

MINUTES
SIERRA LOS PINOS PROPERTY OWNERS' ASSOCIATION (SLPPOA)
BOARD MEETING
June 12, 2018

1. CALL TO ORDER: President, Ms. Judy Kilburg called the meeting of the Sierra Los Pinos Property Owners' Association to order at 7:21 p.m. at the SLP Fire Station.

2. ROLL CALL: (P-Present, E-excused, A-Absent without notification)

Pres - Judy Kilburg	P	Water – Peter Veverka	P	Firewise – Tamera Weary	P
VP - Harold Corn	P	Roads – Brian Nelson		Parks/Architectural – Max Otero	P
Sec/Treasurer - Lorraine Otero	P	Legal –			

GUESTS: Suzanne Star, Mary Moore and Jack Nyhan

3. APPROVAL OF AGENDA: Ms. Kilburg asked if anyone had any changes to the agenda. There were none. **MOTION:** Ms. Otero made a motion to approve the meeting agenda. Mr. Veverka seconded the motion. There were no oppositions.

4. APPROVAL OF THE MINUTES: **MOTION:** Mr. Veverka made a motion to accept the minutes of May 8, 2018. Mr. Otero seconded the motion. There were no oppositions.

5. OFFICER REPORTS:

a. President – No report.

b. Vice President – No report.

c. Secretary/Treasurer: Ms. Otero provided the following Monthly Report:

i. The balance in accounts as of May 31, 2018 is as follows:

Operating Account: \$132,790.72

Reserve Account: \$120,137.23

ii. Past due accounts: We have 23 delinquent accounts totaling \$18,107.80. Of these 23 accounts, 5 are in foreclosure or bankruptcy in the amount of \$9,636.62. We will be getting a partial payment in the amount of \$553.70 from the bank that owns one of the foreclosures but it leaves a balance on that account of approximately \$1,294.94 that will have to be written off. Of the remaining 18 delinquent members, two have not paid anything toward their 2018 assessment, another two members have an approved payment plan on file, four members have paid approximately half of their assessment and the remaining five members owe very minimal amounts that are attributed to interest. Warning letters were sent to delinquent members informing them that their account will be turned over to the attorney for collection and a lien will be filed if payment is not received by July 1st.

iii. A new member package was sent out to a new member.

iv. We have two pending sales.

v. The April monthly transfer check in the amount of \$666.67 was deposited into the LANB Reserve account on May 18, 2018.

vi. The legal costs are as follows:

Other Legal Costs: \$959.44, an increase of \$22.85, relating to one of the foreclosure accounts.

Lawsuit Legal Costs: \$51,949.63 remains unchanged from last month.

6. STANDING COMMITTEE REPORTS:

a. Water

i. Water Maintenance – Mr. Veverka relayed the following...”we are in a damn drought and in a damn crisis and I’m pissed that some members don’t care about the other members of the Association. I think it’s time we take emergency measures as a Board. We have the right to control the amount of water usage in the Association. If we have 155 members, that’s approximately 120,000 gallons a year per household. We have some people using 100,000 gallons a month, 8,000 gallons a day! There is no excuse for this. We as a Board need to pass emergency measures. After 7,000 gallons a month we shut your water off until conditions get much better. We are supposed to control everything that people of this Association are paying for. When one or two members use 90% of the water, I have no patience for this. This Board has a right to make the determination that everyone has a stated number of gallons and if a member uses more, they are shut off and you pay when you use more than your allotment.” Ms. Kilburg said she understands and she is in discussion with the attorney regarding our draft emergency policy. The attorney said the Board has the authority to develop policy as per our bylaws. Mr. Veverka recommends doing a weekly meter run. Anyone that exceeds their allotment should be shut off. Ms. Kilburg said as she observed another member of the Association watering at 2:00 in the afternoon, 88 degrees using an oscillating sprinkler. Mr. Veverka said he was out at 10:00 pm looking for his dog and he was sprinkled with water where a member was watering Bonito Way and their wall. Malicious use of our water is destructive to the Association. We need to do something to change our bylaws and control people who are selfish, self-centered and indifferent to the rest of the Association. If we have a fire right now we won’t have enough water to fight it. Ms. Kilburg said she agrees and we have a draft emergency policy that we’re trying to push through. She hasn’t looked to see if the attorney has provided additional comments. If he has no more comments, before the end of the meeting she would like to vote on this policy. The attorney wants us to quantify how many gallons of usage before we make the determination to shut the water off. Mr. Veverka said we’ve gone out of our way to protect the identities of these members that are abusing the water and he thinks they should be publicized. Mr. Veverka said this is based on 53.5 acre feet, we don’t have that much we are a little short of that. Mr. Veverka’s calculations are based on 145 members, the annual usage allowed to any household 120, 227 gallons of water per year. Most of us use 2,000-3,000 per household per month. For those that want to go above that we should do what Jemez Springs does and charge them \$.50/gallon. It’s time to be punitive and not time to worry if they will sue us. If you want to put 8,000 gallons of water into the ground in a major drought, I would love to see you stand up in court. Ms. Kilburg believes what the water committee came up with for excess use is too low. Mr. Veverka said most people don’t get close to this. Ms. Kilburg said we can’t sustain this abuse. She said the attorney stated that we could adopt a policy on emergency basis by action of the Board of Directors, pursuant to Article VI, Section 1A while the bylaw amendment goes thru the set procedures. So in the meantime until we can get the bylaws changed to incorporate what the committee came up with we have the authority to set policy in place and take action on it. Mr. Veverka said he’s tired of people thinking they can just take what they want. We are in an emergency situation, the forests are closed, and we are at the worst water levels since they started taking measurements. The State, the Pueblo or Jemez Springs could shut off our wells, place a fine or both because they have the

