

Foundation total: \$25,000 for kids

Despite noble purpose, officials 'disappointed' with final results

An organization formed last year to raise funds for children in the Northwest Valley may have reached its end, and officials are calling the results "disappointing."

The Sun Cities Children's Foundation had initially hoped to garner \$1 million in donations from Sun Cities residents. Officials say, to date, only \$25,000 has been raised.

"I thought the objective was good," says Ted Hoyt, president of the SCCF. "But, obviously, I'm very disappointed in the results."

The foundation was started soon after a school tax imposed upon the Sun Cities was declared illegal. The state was forced to refund school

taxes paid by property owners during the first year of the levy.

The organization attempted to encourage residents and business owners to donate their refunds to the Children's Foundation. The goal was to collect \$1 million.

The plan was to establish an endowment fund with the donations. Interest earned from the endowment fund was to be used to support children's organizations, educational programs and schools in the Northwest Valley.

When the organization began its efforts last February, officials hoped the campaign would also

■ See FOUNDATION, Page 12

■ FOUNDATION

From Page 1

help dispel the negative image of the Sun Cities created during the community's battle against the school tax.

"We're not able to establish a trust," says Mr. Hoyt.

Instead, the SCCF will slowly distribute the funds that have been donated.

The deadline for filing for the tax refund is Feb. 1, 1992, and the SCCF will no longer solicit donations after that date. Al Spanjer, SCCF secretary, says "our original objective was to remain active until after the rebates had been paid."

Mr. Spanjer adds that most of the donations came from private citizens. Donations from businesses were "not anywhere near the extent we had hoped for."

Last week, the organization donated books to the Dysart Community Center and announced plans to sponsor a monthly birthday party at the center.

In addition, the SCCF has purchased teaching books for the center and school district.

Last December, the organization co-sponsored a successful book drive in the Northwest Valley.

"We still have enough money to make some sort of impact in the community," says Mr. Spanjer.

Mr. Spanjer echoes Mr. Hoyt's disappointment in the campaign, but neither regret their involvement nor do they view their efforts as a failure.

"The results are very discouraging," says Mr. Hoyt, "but I don't regret it at all."

OVER



Photo by Lu Urdang

The Sun Cities Children's Foundation is providing \$50 a month to the Dysart Community Center. The money will be used to sponsor monthly birthday parties. Last week 17 children, ages 7-13, celebrated January birthdays. Nella and Marty Martinez, center directors, served the refreshments.

Children benefited by refunds

By Lori Baker
Staff writer

SUN CITIES — Demonstrating their concern for northwest Valley children, more than 200 Sun Citians have donated nearly \$11,000 from their school tax rebates and their own pockets.

The Sun Cities Area Children's Foundation Inc., which is soliciting donations of the rebates from individuals and businesses, reports that donations have more than doubled in about two weeks. On April 12, the non-profit organization had received about \$5,000.

"About half of the donations are people signing over their rebate checks, and the other half are personal checks. That shows that many people are donating more than their rebates," said John Heisel, foundation treasurer.

He said that while the average household is receiving a rebate of \$30, the foundation has received many \$50 donations and even a \$500 contribution.

Donations often are accompanied by notes saying, "Great idea" and "We support your effort," Heisel said.

Money will be used to provide for "desperate" needs of children, such as clothing, food, summer programs and tutoring, said Al Spanjer, publicity chairman for the foundation.

If the group meets its \$1 million goal for a trust fund, money from interest will be used annually to provide for children's needs. The foundation is contracting with the Valley of the Sun United Way, which will recommend ways to spend the money.

Since February the state has been issuing rebates of the so-called Sun City school tax, which was declared unconstitutional in 1989 by a Superior Court judge. The tax, which was levied in areas where there was no organized school district, had been challenged by the Sun City Taxpayers Association.

