



# FOOTNOTES Newsletter

CATALINA FOOTHILLS ESTATES No. 7 ASSOCIATION

May 2004

www.cfe7.org

P.O.Box 64173, Tucson, AZ 85728-4173

520-323-9299

## Welcome

*We welcome all our new neighbors*

Rodney and Michelle McCabe  
4955 N Via Condesa

Tyson Goss and Daniel Murray  
5231 N Foothills Dr

Kirk McFarland  
5151 N Soledad Primera

Nickolas Waser and Mary Price  
1525 E Entrada Segunda

Mukund Gnanadesikan  
1021 E Via Soledad

Jerry and Kathleen Fitz  
1000 E Via Entrada

Robert and Patricia Curry  
1845 E Camino Crest

Lawrence and Linda Grossman  
1750 E Entrada Doce

John and Elizabeth Conrad  
5500 E Entrada Quince

Richard and Christine Donnelly  
5256 N Via Condesa



## Catalina Foothills Estate No. 7 Association Annual Meeting

*Wednesday at 7 P.M.  
May 12, 2004*

St Philip's in the Hills Church  
East Murphey Gallery

Scheduled Guest Speakers:

*Pima County Sheriff's Department*  
"Home Security"

*Attorney Carolyn Goldschmidt*  
"Homeowner Associations"

## Footnotes Newsletter

*By June LeClair-Bucko*

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As to date the Catalina Estate No. 7 Association newsletter has been published sporadically in its past. It is also often confused with the Catalina Foothills Association newsletter. In an effort to differentiate ourselves, we are changing our look, and we are also using the original newsletter's header "Footnotes". We will attempt to consistently publish our newsletter bi-annually. Our effort is to help build community awareness and an avenue for information to be given to and from our residents. *We welcome our residents to participate by submitting articles, stories and/or comments.*

Please address your articles to: Catalina Foothills Estates No. 7 Association, Footnotes Newsletter, P.O. Box 64173, Tucson, AZ 85728-4173.

If you wish to e-mail your article please do so by attaching the article to your e-mail and send it to MsLec51@aol.com.

## President's Message

My wife Nancy and I first drove up Via Entrada from River Road in 1978. We told the realtor at the time, after looking at the many areas, "You've got to find us a home here." It was then, as it is now, one of the more attractive developments in the Tucson area. The primary reason for this was the vision for the Foothills by the developer John Murphey. The CC&R's which he established for Cat #7 in 1965 still serve the area very well. These covenants have held up over time primarily because of the watchful eye of the residents and past and present board members that volunteered their time to enforce the covenants and maintain the architectural standards.

Unfortunately, in the future the CC&R's can be eroded away by a legislature that continues to write statues that lessens the power of homeowners associations. Additionally, future residents becoming indifferent to covenant and architectural issues erode covenants. To ensure the future of Cat #7, the board along with the help of the residents must continue to uphold the covenants by consistently enforcing them. Legislation is a more difficult problem and can only be countered by informed Homeowners Association's residents providing them with feedback and ultimately at the ballot box.

Nancy and I still feel as enthusiastic about the drive up Via Entrada as we did back in 1978. I leave the board in May after serving two three year terms which were dedicated to the preservation of Cat #7. My final request for the future of Cat #7 is that all residents consider giving something back by serving on the board and supporting the covenants and architectural standards.

Jim Riley  
President

*Do you want to help persevere  
your community.....*



The Cat 7 Board is always looking for our residents to participate on their community board. If you would like to volunteer for a position, now or in the future, on either the Architectural Committee or the Covenant Committee. Please contact the Nominating Committee, June LeClair-Bucko or Jerry Boyle, who are coordinating a list of residents who would like to be called when a vacancy arises.

*State Laws and.....*

### *Homeowners Associations*

Some of the proposed laws this year dealing with homeowners associations:

**SB 1137:** Allows an individual member to challenge the power of the corporation to act; current law requires consent of at least 10 percent of the members, Status: Signed by the governor; takes effect later this year.

**HB 2177:** Requires association meetings to be open and provide speaking opportunity. Status: Signed by governor

**HB 2379:** Requires annual financial audit, review or compilation of association finances. Status: Signed by governor.

**HB 2380:** Requires association to provide statements to purchasers saying its rules are a contract and the buyer is giving up homestead exemption rights to preclude foreclosure. Status: House and Senate; differences being worked out in conference.

