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SCOTTSDALE COUNCIL OF HOMEOWNERS ASSOCIATIONS  
**SCOHA NEWSLETTER**

IN OUR 38th YEAR

NOVEMBER/DECEMBER 2012

## **Litigation Issues Affecting HOAs**

Attorney Curtis Ekmark will be SCOHA's speaker at the luncheon meeting on November 27. He will focus on litigation issues facing all associations, as well as potential legislation that will be addressed by state legislators this coming session. Finally, he'll answer your HOA-specific questions.

Mr. Ekmark earned his undergraduate degree from Marquette University and received an academic scholarship to attend Pepperdine University School of Law. While at Pepperdine, he was a member of the Law Review and the Phi Delta Phi legal honors fraternity. He was named the Terry Giles Scholar and the Odell McConnell Scholar before graduating with honors. Upon graduation from law school, Mr. Ekmark accepted a judicial clerkship with Justice Roland B. Day on the Wisconsin Supreme Court.

In addition to serving as President on SCOHA's Board of Directors, Mr. Ekmark practices in the area of community association law, with an emphasis on litigation. He frequently lectures on association issues and has won several significant cases in this area.

We look forward to seeing you on November 27. Please make your reservations by e-mailing or calling Jeanne Malys at [jeanne@ekmarklaw.com](mailto:jeanne@ekmarklaw.com) or 480-922-9292. The deadline for reservations is noon on Friday, November 23.

### **SCOHA ANNOUNCEMENTS**

#### **FUTURE MEETING DATES AND TOPICS:**

- Jan. 22 HOA Insurance Claims
- Feb. 26 Annual Legal Seminar

#### **SCOHA's WEB SITE:**

Don't forget to check our web site!

SCOHA's web site address is [www.scottsdalehoa.com](http://www.scottsdalehoa.com).

You can enter the member section by typing hoamember for the password.

**SCOHA DATA TO REMEMBER:**

**Tuesday, Nov. 27th 11:45 a.m.**

**Lakeview Room McCormick Ranch Golf Club 7505 E. McCormick Pkwy**

**\$15.00 Reservations Required**

**Call Jeanne Malys at 480-922-9292 by Fri. Nov. 23rd**

**480-922-9292**

**[jeanne@ekmarklaw.com](mailto:jeanne@ekmarklaw.com) • [www.scottsdalehoa.com](http://www.scottsdalehoa.com)**

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# Scottsdale's Mayor Jim Lane

## Summary of the October 23, 2012 Meeting

Mayor Jim Lane was SCOHA's guest speaker. He provided a summary of the changes and improvements made to the city as outlined in his State of the City address earlier this year:

This was a year of investment. Private businesses of all shapes and sizes are committing to Scottsdale – serious commitments that total hundreds of millions of dollars.

Progress often takes longer than we would like, but private organic growth will make for a stronger and more sustainable economy in the long run. Our job as government is to help create conditions for that growth – to cultivate the soil for business success.

The McDowell Road Corridor is an example.

Paul's Ace Hardware invested \$3.5 million to expand their south Scottsdale location in the McDowell corridor.

Elsewhere along McDowell, a new high-end apartment complex off 68th Street will be proposed soon. The project would remove a vacant car dealership with a proposed investment of \$25 million.

We heard from the Chapman Autoplex on their million dollar reinvestment and their continued commitment to stay on McDowell Road. We also heard from Mark Taylor Properties and from Sky Song.

The city wears many hats. On McDowell, we are a landowner who has the added obligation of not just developing, but doing so in a way that contributes to the long-term health and quality of life in Scottsdale.

SkySong itself is growing stronger. The city, through its agreement and relationship with the ASU Foundation, is doing its part to be a positive partner for growth in this area. Occupancy at SkySong is at ninety-five percent, and pre-leasing has begun at the third building on the SkySong campus, which is expected to begin construction this year.

SkySong Three, and an additional 325-unit apartment complex planned for the site, represent a potential investment of more than \$70 million dollars in this area.

More people are working at SkySong, more people will be living around SkySong, and that's good news for

the economic health of Scottsdale and especially McDowell Road.

Our Downtown Entertainment District finds itself struggling with success. It is the kind of challenge that hundreds of other cities around the nation wish they had.

We have come a long way, but there is still more work to be done on issues like parking and lighting. However, I am confident we will resolve these issues and I applaud everyone who continues to sit at the table to keep this a vibrant part of the community.

It is certainly an active part of the community. There are more than two-thousand eight-hundred businesses of all kinds in Downtown Scottsdale. Those businesses employ more than thirty thousand people.

As you would probably guess, thousands of these jobs are in the hospitality and retail sectors, but many are "next generation" jobs with companies like Yelp.

Yelp specifically moved to Downtown Scottsdale, and is expanding in Downtown Scottsdale, because of the lifestyle available there. Once their current expansion is complete, Yelp's Scottsdale office will be the company's largest, with more than 500 employees.

