under the direction of the association.

A.R.S. 33-1248 A

Any portion of a meeting may be closed only if that portion of the meeting is limited to consideration of one or more of the following:

1. Legal advice from an attorney for the board or the association. On final resolution of any matter for which the board received legal advice or that concerned pending or contemplated litigation, the board may disclose information about that matter in an open meeting except for matters that are required to remain confidential by the terms of a settlement agreement or judgment.
2. Pending or contemplated litigation.
3. Personal, health or financial information about an individual member of the association, an individual employee of the association or an individual employee of a contractor for the association, including records of the association directly related to the personal, health or financial information about an individual member of the association, an individual employee of the association or an individual employee of a contractor for the association.
4. Matters relating to the job performance of, compensation of, health records of or specific complaints against an individual employee of the association or an individual employee of a contractor of the association who works under the direction of the association.
5. Discussion of a unit owner's appeal of any violation cited or penalty imposed by the association except on request of the affected unit owner that the meeting be held in an open session.

RECOMMENDATION

The Documents and Communication Committee recommends that the Association replace Bylaws 7.3 with the closed meeting limits (1-5) as written in A.R.S. § 33-1248 A (Arizona Condominium Act).

3. AMEND BYLAWS: Update written ballot retention

Current BYLAWS 4.6

Section 4.6 retention of ballots. Ballots cast in a vote on any matter shall be sealed and stored by the association for a period of at least 30 days.

New A.R.S. 33-1250 C

7. Ballots, envelopes and related materials, including sign-in sheets if used, shall be retained in electronic or paper format and made available for unit owner inspection **for at least one year** after completion of the election.

RECOMMENDATION

The Documents and Communication Committee recommends that the Association replace Bylaws 4.6 with text as written in A.R.S. § 33-1250 C7 (Arizona Condominium Act).

4. AMEND BYLAWS: Allow “Secret Ballots”

Current BYLAWS 4.3

Not currently included.

New A.R.S. 33-1250 C

6. The completed ballot shall contain the name, the address and either the actual or electronic signature of the person voting, **except that if the condominium documents permit secret ballots, only the envelope shall contain the name, the address and either the actual or electronic signature of the voter.**

RECOMMENDATION

The Documents and Communication Committee recommends that the Association add to Bylaws 4.6 the following text “6. The Board may allow secret ballots for any election. For a secret ballot only the mailing envelope shall contain any identifying information; the ballot envelope will be uniform for all Members.” as allowed by A.R.S. § 33-1250 C6 (Arizona Condominium Act).