

# THE ARROW

September 2006

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<http://www.flechacaida.org>

## WELCOME TO OUR NEW LAWYER

After years of productive work with us, our attorney wanted to direct her practice in another direction, so we searched for a new attorney who specialized in community association law. We finally found her and we now give a big welcome to Carolyn Goldschmidt of the Goldschmidt Law Firm, who represents about 300 groups like ours. She certainly has the experience and we believe she is a perfect fit for us. In just a few months of working with her, we find her attentive, easy to work with and informed.



One of the first issues we took to her was paint color approval. We asked her to review our **Conditions, Reservations, Restrictions** to verify our opinion that we, as a Board, have control over paint colors. We do, as they qualify as 'alterations' in paragraph 14 of our **CRR's**, and the need for approval extends to new as well as older houses. This came up as a recent issue even though some new bold vivid color schemes are in vogue around town, our standing rule remain- we will continue to use 'desert colors'. We were most grateful to have that quickly resolved with legal authority.

Now, a little about Carolyn's qualifications: Carolyn, certified as a real estate specialist by the State Bar of Arizona, obtained a B.A. degree from Hunter College in New York City, and a J.D. degree from the University of Arizona College of Law. She had been an active part of the Southern Arizona Chapter of the Community Associations Institute (CAI) and a member of CAI's Legislative Action Committee. She also is a member of the Arizona Association of Community Managers (AACM). Carolyn regularly teaches various aspects of community association law to the members of both CAI and AACM, and has lectured widely on legal issues that pertain to community associations.

Also, she appears on a lively call-in radio show, (KNST-790AM) on the Community Association Law edition of the Legal Hotline, 8a.m. on the third Saturday of each month (though in October, the show will be on October 14<sup>th</sup>). She takes calls about a variety of problems with local community associations like ours and offers legal advice. It is by hearing her show that we first discovered her. We soon found that her other clients are enthusiastic in her praise. We, too, have become equally enthusiastic.

## SECURITY WALLS/GATES AND THE CRR'S

If you are thinking about security concerns, don't forget that all structures must conform with the CRR's and be approved. That includes walls and gates. Those who want walls and gates usually want to build them within their 40 foot setback and that means a variance is required. Our architect must approve any plans but the board must approve a variance.

### How to proceed:

**1<sup>st</sup>—Read your CRR's, Article 14.** If you don't have a set of your CRR's, download them from our website ([www.flechacaida.org](http://www.flechacaida.org)) or call our office (327-4240) to have a set sent to you.

**2<sup>nd</sup>—Draw up your plans with exact measurements**—including lists or samples of materials and colors. Make sure your plans show them on a site plan of your lot, indicating the 40 foot setback.

**3<sup>rd</sup>—Contact our architect, John Gabb, 299-0457** and submit to him two copies of your plans for review (There will be a nominal fee for his services). If you are asking for a variance (if there is encroachment into the setback), we ask that you get your neighbors to sign the plans saying that they do not object.

This process is usually quick and easy when you follow these directions.

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## Arrow News

If you need to contact us, please call the Flecha Caida HOA office at (327-4240) or e-mail us at flecha@flechacaida.org

### About the Arrow:

The Arrow newsletter is published quarterly and distributed free of charge to homeowners. Next newsletter will be sent out in December, Classified ad info. to be submitted to the editor by November 15th

### Contributions:

Submissions may be edited to conform to space restrictions. Call (615-9494) or e-mail connie@chbdesignlink.com

## Consumer Health Department

For mosquito complaints, and control tips, or to report dead birds call (740-3191) - West Nile Virus is deadly to some, so please empty those water sources.

## Committee News

### Architectural Committee

#### Some Do's and Don'ts

**DO** refer to your CR&Rs.  
**DO** submit all requests for property improvements to ARC & John Gabb at johngabbarchitect@msn.com  
**DON'T** hesitate to contact us at (327-4240) with any architectural related questions.

### Grounds Committee

#### Some Do's and Don'ts

**DO** keep vegetation trimmed.  
**DO** remove mistletoe from trees.  
**DO** keep your property free from rubbish, abandoned vehicles, etc. Read your CR&R's for more information, found at www.flechacaida.org  
**DON'T** hesitate to contact us (327-4240) with any questions.

### Welcoming Committee

Please call the Welcoming Committee with new homeowners in your neighborhood. We would like to offer a packet to welcome them to the neighborhood. Call (327-4240).

## From the President's desk...



The press has been full of reports of a new HOA law that alters how some homeowners can address disputes with their homeowner associations. In case you are confused by the news stories-**this new law does not apply to Flecha Caida HOA.** It applies to 'Planned Communities,' which are legally defined as Associations that have mandatory membership, mandatory dues and own common area such as private streets or a swimming pool, etc.

