

MINUTES
SIERRA LOS PINOS PROPERTY OWNERS' ASSOCIATION (SLPPOA)
BOARD MEETING
November 13, 2018

1. CALL TO ORDER: Vice President, Mr. Harold Corn called the meeting of the Sierra Los Pinos Property Owners' Association to order at 7:15 p.m. at the SLP Fire Station. He reported that Ms. Kilburg was not feeling well and would not be attending the meeting.

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

Pres - Judy Kilburg	E	Water – Harold Corn	P	Legal – Paul Rightley	E
VP - Harold Corn	P	Water Compliance – Tamara Weary	P	Firewise – Paul Lisko	P
Sec/Treasurer - Lorraine Otero	P	Roads – Dave Stuedell	P	Parks/Architectural – Max Otero	P

GUEST: Suzanne Star

3. APPROVAL OF AGENDA: Mr. Corn mentioned that he had an addition to the agenda, under New Business – a member recommended that another member be reimbursed for burying a phone line on Mimbres Road. **MOTION:** Mr. Otero motioned to accept the agenda. Ms. Otero seconded the motion. There was no opposition from Mr. Corn, Mr. Lisko, Mr. Stuedell or Ms. Weary.

4. APPROVAL OF THE MINUTES: Mr. Corn asked if everyone had a chance to review the minutes from last month. **MOTION:** Ms. Weary motioned to accept the minutes and Mr. Stuedell seconded the motion. There was no opposition from Mr. Corn, Mr. Lisko, Ms. Otero or Mr. Otero.

5. OFFICER REPORTS:

a. President – No report.

b. Vice President – Mr. Corn reported that he's been busy this month:

i. Listserver Management – Mr. Corn and John Fredlund worked with the previous Listserver administrator, Jan Studebaker. Both Mr. Corn and Mr. Fredlund now have access and can make changes/updates to the Listserver as required.

ii. Snow Removal Contract - Mr. Corn assisted Mr. Stuedell with the Snow Removal Contract.

iii. Oversight of abandoned lowboy trailer on Los Griegos – a member ordered a large trailer from a company but due to the snow storm, the trailer got stuck on the side of the road. A member complained about the trailer being in the road and Mr. Corn helped the company get the trailer out.

iv. Signed Safety Deposit Box at LANB – Mr. Corn signed the required paperwork for the Safety Deposit access.

v. Webmaster Discussions – Mr. Corn had webmaster discussions with several people and will be discussed in more detail later in the meeting.

vi. Coordinated Sandoval County Road Maintenance for Hovenweep Loop and Mesa Verde Rd. The County put some overlay on a portion of Unit 1. The County brought nine truckloads.

vii. Mr. Corn attended a half-day of the NMRWA “Board Duties” all day training in Jemez Springs, by Bill Conner

- Board Responsibilities & Cheat Sheet
- Open Meetings Act
- Financial & Asset Management
- Safe Drinking Water Act Rules & Regs

c. Secretary/Treasurer:

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

Operating Account: \$104,634.18

Reserve Account: \$110,042.29

ii. We have 14 delinquent accounts totaling \$3,434.84:

- On two accounts, the owners are trying to pay their balance.
- On another account we received a request for the balance from the broker so they can pay it off.
- This month I will file liens on two members who owe less than the amount stated in our policy because there has been no attempt to make any payment on their account.
- One member already has a lien filed.
- The remaining eight members owe minimal amounts on their account attributed to interest.

iii. On October 9th, the monthly Reserve transfer check in the amount of \$666.67 was deposited at the LANB.

iv. The officers authorized to access the LANB safety deposit box has been updated and is now current.

v. The September 2018 Annual Meeting Minutes were sent to the non-Board members for their review on November 4th. I received their final input yesterday and I am working on the edits. Once completed I will send the final draft to Mr. Schacht for posting on the SLPPOA website.

vi. The legal costs to date:

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

Other Legal Costs: \$5,283.28, an increase of \$2,085.15. This increase is attributed to the Board obtaining legal opinion from the attorneys regarding the HOA Act and our proposed Bylaw changes resulting from a member’s concern.

vii. On 10/17/18 I was informed of a pending sale which was scheduled to close 10/29/18.

Mr. Stuedell asked about the credit for Roads repair and maintenance in the amount of \$13,479.23. Ms. Otero explained that this amount was taken from the Reserve Fund to reimburse the Roads budget for the road repairs and maintenance done this past August since this was considered a capital expense. The transfer was reported in the October 2018 meeting.

Mr. Corn mentioned that at the NMRWA “Board Duties” training he attended, they stressed the importance of keeping the water costs separate from other expenses in the budget as well as having a good reserve study that identifies sufficient monies in the reserve fund for future maintenance and replacement. He also learned that when a motion is voted upon at a Board meeting, each Board members voted should be identified.