primary rights to the water. Mr. Veverka said we have the responsibility to our community, our neighbors, and ourselves not to screw it up for everyone else.

Ms. Suzanne Star made a comment that because we are in a drought it doesn't mean that our wells will maintain the levels we need. We have another problem not related to usage. Mr. Veverka said our water reserves are fixed. Even if we get torrential rains the rest of the year it will not fill our water reserve. It does not get recovered. When it runs dry it's gone. We have got to control the common property of the Association.

Ms. Mary Moore said that quantity of gallons of water per month and per year allotted to each household has to be carefully evaluated to determine what these numbers should be.

Mr. Nyhan stated that consideration should be given that we are leaking about half of what we are pumping. Ms. Kilburg said that to her knowledge this is not true. Mr. Veverka stated that no one has done more than he and Mr. Corn to fix the leaks on the main lines. Ms. Kilburg said we have to set a policy whatever the leakage is in the main lines. This is a volunteer community doing the best we can with the money we have. It is not a perfect community. If you want a perfect community you can move somewhere else. We do not have the water and there is no excuse for abusing the water and using the excuse, well your main lines are leaking so I will use as much water as I want. People think we have an unlimited amount of water and we don't. The Board has the authority to develop the policy and get it approved. There are people abusing and I've witnessed it. Before we leave tonight we will draft the policy. If someone wants to take us to court because we're trying to save our community and our water then so be it.

ii. Water Compliance – Mr. Corn provided the following May 2018 Water Compliance-Meter Report:

Water System Coliform/Microbiological Reports:

- System 1 sample taken by Frank Naranjo, 5/5/18, RT002?? Trilobite Trail
 - o Total Coliform - A
 - o Total E. Coli - A
 - o Disinfected, Residual 0.06 mg/l
- System 2 sample taken by Frank Naranjo, 5/5/18, RT005 631 Aspen Trail
 - o Total Coliform - A
 - o Total E. Coli - A
 - o Disinfected, Residual 0.07 mg/l

Water System Compliance Schedule required by NMED DWB for 2018:

- Consumer Confidence Report has been filed to NMED has been posted to the web for the SLPPOA members, and certification was sent to NMED on June 4, 2018.
- Well meter readings for May were filed with NMED, 6/3/2018.
- Reminder – A new SLP Water Compliance Officer has not been assigned.

Water System Miscellaneous:

- o A lightning event disabled our main Aspen well on 5/21/2018. Mark Stanley provided troubleshooting and replaced a component.
- o The Hovenweep well has been down since the wind event. Upgrades (new pole, meter base, breaker panel, etc.) were required by JMEC. We are waiting on NM state permit and inspection. A \$50 reconnect fee has been paid.

- o Two meter can cast iron covers have been ordered from our supplier.

Water Usage: Meters were read June 1, 2018, 2018 by Dave Schmitt and Mark Stanley.