**HB 2402:** Prohibits associations from foreclosing on property belonging to members solely because they have not paid penalties, fees or other charges unrelated to basic assessment. Status: Approved by House; has preliminary Senate approval.

*This information was published in the AZ Daily Star, April 2004, obtain from Capitol Media Services.*

## Open Board Meetings

*by Jane Hoffmann*

The Board generally meets at 7:00p.m. on the first Wednesday of each month (Nov. 5<sup>th</sup>, Dec. 3<sup>rd</sup>, Jan. 7<sup>th</sup>, Feb. 4<sup>th</sup>, Mar. 3<sup>rd</sup>, Apr. 7<sup>th</sup>, May 5<sup>th</sup>, June 2<sup>nd</sup>, July/Aug. *no meetings*, Sept. 1<sup>st</sup>, Oct. 6<sup>th</sup>, Nov. 3<sup>rd</sup>, Dec. 1<sup>st</sup>).

Holidays and vacation schedules sometimes result in the rescheduling or cancellation of a particular meeting, so please check with the secretary, 323-9299, to confirm a meeting time.

At the beginning of our meetings we allow a ten minute period for "Resident Related Issues" – these must be scheduled with the secretary two weeks before the meeting.

Articles for the newsletter are welcomed and should be mailed to Catalina Foothills Estates #7 Association, P.O. Box 64173, Tucson, AZ, 85728-4173.

## CFE #7 Board Members

<b>President</b>	Jim Riley	888-1828
<b>Vice-president</b>	Judi Beck	529-3845
<b>Treasurer</b>	Jerry Boyle	888-8279
<b>Secretary to the Board</b>	Jane Hoffmann	323-9299

### Architectural Review Committee

<b>Chairperson</b>	Warren Edminster	887-5997
	Jerry Bishop	615-5402
	Chris Rogne	529-1774

### Covenants Committee

<b>Chairperson</b>	Diego Navarrette	529-4787
	Stacy Litvak	696-2030
	June LeClair-Bucko	577-0989

### Welcome Committee

<b>Chairperson</b>	Diego Navarrette	529-4787
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### Nominating Committee

	June LeClair-Bucko	577-0989
	Jerry Boyle	888-8279

## Lighting

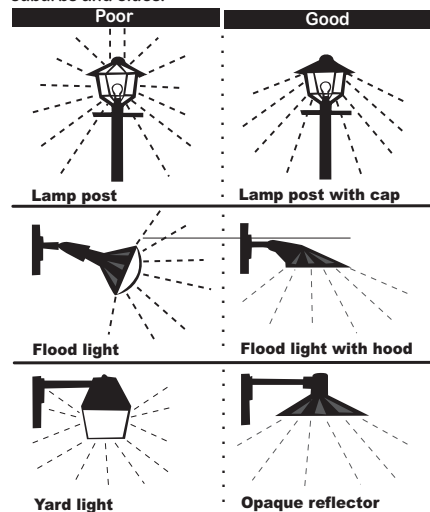
Lighting can be a big deterrent against home crime. The covenant states in the Restatement of Declarations of Protective Covenants for Catalina Foothills Estate No 7, Clause II, para. 8

*All exterior lights must be so located as not to be directed toward surrounding properties or public right-of-ways.*

To light your home and abide by the covenant and light pollution please review the following:

### Directing the light

Simple reflectors and caps can help focus light downward and cut back on light pollution above suburbs and cities.



Source: International Dark Sky Association



## Pack Rats

Pack rats are an important and beneficial part of the balance of nature. Unfortunately around homes the balance of nature is changed and pack rats can become destructive and a dangerous nuisance. Due to a decline in natural predators, increased harborage opportunities and a better food supply pack rat populations often increase to unnatural levels. Pack rats can damage and destroy landscaping, cars, pool equipment and even get into the ceiling voids of homes. Pack rats are avid chewers often stripping wires down to bare metal. Their nests harbor kissing bugs, fleas, lice, brown spiders, scorpions, and mice. Their urine and fecal material becomes abundant, unsightly and is a potential carrier of disease. Increased pack rat population can also result in increased snake population.

## How Secure is Your Home?

By June Leclair-Bucko

In recent months there has been a number of burglaries in the foothills area. Most of these occurred West of Campbell Avenue. There has been a few reports East of Campbell.

