

Sheppard, Marian

From: John Goulette [bonitacreekwateryguy@gmail.com]
Sent: Thursday, September 02, 2010 9:04 AM
To: Bill Glaunsinger
Cc: Sheppard, Marian; AZCC Kiana Sears
Subject: Roberts Rules of Order & Amendment to Constitution

Mr Glaunsinger,

Let's start with something we can both agree on. The Constitution and By-Laws (CBL) state that all meetings shall follow the Roberts Rules of Order (RRO). That is a fact. The following is from RRO and clearly states what is needed to amend the Constitution. This was not followed and your actions to have the members of the Bonita Creek Land & Homeowners Association (BCLHOA) pay dues to the Bonita Creek Property & Preservation Association (BCPPA) at the annual 2004 meeting was clearly a violation of the CBL. Any other type of vote that you want to say happened is not validated for the same reason and that is the membership never got to vote. As you stated in the invitational letter of 2004 "The Board has voted to change the Association's name to Bonita Creek Property and Preservation Association".

ROBERTS RULES of ORDER

"Voting by Mail is used for election of officers, and for amendments to the constitution or by-laws, and for such other important matters as the society may order to be voted on in this way. If an amendment to the by-laws is to be voted on by mail, a printed copy of the proposed amendment is mailed to every member with the words "yes" and "no" printed underneath, or on a separate slip, with directions to cross out one of them and return in the enclosed envelope, upon which should be printed the words, "Ballot for Amendment to Constitution." This envelope should usually have the signature of the voter on it, and be sealed and enclosed in another one addressed to the secretary, or to the chairman of the tellers, so that the inner envelope will not be opened except by the tellers when the votes are counted. If it is desired to present the arguments pro and con, the society can allow the leaders on the two sides to prepare brief statements to be printed and mailed with the proposed amendment to every member. Instead of having the voter's signature on the inner envelope, it may be placed on the ballot, but a place for the signature should be indicated, so that there may be some means of protection against votes being cast by other than legal voters. Voting by mail cannot be a secret ballot, as it is necessary for the tellers to know by whom each vote is cast. By some such method as the above it is practicable to give all the members, however scattered they may be, an opportunity to vote on questions of great importance."

You say that you just changed the name, but as you can see what you did was illegal and therefore not valid. In reality what happened was the forming of the BCPPA and a voting in of a BCPPA board. I have no problem with the BCPPA (other than how it was formed) and am willing to help with its mission as stated in their CBL. I believe there is a place for the BCPPA and its mission here in the community, however, you should reread it's mission statement as it says **NOTHING** about water. The water company is owned by the BCLHOA which is a viable entity and has members. Your submission of the Articles of Amendment to the ACC for the BCLHOA to change the name to the BCPPA was a falsification of a sworn document and the name change needs to be reversed. The transfer of assets and CC&N will be protested at the ACC hearing. Gila County will not transfer the franchise without a hearing and that will be protested as well because you are NOT the president of the BCLHOA and have no authority to request a transfer. Perhaps you may want to join the BCLHOA and run for office.

Regards,

John Goulette
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