

Ballot Items

Ballot Item 1. Remove the nine-month residency requirement

Our By-Laws currently require Members of the Board to reside at their VM3 property during the nine months of Board regular meetings (September thru May). It is proposed that we entirely remove this requirement on residency (removal of the highlighted text below in the current language).

Currently By-Laws, Article III, Section 8(a) states:

Section 8. VOTING FOR DIRECTORS: (a) The Board shall consist of not more than nine (9) members. They must be resident homeowners of Villa Monterey, Unit Three, and must reside therein for not less than nine months in each calendar year. The residing months must coincide with the board meeting schedule. September – May of each year. Except as necessary to fill vacancies, not more than (3) directors shall be elected each year to serve for one three-year term.

Proposed change:

Section 8. VOTING FOR DIRECTORS: (a) The Board shall consist of not more than nine (9) members. They must be resident homeowners of Villa Monterey, Unit Three. Except as necessary to fill vacancies, not more than (3) directors shall be elected each year to serve for one three-year term.

A YES vote will remove the 9-month residency requirement from our Declarations, and future VM3 property owners will be able to serve on the Board no matter what percentage time they are present at their VM3 property.

A NO vote will retain the current 9-month residency requirement, and, in order to serve on the Board, property owners will have to be resident at their VM3 property during the 9-month period in which the Board meets (months of Sept thru May).

PLACE AN "X" to the left of YES or NO

_____YES _____NO

Ballot Item 2. Continue regulating public roadways

Proposal to Retain Authority to Regulate Our Roadways

State of Arizona House Bill 2298 states that, by June 30, 2025, the planned community shall hold a meeting to vote on whether to continue regulating public roadways. If a quorum is reached and a majority votes to continue regulating public roadways, the planned community shall retain its authority to regulate those roadways. The board of directors shall record a document confirming this in the county recorder's office.

Under HB-2298, Villa Monterey III has one opportunity to hold a community vote on whether we want to continue enforcing road restrictions such as parking (which would be a YES vote). We must hold this ballot measure and conduct a vote no later than June 30, 2025. If the vote to grant Villa Monterey III continued parking control over our own roads fails (which would be a NO vote), then Villa Monterey III will never have authority again to regulate or enforce parking restrictions on its own community roads. The authority would fall solely to the City of Scottsdale.

FYI, our current Declaration of Restrictions, Section 3 states the following on street parking:

... No owner of a lot shall park or otherwise keep a camper or recreational vehicle on a lot or on a street adjoining any lot. No owner of a lot shall park or keep a boat or trailer or inoperable vehicle on a lot or on a street adjoining a lot.

Do you want Villa Monterey III to retain the authority to regulate the public roadways within our community and to keep our current parking rules?

A YES vote will allow Villa Monterey III to continue regulating the public roadways within our community.

A NO vote will mean that Villa Monterey III will lose the authority to regulate the public roadways within our community.

PLACE AN "X" to the left of YES or NO

_____YES _____NO

Ballot Item 3. Occupancy

Proposed Amendment to Section 6(j) of our Declaration of Restrictions on Occupancy

Some residents have said they've been told by other residents that they are not allowed to have guests, even though our bylaws are silent on guests. In addition, strict interpretation of the current language requires that the owner be present whenever household members are present (indicated by the "and" in Section 6(j) highlighted below).

The proposed change will recognize the authority of the owner to have guests, and will clarify that household members can be present without the owner being present.

The proposed change does not add any restriction on length of stay by a guest, or on the length of time during which an owner can remain away while members remain, however at a later date, the board may add restrictions on these durations, after feedback and approval from the community.

Currently Section 6(j) states:

*(j) No lot in the Subdivision may be occupied by a lessee, sublease, tenant or subtenant, and no Lot in the Subdivision may be otherwise occupied by any person except an owner of the Lot **and** members of the owner's household, except as provided below. In the case of undue hardship resulting from extraordinary circumstances, the Board of Directors of Casita Colony Recreation Association, upon application, may grant an exemption from the prohibition against leasing for such period and upon such terms as the Board of Directors may determine.*

Proposed change:

*(j) No lot in the Subdivision may be occupied by a lessee, sublease, tenant or subtenant, and no Lot in the Subdivision may be otherwise occupied by any person except an owner of the Lot, **members of the owner's household, or guests of the owner,** except as provided below. In the case of undue hardship resulting from extraordinary circumstances, the Board of Directors of Casita Colony Recreation Association, upon application, may grant an exemption from the prohibition against leasing for such period and upon such terms as the Board of Directors may determine.*

A YES vote clarifies that owners are allowed to have guests, and owners can be away while household members remain.

A NO vote means our bylaws remain silent on guests and requires co-presence of owners and household members.

PLACE AN "X" to the left of YES or NO

_____ YES _____ NO

Ballot Item 4. With regard to property maintenance, amend the declarations per City of Scottsdale code

Proposal to acknowledge administrative update of Section 8(b) to adopt the state-required 21-days lead time prior to Board hearing.

Section 8 of our By-Laws gives the Board the power to impose monetary penalties upon the owner(s) for violations, but currently requires only a 15-day lead time. This proposal is a required administrative change to update our Declarations 8(b) to conform with Arizona statute A.R.S. 33-1803 to require HOA Boards to give a 21-day notice for hearings related to monetary penalty hearings.

Currently Section 8(b) states:

The owner(s) in question shall be given an opportunity to be heard by the Board or its enforcement committee appointed by the Board prior to the assessing of any monetary penalties, and written notice of said hearing shall be given at least 15 days in advance of the hearing by regular mail or by hand delivery at the last known address of the owner(s).

Required change:

The owner(s) in question shall be given an opportunity to be heard by the Board or its enforcement committee appointed by the Board prior to the assessing of any monetary penalties, and written notice of said hearing shall be given at least 21 days in advance of the hearing by regular mail or by hand delivery at the last known address of the owner(s).

Since this change is mandated, a “no” vote is not admissible, so the amendment does not require the approval of the members. However, the Association is informing the members of the amendment by means of this ballot. Please Acknowledge that you have read the amendment changes.

An “ACKNOWLEDGED” vote means that you have read the above change to our Declarations 8(b).

PLACE AN “X” to the left of ACKNOWLEDGED

_____ACKNOWLEDGED