At our May 12th meeting we will have a representative from the Pima County Sheriff's Department. They will not discuss specifics of any of the offenses listed but will entertain your questions or concerns on crime prevention.

You can also visit their web site at [www.pimasheriff.org](http://www.pimasheriff.org). There is helpful information on how to protect your home, car, and mail. You may also obtain printed material on community awareness/crime prevention at the Sheriff's Department.

A special note to Cat 7 residents. There have been a few incidents that the Board would like to bring to your attention. The first incident is the theft of cactus from the community. The thieves were in a black pick-up around E. Entrada Nueve area. The second issue is the dumping of cars and various debris in our washes.

Be aware of who is in your neighborhood. If there is any suspicious activity in your area write down a description, obtain a

license plate number, if possible, and call the police. The police should be called first, but please keep the board aware of these incidents.

Here is a report that was obtained from the Sheriff's Department. The time frame is Feb 2003 to Feb 2004

The area requested was: West of Campbell, North of River Road, East of 1<sup>st</sup> Ave, South of Orange Grove.

### Offense:

Robbery w/firearm	1
Assaults	6
Burglaries	26
Larcenies	39
Theft automobile	1
Theft motorcycle	1
Attempt. vehicle theft	3
Arson	3
Frauds	16
Embezzlement	1
Malicious mischief	28
Vandalism	19
Control Substance	4
<b>Total</b>	<b>148 offenses</b>

## Pack Rat Prevention Tips

**General Landscaping-** Keep bushes, trees and other plants trimmed where you can see the ground at the base of the plant. Ground covers should be kept low. Rosemary and other bushy ground cover are attractive to pack rats if they become overgrown.

**Prickly Pear Cactus-** Keep arms trimmed off the ground. Thin out dense cactus trim off any peddles that turn sideways providing overhead shelter.

**Desert Spoon Cactus-** Do not allow a skirt of dead leaves to form, keep the base trimmed.

**Agaves-** Keep lower branches trimmed off the ground. Be sure to trim branches before they dry out a sharp serrated knife easily trims green agave branches. Do not allow agaves to grow in tight groups

**Exclusion-** A pack rat can squeeze through a half inch hole. Be sure storage room doors fit correctly and all bird screens along the eaves are intact. You may want to consider screening the exhaust fan ventilation vents on the roof

**Parked cars-** Keep carports clear of stored items to eliminate hiding places. If pack rats have been under the engine have it steamed to destroy the scent. The most effective deterrent is to leave the hood open at night. If your car has a small light under the hood remove the bulb to avoid a dead battery. Leaving the carport light on with the use of a yellow bulb will help and avoid attracting insects.

**Wood piles-** Should be kept at least ten inches off the ground and freestanding at least twenty four inches away from any wall or other obstruction.

**Stored items-** Avoid storing boxes and other items on patios or along the side of homes that may give shelter

**Potted plants-** Keep open spaces around pots do not put pots directly against a wall in tight groups.

Remember pack rats need sheltered areas to feel secure enough to start a nest deny pack rats shelter and they will not stay.

The use of poisons may kill the pack rat but not address the re-infesting nest issue. Also, pack rats will often collect poison bait without consuming it. The bait maybe dropped or left in areas where unintended animals may consume it and die. If the pack rat does consume the bait it will die over a period of days and become easy prey to predators. A predator that consumes a poisoned pack rat can itself become the victim of the poison. The result is fewer natural predators to keep the pack rat population in check.

To control nests or remove nests consult a professional

*This information is the courtesy of pest prevention professionals.*



## Catalina Foothills Estate No. 7 Architectural Note

By Chairperson Warren Edminster

Not clear on the Protective Covenants?

Are you remodeling or planning on building?

Before you start your project, have you submitted the appropriate forms and plans?

A pre-submittal review is required for any new construction or remodeling.

Also, the Covenant Committee will assist you with your community concerns.

For a pre-submittal review contact a representative on the Architecture Committee. If you need the appropriate forms for submittal to the Architectural Committee please call Jane Hoffmann at 323-9299.

### CC&R's?....

#### What CC&R's?

By Jerry Bishop

Each day as we drive, bike or walk through the neighborhood most of us are thankful for the Protective Covenants which provide a pleasant, cohesive, rural environment; however recently there have been a few rather blatant violations which have persisted for several months. When confronted by the Board, the owners of these properties have done nothing to eliminate the conditions which constitute the violation. These owners simply choose to ignore the existence of our CC&R's or perhaps they feel that the CC&R's apply to everyone else but not them.

