



**ARMORY PARK DEL SOL HOMEOWNERS ASSOCIATION  
RULES PERTAINING TO AUDIO- AND/OR VIDEORECORDING OF BOARD MEETINGS**

The Armory Park del Sol Homeowners Association (APds) Declaration of Protective Covenants, Conditions and Restrictions (CC&Rs), recorded on October 4, 2000 in the Pima County Recorder's Office at 20001930195, Docket 11397, page 474 *et seq.* provides the rule-making authority for the Board in Article 7, Section 7.19, stating:

***"Association Rules.** So long as the Declarant or Developer owns at least one (1) Lot, the Developer (and thereafter, the Association) shall have the right to promulgate rules and regulations ("Association Rules") with respect to use, maintenance, care and other matters relating to Common Areas or any other subject which is within the authority of the Board pursuant to this Declaration or the Articles or Bylaws of the Association."*

In the Transition Agreement signed by the Declarant and the APds President and notarized on February 28, 2011, the Declarant relinquished control of the Association to the homeowner-elected Board of Directors. Section 2.3 of the CC&Rs provides authority to the Board to manage the affairs of the Association, and Section 3.1 of the APds Bylaws states that the affairs of the corporation will be managed by the Board of Directors. Arizona Revised Statutes (ARS §10-3302 and §10-3801) support the ability of Boards of nonprofit corporations to establish policies and rules to manage the affairs of the corporation. Further, case law (*Beachwood Villas Condo. v Poor, Lamden v La Jolla Shores Clubdominium Homeowners Assn*) has established the validity of rules enacted by a Board of Directors, and courts will generally uphold decisions made by the governing board of an owners' association.

Arizona has adopted the *Reinstatement (Third) of Property: Servitude, 6.13* which states that Boards of common interest community associations have the duty to "treat members fairly" and "act reasonably in the exercise of its discretionary powers, including rule-making, enforcement and design control powers."

HOA Boards in Arizona are under no obligation to record Board meetings. ARS §33-1804 states:

*Persons attending may audiotape or videotape those portions of the meetings of the board of directors and meetings of the members that are open. The board of directors of the association shall not require advance notice of the audiotaping or videotaping and may adopt reasonable rules governing the audiotaping and videotaping of open portions of the meetings of the board and the membership, but such rules shall not preclude such audiotaping or videotaping by those attending, unless the board audiotapes or videotapes the meeting and makes the unedited audiotapes or videotapes available to members on request without restrictions on its use as evidence in any dispute resolution process.*

This document is to adopt reasonable rules regarding the audio- or videorecording of Armory Park del Sol Board meetings

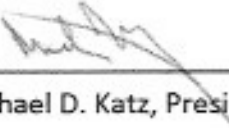
## **RULES**

1. Any person recording a Board meeting will notify the Board and attendees at the start of the meeting
2. Recording of a Board meeting must not interfere with the meeting in any way, whether the meeting is virtual or in-person
3. The recording process or equipment must not produce sound, noise or distracting lights
4. The recording process or equipment must not distract or disturb the Board during the conduct of the meeting
5. The Board is not obligated to audio- or video-record its meetings or to provide others with equipment or technology to record
6. If recording equipment fails during the meeting, the Board will not stop the meeting while the equipment or technology failure is resolved
7. Audio- or videorecording of a Board meeting shall not be distributed in any way, including but not limited to posting on the internet or to social media sites or sending recording files by email or to file-sharing sites, without the written consent of the Board.

The effective date of these rules is September 26, 2022

Dated this 26<sup>th</sup> Day of September 2022

Armory Park del Sol Homeowners Association

By:  \_\_\_\_\_  
Michael D. Katz, President

Witnessed by:  \_\_\_\_\_  
Beth Murphy, Secretary