Individuals were taxed 50 cents per \$100 of assessed valuation, and if the tax had not been challenged, homeowners would have paid \$4.72 per \$100 by 1997.

Businesses and rental properties were taxed the full \$4.72 per \$100 assessed valuation in 1988.

About \$10 million was raised by the tax in Maricopa County until its repeal, the bulk of the money coming from the Sun Cities and Youngtown.

Del E. Webb Corp. has committed to contributing 1 percent of its rebate, which will be about \$1,800 to \$2,000, said Martha Moyer, Del Webb spokeswoman. The company has not yet made its donation.

"We're still calculating it because we have quite a few different sources of property out here," she said.

Because Webb was the first business to offer to donate some of its tax refund, Moyer said she decided to join the foundation's board and lead the effort to solicit business donations.

"I thought it was appropriate that we help spearhead the effort and to contact other businesses on the foundation's behalf," she said.

Moyer said she's pleased with the response from residents so far.

Donations may be sent to P.O. Box 2274, Sun City 85372.

Taxpayers have until February to file for the rebate. Residents with questions are asked to call 233-8766.

The county treasurer's office as of April 26 had returned more than \$7.5 million for 35,621 properties, said Paul Corrington, chief deputy county treasurer.

Although the county had been averaging a 10-day turnaround time for issuing rebates, he said there will be a temporary delay in the process.

Because the county has to process an estimated 870,000 property tax payments, Corrington said the tax rebates were put on hold for about a week starting Tuesday.

"The refund check processing had slowed down the county's computer system, so we couldn't handle the volume with our tax payments coming in," he said.



SUN CITIES AREA CHILDREN'S FOUNDATION, INC.

FACT SHEET

The foundation has evolved from an idea of Reverend Francis Park of Faith Presbyterian Church in Sun City. Several of his parishioners thought it would be meaningful to solicit the monies Sun Citians would receive as rebates from the unconstitutional school taxes levied on unincorporated areas that were not part of a school district. The money received would be used to assist children.

The state legislature stated that taxes raised from the levy was to be used for the education of children living in an unorganized school district. The amount of funds raised from this tax exceeded by about 12 million dollars the funding that was necessary to pay for the education of children in unorganized districts. The tax was later declared unconstitutional.

The lions share of rebates will be distributed in the Sun Cities area.

At the first organizational meeting, most people attending used the word "education" to define how the monies raised would be spent. There was an immediate negative reaction from a few residents. As a result, the Sun City Taxpayers Association which spearheaded legal proceedings to declare the tax unconstitutional, publicly denounced the concept and indicated we were "putting a guilt trip" on the people receiving rebates.

An ad hoc group continued to pursue and refine the concept of assisting children. Ted Hoyt agreed to chair a small committee studying the project. These are the results of that study.

The timing of rebates provides us with a window of opportunity to collect enough money to set up a trust and only distribute funds generated from interest on the principal. Our goal is to raise \$1,000,000.

We have changed the thrust from "education" to enhancing the lives of children in the Sun Cities area. Among the many ways to enhance their lives would be to target needs like supplying clothing, health care, latchkey programs, after school activities, summer programs, remedial reading, tutoring, expand science and art activities, provide musical instruments, etc.

Individual households will receive somewhere between \$30 and \$40 in rebates. Many people have told us that since they have already spent the money they would be more than willing to contribute to the foundation. Contributions, of course, are voluntary even though some folks might feel they are mandatory.

(more)

Our best opportunity for meaningful funds will come from businesses in the community. They were assessed the maximum school tax allowed by law.

The Del Webb corporation was the first organization to support our efforts. They have already pledged funds to the foundation.

The incorporators of the foundation are: Ted Hoyt, President; Reverend Francis Park, Vice President; Al Spanjer, Secretary and John Heisel, Treasurer. All but Spanjer are Sun City residents.

Other board members are: Vincent de Francis, Jane Freeman and De Loris McDonald of Sun City and Sanford Goldstein, Morey Jensen, Harry Meehan and Adele Schrag from Sun City West.