The protective covenants provide for only one means of enforcement and that is through binding arbitration. This process takes several months to achieve resolution. Also, significant costs are involved; costs which are incurred by the Association (i.e. all homeowners in C.F.A. #7) as well as by the errant homeowner. The expense of arbitration itself is shared equally between the Association and the property owner. Each party is responsible for the cost of preparation of their respective "case" to the arbitrator.

With the frustration in mind at not being able to get a timely voluntary correction of a covenant violation, perhaps we should look into other enforcement options. The membership is an excellent source for many creative ideas and the Board is open to your suggestions on how to deal with recalcitrant homeowners. Our annual Cat # 7 meeting is rapidly approaching and it would be the proper forum for discussing this problem.

Catalina Foothills Estate No.7 is an area known for its beauty and spectacular views. Maintaining the property owners' quality of life and high housing values is a direct result of strict enforcement of its CC&R's.

I like to reread this statement every so often because it reminds me that this is the reason why the Architectural Committee of the Home Owner's Association does exist and in broad scope, defines what we are about.

Every new home owner is presented with a copy of the Bylaws dated March 6, 1995, Article V, Section 1, Par. A which established an "Architectural Review Committee". This document by reference establishes the responsibilities of the committee. In the "Restatement of the Declarations of the Protective Covenants for Catalina Foothills Estates No. 7 dated the 18<sup>th</sup> of March 1997, the Covenants which establish general rules of conduct as well as specific requirements for Architectural Regulations are defined. The process for requesting and obtaining approval for any proposed structure is herein established.

*Fine.* Now we have a set of regulations and requirements for guiding any construction as well as a set of general living requirements—the Covenants.

Problem: The Covenants and the architectural requirements are jumbled up together and are difficult to clearly interpret and follow—both for the average home owner as well as the Architectural Committee (and the Board)

To complicate matters, there are some particular requirements of design control that were never addressed and have been discussed (in minutes of Board Meetings) for over 14 years.

An example is as follows: the location where a building can not be placed on a lot (Setbacks) is called out in para. 19, page 8 of the CC&R's, but there is no specific limitation as to building height. Previously height was a judgement call, Clause II para. 4B. Now

we all know that this height factor is of paramount importance so that no one can inadvertently restrict the mountain/city view of his neighbor.

Another example is that perhaps children should be able to have play equipment (either site built or pre-manufactured in their own back yard. By strict interpretation of the CC&R's, such equipment would have to be considered "Construction." Should it be permitted or not?

The point is that the Architectural Guide Lines under which we all live, are in need of clarification and in some cases, expanded or revised. An attorney told us that the advised way to do this clarification or revision is not by changing the CC&R's but rather formally adopting Architectural Guidelines. Your Board, through an adhoc committee, has been pursuing the concept of Architectural Guidelines for almost a year. Working with a format proposed by an attorney, we have attempted to re-list and clarify the specific architectural control items from the CC&R's. We would also use this document to record any items not specifically addressed in the CC&R's.

All homeowners in Cat #7 will be notified of a series of meetings in which the concept of "Architectural Guidelines" will be discussed. If it is the desire of the majority, such guidelines will be created. Please watch for meeting announcements and do plan to attend these meetings.

#### Statistics



This last year (2003-2004) there have been 19 cases and this year 5 have been completed and signed-off. This does not include numerous cases that never were initiated after the Architectural Committee performed a courtesy pre-submittal meeting with the home owner.

### Trash

A Note from the Covenant Committee..... By June Leclair-Bucko

#### We don't like being on the streets!

As homes are being sold and we welcome many new neighbors, the one rule that is usually violated is the one on trash containers. *I myself was a violator.* I did not make myself familiar with the CC&R's and I was not acquainted with neighborhood associations. So, for those of you that are new and for those who are not, *remember*, the CC&R's states, in the Restatement of Declarations of Protective Covenants for Catalina Foothills Estate No 7, Clause II, para. 17.



