



# *The Roadrunner*

**PDSPOA Village One Newsletter**

**September 30, 2015**

Pueblo del Sol Village One Property Owners Association  
P.O. Box 1551, Sierra Vista, AZ 85636-1551  
Website: [pdsboa.com](http://pdsboa.com)

[pdsboa.com](http://pdsboa.com) (email)  
(520) 803-9516 (Office)  
(520) 378-2967 (Fax)

## **SPECIAL EDITION**

### **ITS YOUR DECISION TO APPROVE THE REVISED CC&RS!**

**ALL OWNERS WHO SUPPORT THE REVISED CC&RS MUST SUBMIT  
A CONSENT FORM. WE NEED 232 OWNERS TO ADOPT THEM.**

On October 1, only a total of 160 Owners had submitted their consents to approve the Revised CC&Rs or 46% of all the Owners in the PDSPOA. 72 more consent forms are needed to adopt the Revised CC&Rs. This effort to collect signatures will continue through the month of October. If by then we cannot collect the required 232 signatures then a separate consent form to extend the current CC&Rs will be sent to you. The extension of our current CC&Rs, which are dated and vague, must be approved by about 191 Owners (about 55%) prior to their expiration on Dec 31, 2015 or the PDSPOA will begin to dissolve.

Apathy toward the PDSPOA has been endemic in our Community. Now is the time to participate and make your choice. The current lack of response is less indicative of non support for the Revised CC&Rs and the PDSPOA but instead says, "I don't care." When we are no longer a PDSPOA; then you will surely care but it will be too late.

The Revised CC&Rs improved and clarified the current CC&Rs and added several changes to give the Owners more oversight of the BOD and ECC. It is not a "power grab" as some have insinuated. This Newsletter is focused on giving you additional information to help make your decision and hopefully support the CC&R Revision.

## **To Support or Not Support the Revised CC&Rs?**

by

Ted Pahle, President PDSPOA, President@pdsboa.com

This is obviously a very personal decision that each of you must make in your best interests as a property owner as well as in consideration of the overall well being of all others in our Community. I ask you consider submitting your endorsement of the Revised CC&Rs for the following reasons:

- There are 346 Owners, all of whom made a decision and signed a legal contract when they purchased a home here to live under Covenants intent on maintaining the quality of life that is peaceful and orderly. Such a contract was also made expecting to have an Association that would exist to prevent activities by a few that are detrimental to the best interests of the majority of the Community. I believe that since its creation in 1972 this association of Owners, operating as the Pueblo del Sol Property Owners Association (PDSPOA), has benefited from the existence of these Covenants. Overall voluntary compliance with the Covenants has been good for many years. Clearly there are some cases of disregard for the CC&Rs by a few Owners and examples of less than stellar actions by Directors and Officers of the Association. That is a reality we must occasionally endure in an Owner-managed Association.
- The Covenants exist to prevent extreme inconsiderate activities by a few Owners. The Revised CC&Rs do not change this basic objective. Some language has been altered, primarily to ensure compliance with current laws and best practices common today in homeowner associations. There is no drastic deviation from the core principles of our original CC&Rs. My estimation is that 90% of the current CC&Rs remain in the Revised CC&Rs. To make any changes to the CC&Rs is a daunting task that requires 2/3 of the Owners to agree. Only Owners can make changes to all the governing PDSPOA documents.
- A few minor substantive changes have been made, such as increasing the Maximum Annual Assessment from \$50.00 to \$100.00 based on the reality that costs have increased over the years. Our per-lot cost for the past 2 years has been \$54.00 and \$56.00 respectively. Yet we have only charged \$50.00 because of the limits stated in the current CC&Rs. If the revision is approved, my best guess for next year is an increase to \$55.00 in order to keep up with the cost of operating the PDSPOA. Also, the need to limit and clarify the powers of the Environmental Control Committee was requested by Owners. The ECC cannot operate as an independent body and must be accountable to the BOD and ultimately to the Owners. Not only oversight of the ECC has been added, but also we added an appeal procedure if an Owner does not agree with an ECC decision.
- These are the most drastic of all the Revisions made to the CC&Rs. Every proposed Revision was presented and discussed with all Owners via mail, email and discussed in person at 3 Town Hall Meetings and in the side-by-side CC&Rs given to all Owners. We made every effort to maximize Owner participation and viewpoints. The inputs from Owners were considered and most were incorporated into the CC&R Revisions. The Owners spoke and we acted on their suggestions.