Our business address is: Faith Presbyterian Church, 16000 North Del Webb Boulevard, Sun City, Arizona 85351.

We are incorporating as a charitable 501 (c) (3) organization.

Businesses will be contacted individually. Individuals will be contacted through churches, synagogues, clubs and organizations.

Rebate or personal checks should be made payable to the "Sun Cities Area Children's Foundation (SCAC Foundation) and forwarded to Post Office Box 2274, Sun City, AZ 85372.

The committee has selected the United Way as the agency to receive, analyze proposals, seek committee approval, allocate funds and monitor their use.

For further information, contact Al Spanjer - 584-3988

February 8, 1991

BYLAWS

THE SUN CITIES AREA CHILDREN'S FOUNDATION INC

ARTICLE I: PURPOSE

The Sun Cities Area Children's Fund Corporation is organized exclusively for the purpose of enhancing the lives of the children in the Sun Cities vicinity by making charitable contributions.

ARTICLE II: LOCATION:

The principal office of the corporation, at which the general business of the corporation will be transacted and where the records of the corporation will be kept, will be at such place in the state of Arizona, as may be fixed from time to time by the board of directors.

ARTICLE III: MEMBERS

Members of the corporation will consist only of the members of the board of directors.

ARTICLE IV: BOARD OF DIRECTORS

Section 1: The number of members of the board of directors of this corporation will be not less than five (5).

Section 2: This corporation is committed to a policy of fair representation on the board of directors, which does not discriminate on the basis of race, physical handicap, sex, color, religion, sexual orientation, or age.

Section 3: Election of new directors or election of current directors to a second term will occur as the first item of business at the annual meeting of the corporation. Directors will be elected by a majority vote of the current directors .

Section 4: The term of each director of the corporation shall be three years, except that the initial board shall determine by lot directors for one (1), (2), and (3) year terms so that in the future there will be

Section 4: (cont'd) overlaps for continuity. No director shall serve more than one consecutive term (except that initial directors selected to serve less than a full three year term may be reelected for one three year term immediately following their first term.

Section 5: When a director dies, resigns, or is removed, the board may elect a director to serve for the duration of the unexpired term.

Section 6: Any director may be removed from the board of directors by an affirmative vote of the majority of directors present at an official meeting of the board. The director involved will be given an opportunity to be present and to be heard at the meeting at which his or her removal is considered.

Section 7: No compensation will be paid to any member of the board of directors for services performed as a member of the board or for the organization.

ARTICLE V; MEETINGS OF THE BOARD OF DIRECTORS

Section 1: An annual meeting of the board of directors will be held in the last quarter of each year for the purpose electing officers and directors. In addition to its annual meeting, the board of directors will hold regular meetings at least two times each calendar year at such place as may be designated in the notice of the meeting.

Section 2: Special meetings of the board of directors may be called at any time by the president of the corporation or in his or her absence by the vice president or upon receipt of a request therefore signed by three (3) or more directors or by a majority of the full time, permanent paid staff of the corporation.

Section 3: Notice of regular, special, and annual meetings will be mailed at least ten (10) days prior to the day such meeting is to be held. Any director of the corporation may make written waiver of notice before, at, or after a meeting. The waiver will be filed with

Section 3 (cont'd) the person who has been designated to act as secretary of the meeting. Appearance at a meeting is deemed a waiver unless the director attends for the express purpose of asserting the illegality of the meeting.

Section 4: At all meetings of the board of directors, each director present will be entitled to cast one vote on any motion coming before the meeting. The presence of a majority of the membership will constitute a quorum at any meeting.

Section 5: At a meeting at which there is a quorum present, a simple majority affirmative vote of the directors present is required to pass a motion before the board.

Section 6: Proxy voting will not be permitted.

Section 7: Robert's Rules of Order will be the authority for all questions of procedure at any meetings of the corporation.