*Trash or rubbish containers shall remain concealed at all time from view of the other lots and roads, and shall not at any time be placed along street right of way.*

## Protest



### **Homeowners Associations-All 249,000 of them are out of control. Their design guidelines needlessly homogenize our neighborhoods and our neighbors.**

*By Lawrence W. Cheek, (reprinted from the 3/04 issue of Architecture)*

I live in a vast and meticulously planned community east of downtown Seattle that purports to be an Eden for kids. And there is enough ethnic diversity for at least a taste of the American bouillabaisse.

What's missing? Treehouses. A postmodern pergola to poke some fun at halfhearted neo-Victorian pose of the houses. A joker face painted on a garage door. A riot of ornamentation, colors, additions, and outdoor art that would not only jazz up the neighborhood but also exhibit the individuality and imagination that supposedly distinguishes us as Americans.

None of these however, would be allowed. As in most developer-driven neighborhoods we are governed by a homeowners association-or more specifically, its architectural control committee-that approves or denies new construction, remodeling projects and exterior colors. Although the palette was liberalized two years ago to include more hues.

The obvious effect of such controls is a numbing blandness and conformity: 3,000 anonymous housing units with negligible variations in style and mood. Among the more insidious and far reaching consequences is the message sent to children growing up in the environment. Phillip Langdon articulated it in his 1995 *A Better Place to Live*, an incisive critique of suburbia; "Children learn by watching adults. When they see the adults being told what color to paint their house, which tones of basketball backboards to buy, and where not to plant a garden, children can hardly avoid concluding that the scope of individual action in contemporary America is narrow indeed." Command and Control

Why are we granting powers to homeowners associations that we wouldn't dream of ceding to a city council, state legislature, or Congress? The cliché is that people vote with their pocketbooks, and associations insist that their rules preserve property values. This may be true as far as maintenance issues are concerned: The whole community suffers if someone's house starts to resemble Dogpatch.

But almost invariably the associations also fold in provisions governing style, materials colors and site use (Celebration, Disney's eight year old New Urbanist development near Orlando Florida, even dictates the colors of residents' drapes) Homeowners associations vigorously enforce design guidelines because their lawyers warn that if they let minor offenses pass the code becomes legally unenforceable. Besides, there's always a retired colonel in the neighborhood itching to keep everybody in line. Lawsuits abound frequently over absurd violations such as flagpoles. Backlashes erupt, and then sputter. One Seattle-area man spent \$68,000 in lawyers fees fighting his neighborhood association over his houses paint job and lost.

Most people however, tolerate the restrictions because while they say they cherish the ideal of untrammelled individuality they're also frightened by it. Visual conformity conveniently masks the eccentricities that might dwell behind the drapes. Insofar environment shapes character neighborhoods like mine tend to dull the sharp edges of contrarian personalities; I suspect that why nobody is pushing the envelope of exterior color: An implied social contract on conformity lingers even in the wake of relaxed rules

In the forest of thorny problems entangling the country suburban neighborhoods rank nowhere near the top- particularly since many can be shown by measurable indicators such school test scores and property values to be working rather well. But 80 percent of new housing in America is being built with homeowners associations; there are now more than 249,000 of these quasi-governmental groups. A substantial percentage of the next generation of architects will have grown up in these neighborhoods. They may be able to change some attitudes from the inside; let us hope they're mad enough to try.

*This article was submitted by Warren Edminster, Architecture Chairperson . If you would like to submit a comment on this article for a future publication of the Cat 7 Footnotes newsletter please send to: Cat 7 Newsletter, P.O. Box 64173, Tucson AZ 85728-4173*

## Community Health Alert

### *West Nile Disease*



The West Nile virus is a mosquito-borne virus. The majority of people and animals that are infected with the virus have a mild illness or no symptoms. In rare cases, the virus can cause a more serious condition called encephalitis, which is an inflammation of the brain. The elderly are at higher risk for the disease.

#### **Symptoms of West Nile:**

Most people who are infected with the WN virus have no symptoms whatsoever. However, of these who become ill, symptoms can include fever, headache, nausea, body aches, or a mild skin rash. In a few cases the disease will progress to encephalitis.

The time between the mosquito bite and the onset of illness, known as the incubation period, ranges from 3-15 days in humans.

The disease most often affects birds, horses and humans.

***If you find a dead bird,  
call PCHD at 520-740-2760  
DO NOT TOUCH THE BIRD***

#### **Protect yourself and family**

To decrease exposure to mosquitoes and the infection they may carry:

AVOID outside activity at dawn and dusk during the mosquito season (May through October) This is particularly important for the elderly and small children. Wear protective clothing (long pants and long sleeves) and apply insect repellent when outside.

