

# Western Winds Homeowners Association, Inc.

## Board Resolution

October 22, 2020

**WHEREAS** Article IV, section 4.1.16 of the Western Winds Homeowners Association's Covenants, Conditions, and Restrictions (CC&Rs) filed with the Pima County Recorder on December 17, 2008 state:

“Provide a potable water supply from Tucson Water Company. This supply of water is not metered individually to each unit and is funded from the regular assessment. Water use should be conserved by owners and occupants of each unit and not used for activities prohibited by the Covenants, Conditions and Restrictions;”

and **WHEREAS** the CC&Rs were amended in a filing with the Pima County Recorder on October 13, 2010 with a new Article IV, section 4.1.16, that states:

“Provide a potable water supply to each unit from the Tucson Water Company. This supply of water may be metered and charged individually to each unit. Water use should be conserved by owners and occupants of each unit and not used for activities prohibited by the Covenants, Conditions, and Restrictions, including but not limited to car washing, jacuzzis, swimming pools, etc;”

and **WHEREAS** the Board of Directors of Western Winds Homeowners Association found in early 2020 that several water meters were not accurately reading the volume of water used, and that all of the meters were installed in substandard plastic casing instead of durable metal casing;

and **WHEREAS** the Board of Directors interprets “Tucson Water Company” to mean City of Tucson;

and **WHEREAS** the Board of Directors interprets the phrase in the amendment to the CC&Rs “this supply of water may be metered and individually charged to each unit” to mean “this supply of water may *or may not* be metered and *may or may not* be individually charged to each unit;

it is **RESOLVED** that the language in the CC&Rs filed with the Pima County Recorder on December 17, 2008 and the amended CC&Rs filed with the Pima County Recorder on October 13, 2010, be enforced as:

“This supply of water is not metered individually to each unit and is funded in part from the regular assessment and a City of Tucson utility recovery fee as determined in the annual budget, charged individually to each unit. Water use should be conserved by owners and occupants of each unit and not used for activities prohibited by the Covenants, Conditions, and Restrictions, including but not limited to car washing, jacuzzis, swimming pools, etc.”

Approved:

Western Winds Board of Directors:

Dan Chandler	Martin Kaplan	Nigel Brooks	Toni Swartz
Dan Chandler President	Martin Kaplan Vice President	Nigel Brooks Treasurer	Toni Swartz Board member-at-large

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