ARTICLE VI: OFFICERS

Section 1: The officers of this corporation will be a president, vice president, secretary, treasurer, and such other officers with duties as the board prescribes.

Section 2: The officers of the corporation will be elected annually by the members of the board of directors at its annual meeting. Each officer will serve a one (1) year term.

Section 3: Any officer may be removed with or without cause by the board of directors by vote of a majority of all of the board members. The matter of removal may be acted upon at any meeting of the board, provided that notice of the intention to consider said removal has been given to each board member and to the officer affected at least thirty (30) days previously.

Section 4: A vacancy in any office may be filled by a majority vote of the board of directors for the unexpired portion of the term.

Section 5: The president will be the chief executive officer of the corporation. It will be the duty of the president to preside at all meetings of the board of directors and to have general supervision of the affairs of the corporation. He or she will execute on behalf of the corporation all contracts, deeds, conveyances, and other instruments in writing that may be required for the proper and necessary transaction of the business of the corporation.

Section 6: It will be the duty of the vice president to act in the absence or disability of the president and to perform such other duties as may be assigned him or her by the president of the board. In the absence of the president, the execution by the vice president on behalf of the corporation of any instrument will have the same force and effect as if the were executed on behalf of the corporation by the president.

Section 7: The secretary will be responsible for causing the corporation records to be maintained. He or she will give or cause to be given all notices of meetings of the board of directors and all other notices required by law or by these bylaws. The secretary will be the custodian of all books, correspondence, and papers relating to the business of the corporation, except those of the treasurer. The secretary will present at each annual meeting of the board of directors a full report of the transactions and affairs of the corporation for the preceding year and will also prepare and present to the board of directors such other reports as it may desire and request at such time or times as it may designate.

Section 8: The treasurer will have the responsibility for safekeeping of the funds and shall keep or cause to be kept all other books of account and accounting records of the corporation, and shall deposit or cause to be deposited all moneys and other valuable effects in the name and to the effect of the corporation in such depositories as may be designated by the board. He or she shall disburse or permit to be disbursed the funds

Section 8 (cont'd): of the corporation, as may be ordered or authorized by the board and shall render to the president of the corporation and to the board whenever they require it, an account of all his/her transactions as treasurer of those under his/her supervision, and of the financial condition of the corporation. He or she shall render the annual report of the financial condition of the corporation to the directors.

ARTICLE VII: COMMITTEES

Section 1: The board of directors may designate one or more ad hoc committees, each of which will consist of at least one committee chair and two or more committee members. Committee members may be members of the board of directors, or other interested individuals. The chair of the committee will be appointed by the president of the organization, who will act with the board's approval. After consultation with the committee chair, the president will appoint committee members. The studies, findings, and recommendations of all committees will be reported to the board of directors for consideration and action, except as otherwise ordered by the board of directors. Committees may adopt such rules for the conduct of business as are appropriate and as are not inconsistent with these bylaws, the articles of incorporation, or state law.

Section 2: The board of directors will have the following standing committees:

Executive Committee: This committee will be chaired by the president of the corporation and will consist of all other officers of the corporation and the chairs of all standing committees. This committee will serve as the central planning group for the organization. It also will have full authority of the corporation during the intervals between meetings of the board.

Budget and Finance Committee: This committee will be chaired by the treasurer and will consist of three (3) to five (5) members appointed by the president to a three year term (except that the initial members other than the chair shall determine by lot membership for one (1), (2), and (3) year terms so that in the future there will be overlaps for continuity). This committee will oversee and monitor the fiscal operations of the organization, develop an annual budget for recommendation to the board, and develop and assist in the implementation of a funding strategy for the corporation.

Grants Committee: This committee will be chaired by the Vice President and will consist of four (4) additional members appointed by the President for a two year term (except that in the first year two (2) shall be appointed for only a one (1) year term). This committee shall consult with appropriate parties and recommend to the board grants of funds in keeping with the purpose of the foundation.