While investments of that amount are impressive, it's easy to forget that smaller investments – indeed smaller businesses – are equally as important to the economic health and vitality of the community.

Downtown Scottsdale is experiencing a resurgence that is very encouraging. We have seen millions of dollars invested in renovations, expansions and improvements by businesses like the Breakfast Club, the Casablanca Lounge, the Herb Box, Citizen Public House, Silvana Bistrot, and Old Town Candy & Toys.

As Scottsdale continues its comeback, we must continue to increase revenue at current or reduced tax rates. To do that we need to enhance the operating environment for existing businesses while attracting new investment in our city.

There is no "one-size fits all" approach to facilitate faster economic growth. A two-step process of identifying

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Scottsdale's unique abilities to compete, and the changes needed in the local business environment, will pinpoint the public and private strategies that together will increase the growth pace of Scottsdale's economy.

Health and wellness are an integral part of our community identity. Scottsdale's quality of life is known around the world – and the accomplishments happening right here have the potential to improve and extend quality of life for millions of people stricken with cancer.

The collaborative partnerships at work are inspiring – and the city of Scottsdale is doing its part by assisting organizations like Scottsdale Healthcare, Mayo Clinic and TGen as well as other businesses that support those world class healthcare providers and researchers.

Though many people don't realize it, this "Care Corridor" is already a premier cancer research and treatment center. And we are building on that foundation.

There are other companies along the Shea Corridor and in the Scottsdale Airpark that are contributing to Scottsdale's growing reputation as a center for healthcare and bioscience innovation.

- GlobalMed is a designer and manufacturer of tele-medicine solutions that recently opened a high-tech training center at its Scottsdale headquarters.
- Global Dental Science is creating an old product – dentures – in an entirely new way, and improving people's quality of life in the process.
- CVS Caremark has more than 5,000 employees in Arizona, many of those at their regional offices in Scottsdale.
- Along with these, an array of smaller companies is contributing to the growing synergy in Scottsdale's emerging bioscience cluster.

A part of our legacy that will last the next hundred years and beyond is the Scottsdale McDowell Sonoran Preserve – and last year was a banner year for the preserve.

In two separate auctions, we combined our citizen-approved dedicated sales tax dollars with more than \$36 million dollars in state grant money to add nearly seven square miles to the preserve.

By leveraging state grant funds over the last three years we have been able to save the city more than \$62 million dollars while extending the purchasing power of local sales taxes dedicated to expanding the preserve.

So today Scottsdale's mountain preserve encompass approximately 21,400 contiguous acres – more than 33 square miles. That is roughly 63 percent of the long-range goal to preserve about 34,000 acres, nearly a third of the city's land area.

We tackled the recession head-on by cutting waste, identifying substantial administrative savings and balancing our budget without raising taxes and without denigrating services.

While other cities have raised taxes, water rates and used fee-based funds and other gimmicks to keep government expenditures high, we reduced government by making tough decisions.

In Scottsdale, I hope we have begun an era where every single taxpayer dollar is viewed with a reverence and appreciation for what it truly is; their money, not the government's.

This organic growth will be instrumental in securing the future viability and sustainability of Scottsdale's economy. Let us never forget that the private sector's success, in turn, is our success.

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## **Know of an Association That Could Benefit From Membership in SCOHA?**

**If so, please contact Jeanne Malys at 480-922-9292  
or [jeanne@ekmarklaw.com](mailto:jeanne@ekmarklaw.com).**

**We always invite potential members to come check us out!**

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Dear SCOHA Members:

It is crucial that all SCOHA members contribute to a legislative action fund in order to protect associations from harmful legislation. We anticipate a difficult challenge again this year at the Arizona legislature and will have no chance of protecting associations and the people who live in them unless we hire a lobbyist. We cannot, however, hire a quality lobbyist without the financial assistance of our membership.

During the past few years, we have seen things change for the worse down at the legislature. Over the years, the legislature has passed new laws pertaining to community associations. We expect similar battles this year.

The bottom line is that we need a lobbyist in order to make sure that any new laws regarding associations are good for associations and the people who live in them. We cannot hire a good lobbyist without a substantial financial commitment from our members. To that end, we are asking that every association make the best possible donation that it can. At a minimum, we are asking for \$1.00 per home from every association. Please make your check payable to SCOHA and mail it to 6720 N. Scottsdale Road, Suite 261, Scottsdale, Arizona 85253.

This is certainly a worthwhile investment when you think of the risks associated with harmful legislation. It is a small price to pay in order to ensure that we have laws that will make our communities better rather than worse.

Thank you for your consideration with respect to this important issue. As always, please do not hesitate to contact me with any questions.

Sincerely,

*Curtis S. Ekmark*

Curtis S. Ekmark

President

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