

**November 10, 2012 Open Letter to the Meadview community and all MCA members regarding changes at the MCA or dissolution of the MCA.**

By Christine Baker

I moved to Lake Mead City in 2000 and in 2006 I was looking for a lot in a more quiet setting as the traffic on Charles had increased a lot. I had heard many bad things about the MCA, but my personal experiences were limited to attending the computer club for a while. In 2006 I did NOT know that the computer club was no longer meeting at the MCA because new rules allowed only MCA members at the meetings. However, based on what I had heard from friends and neighbors, I was prepared to pay \$10,000 more for a non MCA lot with a nice view, but could not find one. Had I known about the MCA in 2006 what I know now, I would have moved to Dolan Springs.

One of the arguments of the few people who support the current MCA is that I KNEW what I was getting into when I bought an MCA lot. In fact, I really did not have the slightest clue what a vile organization the MCA really is. TO DATE, I don't know what the architectural guidelines are. Just last month (10/10/12) I FINALLY received the Rules and Procedures. Despite my numerous written requests, I have NOT received financial information, minutes, etc. – **in violation of state law.**

Until a few months ago I really didn't care about the MCA as I followed the advice of my neighbors and I IGNORED it. I paid my dues and I stayed away from the MCA. However, in 2011 I started the High Desert Gardening Club and we need a place to meet with a large TV. Earlier this year, I believe in February, I attended the first MCA meeting and I asked whether we could have our monthly meetings at the MCA. The board informed me that we could meet at the MCA facilities only if all gardening club members are MCA members. That does NOT work for us as we are an OPEN organization, a 501(c)3 non profit, and at almost every meeting we have new members and many are not in the MCA.

**I then started to look into the MCA practices and found out that the MCA is open to the PUBLIC for Bingo, COM meetings, the Meadview Quail and all sorts of events.**

Why? Why can't the gardening club meet at the MCA?

To date, I have not received an explanation.

So I started to attend the MCA board meetings and I demanded information. The board called 911 when I was in the office to read the minutes because I was taking notes. State law requires that they provide me with all requested documents within 10 days from my written request at no more than 15 cents/page. I had offered to pay for copies and I requested the documents in writing numerous times, but to date I have received NOTHING.

I researched state law and found out about the illegal late fees and my right to video tape the board meetings. President AJ Hyslop called 911 and he made a false report, claiming that I was disruptive and I actually have the entire meeting leading up to the false report on YouTube. I did NOTHING wrong. Deputy Albright came to the MCA, he consulted with the county attorney's office and they advised him that members have the RIGHT to video record. The reason for this law is obvious, many boards are corrupt, they don't follow the rules and they LIE and the only way the members can prove it in court is to video record.

Recently the MCA board had me served with a bizarre letter again falsely claiming that I was disruptive and they had the constable take this letter to the tenant at my old residence. So now we're talking DEFAMATION.

The board also misused MCA funds for paying well over \$100 to have the Kingman constable serve me with this letter, to mail the identical letter by priority and certified mail to two addresses AND legal fees as a copy of the letter went to attorney Basinger.

**The board members should be held PERSONALLY liable to reimburse all related expenses to the MCA as all they had to do was send me an entirely FREE email.**

**IMPORTANT: This letter contains threats of a lawsuit against me and I will accept service of the complaint and summons by fax, email or just regular mail.**

There is absolutely NO need to waste MCA funds on hiring a process server and I will be glad to prove in court what a bunch of liars the current board members are.

I have not yet had time to respond to the letter as unlike most residents, we are NOT retired!

As many residents with internet access already know, I publish my dealings and communications with the MCA along with MCA documents at my website [www.HighDesertDirt.com](http://www.HighDesertDirt.com).

## **Restructure or dissolve the MCA?**

Many MCA members are in favor of dissolving the MCA, but before we take this drastic step, I'd like to explore alternatives and list a few relevant excerpts from the Articles and Bylaws:

**From Article 8 of the 2010 Bylaws (I do not have the 2012 Bylaws):**

**SECTION 4.** The Budget & Finance Committee will work with the Treasurer to submit a recommended budget to the Board of Governors prior to the regular meeting in October of each year. The approved budget will be published in the November/December issue of the Meadview Monitor, the official publication of the Association.