To say the least, the proposed Revised CC&Rs have produced much emotion bordering of hysteria, created by a few who vehemently oppose any change of the CC&Rs and/or who desire to dissolve the Association after Dec 31, 2015 when our current CC&Rs expire. In doing so they are attempting to abrogate the original contract every Owner signed at the time of purchase to live under Covenants. They want to terminate their obligation to live as a community with standards that are beneficial to all. They have no interest if you want to live under covenants. Much of the opposition to CC&R Revision comes from a small group who "want to be left alone" (their words) to pursue their own choices but not as a member of a Community. This specifically refers to their freedom to build anything they want on their lots; conduct any activity they wish including businesses, car repairs, storing debris and construction materials, disregard any obligation to maintain the outside property for both aesthetic appearance and safety (fire and vermin) considerations; and have any type(s)/numbers of animals of their choice. They also harbor long standing personal and institutional animosity



## A question from an Owner, "How old is the PDSPOA"?

The Stockdale Development Corporation, a subdivision of Tenneco West, first filed PDSPOA CC&Rs in Kern County, CA on June 2, 1972, for the PDSPOA Village One Sections A and B (347 lots). These were signed by Jack Fox, Melvin Jans, Ruben Ramirez, John Sommerhalder and David Stanton. All were senior executives employed by the Stockdale Dev Corp.

The first meeting of the PDSPOA Board of Directors was held at 201 Newstine Rd (probably the offices of Stockdale Dev Corp), Bakersville, CA on Aug 2, 1972. At this meeting the five persons listed on the CC&Rs were appointed as the first Board of Directors. The "Development" was still on the drawing board and no construction of homes had started but SSVEC and Water Company were already preparing the infrastructure for our community. At this meeting the first By-Laws of PDSPOA were adopted.

There is not much activity between Aug 1972 until August 1974 but it is clear Stockdale Corp had total control of the PDSPOA and its funds. Some PDSPOA Newsletters I found in the files indicate that by early summer of 1974 about 170 lots had been sold and about 80 homes were completed or under construction. There is also indication during this period that the Fry Fire District was to be deeded one lot for construction of a fire station. Hence today we have 346 lots rather than the original 347 lots. Also, discovered is that of the total 640 acres of the Development (PDSPOA) the total Common Areas eventually deeded to the PDSPOA were 75.6 acres, then valued at approximately \$147,000.00.

On August 10, 1974 the Annual Meeting of the Members (the numbers were growing fast) the Owners declared their desire to take over the PDSPOA management away from Tenneco/Stockdale, as was planned whenever the Owner numbers were sufficient to take over the Association. On September 19, 1974 the Owners met to vote on a new Board of Directors and selected Henry Strahm, Charles Riske, Melvin Jones, David Stanton, and Henry Houser (a non-Owner) as the first non-Tenneco/Stockdale PDSPOA Board Directors. At this meeting, Restated Articles of Incorporation, ByLaws, and CC&Rs were adopted and shortly-after recorded with the Cochise County Recorder.

So we really have two birthdays as the PDSPOA. If you ask, When was the PDSPOA created?. The answer is June 2, 1972. If you ask, When was the PDSPOA under the true control of PDSPOA Owners? The answer is September 19, 1974.

