



# Official Election Results - March 2024

Total Eligible Votes = 2,476

## Election of Directors – To elect two (2) directors for the Board of Directors

*The two candidates with the most votes will be elected to 3-year terms.*

CANDIDATES	VOTES	
Jim Cherry	1244	ELECTED
Tod Milton	1134	ELECTED
David Siegel	687	
Sherokee Ilse	630	
Jan Fischer	89	

Total Lots that cast a ballot = 1,911 with up to 2 votes each

The quorum requirement for the election of directors is 10% of the Lots in the Association.

Required to Pass: The **Master Declaration** may be amended by Members representing a majority of the total votes in the Association or two-thirds of those Members voting on a matter, whichever is less. (Master Declaration 9.2)

Required to Pass: The **Bylaws** may be amended by Members representing a majority of the total votes in the Association or two-thirds of those Members voting on a matter, whichever is less. (Bylaws 11)

### Initiative 1 – Shorten the Vote Cycle Changing the Master Declaration 1.7, Bylaw 4.2, 4.4, 5.1 and 9.4.

This initiative changes several sections of the governing documents to shorten the vote cycle by creating a 15-30 day vote cycle (from post to results) with email & USPS ballots. Defines a Member in Good Standing. Provides for any Member in Good Standing who submits a statement of interest to be placed on the ballot as a candidate. Eliminates the petition option to become a candidate as any Member in Good Standing may become a candidate by submitting the statement of interest.

FOR	AGAINST	TOTAL VOTES	NEEDED TO PASS	PASS OR FAIL
1,418	451	1,869	1,246	PASS

### Initiative 2 – Votes and Retention of Ballots Bylaws, Section 4.5

1) Changes reflect the electronic voting process. The Election committee no longer tabulates the vote, they retrieve the votes from the voting service. 2) Remove “online” so as not to create the requirement that all voting processes must be “online.” 3) Attorney recommended to provide options for posting vote results.

FOR	AGAINST	TOTAL VOTES	NEEDED TO PASS	PASS OR FAIL
1,614	224	1,838	1,225	PASS

### Initiative 3 - Election and Term of Office Bylaws, Section 5.3

There are two changes to this section. The first is to reflect the multiple days available to vote with electronic voting, rather than voting occurring on only one day. The second is to clarify the gap between when a Member leaves the board and when they can serve their next term.

FOR	AGAINST	TOTAL VOTES	NEEDED TO PASS	PASS OR FAIL
1,548	297	1,845	1,230	PASS

### Initiative 4 - Special Meetings Bylaws, Section 3.3

If the preceding July 1 is the record date for determining whether a person is eligible to sign a petition, the Association could receive a petition dated June 1 signed by persons who have sold their lots after the preceding July 1.

FOR	AGAINST	TOTAL VOTES	NEEDED TO PASS	PASS OR FAIL
1,420	329	1,749	1,166	PASS

**Initiative 5 - Notice of Meetings** Bylaws Section 3.4

Arizona law, at A.R.S. § 33-1804(B) requires notice of membership meetings to be hand-delivered or sent prepaid by US mail.

FOR	AGAINST	TOTAL VOTES	NEEDED TO PASS	PASS OR FAIL
1,292	487	1,779	1,186	PASS

**Initiative 6 - Organization of Committees** Bylaws Section 9.2.a

Scrivener correction.

FOR	AGAINST	TOTAL VOTES	NEEDED TO PASS	PASS OR FAIL
1,523	202	1,725	1,150	PASS

**Initiative 7 - Borrowing Power** Master Declaration 2.5

This section is a collection of general principals under the law that Arizona courts follow in the absence of controlling authority, pledging future assessment income as collateral for any loan, which is oftentimes how association loans are secured, must be specifically authorized by the Master Declaration.

FOR	AGAINST	TOTAL VOTES	NEEDED TO PASS	PASS OR FAIL
1,213	597	1,810	1,207	PASS

**Initiative 8 - Capital Contribution Fee Capital** Master Declaration 3.5

Scrivener correction. Uniformity throughout the document.

FOR	AGAINST	TOTAL VOTES	NEEDED TO PASS	PASS OR FAIL
1,518	265	1,783	1,189	PASS

**Initiative 9 - Antennas and Satellite Dishes** Master Declaration 4.8

The revised language matches federal rule. Sec. 207 led to the enactment of 47 CFR § 1.4000, the Over the Air Reception Devices Rule, that protects certain antennas and satellite dishes from deed restrictions.

FOR	AGAINST	TOTAL VOTES	NEEDED TO PASS	PASS OR FAIL
1,616	177	1,793	1,195	PASS

**Initiative 10 - Flags, Banners & Signs** Master Declaration 4.12

1) Updating our flag rules to reflect current statutes; 2) Adopts clear rules as to what other types of flags are permitted (e.g., sport teams, holidays, seasons) so the Association does not fall into the business of regulating content; 3) removes the option to fly banners.