**From Article 3 of the 2010 Bylaws:**

**SECTION 18. VACANCIES.** Whenever a vacancy in membership of the Board occurs, the remaining members of the Board shall have the power, by the majority vote, to select a qualified member of the Association to serve until the next annual election. At that time, after the full term *offices* have been satisfied, the person(s) receiving the next highest votes will be elected to fill any unexpired term.

**SECTION 19. SUSPENSION/REMOVAL.** Any member of the Board of Governors may be suspended from the Board of Governors by the affirmative vote of the majority of the entire Board or removed by the members authorized to elect Board Members at any annual or social meeting called for that purpose; for nonfeasance, malfeasance; or misfeasance; for conduct detrimental to the interest of the Association; for lack of sympathy with its objectives; or refusal to render reasonable assistance in carrying out its purposes. The Board Member proposed for suspension shall be entitled to at least five (5) days notice of the meeting at which time such suspension is to be voted upon and shall be entitled to appear before and heard at such meeting. ... [emphasis added]

**CHANGE the ARTICLES to make the MCA a COMMUNITY organization and to REMOVE the enforcement of deed restrictions**

**From the 1070 Articles:**

**XII.**

These Articles of Incorporation may be amended by the affirmative vote of the majority of all of the members of this corporation at a meeting called for that purpose; provided, however, that in no event shall Articles IV., VI. and VIII. hereof be altered or amended in any manner or way whatsoever.

**Please note that we can REMOVE article XII.**

After removal of article XII, we can amend the articles again to remove the enforcement of deed restrictions (CC&Rs).

**IV. The purposes of this corporation shall be:**

- (i) To foster and encourage the civic betterment of its members as property owners in the Development (as herein after described);
- (ii) To encourage and unify efforts of members in maintaining, improving, and protecting' the value of their property in the Development;
- ~~(iii) To carry out and implement the plan for architectural control, as expressed in Declarations of Restrictions recorded for the Development, of buildings and other structures on members' property.~~ [this paragraph needs to go as it is unacceptable that the MCA prohibits that I have

chickens, a home business or a well. As the county now requires blueprints and all construction has to be up to code and is inspected, it is no longer necessary for the MCA to waste its resources on enforcing architectural rules. Additionally, the MCA has in fact NO power to actually do anything about violations aside from sending letters to the county and members. The CC&Rs are LOWERING our property values as few people move to the desert to be harassed by a home owner organization.]

(iv) To establish, maintain, and operate social arid recreational facilities solely for the mutual advantages to be gained through such facilities by its members and not for profit;

(v) To publish and distribute, at least bi-monthly, to members, and to others whom the Board of Governors believe may be interested in the Development, a publication containing newsworthy items, social and recreational events activities, and other material of interest;

(vi) To engage in such other activities, of a community nature, as may be to tho benefit of owners of property in the Development.

This entire article needs to be rewritten to reflect that **the MCA will be a COMMUNITY organization and currently the MCA is not in compliance with (v) as the Monitor is NOT distributed to the members.** Instead of the “Monitor”, the MCA should have a website with news and events and a forum for members to post their suggestions and feedback and people without computers should be able to pick up a printed version with news and events.

**The Bylaws also need to be changed immediately to comply with STATE law.**

The \$25 late fee needs to go, the members who were billed the ILLEGAL \$25 late fee which the MCA charged EVERY month must receive a letter of apology along with a credit for all illegal charges and maybe a few dues free years or a check as settlement of their claims. If just one of these members retains an attorney to sue for these illegal fees it can easily cost the MCA \$20,000 or MORE in legal fees.

The Bylaws also need to be changed to adopt RULES for meetings, preferably the Robert's Rules.

**The MCA needs to become an OPEN community organization so that Meadview becomes a desirable place to live.**

Yes, it is a LOT of work to accomplish this and I don't know whether there are members willing to serve on the board and to commit to review the articles, bylaws and the LAW and discuss with the members the future of the MCA.

