

**CIVANO HOA  
BOARD**

Rick Hanson  
**President**

**Vice President**

Mark Levine  
**Treasurer**

Bob Small  
**Secretary**

**Directors**  
Lee Rayburn

Chris Shipley

Les Shipley

**HOA  
MANAGEMENT**

**Cynthia Valencia**  
Association Manager  
[hoa@civano1.com](mailto:hoa@civano1.com)

**Maggie Roulier**  
Assistant

**(520) 546-3862**

**Cadden Management**  
1870 W. Prince Rd., #47  
Tucson, AZ 85705

**After Hours  
Emergency Contact**  
**(520)297-0797**

**Civano HOA**

**HOA Board Meeting**  
3rd Tuesday of every  
month

**Design Review Com-  
mittee; Second**  
Thursday of every  
month

# CIVANO HOA NEWSLETTER

[www.Civano1.com](http://www.Civano1.com)

MARCH 2012

## Message from the Association Attorney

As many of the Association members in Civano are aware, Homeowner Joan Tober filed a lawsuit against the Association and the individual Board members (collectively, the Association) due to her concern that the 2011 Civano annual election and annual meeting were not handled properly. Both Ms. Tober and the Association filed motions for summary judgment in the court case. This type of motion is filed to avoid a trial when there are no material issues of disputed fact and when the Judge can decide the case based on application of the law (i.e., statutes and legal precedent). On February 13, 2012, the Association's attorney and Ms. Tober's attorney argued their respective motions. Judge Scott Rash decided in the Association's favor on the following issues:

1. The Association can hold its annual election of directors (or any other vote of the homeowners) solely by written mail-in ballot without voting at a meeting, as it has been doing since 2007. The written mail-in ballots do not count towards a quorum at the annual meeting or at any special meeting of homeowners that is held after the voting is finalized.
2. If there will be voting at the annual meeting or any special meeting, homeowners can vote in person at the meeting or by absentee ballot and the absentee ballots will count towards the quorum for the meeting along with the votes submitted by those attending the meeting.
3. The Association's annual meeting can be held without a quorum of homeowners being present so long as no business is transacted. At Civano's annual meetings, the Board and Committees give reports and homeowners have the opportunity to be heard. This practice can continue whether there is a quorum present or not. In Civano, the quorum that is required to do business at a meeting of homeowners is 15% of the eligible votes in the Association. Therefore, 15% of the members must be present to vote at the meeting or must submit their votes by absentee ballot.
4. According to the Judge's decision: Ms Tober conceded that she has not suffered any "disenfranchisement from the actions complained of in the Complaint" that she filed to initiate the lawsuit. Therefore, there is no issue of damages in the case. The Association admitted that "some procedural mistakes were made in the 2011 election, but that none of the procedural mistakes would change the outcome of the election" and Ms. Tober did not dispute this. Therefore, the Judge found no basis to invalidate the 2011 election of directors.
5. The entire case has not yet been decided. Ms. Tober's claim of breach of fiduciary duty and breach of contract against the individual directors remain pending. On or before March 8, 2012, Ms. Tober must withdraw these claims or submit a written memorandum of points and authorities supporting the claims. When the case is fully decided, the Judge will decide the question of reimbursement of attorney fees and costs to the prevailing party.

The Association's annual meeting will be held on March 27, 2012 at 7pm. There will be a business item to address at the annual meeting this year; therefore, voting will be in person or by absentee ballot.

Now that the Association has Judge Rash's opinion, the Nominating and Elections Committee has begun planning the annual election of directors. The election will be held by written mail-in ballot (without a meeting) after the annual meeting. If you have any questions about the Tober litigation or about voting procedures in the Association, please contact Cynthia Valencia in the Civano office (546-3862).

# HOA MEETINGS: WHAT'S COMING UP

**March 20th** - Civano 1 HOA Board Meeting at 7pm

**March 27th**– Civano 1 HOA Annual Meeting - Presentation and Awards

**March 31st** - Deadline for DRC application submittals to be reviewed at the April 12th DRC meeting at 6pm.

## Spotlight on the HOA & its Committees

### THANK YOU...

We appreciate all the volunteers that take time out of their day to help out the Community. On behalf of the Civano Board Directors, HOA Management, and the community, our thanks.