FOR	AGAINST	TOTAL VOTES	NEEDED TO PASS	PASS OR FAIL
1,584	235	1,819	1,213	PASS

**Initiative 11 – Scrivener. Consistency of use of ARC or Architectural Review Committee**  
**Master Declaration**

Scrivener changes for consistency purposes of all references of “ARC” to “Architectural Review Committee”.

FOR	AGAINST	TOTAL VOTES	NEEDED TO PASS	PASS OR FAIL
1,629	141	1,770	1,180	PASS

**Initiative 12 - Party Walls** Master Declaration 4.15

The Association is not generally considered an “owner” under the Master Declaration. This clarifies that for purposes of party walls, the Association is considered an “owner.”

FOR	AGAINST	TOTAL VOTES	NEEDED TO PASS	PASS OR FAIL
1,547	250	1,797	1,198	PASS

**Initiative 13 - Renting** Master Declaration 4.27

1) The Town of Oro Valley has implemented a mandatory application for vacation and short-term rentals of “30 days or more”. They have software that tracks online vacation rental software looking for rentals posted for less than “30 days or more” for the purpose of issuing violations for not filing the Town’s rental application. Our rentals were triggering this software as being listed for less than “30 days or more” yet the listings were showing the property required to be rented for 28 days or more. Both the Town’s and SCOV’s intent is for the requirement to be for no less than a month. SCOV takes February into account, the Town uses a 30-day standard for a month. A vote FOR will bring our rules into alignment with the Town’s rules. 2) Remove reference to amendment as it’s already occurred. 3) The correct word is “section” rather than “article”.

FOR	AGAINST	TOTAL VOTES	NEEDED TO PASS	PASS OR FAIL
1,685	141	1,826	1,217	PASS

**Initiative 14 - Association as Enforcing Body** Master Declaration 8.1

1) This language helps protect against claims by an owner that the Association failed to enforce a particular restriction. While this section gives owners the right to enforce if the Association chooses not to, an owner could allege the owners attorneys’ fees and costs of enforcement are damages caused by the Association’s breach of this section and its “obligation” to enforce the governing documents. Adding this new language reduces this risk because it requires the Board to go through a reasoned and documented process when determining whether or not to enforce. 2) Removing “reasonable” is an attorney recommendation because it is unclear as to who determines what is reasonable. This is typically left to the courts, which implies that the Association can only assess attorneys’ fees deemed reasonable by a court, despite the “whether by suit or otherwise” qualifier. There will still be a question of what is reasonable and who makes this determination.

FOR	AGAINST	TOTAL VOTES	NEEDED TO PASS	PASS OR FAIL
1,303	470	1,773	1,182	PASS

**Initiative 15 – Violation of the Law**

Ease of Enjoyment Master Declaration 6.1 and Suspension of Rights and Privileges Bylaws 2.4.b

A vote FOR this initiative removes the Board’s authority to suspend Members for violations of the law (Town, state, federal). The rationale for this was to keep the HOA out of enforcing violations of the law, which could range from parking tickets to something else. The Board still has the authority to enforce a suspension for behavior that poses a risk to the health, safety, or welfare of residents.

FOR	AGAINST	TOTAL VOTES	NEEDED TO PASS	PASS OR FAIL
1,580	257	1,837	1,225	PASS

**Initiative 16 – Allow One Community Run Garage or Yard Sale a Year.** Master Declaration 4.24**PETITIONED INITIATIVE**

A vote “FOR” this initiative would allow one community run garage or yard sale to occur on residential lots and would change the governing documents as outlined in Exhibit 17.

A vote “AGAINST” this initiative it would keep the existing language and prohibit garage or yard sales on residential lots.

FOR	AGAINST	TOTAL VOTES	NEEDED TO PASS	PASS OR FAIL
1,105	775	1,880	1,249	FAIL

**Initiative 17 – Sell Copper Center****PETITIONED INITIATIVE**

Pursuant to Bylaws section 6.3 c), Shall the members of SCOV Community Association direct the board of directors to sell the property identified as “Copper Center”?

- A vote of “YES” will require the SCOV Board to list the Copper Center property for sale in a proper and timely manner.
- A vote of “NO” will require no action from the SCOV Board.

NO-KEEP	YES-SELL	TOTAL VOTES	NEEDED TO PASS	PASS OR FAIL
1,246	692	1,938	1,163	FAIL

Required to Pass: Approval by sixty percent (60%) of the Owners who vote in an election. (Bylaws 6.3.c)