Membership in Flecha is voluntary, (up, these days, thank you all!) We do not have mandatory membership, mandatory dues or ownership of any Common Area.

We are an older restricted community, which has 'reversionary ownership' of the lots we live on. We sign an enforceable contract with the community when we purchase and are therefore subject to it's CRR's. The community association therefore has the power to enforce those restrictions on all homeowners.

The Declaration of Establishment of Conditions, Reservations and Restrictions (CRRs) for Flecha Caida are considered to be an enforceable contract among all lot owners. The Flecha Caida Homeowners Association was formed to enforce the CRRs and act as a community association. For example, **our Association provides fall cleanup bins, this newsletter, a website, and Neighborhood Watch, but our primary duty is to apply the CRRs to all Flecha Caida owners.** Those who pay dues, support us in our important community services that benefit all property owners within Flecha Caida.

**We have a fine record for handling CRR disputes**— rare considering there are 587 lots. Most of us are careful to comply. We appreciate the value of having guidance for construction and alteration. And nobody wants an eyesore next door.

**The law requires that the Association's Board of Directors follow the rules too.** For example, when we enforce the CRR's we cannot act in a capricious or arbitrary way. When we get a complaint, usually from a vigilant neighbor, we investigate and contact the homeowner if we see a violation. Most times a violation is a simple oversight and is quickly corrected. If it is not, we proceed according to procedure and pursue a correction until it is made or is resolved in court. This can be costly to the violator as we usually prevail and collect legal fees.

**In all cases, FCHOA goes to bat for our community.** The Board is made up of your neighbors, all busy professionals, who don't look for trouble but are committed to the time and effort required to tackle issues that could harm the special quiet quality of the life we enjoy in Flecha. By doing that we also protect our property values.

**(If you plan any construction, it is easy to find out how to proceed.** Simply log on to the website, [www.flechacaida.org](http://www.flechacaida.org). We will be happy to help out.)

If you want to be better informed on HOA law, **tune in to 790 KNST** on your AM dial on the third Saturday of each month at 8:am. **Carolyn Goldschmidt**, an attorney specializing in HOA law, **has an informative call-in show.** We are happy to welcome her as our new attorney.

Sincerely,  
Carol Donner Lescoulie

IT'S THE LAW

## Contact Numbers and Resources

Illegal Dumping Hotline:	622-5800	All Emergencies:	911
Pima County Rd Conditions:	547-7510	Dust Violations:	740-3340
Foothills Substation:	547-6311	Information Line:	741-4600

## The Desert Green Thumb



Replenish the Mosquito Bits/ Donuts to saucers/ water features that are only effective for 30 days to keep mosquito larvae in check.

Water and fertilizer can be the most beneficial thing you can do for your landscape plants this month. Check for globs of fungus that resemble dirty pancake batter or sudden wilting of foliage as this is an indication of Texas Root Rot. There isn't anything that can be done to save the plant. Replace it with a plant that is resistant to the disease. Roses can be lightly pruned for good fall bloom and iris can be dug, divided and replanted this month. Also give your citrus their final fertilization for the year.

## US Consumer Product Recalls

<http://www.cpsc.gov/cgi-bin/recalldb/prod.asp>

Select your product from approx. 400 categories

## Classified Ads

**Free to members.** Place an ad in the Arrow. All ads will run in space-available (20 words or less).

**Non-members will be charged \$25 for the same space.** Call 615-9494 or [connie@chbdesignlink.com](mailto:connie@chbdesignlink.com)

**For Sale:** Mitsubishi TV 28" and Oak TV cabinet \$125 call 299-9008

## Crime Report

2006 Pima County Sheriff's Statistics

### ROBBERY

Jan	Feb	Mar	Apr	May	Jun	Jul	Total
15	18	14	23	25	23	13	131

### AGGRAVATED ASSAULT

41	41	42	49	44	41	45	303
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### BURGLARY

168	138	181	184	212	225	218	1,326
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### LARCENY

794	609	714	728	695	708	714	4,962
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### AUTO THEFT

156	110	129	121	176	201	204	1,097
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ALERT

## Neighborhood Watch

If you are willing to be a block leader, contact the Sheriff's department Neighborhood Watch at (741-4972). They will send you information on how to set up the watch in your neighborhood. Then contact Connie (615-9494) for a listing of your neighbors to start your calls and to get you acquainted. Make the calls and visit with your neighbors, to set up a meeting with the your group also acquiring their e-mails. Notify Connie of the meeting and send her a listing of all the e-mails you have acquired. She places these on the master list and when a crime or incident happens in the neighborhood she notifies everyone on the e-mail list with an alert. Those neighbors that do not have e-mails then the block leaders are responsible to notify them within their area.

