

CIELITO LINDO DE TUBAC HOMEOWNERS ASSOCIATION

Policy Re: Association Communications Adopted: February 10th, 2021

1. **Members' Communications to the Board, Committees, Manager, or any Director.**
 - (a) **Communication at Board Meetings.** In accordance with the open meeting law [A.R.S. §33-1804, Arizona Planned Communities Act], Members or their designated representatives may speak to the Board once after the Board has discussed a specific agenda item but before the Board acts on that item. In addition, Members or their designated representatives may speak at Board meetings during the call to the floor. Any attendee wishing to speak will raise their hand and be acknowledged by the Meeting Chair. Attendees will provide their name and address at the beginning of any remarks for the formal record. Attendees will be given up to three (3) minutes to speak on any agenda item during the open comment period. If an attendee wishes to submit written information or other documentation, he or she may give it to the Meeting Chair or the Manager prior to the Meeting.
 - (b) **Communications Outside of Board Meetings.** Members may communicate to the Board in writing or email regarding any topic. Communications shall be sent to the Association Manager, or in the absence of a Manager, the Association President and Secretary (via U.S. Mail or email) for distribution to all Board members. Members' communications shall be sent to the Board members in their pre-meeting packets for review at the next scheduled Board meeting unless the communication is deemed by the Manager or the President to warrant a quicker response. The Manager and/or President may direct Members' communications to a committee chairperson or a staff person for processing, if appropriate, and if Board attention or action is not required. Should Board members receive written communication about association business, it should be forwarded to the Association's Manager, President or Secretary.
 - (c) **Verbal Communications.** Board members will not verbally discuss Association business with any Member or Member's representative, and if one or more individual Board members receive a verbal communication from a Member or resident, it shall be responded to with this statement:

"Thank you for your (comment, complaint, suggestion, etc). You should contact the Association's Manager in writing with your information, question, complaint, etc. He/She will ensure that this information is distributed to all members of the Board of Directors for consideration." (Or words to this effect, carrying the same meaning and intent.)
 - (d) **Anonymous Communications.** All communications to the Board need to identify the sender. Anonymous communications or communications using a fictitious name will not be considered or acted upon.
 - (e) **Civility Requirements.** In all communications, all members will exercise professionalism, respect, courtesy, patience, and civility toward each other, and shall refrain from using raised voices, making personal attacks, and from using profane, rude, or threatening language.

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2. Meeting Rules.

(a) General Meeting Decorum.

- i. All attendees will refrain from behavior which will disrupt the business of the Meeting.
- ii. All attendees will exercise professionalism, respect, courtesy, patience and civility toward each other and the Board, and shall refrain from using raised voices, making personal attacks, and from using profane, rude, or threatening language.
- iii. All attendees will refrain from creating, provoking, or participating in any type of disturbance involving unwelcome physical contact.
- iv. All attendees will refrain from using cellular phones while the meeting is in session.
- v. All attendees are expected to refrain from side conversations during the Meeting. Everyone has the right to hear what is being said at the Meeting.
- vi. Disorderly Conduct by any attendee will not be tolerated. The Meeting Chair may issue one warning to any attendee to refrain from such Disorderly Conduct. If the Disorderly Conduct persists, the Meeting Chair may ask any attendee to leave the Meeting. Continuing Disorderly Conduct may result in the adjournment of the Meeting, and/or a call to law enforcement. The term "Disorderly Conduct" as used in this Policy shall have the same meaning as defined in Section §13-2904 Arizona Revised Statutes ("A.R.S."):

A.R.S. §13-2904 Disorderly conduct; classification

A person commits disorderly conduct if, with intent to disturb the peace or quiet of a neighborhood, family, or person, or with knowledge of doing so, such person:

- 1. Engages in fighting, violent or seriously disruptive behavior; or*
- 2. Makes unreasonable noise; or*
- 3. Uses abusive or offensive language or gestures to any person present in a manner likely to provoke immediate physical retaliation by such person; or*
- 4. Makes any protracted commotion, utterance or display with the intent to prevent the transaction of the business of a lawful meeting, gathering or procession; or*
- 5. Refuses to obey a lawful order to disperse issued to maintain public safety in dangerous proximity to a fire, a hazard, or any other emergency; or*
- 6. Recklessly handles, displays, or discharges a deadly weapon or dangerous instrument.*

(b) Operational Rules Applicable Generally to All Meetings.