XX

### What about the old CC&R Rewrite?

Some Owners keep asking, "What happened to the rewrite of the CC&Rs done several years ago by the Owners?". Those old proposed CC&Rs first surfaced at the April 12, 2010 BOD Meeting with almost all of the legal language removed and much of the substantive content also. They were drafted without any prior consultation with an attorney by a small group of Owners. These were later presented to an attorney who raised questions about their content and delays were encountered. In the meantime, the draft CC&Rs were disseminated but Owner feedback was very negative. The effort faltered until July 11, 2011 and records indicate that another option was sought to simply extend the current CC&Rs for another 15 years after Dec 31, 2015. The effort to bring these to a vote was dropped in favor of a more formal legal Revision of the CC&Rs as it was clear our CC&Rs were out of date. The BOD decided to seek other professional advice on CC&Rs as the previous attorney had no significant experience in this field. In December 2011 the firm Carpenter and Hazlewood is chosen by the BOD to be our lawyers. The legal revision was started and took about 2.5 more years to complete, primarily because various BODs had other priorities. The attorneys reviewed the legal language only and the substantive portions such as setting quality of life standards remained basically unchanged. Various BODs recognized that the PDSPOA is a legal non-profit corporation that must comply with a wide variety of laws, internal revenue codes, corporation commission standards, and must have solid legal standing. It, like all other Home Owner Associations, must exist within legal standards. The CC&Rs cannot be drafted by laymen and expect they will survive in the legal world we live in. So today's Revised CC&Rs were driven by the original effort in 2010 to update our current CC&Rs, but this time with the involvement of an attorney. (Source: PDS POA BOD Meeting Minutes 2010 thru the present.)

**PDSPOA STREET HERITAGE KNOWLEDGE QUIZ:  
The Indigenous Peoples of the Americas**

1. The PDSPOA has 17 out of 18 streets named after indigenous American people. How many of these are considered native to the U.S. Southwest?
2. In 1830 the Indian Removal Act was passed by the U.S. Congress at the insistence of President Andrew Jackson and tragically authorized relocation of Indigenous American peoples from their historical lands. The first of the "Five Civilized Tribes" to be relocated starting in 1831 were the Choctaw. Their move is known as the start of the "Trail of Tears". Is there a PDSPOA street named for another of these original relocated Indigenous American nations?
3. Can you identify the two Indigenous American tribes our streets are named for that are commonly associated with the "Eastern" United States?
4. Can you identify which three Indigenous American tribes our streets are named for that are commonly associated with Mexico?
5. We have 17 streets named after Indigenous American Tribes. Can you name them?  
(Helpful hint. First letter of each tribe's name is given)

A _____	A _____	B _____
C _____	K _____	L _____
M _____	M _____	N _____
O _____	P _____	S _____
S _____	S _____	T _____
Y _____	Z _____	

6. What PDSPOA Street has the largest number of residences on it?
7. What PDSPOA Street has the least number of residences on it?
8. Why was the term "indian" applied to the Indigenous Peoples of the Americas?
9. We have one street, Equestrian Avenue, not named for any Indigenous American tribes. Who introduced the horse into the Americas?

(Answers on page 7)

**Another Wagging Tail; Three actually.**

History does repeat itself, sometimes over and over again. In August and September we had two more incidents of loose dogs. Again, these were wonderful and loving creatures once the initial period of confidence and trust was established with those who found them. One case was two full grown Boxers who simply found a way to open their own back gate and went on a brief adventure. They were spotted and taken into protective custody by Suzy W. on S. Apache and Shawnee who cared for them and kept them company for a couple of hours while other neighbors tracked down the Owners. Shortly after the neighbor was contacted they were picked up and returned home. The second was "Duke", a super friendly black lab who did the same as the Boxers. He found a way to sneak out and go exploring. Beverly P. on Shawnee and Sioux found him and gave him overnight shelter and food. An email was sent to all PDSPOA Owners and an Owner took the initiative to also put him on Facebook. By mid morning the next day his Owner on S. Apache saw the Facebook notice and quickly made arrangements to reunite with a very happy "Duke". Our sense of Community is evident when so many step forward to help out in such cases. This is a great place to live!

## **The Facts about the PDSPOA Budget** By Tony Guthrie, Treasurer guthrie8@q.com

There have been several emails, letters, and other commentary about the PDSPOA's Budget and Assessments from Owners that show interesting perspectives on how your funds are being used as well as a degree of alarm regarding increases in the annual assessments. As your new treasurer, I take these concerns very seriously. Following are my thoughts on the budget process and some ideas for your increased involvement and consensus.

**Budget:** Per our CC&Rs, the Budget is prepared around mid-April by the Budget Committee (I'm the Chairperson). Any Owner can participate as a Committee Member or as an observer at the Budget Planning Meetings (usually two meetings are needed). The Budget is developed as follows:

1. The estimated expenses to operate the PDSPOA in the coming year are determined by reviewing each budget item, the budgeted and actual cost, and zero-basing the projected cost for the upcoming fiscal year (1 July to 30 June). The committee also reviews Budget line items to determine if they remain valid, and consideration might be given to new requirements. In addition, a small amount of money must also be included to cover unplanned and unbudgeted costs during the year to repair and/or replace any property that is lost, wears out, or is damaged.