### VOLUNTEERS

The HOA Board is requesting that if you could donate about two hours per month to volunteer on one of our Committees we really could use your help. The Committees help the HOA Board in determining what things need to get fixed or replaced, organize community activities, review painting and landscaping plans. All of this, and more, helps keep our Community looking great which helps to keep our property values high.

### If you rent your home out-

Pursuant to the Civano 1 Neighborhood 1 Homeowners Association Covenants, Conditions, and Restrictions (CC&Rs) 5.3.2.5 Leases. If an Owner leases his/her lot, the Owner shall give the Association, in writing, the name of the Tenant of the Lot and such other information as

the Association may reasonably require. Please forward your tenant's contact information to the HOA as required by your governing documents. As an owner in Civano, you are responsible for maintaining current information on file at the Civano HOA Office.

### COMMON AREA

If you observe issues in the common area's please contact Management at 546-3862.

### PARKING VIOLATORS

All vehicles need to park in Association approved parking. Any violators will be reported to Parkwise at 791-5071. Please have the make, model and license plate number of vehicle.

### A Note from Civano Nursery

"Start at home" is a slogan on HGTV and it's a really neat concept. We all spend a great deal of time at home, so why not make it the most comfortable place to be inside and out, especially in the garden. Most of us will agree that our entire decorating efforts are behind the walls and doors of our homes. Unfortunately only friends and fam-

ily will ever get to see that fabulous style on the inside, though it is certain that total strangers will see our front yards with no invitation. Lack of landscaping in the front garden does lead to a judgment, and if you are selling your home or trying to add equity, this area will need to be addressed. Don't forget weeds are nobodies' friends, and in fact if they are not taken care of, your neighbor's tidy garden could suffer from the invasion. Not to mention you may get a friendly weed reminder postcard!

So start at home, and add some curb appeal to your most valuable asset. If you have a hard time imagining how to dress up garden, take a drive and look around your neighborhood, search out those gardens that draw you in. You don't need to reinvent the wheel, just copy, create and enjoy. Even better still, drop down to your local garden center Civano Nursery and have their garden professionals do the design work, hey they'll even plant it for you. So dust off your gardening tools, grab a pair of gloves, and let's keep Civano looking beautiful.

## SURVEY

The CCAA is looking at the possibility of adding new amenities for the use of our community members. Please let us know which, if any, of the following are of interest to you by placing a check beside the item. Space is also provided for you to add any suggestions you might have to the list. An open meeting of the community to discuss the results will be scheduled in the next few months.

*Interested | Not interested*

- \_\_\_ | \_\_\_ Add a play structure for older children in the south pool area
- \_\_\_ | \_\_\_ Add assorted play equipment for older/younger children in various common areas throughout the community
- \_\_\_ | \_\_\_ Plant street trees on the west side of Night Bloom Way south of Seven Generations Way
- \_\_\_ | \_\_\_ Add a bocheball court and a horseshoe pit in the south Rust Lane parking common area
- \_\_\_ | \_\_\_ Add a shade structure over the basketball court

I/we would be interested in the following:

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## COMMITTEE BUZZ!



### DESIGN REVIEW COMMITTEE

They have a provisional Draft of the Civano 1 Design Guidelines that are being used and are in the process of reviewing and modifying.

### CIVANO 1 COMMON AREA ASSETS COMMITTEE (CCAA)

Safety bollards are being added to the walkway along Nightbloom Way. A short survey about possible added amenities is included with this newsletter. Please take a moment to fill it out and return it to the HOA office. Thanks!

### EVENTS

The next community event will be the Annual Meeting on the 27th of March. The committee is also looking for some volunteers. .

### RESPONSIBLE PETOWNERS

They have purchased more doggie bags for the community. Please use these bags or your own from the grocery store to pick up after your pet. The Association continues to receive complaints regarding pet owners not cleaning up after their animals. Please be courteous to your neighbors and always carry a scooper, trash bag, or other method of removal. And remember, it's the law!!

### NOMINATION & ELECTIONS

They are in the process of reviewing their procedures and making any change to this process to help make future elections run more smoothly. The Directors election for 2012 will be scheduled shortly. All members are encouraged to be a candidate in the upcoming election

## Don't Forget!!



...Modifying the exterior of your property requires approval from the Association. There are even some projects in your rear yards that require approval. Check out Civano 1 Neighborhood 1 Provisional Design Guidelines for more info. They are available on the website, or by contacting the management company at 546-3862.