My vision for the MCA is a community center, open to ANYONE who is willing to pay the \$50 annual membership fee (for members who do not have MCA lots), voting rights for all paying members and all activities are open to the public (like Bingo, COM and Quail) as long as one member accepts responsibility for the attending guests.

I'm always shocked to see how few members use the MCA facilities. I'd like to see a LOT more activities such as chess, other board and card game clubs. I'd like to see the empty ugly wasted space in the back of the building used by crafters and artists, have a kiln and a shade structure and allow members to get creative and get dirty! I'd like to see residents play music and have FUN!

I'd like to see a service for people who live alone to call or email in once a day to make sure they're ok with a wellness check if they don't check in. I'd like to see a community security service, allowing residents and weekenders to sign up so the MCA gets a call when their motion detector or alarm goes off while they're not home and volunteers / neighbors close by can QUICKLY check out what's going on and hopefully take pictures of the thieves and their vehicles. Many people would be GLAD to pay a few bucks for these services and that would be a much better use of the MCA employees' time than hounding delinquent members with illegal late fees and trying to enforce idiotic rules.

**If this is NOT what MCA members want, I'll submit articles about my petition to DISSOLVE the MCA to the Miner, to the Arizona Land Owners Association, etc. and I'll probably file a lawsuit against the MCA and the board members for defamation and the numerous KNOWING and WILLFUL violations of STATE LAW.**

**According to the board, the overwhelming majority of the 4,500 MCA votes is from ABSENTEE OWNERS. Fewer than 90 members voted at the last election.**

Does anyone NOT believe that the absentee owners will vote to DISSOLVE?

**Dissolving the MCA will NOT get you your share of its assets:**

**From the Articles:**

**VIII.**

In the event of dissolution of this corporation, any assets remaining after the payment of its creditors shall be distributed so as to accomplish, or effectuate, one or more of the purposes of this corporation or paid over to an organization or organizations operated exclusively for the promotion of social welfare, including any municipal corporation organized for, or in respect to, the Development, or a portion of it, selected by the Board of Governors, or failing such

selection, selected by Superior Court of the State of Arizona, County of Mohave. In no event shall the assets of this corporation be distributed to any governor, officer or member of this corporation, or any private individual.

**The MCA assets would go to another organization and the CC&Rs would then be void as the new organization can not enforce them. It happens a LOT that developers create CC&Rs that are later abandoned and they can safely be ignored by property owners.**

**Of course the property owners also no longer have to pay the DUES.**

This mean that whoever takes the MCA over will have NO income! This organization would then have to cater to the community to entice residents to join and to pay dues. While many residents would join, it is EXTREMELY unlikely that the many absentee owners would join this organization and pay dues. The budget would be a LOT smaller.

So I am in favor of removing all board members except Aiko Graeber. While she has never voted against the current board and I don't have a clue who she is, she might turn out to be good person. She can appoint NEW board members (provided there are members willing to serve).

If this is what happens and the new board does not sincerely work to make the MCA a community organization and to remove the enforcement of the deed restrictions, I will start promoting my petition for dissolution of the MCA. I will no longer put up with the BS.

**From the Nov/Dec. 2012 Monitor:**

**July and August Power Outages  
Leaves Meadview Residents Hot**

Three power outages in the past three weeks and several others since the start of monsoon season have left Meadview and Mead City residents hot under the collar, literally. With temperatures in the 100 degree plus range, loss of power - for up to four hours - is an uncomfortable situation for everyone and especially dan-gerous for our elderly residents. This problem is not new to Meadview. Having lived here for 12 years I've seen far more than our share of power outages. And it isn't getting any better. This year is on course to be the worst year in at least a decade for outages averaging three hours or more. ....

**The MCA has done absolutely NOTHING for the community.**

The MCA did NOT invite residents to use the facilities to stay cool. They couldn't care less if non members died because they had no place to go.

ONLY members are allowed to go to the Thanksgiving dinner and the MCA even rejected a volunteer from LMC who offered to help with peeling potatoes. The MCA is a vile organization.

We need a community organization that works for EVERYBODY and that allows ALL residents and visitors to join without lowering their property values and subjecting themselves to ridiculous restrictions.

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