2. The estimated amount needed is reduced by the amount of "surplus" (or unspent) money from the prior year that must be forwarded into the coming year in accordance with the CC&Rs. This produces the estimated amount to operate the PDSPOA and becomes the "preliminary budget". This is approved sometime in June by the outgoing BOD. The Budget is not finally approved until the new BOD is seated in early July. Participation by the Owners in this process has been minimal but has improved over the last 2 years.

There are no authorities in the CC&Rs for a BOD to arbitrarily balloon the Budget with exaggerated or imaginary costs. The BOD is carefully guided and restricted by the CC&Rs not to deviate from the Budget process. Assessments are limited by the CC&Rs. The BOD cannot alter the CC&Rs; only you the Owners can do so, by a two-thirds approval.

### **Annual Assessment:**

The CC&Rs have specific guidance to the BOD about how to set the Annual Assessment (AA). The AA is the major source of income for the year and only a small additional amount is collected from Late Fees (about \$800.00) and Property Transfer Fees (about \$900.00) per year.

The AA is determined by dividing the estimated operating costs in the preliminary Budget by 346 (number of lots in the PDSPOA) and the result is the "per lot" cost of each Owner's share. In the past 2 years the AA has been set at \$50.00 because this is the Maximum Annual Assessment authorized in our current CC&Rs. But the actual cost per lot for the past two years has been \$54.81 and \$56.45, both greater than the \$50.00 AA we charged. Nonetheless, we have managed to meet our expenditure obligations because we had surplus money that accumulated from prior years. This surplus has been gradually used to pay the shortage of the income being lower than expenses. This has reduced the surplus we have had for some years. This reduction of the surplus began in fiscal year 2002 at the urging of many Owners who did not think a large amount should exist as a "reserve". They were right because the PDSPOA CC&Rs do not authorize having any Reserve Fund. Over the years, we have reduced this surplus from \$23.2 thousand in FY '01 down to \$4.9 thousand as of June 30, 2015.

### **Maximum Annual Assessment.**

Our current CC&Rs have a Maximum Annual Assessment (MAA) of \$50.00. Raising the MAA to \$100.00 is a key part in the Revised CC&Rs that are now up for approval by the Owners. If costs for budget line items continue to increase as they have over the past two years, the surplus will soon be gone in three or four years and Owners will have to pay more than \$50.00 per year to meet their equal share of increasing operating costs.

The new CC&Rs increase the MAA to \$100.00. The Arizona statutory limit of 20% is the limiting factor until the \$100.00 MAA is reached. Once we reach the \$100.00 limit of our MAA, the increase allowed by our own CC&Rs (both the current and Revised CC&Rs) is only 3% per annum. Only the Owners can approve a greater increase or new MAA by a 2/3 vote.

While it would be extremely unlikely, a 20% increase per year could potentially reach the \$100.00 maximum in as little as four years. However, based on the Budget process stated above, as well as the slow rate of historical cost increases, you can expect your Annual Assessment to increase very slowly at the same pace as our increasing operating costs. Of course, this is contingent on no significant changes to budget line items. More on this below...

I don't regard the concerns that some owners have stated as whimsical. This change, while I believe it is needed, nonetheless represents a *potential* increase in the PDSPOA budgets and owner assessments. However, owner participation in the budget process can and should mitigate uncalled for increases in the budget while permitting the POA to adjust for increased costs, conditional on owner agreement.

Some concerns have been raised with regards the importance of certain budget items. I regard these concerns as important input to our current budget plan, as well as future budgets. Accordingly, here is my recommendation to the owners and the BOD as to how to better incorporate owner input into our budget plans.

All budget line items, in addition to being validated in terms of necessity and "should cost," need to pass the "so what?" test. Notional example: \$500.00 is needed annually for two mowings of the PDS Village One entrance areas. If these entrances at Mandan and Pawnee are not mowed, they will become overgrown and unsightly. So what? At this point, owners can weigh in with their perspectives on whether the value of maintaining an attractive entrance from Highway 92 into our neighborhood merits the cost.