...Feeling Green? Send an e-mail to Civano HOA office to Opt-In for newsletters, e-mail blasts, and community notices to be sent directly to your e-mail address. You will be removed from the paper mailing list for newsletters & community notices. Your e-mail will never be sold, rented or otherwise utilized other than for HOA business.



Or Current  
Resident

## Civano HOA

10501 E Seven Generations Way, Suite 109

Tucson, AZ 85747

Phone: 520-546-3862

E-mail: [hoa@civano1.com](mailto:hoa@civano1.com)

Website: [www.civano1.com](http://www.civano1.com)

We're on the Web  
[www.Civano1.com](http://www.Civano1.com)

## INFO YOU CAN USE!!

### HELPFUL WEBSITES:

1. **Pima Animal Care Center:** (520) 243-5900 ;  
[ww.pimaanimalcare.org/](http://ww.pimaanimalcare.org/)
2. **Park Wise:** (520) 791-5071 ; <http://parkwise.tucsonaz.gov/index.php?q=parkwise>
3. **CITY OF TUCSON:** [www.ci.tucson.az.us/](http://www.ci.tucson.az.us/)
4. **TUCSON MAPS & RECORDS :** [tdotmaps.transview.org](http://tdotmaps.transview.org)
5. **RESEARCH YOUR PROPERTY:**  
[www.asr.pima.gov/links/frm\\_advancedSearch\\_v2.aspx?search=Property](http://www.asr.pima.gov/links/frm_advancedSearch_v2.aspx?search=Property)
6. **NEIGHBORHOOD RESOURCES:** [www.ci.tucson.az.us/dnr/](http://www.ci.tucson.az.us/dnr/)
7. **Our Family - Mediation** (520) 323-1706



## HOA BOARD PHILOSOPHY & MISSION

Your Board of Directors was elected by you to serve on your behalf in the management of Civano. The Board has a fiduciary duty to follow the governing documents and to set forth rules and standards for the protection of both owners and the community and for the enhancement and preservation of property values.

The Board's determined philosophy and mission goes deeper than preserving home values, balancing budgets and enforcing rules. The Board is here to promote a sense of community and to ensure a high quality of life for Civano residents through responsible leadership.

Building community spirit is more than informing residents about board action, improvements and enforcement. It is about putting people first by asking their opinions and listening. It is about developing programs and policies to enhance community spirit, pride, enthusiasm and involvement. And lastly, it is about transparency, openness and communication.

## THE 2012 BUDGET

As you know the Board of Directors approved an increase in the monthly assessment for 2012 to \$61 per month. Civano 1 assessment increases have been few over the years, and it was determined to approve an increase for 2012 in the best interests of the community overall. The community's infrastructure and amenities are aging and it is important that this be addressed. See a copy of the budget, recently revised, elsewhere in this newsletter.

In 2011 Civano 1 achieved a surplus of income over expenditures in the amount of \$42,356. Since section §10-11301 of the Arizona Non-Profit Corporation Act states that a corporation shall not make any distributions unless authorized by §10-11302 (the latter which does not apply), it was determined to carry over this surplus to infuse the reserve and contingency funds to better address the replacement of community assets.

The budget was therefore revised since your earlier receipt of the 2012 budget to reflect the use of the surplus, and reflect the surplus amount as a separate income line item ("2011 Carryover"). In turn, \$23,000 of this amount was added to the prior Contingency line, increasing it to \$25,000; and \$19,356 was added to the prior Transfer to Reserve Fund, increasing the contribution to the reserve fund to \$67,459 for the year.

Some other small adjustments were made, one being the total residential assessment was lowered slightly to \$494,832. This reflects 676 residential lots, multiplied by \$61/month, multiplied by 12 months = \$494,832 for total assessments. Another adjustment was to line item 3142, which was adjusted as per formula ( $\$236.42 \times 12 = \$2,837$ ). The budget revision therefore did not change owner assessments.

If you have any questions about the budget please contact our Treasurer Mark Levine or Management through the HOA office at (520) 546-3862.