

## Group explores RCSC board recall

Residents mixed on effort's merits, panel's performance

By Rusty Bradshaw

Independent Newspapers

Sun City Formula Registry supporters are exploring the possibility of recalling six Recreation Centers of Sun City board members as they continue to wait to hear the results of two petition requests.

Noel Kasper presented a petition request Aug. 27, 2009, to circulate petitions for a corporate membership election on a measure designed to prevent the RCSC board from removing one of its members without a vote of the corporate membership. But he received a letter the following day denying the request to amend Article IX of the RCSC articles of incorporation. RCSC officials said the request was denied because the petition was improperly prepared.

Mr. Kasper submitted a reworded petition request Sept. 14, along with a request to circulate petitions to bring to a vote an amendment of Article VIII, which would require a membership vote for bylaw changes.

RCSC officials have yet to respond to the Sept. 14 request, according to Anne Randall Stewart, SCFR spokeswoman.

"We plan to submit the request for the recall petition at the membership meeting this month," Mrs. Stewart said. "If the board allows us to circulate the two previous petition requests to change the articles, we may postpone the recall effort."

The RCSC regular board meeting is 9 a.m. Thursday, Jan. 28 at the Sundial Recreation Center, 14801 N. 103rd Ave.

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### Recall

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Under RCSC's articles of incorporation and bylaws, members must first get RCSC board permission to circulate petitions. Last month the

board amended its bylaws cutting in half, to three months from six, the amount of time members had to return approved petitions with signatures. In the same meeting, the board amended bylaws increasing the quarterly membership meeting quorum from 100 members to 10 percent of the eligible voters, which will make the quorum minimum now about 3,500 members.

"(The recall petitions) will be helpful to determine if the members feel as we do that the board is overstepping its authority when they interfere with the 'action of the Members,' as they have done since August, i.e., denying petition requests, increasing by 20 percent the preservation and improvement fund fee, increasing the membership quorum, decreasing time limit to circulate petitions from six to three months, removing CCW rights, etc.," Ms. Stewart said.

The group is circulating recall petitions through the state's Planned Communities Act because supporters believe they would be denied an opportunity to do so under RCSC regulations.

Mrs. Stewart claims the board ignored membership quorums and denied motions made at membership meetings by members.

"The RCSC articles of incorporation promise when there is a conflict between the board and the members, the action of the members shall prevail," she said. "That means the members are above the board and are in charge of the corporation, not the board."

She said a successful recall would make it clear who serves whom.

While the Sun City Formula Registry has supporters in its efforts, some residents believe the board is within its authority to remove a member and SCFR suggested changes and the recall will be harmful to the community.

"The board is doing a good job, why should we recall them?" resident Stu Manville asked.

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Resident Doyle Dickson believes members, through the regular voting process, have the opportunity to replace directors.

"If someone feels they have popular support, all they have to do is locate individuals that agree with them on how the RCSC should be run, and in two short years they will have a two-thirds majority on the board," he explained.

Resident Jim Ball believes action to remove Ann Ullman last year by the board was justified and was done in accordance with the articles of incorporation. He also said residents already have the opportunity to recall board members as outlined in the articles of incorporation, and the same applies to bylaw changes.

Resident Dave Ricca believes the public is generally not aware of all the activities carried out by board members both in and out of meetings. Some of these activities are both unprofessional and improper. Board members can have hidden agendas, and get very emotional about them, he added.

"There has to be a way for other board members to censure these people, and if the majority of them feel that a certain person should be removed from the board, I support their decision without a general vote," Mr. Ricca said.

He also believes most people are apathetic about the bylaws unless it affects them personally.

"We vote our board members in office, and should rely on their fiduciary judgement in making decisions," he said. "If we're not happy with the performance of a particular board member, then don't vote for them in the next election."

Mr. Ball also believes members are not restricted from bringing action.

"My question is, has the RCSC board ever denied anyone from properly circulating a petition?" he asked.

Mr. Manville agrees the board should have the option of removing one of its own members for violations of established rules of behavior.

"Harassment is the sort of behavior that has to be stopped immediately or the organization is

liable for huge lawsuits," he explained. "The unwillingness of the Sun City Home Owners Association board to pass rules of behavior was one of the reasons I resigned; especially since a harassment complaint was brought against one of the board members within the month."

While resident Marjorie Simons is on the fence about the issue of board removal of a member, she believes that as the U.S. Congress cannot change the Constitution without a citizen vote, RCSC bylaw changes should come from a member vote rather than board action.

However, she believes the existing board should not be recalled.

"There hasn't been a board yet that people didn't want to recall," she said. "Where are you going to get interested and dedicated people to serve in these thankless positions if they can be removed by someone's whim?"

Resident Steve Zeitler said since members elected board members, they should be the only ones to remove them from office.

"The problem is obvious," he said, "Board members who do not agree with the board majority are removed from office. It's somewhat like a 'weeding out' process."

He also said one of the underlying reasons an organization has bylaws is to protect the rights of its members. Taking the right to make bylaw changes away from the membership and awarding that power to the board leaves the membership without protection against inappropriate board bylaw changes, he added.

"It seems quite obvious the RCSC board is striving to take the membership out of the governing/decision-making process, completely," Mr. Gegg said. "This is being accomplished by the 3,500-member quorum, denial of the right to petition, etc."

Resident Kenneth Gegg agrees.

"This board has consistently refused to listen to the membership and thumb their noses at people who disagree," he said. "If they are not doing their jobs throw the bums out (just like Washington DC Bums)."

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Resident Louise Finley believes the RCSC board avoids approving Sun City Formula Registry petitions because they are afraid of what may be in them and the potential result. She believes board members should be recalled because they are not interested in what residents want.

Without a vote of membership for bylaw changes, the RCSC board can change them to suit its needs, including changes not necessarily in the best interests of the community, according to resident Katherine Barngrover.

“The present board has ignored the unanimous opinions of the membership at recent meetings, voting against their voice and approving their own agenda,” she said.

For that reason she believes members should have the unfettered ability to circulate petitions for membership votes on issues.

“How else can the membership voice their opinion and make changes when the board won’t listen?” she asked.

Residents Lucky Marr and Thomas O’Hara believe the board should have the option of removing a member, but it should be done only under specific circumstances. Mr. O’Hara believes those reasons should be spelled out in detail in the bylaws. In addition, Mr. Marr believes if the board does remove a member, a replacement should not be a board appointee, but elected by the members at the next regular election.

Mr. Manville does believe there needs to be some changes in how bylaw changes are made

because existing rules are so cumbersome and erratic nothing would be accomplished through membership votes.

“The membership is too large to depend on a quorum of those present,” he said. “The idea of requiring a quorum of 3,600 people to show up somewhere to vote is ludicrous.”

He believes rules should be adopted that provide for changes to be made by annual ballots from members to be opened and counted at the annual meeting.

Resident Lee Kreiling believes there is no satisfactory solution to how board members should be removed from office.

“The problem arises when the activities of the board member is visible only to the board and not to the membership at large,” he said.

“Requiring a membership at large vote for removal would more than likely result in never having a board member removed.”

Resident Sam Martin has no respect for the Sun City Formula Registry.

“The group you talk about (SCRF) are about as official as any other nut fringe group,” he said. “We can hardly get anybody to run for the board because of them.”

Mr. Marr agrees.

“The Formula Registry is the one that needs to be recalled or abolished,” he said.

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