Nominating Committee: The president shall appoint a nominating committee of three (3) members of the board to meet prior to the annual meeting and who shall present a slate of officers and directors for nomination at the annual meeting. The nominating committee may meet throughout the year as board vacancies occur.

ARTICLE VIII: MISCELLANEOUS

Section 1: The corporation will have the power to indemnify and hold harmless any director, officer, or employee from any suit, damage, claim, judgment, or liability arising out of, or asserted to arise out of, conduct of such person in his or her capacity as a director, officer, or employee (except in cases involving willful misconduct). The corporation will have the

Section 1 (cont'd): power to purchase or procure insurance for such purposes.

Section 2: The board of directors may authorize any officer or officers, agent or agents of the corporation, in addition to the officers so authorized by these bylaws to enter into any contract or execute and deliver any instrument in the name of , and on behalf of, the corporation. Such authority may be general or confined to specific instances.

Section 3: All checks, drafts, and other order for payment of funds will be signed by such officers or such other persons as the board of directors may from time to time designate. All documents will require two such signatures.

Section 4: The fiscal year of the corporation will be January 1 through December 31.

ARTICLE IX: AMENDMENTS

The board of directors may amend these bylaws to include or omit any provision that it could lawfully include or omit at the time the amendment is made. Upon written notice of at least thirty (30) days, any number of amendments or an entire revision of the bylaws may be submitted and voted upon at a single meeting of the board of directors and will be adopted at such meeting upon receiving a majority vote of the members of the board of directors.

ARTICLE XI: DISSOLUTION

Upon the dissolution of the corporation and after the payment or the provision for payment of all the liabilities of the corporation, the board of directors will dispose of all of the assets of the corporation exclusively for the purposes of the corporation or to organizations that are then qualified as tax-exempt organizations under section 501 (c) (3) of the Internal Revenue code. Any assets not so dispersed of will be disposed of by a court of jurisdiction in the county in which the principal office of the corporation is located.

February 8, 1991

ARTICLES OF INCORPORATION
OF
THE SUN CITIES AREA CHILDREN'S FOUNDATION INC

Article I

NAME: The name of the corporation shall be:

THE SUN CITIES AREA CHILDREN'S FOUNDATION INC

ARTICLE II

INCORPORATORS: The name and address of each incorporator are:

Ted Hoyt, President
9413 Sandstone Drive
Sun City, AZ 85351

Al Spanjer, Secretary
12411 Coronet Drive
Sun City West, AZ 85375

Rev Francis Park, Vice President
10113 Pine Springs Drive
Sun City, AZ 85373

John Heisel, Treasurer
9318 Hidden Valley Circle
Sun City, AZ 85351

ARTICLE III

Purpose: The purpose for which this corporation is organized is the transaction of any and all lawful business for which nonprofit corporations may be incorporated under the laws of the State of Arizona, as they may be amended from time to time.

ARTICLE IV

INITIAL BUSINESS: Said corporation is organized exclusively for the purpose of enhancement of the lives of the children in the Sun Cities vicinity by making charitable contributions.

ARTICLE V

No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to, its members, directors, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article IV. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not

participate in , or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these Articles, the corporation shall not carry on any other activities not permitted to be carried on: (a) by a corporation exempt from Federal Income Tax under the Internal Revenue Code of 1986, as amended, or corresponding provision of any future United States Internal Revenue Law, or; (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986, (or the corresponding provision of any future United States Internal Revenue Laws).

ARTICLE VI

Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provision for the payment of all the liabilities of the corporation, dispose of all of its assets exclusively for the purposes of the corporation in such manner, or to such organizations organized and operated exclusively for charitable, educational, religious, or scientific purposes as shall at the time qualify as an exempt organization or organizations under Section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Laws) as the Board of Directors shall determine. Any such assets not disposed of shall be disposed of by the Superior Court of the county in which the principal office of the corporation is then located, exclusively for such purpose or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purpose.