## Prepare for Emergencies

**Think of possible emergencies and make a list of items you might need. Here are a few items to get you started:**

**Water** - enough for 3 days, often 1 gal. per person

**Jacket** for cooler weather/ prepare to dress in layers

**First Aid Kit**

**Flashlights/Extra Batteries/and chemical light sticks**

**Gloves/pair of pliers** (remember we are in cactus country)

**Battery powered radio**

**Pocket knife/rope/back pack**

**Medications for 3 days/eyeglasses or contact lenses**

**Sanitary facilities** including a five-gallon bucket and a supply of 10-gallon trash bags, or a chemical toilet

**Propane-powered camping stove** (Do not use barbecues or camp stoves indoors due to deadly carbon monoxide fumes.)

**Food** - Also snack items for quick energy

**Walking cane** - This comes in handy also for protection against unruly animals

**Change of clothes** - Usually 2 days worth, plus shoes, blisters spring up when you least expect them

**Blankets/Sheets/Sleeping bags** (one per person)

**Heat source**, such as a propane-powered camp heater or chemical heat packets

**Special items for infants, elderly and disabled family members**

**Money** - \$200 cash

**Carry your cell phone**, tell others where you are going

Pima County Sheriff's Department 911 or 520-741-4600 520-547-TIPS(8477); American Red Cross 520-318-6749



## Lightning In The Sky



### Full home surge protector may help..

A Flecha Caida residence had lightning hit the electrical pole behind their house hitting the transformer. TEP came the next day and repaired the line and transformer. It has taken one month for the residents to get everything repaired inside their home. This seems to be the norm for Tucson. Many Flecha residents say that they have had lightning strikes that hit or come very close to their homes losing appliances. One major concern is your computer, plugging into surge protectors, doesn't always help. Unplugging your computer is the only sure, safe way if you are within 20 miles of a storm. More than 2,000 thunderstorms are active throughout the world at a given moment, producing on the order of 100 flashes per second. Every year, lightning strikes the ground around 40 million times in the US.

Get to a safe place if the time between the lightning flash and the rumble of thunder is 30 seconds or less.

Following the Lightning flash if thunder is heard then Lightning is...

**5 seconds after a Flash, 1 mile away**  
**15 seconds after a Flash, 3 miles away**  
**35 seconds after a Flash, 7 miles away**

**Join the Homeowners Association! Help us stay strong. Send your name, address and your e-mail address with a \$60 check made out to:**

**FCHOA  
P.O. Box 64633,  
Tucson, AZ 85728-4633**

## *Ways to Conserve Water*

When washing dishes by hand, don't let the water run while rinsing. Fill one sink with wash water the other with rinse water. Evaporative coolers require a seasonal maintenance checkup. For more efficient cooling, check it annually. Check your sprinkler system frequently and adjust sprinklers so only your plants are watered and not elsewhere. Run your washing machine and dishwasher only when they are full and you could save 1,000 gallons a month. Install covers on pools and spas to avoid water evaporation.

Use the garbage disposal less often.

Plant during the spring or fall when the watering requirements are lower.

Keep a pitcher of water in the refrigerator instead of running the tap for cold drinks.

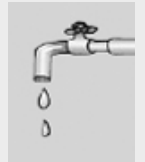
Check your water meter and bill to track your water usage.

Always water during the early morning hours, when temperatures are cooler, to minimize evaporation.

Wash your produce in the sink or a pan that is partially filled with water instead of running water from the tap.

Use a layer of mulch around plants to reduce evaporation, promote plant growth, and reduce weeds.

Use a broom instead of a hose to clean your driveway and sidewalk and save up to 80 gallons of water every time.



## *Voice of the National Weather Service*

NOAA Weather Radio (All Hazards) (NWR) is a nationwide network of radio stations broadcasting continuous weather information directly from a nearby National Weather Service office. NWR broadcasts National Weather Service warnings, watches, forecasts and other hazard information 24 hours a day. Broadcasts are found in the VHF public service band at these seven frequencies (MHz): 162.400, 162.425, 162.450, 162.475, 162.500, 162.525, 162.550 Cut this out and attach to your battery operated radio for emergencies.

## *Reduce Standby Power*

Standby power devices continue to use power even when battery chargers for cell phones and laptops etc. are not attached. Energy experts agree that reducing standby power will have to be helped by the manufacturers, but consumers need to do their part. Another device is the infrared device on your TV that constantly searches for a signal from the remote control, even when the set is off. Look around your home for other power sapping devices that you can turn off while not in use.

FCHOA - THE ARROW  
P.O. Box 64633  
Tucson, AZ 85728

PRESORTED  
STANDARD  
US POSTAGE  
PAID  
TUCSON, AZ  
PERMIT No. 950

**Coming This Fall**  
The free dumpsters will be  
available **ONLY** to dues paying  
members. Members will be  
notified by separate mail of  
it's loction and time.  
It's not too late to join!