- System 1
 - o Wells Pumped 751,224 (827,654) gals, (...last month's data...)
 - o Usage = 412,698 (500,258) gals
 - o Main Line Leakage Rate = 7.6 (7.3) gpm
 - o Leak Flags Identified = 11 (19)
 - o Users > 7,000 gals = 14 (7); highest users = 90,107 gals (NO leak flag); 47,736 gals (leak flag); 14,890 gals (leak flag); 13,986 gals (leak flag); 11,913 gals (leak flag); 10,208 (NO leak flag)
- System 2
 - o Well Pumped 363,540 (195,000) gals, (...last month's data...)
 - o Usage = 147,880 (147,880) gals
 - o Main Line Leakage Rate = 4.7 (4.8) gpm
 - o Leak Flags Identified = 4 (4)
 - o Users > 7,000 gals = 6 (1); highest user = 31,367 gals (leak flag); 13,594 gals (leak flag); 12,751 gals (NO LEAK FLAG); 12,252 gals (NO leak flag); 11,172 gals (NO leak flag)
- Summary
 - o Higher than normal usage abounds especially during the current drought conditions. All residents are encourage to conserve their usage.
 - o The highest user, 90,107 gals experienced a leak during our wind event, but promised to fix the leak.

Ms. Star asked if we are notifying those members with leak flags. Mr. Veverka stated that we do notify them. Ms. Kilburg also said it will be discussed in the upcoming newsletter.

b. Roads – Ms. Kilburg stated that she was not able to talk with Mr. Nelson to find out the status of our sander and where it will be placed. She will contact Mr. Nelson to ask him who he has contacted on grading the roads. Mr. Corn said Mr. Otero has done some work on Cerro Pelado. He dug out the culvert and is now working to clear the inside. We will need to contact Mr. Raue to clear the path toward the culvert. Mr. Otero said Mr. Brian Ballmann stopped to help him while many members drove by and asked what he was doing but did not offer to help. Ms. Kilburg said everybody is very complacent. When it gets to the point where we turn everything over to a management company to take over and have to increase the dues by 10% every year and a special assessment to cover the additional cost maybe it will get peoples attention.

c. Legal –

i. Delinquent Account Updates – Ms. Kilburg said Ms. Otero gave a brief update on the delinquent accounts.

ii. Lawsuit – Ms. Kilburg reported that there hasn't been any new actions on the lawsuit.

iii. Restrictive Covenants Violations – Ms. Kilburg said she hasn't had time to draft a second notice to the violators.

iv. Proposed Water Committee Bylaw Change – Ms. Kilburg said she sent the draft change to the attorney and he is reviewing. Since we have other bylaw changes that are needed,

Ms. Kilburg suggests that we have all the changes sent out to the members at the same time. However, each change will be voted on separately.

d. Firewise – Ms. Weary heard that the monsoon season will be early and it will be heavier than normal. She said people think that a good rain automatically takes care of the forest. We could have a months' worth of rain and still be in extreme fire conditions because of the how dry it is here right now. Sunday we had a Super 6 Haines Index which is the same condition when the Las Conchas fire started. People are still violating the forest Stage 3 restrictions. Mr. Otero asked if Ms. Weary could get posters stating we are in Stage 3 restrictions to post at the entrance of the community because on Saturday morning he heard someone using a chainsaw. Ms. Kilburg said as an Association we could forbid use of chain saws during Stage 3 conditions. Mr. Veverka said we should abide by the same rules as the Forest Service.

Ms. Weary asked with the Hovenweep well being down how does that impact the fire hydrant that's over there? Is it shut off as well? Mr. Veverka said no. If we have to we can run it with a generator. Ms. Weary asked because the fire department uses the hydrant to fill up the tenders.

Ms. Weary also provided the following information:

Members with slash on their property can still use the county chipper but will need to contact Chief Taylor so they can bring out one of the brush trucks with water capability to the site.

There is a fireworks ban for the unincorporated areas of the county effective June 8th until further notice from the Sandoval County Fire Department.

Station 51 in La Cueva has installed their two, thirty-thousand gallon water tanks and are in the final stages of finishing the welding and then they will fill them. She is hoping by the end of July they will be operational. Ms. Kilburg said we hope to do the same for our community but probably not until next year. We don't have the funds right now or the location.

Mr. Nyhan asked with the tenders we have and the distance we need to drive is our water system capable of putting out a house fire. Ms. Weary said on Sunday they placed water bladders up in Area 3 and if our situation with water is that critical we may want to talk with Chief Taylor about placing some other bladders around the Association. Each bladder holds 5,000 gallons of water. Ms. Weary will find out how much each bladder costs.