Make sure that doors and windows have tight fitting screens. Repair or replace screens that have tears or holes in them.

Drain all standing water on private property and stock permanent ponds with fish that eat mosquito larvae.

Change water in flower pots, bird baths and pet dishes located outdoors at least twice per week.

For more information on West Nile disease you can go to the State website [www.hs.state.az.us](http://www.hs.state.az.us) or you also can call for general information on the Public Health hotline at 800-314-9243





## One Scarlet Penstemon

By Connie Spittler

The following year, we watched for our penstemon to reappear. Every morning we examined the remains of the old plant in search of any greening, but nothing happened. Soon the aloe spouted orange tips. Tahoka Daisy shimmered purple. Palo Verde treetops floated their soft clouds of yellow. Still, the penstemon resisted. With time slipping by, we decided to replace the reluctant plant and drove off to the nursery. They had no scarlet penstemons, thank you, only pink ones. At another store, we received the same response, "Only pink, no red." From our point of view, we needed scarlet. To appease the hummingbirds. To recapture the magic. To match the nonexistent pimpernel.

The next day we headed off in a different direction and found none. The third day, same story. With no more nurseries within reasonable striking distance, we decided to accept the inevitable. No scarlet penstemons. Hummingbirds come and hummingbirds go. Nature was teaching the ebb and flow of things. "Maybe another year we'll find one," we said in tandem and headed home.

As we turned into the driveway, a blip of red in a far corner of the desert caught our attention. We got out of the car and walked toward the tiny bloom unfurled. Last year's plant had gone to seed. Holding this new thought, we examined our sandy front yard for more seedlings. We begun to count little green plantlets scattered around, behind rocks, under cactus pads, springing up from arid land. In wonder and appreciation, we discovered we had inherited not one, but forty-three scarlet penstemons. Nature was not demonstrating arbitrary denial, but rather, abundance. And perhaps, even more striking, miraculous seeds of survival. We gazed at the desert. "They're here. They're there. They're everywhere. The scarlet penstemons."

With so many flowering red trumpets soon to erupt, we knew that broad-billed hummingbirds could not be far behind.

And so, this year, we wish you the same. Blossoms of scarlet and the vibration of hummingbirds. Delight in small things. Abundance and survival.

*\*Scarlet Penstemon. Penstemon Murrayanus, perennial herb; stems gray green, up to 70 cm tall; flowers concentrated along one side of the stem; corolla red, 22-30 mm long, narrowed at the mouth, lower lobes bearded with soft yellow hairs; sterile stamen bearded near the tip.*

*\*\* The words actually go like this: They seek him here. They seek him there. Those Frenchies seek him everywhere. From the novel by Baroness de Orczy. Also the 1935 movie with Leslie Howard. The 1982 film with Anthony Edwards. The Brit flic with Richard Grant. And later, even a musical. You may notice The Scarlet Pimpernel turns up rather often on cable.*

*\*\*\* Scarlet Pimpernel, Anagallis arvensis. Family: Primrose. Origin: Europe. Height: 2-6 inches. Flower color: red-orange. Flower size: 1/4 inch across. Habitat: roadsides and waste places, usually in sandy soil. Flowers open only when the sun shines: their habit of closing in dull weather has given the plant the name "poor man's weather-glass."*

As desert dwellers and exponents of minimal landscaping, the scarlet penstemon\* captured our hearts and our fancy. Maybe because during our marriage, a reworked phrase from *The Scarlet Pimpernel*\*\* had become a touchstone, a curious code for we knew not what. Bob and I just said it to each other for years "He's here. He's there. He's everywhere. The Scarlet Pimpernel."

We never grew a pimpernel\*\*\*, the wayside wildflower that bloomed red in far off lands. Through our dry climate nurtured no pimpernels, the penstemon was a happy replacement, since this plant was a known hummingbird attracter. With that in mind, we planted our wildflower outside the dining room window and waited. Called to the red flags of color, an entourage of hummers visited often, dipping into the sunshine and sipping from the stalks of bell-shaped blossoms. In turn, we slipped into our own reverie and responded to our hummingbird season, the shape of it, the mood of it, the flash of wins that moved through it.