While I believe current budget processes will result in only minor increases for many years to come, this is your money. It's both fair and reasonable that you have a direct say on how your money is spent. I am available to answer your questions and to give you access to the Treasurer Books and Files, something that any Owner can ask to see for themselves. It is your Association.

XX

**ANSWERS TO STREET HERITAGE KNOWLEDGE AND TRIVIA QUIZ**

The Indigenous Peoples of the Americas.

1. Answer: Three. Apache, Kiowa, and Zuni
- 2 Answer: No. The Five Civilized Tribes were Choctaw, Cherokee, Chickasaw, Muscogee, and Seminole, all Eastern tribes. Cherokee is not a street within the PDSPOA, it only borders the edge of our community and we have no addresses on it.
3. Answer: Cherokee, Shawnee,
4. Answer: Maya, Toltec, and Aztec
5. Answer: Aztec, Apache, Bannock, Cheyenne. Kiowa, Laguna, Mandan, Maya, Nez Perce, Osage, Pawnee, Sioux, Seneca, Shawnee, Toltec, Yokut, Zuni,
6. Answer: Apache, 58 residences.
7. Answer: Aztec , 1 residence.
8. Answer: When European settlers came to the eastern shores of America starting in the 14th Century and continued their explorations westward and northward they encountered the various tribes. They called these native peoples "indios" ("indians") because they erroneously believed they had reached India. Eventually, the term Native-American was introduced to replace "indians" but even this term is not wholly endorsed today, many preferring to be more accurately called the "Indigenous Peoples of the Americas".
9. Answer: There were horses in prehistoric America, but they died out before any humans ever had contact them. In the 1500's Hernan Cortez, Spanish Conquistador brought 15 horses from Spain. The Indigenous Americans never saw a horse until the white man came. What we now consider wild horses (mustangs) are really domesticated horses that became wild after they were abandoned or escaped from the Spaniards. These wild horses were then captured and domesticated again, first by the Indigenous Americans, and then by white settlers. One interesting note is that the horses that the Spaniards brought -- mainly Barbs, Moors, and Arabians, were larger than the typical Mustang of today. They became smaller in the wild, likely as a result of a poorer diet and increased inbreeding.

**PUEBLO DEL SOL VILLAGE ONE FINAL BUDGET FY 2016**

**July 1, 2015 to 30 June 2016**

**BASED ON ANNUAL ASSESSMENT OF:** \$ 50.00

**INCOME**

Carry Over from prior FY (2015)	CO	\$	4,967.14	
Annual Assessment Income \$50.00 per lot	AA	\$	17,300.00	
Late Fees	LF	\$	-	(Unable to predict)
Realty Transfer Fees	RF	\$	-	(Unable to predict)
Other Income	OI	\$	-	(Unable to predict)
<b>TOTAL PROJECTED INCOME</b>			<b>\$</b>	<b>22,267.14</b>

**PROJECTED EXPENSES**

**ADMINISTRATIVE**

Office Lease	OL	\$	250.00	
Postage	FP	\$	1,200.00	
Annual Meeting	AC	\$	600.00	
Website/Internet Fees	WF	\$	100.00	
PO Box Rental	PO	\$	90.00	
Phone	PP	\$	800.00	
Office Supplies	OS	\$	1,000.00	
CAI Membership and Travel	MT	\$	400.00	
Other Admin Costs	OA	\$	200.00	
<b>Total Admin</b>			<b>\$</b>	<b>4,640.00</b>

**INSURANCE**

Director's Liability	IL	\$	2,200.00	
Property / Fire	IP	\$	1,500.00	
Misc, Fire District & Liability Waivers	IM	\$	100.00	
<b>Total Insurance</b>			<b>\$</b>	<b>3,800.00</b>

**MAINTENANCE**

Admin Facility & Electricity	AE	\$	500.00	
SSVEC Street Lights	SL	\$	840.00	
Common Area Maintenance	CM	\$	8,500.00	
<b>Total maintenance</b>			<b>\$</b>	<b>9,840.00</b>

**LEGAL SERVICES**

Attorney Fees	AL	\$	3,500.00	
<b>Total Legal Services</b>			<b>\$</b>	<b>3,500.00</b>