If we had a wildland fire and had to evacuate FR 10 is locked. Chief Taylor and Ms. Weary have a key to open that gate. It looks like the Forest Service cut and cleared the fallen trees in that area. Ms. Weary will check to make sure her key to unlock the gate works.

Mr. Corn asked how many bladders the fire department needs to protect our community. Ms. Weary will ask Chief Taylor.

e. Parks – Mr. Otero said the grass at the parks is dead. There's nothing going on right now. He put up the liability signs at each park and made the necessary repairs to the equipment.

f. Architectural – Mr. Otero reported that he has lost a member of the Architectural Committee and he is looking for someone to take Mr. Nelson's place. Mr. Veverka offered to help.

7. OLD BUSINESS

a. Webmaster – Ms. Weary said she will talk to Mr. Luke about the Board's comments and work to finalize the contract.

b. Sandoval County Cinder/Jersey Bouncer Placement – Ms. Kilburg has not had an opportunity to contact the County. It is next on her list to do.

c. Appointment of Water Compliance Officer – Ms. Kilburg said this position still needs to be filled.

d. Additional Member of Architectural Control Committee – discussed in 6.f. above.

e. Playground Protection Plan Status – Mr. Otero will do periodic and documented inspections.

f. Nomination Committee Chair – Ms. Weary was nominated to lead the Committee to make phone calls or go door-to-door to find interested members to volunteer their time for the Board. The ballots need to go out by the end of July so we need to start recruiting members now. We need at least five or six candidates. Ms. Otero offered to help. Ms. Weary suggests issuing an email and then talking with the individuals. Ms. Kilburg sent an email to the attorney asking what do if we have no volunteers. The first thing people hear is the lawsuit and they don't want to deal with that. Everyone else says no thank you. Mr. Veverka asked without volunteers will we become a failed corporation. That's the question posed to the attorney. Assessments dues go up, special assessments are enacted and the homeowners company takes over everything.

8. ACTION ITEMS

a. Spare Parts (water) – Mr. Veverka said there has been no activity in determining what needs to be discarded or what parts need to be purchased.

b. Residential water leak flags – discussed in 6.a.i. above.

c. Excess usage policy (surcharge/metering) – Ms. Kilburg said she's waiting on comments from the attorney.

d. Mgt Company/Accounting Firms Bids – Ms. Kilburg said she would like a company to perform the accounting rather than an individual. She will look at other firms. The two that she has talked with were not interested. One company said we were too small.

e. Restrictive Covenants – Mr. Veverka said nothing has been done in this regard.

f. Drainage Issue on Cerro Pelado – Mr. Otero reported that this will be completed next week.

9. NEW BUSINESS:

a. Water Delivery Emergency Plan – Ms. Kilburg said Mr. Corn sent out a draft policy. Mr. Corn said we started this policy as an emergency. We are trying to broad brush this policy so the Board can use to take care of the water systems, the supply lines and the service lines. The policy was sent to the attorney. The attorney merged it with the water committee bylaw change. The attorney said we have the authority to put this policy into place while we are working on the bylaw changes. The bylaws give us the authority to adopt a policy on an emergency basis by action of the Board of Directors pursuant to Article VI, Section 1(a). The attorney wants us to quantify what is "current or projected demand" with a defined number but Mr. Corn disagrees. Anytime we cannot meet the current or projected demand we have to do something about it. That

may apply at the surcharge for water but not in an emergency situation. The only thing different is the lockout which is a serious matter. Ms. Kilburg said the Tampering Policy will take care of the lockout. Ms. Weary said the current or projected demand should be identified in order to stand in a court of law. Much discussion ensued and the resultant changes agreed to were:
Quantify 12,000 gallons will initiate a lockout
Add how members will be notified
Add when the water will be turned back on after a lockout

MOTION: Ms. Weary motioned to accept the SLPPOA Water Delivery Policy which will have the changes identified above and pending approval from the attorney. Mr. Veverka seconded the motion. There were no oppositions.

Ms. Kilburg said once we get input from the attorney we may need to make changes. In order to get it done quickly may require an emergency Board meeting to finalize the policy.

10. NEXT MEETING: Tuesday, July 10, 2018, 7:15 p.m.

11. ADJOURN: MOTION: Ms. Weary motioned to adjourn the meeting. Ms. Kilburg seconded the motion. There were no oppositions. The meeting adjourned at 9:31 p.m.

12. EXECUTIVE SESSION

Delinquent Accounts
Restrictive Covenants Violations

The Executive Session adjourned at 9:54 p.m.

Submitted by: Lorraine Otero