- i. All attendees shall act in accordance with direction from the Meeting Chair.
- ii. Anyone wishing to speak must first be recognized by the Meeting Chair.
- iii. Meeting Agendas may include a call to the audience to afford Members a time to speak.
- iv. Attendees shall not interrupt anyone who validly has the floor; however, the Meeting Chair can ask a person to stop speaking and to yield the floor when appropriate.

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- v. When speaking, individuals shall abide by any time limits set by the Meeting Chair for comments.
- vi. No attendee may speak for a second time on an issue until everyone who wants to speak about that issue has been given the chance to speak once.
- vii. Attendees may not speak more than twice on any one issue, subject to the discretion of the Meeting Chair.
- viii. Discussion and decision-making will generally be based on procedures suggested by the latest edition of Roberts Rules of Order.
- ix. Official minutes will be recorded in written form and shall not constitute the formal record of the meeting until subsequently approved.
- x. The Board may decide to have an audio and/or video recording taken of the meeting by the Manager, subject to and in accordance with A.R.S. §33-1804(A).

(c) Operational Rules Applicable to Board Meetings.

- i. Board Meetings are conducted pursuant to an approved agenda.
- ii. Except as otherwise decided by the Board, the Association President will act as Meeting Chair. In the President's absence, the Vice-President, or other designee as determined by the Board, shall act as Meeting Chair. The Meeting Chair's decision as to any matter of procedure is final.
- iii. After a Motion is made and seconded as to any specific agenda item, the Directors will discuss the Motion. Attendees do not have the right to interrupt, comment, or otherwise participate during the Board's discussion of a pending Motion.
- iv. After the Board has discussed the Motion, attendees will be permitted to speak in accordance with the Section 1(a) above.
- v. The attendee's opportunity to speak is not intended to be a "Q & A" with the Board. The Meeting Chair may refer clarifying questions from the audience to the Manager or an appropriate Director for response at the meeting, or for later response.
- vi. Once attendees' comments have concluded, the Board may proceed to a vote on the pending Motion, or may table the Motion for later consideration, if any.
- vii. Closed (Executive) sessions of the Board may, on occasion be called. Executive sessions are closed to non-Board members, except for any person specifically invited to attend. Before entering into a closed session of any Board Meeting, the Meeting Chair will state the reason for the closed session, including the applicable exception as listed in A.R.S. §33-1804(A).

NOTE RE: "FREE SPEECH" AT ASSOCIATION MEETINGS

Free Speech rights are not unlimited and are generally not protected in the context of Homeowner Association operations. Furthermore, there is no "First Amendment Right" to bad behavior, and persons who engage in disorderly or abusive behavior can be ejected from meetings and fined for their conduct, after notice and an opportunity to be heard. If necessary, the Association can seek restraining orders against persons who threaten and harass the Board, individual Directors, Officers, committee members, Members of the Association, and other Meeting attendees.

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3. **Member's Request for Records.** In accordance with A.R.S. §33-1805, a Member may review the Association's financial and other records, by submitting a written request that includes a description of the records requested. The Association's Manager or other designee will contact the Member to make arrangements for the Member's review of records, to take place within 10 business days of the Association's receipt of the request. The Member may request copies of records in place of in-person review. The Association will charge a fee of \$.15 per page for providing copies of records requested by a Member. Privileged records may be withheld from Members' review in accordance with A.R.S. §33-1805, in which case the Association's Manager, Secretary or other designee will respond to the requesting Member accordingly. This includes (but is not limited to) 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 Board.

4. **Intent of this Resolution.** The intent and purpose of this Resolution is to assure orderly receipt and processing of Members' communications to the Association, and orderly meetings of the Association. The Board does not intend to hinder in any way personal communication in any form between Association Members and the Board or among all Association members. We endorse free, open, respectful, and clear communication and exchange of ideas among Association members. However, it is important that Association Members understand that there is a proper means and method of communicating with the Board, regardless of whether it is to inquire or express dissatisfaction, or for any other appropriate purpose.

This Resolution was adopted by the Board of Directors of the Cielito Lindo De Tubac Homeowners Association at a duly held Board meeting on the 10th day of February, 2021, and shall become effective immediately. This Resolution supersedes and replaces any previous policies or resolutions pertaining to Association Communications.

CIELITO LINDO DE TUBAC HOMEOWNERS ASSOCIATION,
an Arizona non-profit corporation

By: Lois A. Zettlemyer
Its: President

ATTEST:

By: Cathy Marrero
Its: Secretary

01/18/2021