**CONTINGENCY:REPLACEMENT/REPAIR**

Contingency and Replacement	CR	\$	327.14	
<b>Total Contingency/Replacement</b>			<b>\$</b>	<b>327.14</b>

**TAXES**

AZ State	TS	\$	50.00	
AZ Corporate Commission Filing Fee	CC	\$	50.00	
Cochise County Property	TP	\$	60.00	
<b>Total Taxes</b>			<b>\$</b>	<b>160.00</b>

<b>TOTAL EXPENSES</b>	<b>\$</b>	<b>22,267.14</b>
<b>TOTAL INCOME</b>	<b>\$</b>	<b>22,267.14</b>
<b>BALANCE</b>	<b>\$</b>	<b>-</b>

Approved: Aug 10, 2015 BOD VOTE  
 Approved by: Avila, Muriente, Lorenz, & Pahle  
 Abstaining: DiDonato

**EDITOR'S NOTE:** We are now seeking volunteers to pick up the effort and assist with future editions of The Roadrunner Newsletter, the official publication of your PDSPOA. Along with our PDSPOA website dsboa.com. The Roadrunner contributes significantly to communicate with all Owners to keep you informed. It is also an excellent venue for voicing your opinions and comments and to publish articles of interest to our Community. We seek your contributions. Please contact pueblodelsolpoa@gmail.com



**“What do owners stand to gain or lose by declining to sign the petition to adopt the new CC&R revisions.” By Gayle Tullis**

Current section 11a. “The Association or its duly authorized agents, shall have the right at any time without liability to the owner, to enter upon any lot for the purposes of enforcing the covenants, conditions and restrictions.” This was a major issue by those attending the community meetings. Declining to sign the petition would leave this section in place.

Owners attending the community meetings requested that a new section be added to the revisions that would allow for an appeals process to ECC violations. New section 4d was added. Declining to sign the petition would leave us without an appeals process.

Section 8c of the current CC&Rs addresses several areas including trash, Rubbish, garbage, receptacles, exterior incinerators, clotheslines, storage areas and maintenance equipment and states they shall be screened from public view. Owners attending the community meetings requested the language be changed to “screened from a public street.” Declining to sign the petition would leave the language as it is currently written.

Owners attending the community meetings requested changes to current CC&R section 4, 5a, and 11d6. These sections were revised to include more oversight by the Board over the ECC Committee. Declining to sign the petition will result in the current language in the CC&Rs remaining as is.

The CC&R Committee recommended changes in section 15 of the current CC&Rs to extend the mail delivery date to 10 business days due to changes in our mail delivery system and delays. Declining to sign the petition will leave the current language as is.

Current language in section 11g refers to “junk” motor vehicles. The language was changed by request of owners attending the community meetings. The word “junk” was substituted with “inoperative” in the revision. Declining to sign the petition will result the existing language to remain as is.

Owners attending community meetings requested changes in the language for exempt vehicles under current CC&R section 11g. The revisions were made under new section 11e to include sedans, SUVs, minivans, and pickup trucks. Declining to approve the revision will result in the existing language in the current CC&Rs to remain as is.

The current language in section 14e6 allows the Board to increase the Annual Assessment above the \$50.00 Maximum Annual Assessment by no more than 3% without a vote of the membership. The CC&R Revision changed it to \$100.00 per year. The Annual Assessment is approved by the Board and is based only on the cost of operations for the Association. The costs have risen over the years and have passed the \$50.00 we currently charge. Declining to approve the revision will mean two things; the Board is limited to the 3% per year increase above \$50.00 and this small increase will be insufficient to cover our operating costs; and such shortages may force the Board to seek an additional mid-year Assessments to cover the cost of operations for the remainder of the year. This can be avoided if the Owners approve the new higher Maximum Annual Assessment in the Revisions. Arizona Law does allow a Board to raise the Annual Assessment by no more than 20% each year until it reaches the set maximum of \$100.00. These amounts of increases are unlikely in our Association. After reaching \$100.00 the Board can only increase it by 3% per year without a vote of the Owners.



## **The Roadrunner Newsletter**

Pueblo del Sol Village One Property Owners Association  
P.O. Box 1551  
Sierra Vista, AZ 85636-1551

**SPECIAL EDITION: THE FACTS ABOUT THE REVISED CC&Rs**