ARTICLE VII

INDEMNIFICATION: The corporation may indemnify any and all of its present or former directors, officers, employees, or agents to the maximum extent permitted by applicable law. Without limiting the generality of the foregoing, the corporation may indemnify any and all of its directors and officers, or former directors and officers, against expenses incurred by them, including legal fees, or judgments or penalties rendered or levied against any such persons in a legal action brought against any such person for actions or missions alleged to have been committed by any such person while acting within the scope of his employment as a director or officer of the corporation, provided that the board of directors shall determine in good faith that such person

did not act, fail to act, or refuse to act willfully or with gross negligence or with fraudulent or criminal intent in regard to the matter involved in the action or omission. The power of indemnification shall not be denied or limited by the bylaws of the corporation.

ARTICLE VIII

The annual meeting is to be held at a place within or without the state as fixed by the bylaws.

ARTICLE IX

STATUTORY AGENT: The name and address of the current statutory agent of the corporation is:

Business Address

David J Mason, Attorney
10421 West Coggins Drive
Sun City, Arizona 85351

Phone 974-5886

Home Address

13576 Camino Del Sol
Sun City West, AZ 85375

Phone 584-6224

KNOWN PLACE OF BUSINESS: The address of the current known place of business of the corporation is:

Faith Presbyterian Church
16000 N Del Webb Boulevard
Sun City, Arizona ;85351

ARTICLE X

The Board of Directors will be the members of the corporation.

ARTICLE XI

LIABILITY: A director of the corporation shall not be personally liable to the corporation for monetary damages for breach of fiduciary duty as a director, except for liability for any of the following:

- (a) any breach of the director's duty of loyalty to the corporation,
- (b) acts or omissions which are not in good faith or which involve intentional misconduct or a knowing violation of the law,
- (d) any transaction from which the director derived improper personal benefit, or
- (c) a violation of the Arizona Revised Statutes Section 1-1097.

Any repeal or modification of the foregoing paragraph shall not adversely affect any right or protection of a director of the corporation existing hereunder with respect to any act or omission occurring prior to or at the time of such repeal or modification.

ARTICLE XII

BOARD OF DIRECTORS: The directors of the corporation shall be elected by the directors of the corporation as provided in the bylaws. The number of directors and the manner of election and terms of office shall be fixed by the bylaws, provided that there shall be no fewer than five (5) directors. The number of directors constituting the current Board of Directors of the corporation is eleven (11). The names and addresses of the persons who serve as directors until the next annual election of directors or until their successors are elected and shall qualify are:

Jane Freeman
10516 Prairie Hills Circle
Sun City, AZ 85351

De Loris McDonald
10921 Crestbrook Drive
Sun City, AZ 85351

Sanford Goldstein
12437 Fieldstone Drive
Sun City West, AZ 85375

Harry Meehan
12203 Titan Court
Sun City West, AZ 85375

Vincent de Francis
17665 Del Webb Boulevard
Sun City, AZ 85351

Rev Francis Park
10113 Pine Springs Drive
Sun City, AZ 85373

John Heisel
9318 Hidden Valley Circle
Sun City, AZ 85351

Adele Schrag
10838 Conquistador Drive
Sun City West, AZ 85375

Ted Hoyt
9413 Sandstone Drive
Sun City, AZ 85351

Al Spanjer
12411 Coronet Drive
Sun City West, AZ 85375

Morey Jensen
18408 Conquistador Drive
Sun City West, AZ 85375

I, David J Mason (Is), having been designated as the statutory Agent of The Sun Cities Area Children's Foundation Inc, hereby consent to act in that capacity until removed, or until my resignation is submitted, in accordance with the Arizona Revised Statutes.

David J Mason

(name of agent)

February 11, 1991

Date