6. STANDING COMMITTEE REPORTS:

a. Water

i. Water Maintenance: Mr. Corn provided the following:

November 2018 Water Maintenance-Meter Report

Water System Maintenance:

- General
 - NMRWA, Bill Conner, held a “Board Duties” all day training in Jemez Springs (I was invited by Kurt Moore & attended a half day).
 - 11/7/2018 - Well meter readings for October were filed with NMED.
- System 1
 - 10/12/18
 - Verified Sys 1 user had fixed their ~2.3 gpm leak (Sept. = 31,780 gals, Oct. = 4,226 gals).
 - Reset the Hovenweep well timer.
 - Checked Hovenweep heater setting.
 - Raised the Aspen well heater thermostat.
 - 10/15/2018 - NM811 Emergency Locate (2 hr window) – Marked water lines in blue from Hovenweep well to ~ FR10, on Hovenweep Loop
- System 2
 - 10/12/18
 - Raised the booster pump house heater thermostat.
 - Changed the Sys 2 LevelCon batteries.
 - 10/19/18
 - Both LevelCon transmitters may not work beyond July 2019 due to Verizon dropping the older 2G CDMA 1X and pushing all LTE technology. New units may cost \$380 each.
 - 10/23/18 - Dave Schmitt changed the LevelCon batteries AGAIN.

Water System Miscellaneous:

- 10/21/2018 - Dave Schmitt offered, and we have met, to write a Water System Owner’s Manual.
- A new logon/app is available for the LevelCon water storage. Information will be sent out via the next newsletter.

Water Usage: Meters were read October 1, 2018, by Mark Stanley. One meter was missed but read by me on Oct 2, probably due to the snow accumulation on the ground. Mark Stanley provided and distributed the Readings and Usage reports:

- System 1
 - Wells Pumped 519,201 (498,242) gals, (...last month's data...)
 - Usage = 224,409 (234,780) gals
 - Monthly Average Household Usage = 5.0 (5.4) gpm

- o Daily Average Household Usage = 83 gals
- o Main Line Leakage Rate = 6.6 (6.1) gpm
- o Leak Flags Identified = 9 (8)
- o Users > 7,000 gals = 9 (7); highest users = 9,659 gals (leak flag); 9,525 gals (leak flag); 8,873 gals (leak flag);
- System 2
 - o Well Pumped 360,530 (359,260) gals, (...last month's data...)
 - o Usage = 143,186 (169,360) gals
 - o Monthly Average Household Usage = 3.2 (3.9) gpm
 - o Daily Average Household Usage = 73 gals
 - o Main Line Leakage Rate = 4.9 (4.4) gpm
 - o Leak Flags Identified = 7 (6)
 - o Users > 7,000 gals = 3(5); highest users = 12,932 gals (leak flag); 9,308 gals (NO leak flag); 7,107 gals (NO leak flag)
- Summary
 - o Eleven members have been notified of their “leak flag” status. No email address is listed for the other five member with leaks.

Mr. Lisko asked what the difference is from what was pumped to what the usage is. Where does the rest go? Mr. Corn said that the difference is attributed to main line leaks. He said it was worse but repairs have curbed this leakage somewhat. System 1 leakage was worse but System 2 is slowly catching up unfortunately.

ii. Compliance – Ms. Tamara Weary provided the following October/November 2018 Water Compliance-Meter Report

Water System Reports:

- System 2:
 - o October Total Coliform/E.Coli Testing:
 - Sample collected on 10/20/18 @ 1047
 - Sampling Point: ESP10456, RT006 1223 Los Griegos Road
 - Results:
 - o Absent Total Coliform/Absent E.Coli
 - o 0.09 mg/L Residual Chlorine
 - o November Total Coliform/E.Coli Testing:
 - Sample collected on 11/05/18 @ 1022
 - Sampling Point: ESP20522, RT007 1514 Los Griegos Road
 - Results:
 - o Absent Total Coliform/Absent E.Coli
 - o 0.08 mg/L Residual Chlorine
- System 1:
 - o October Total Coliform/E.Coli Testing:
 - Sample collected on 10/20/18 @ 1009
 - Sampling Point: ESP10455, RT002 Trilobite Trail
 - Results:
 - o Absent Total Coliform/Absent E.Coli

- o 0.43 mg/L Residual Chlorine [SDWA MRDL = 4.0 mg/L or 4.0ppm]
- o November Total Coliform/E.Coli Testing:
 - Sample collected on 11/05/18 @ 1008
 - Sampling Point: ESP20521, RT003 136 Mimbres Way
 - Results:
 - o Absent Total Coliform/Absent E. Coli
 - o 0.07 mg/L Residual Chlorine

b. Roads – Mr. Stuedell provided the following:

- i. We have a proposal from DCS Enterprises to plow for the next two years. The information is listed below:
 - \$8500 per year for 7 plowings per year and a two-year contract.
 - A set list of four official callers/emailers will be provided, one caller will contact you when a plowing is needed based 4"+ of snow or icy conditions
 - Morning notice will be as early as 6am with a max response time of 4 hours to start plowing
 - After the initial 7 plowings we will pay \$1000 per plowing
 - A new map will be provided as the one provided did not include all roads that will need plowing, i.e. Hovenweep Loop will need plowing the county cannot be counted on to plow this road.
 - Please track time to plow and number of plowings
- ii. We should draw up an accurate map of the roads for plowing
- iii. We need a list of four people who will notify him when plowing is needed
- iv. We have authorized the contractor to perform road repair work to get ready for plowing at a cost of \$1020 with tax.

Hovenweep Loop will be included in the plowing. We need to identify the four individuals that will be authorized to call for snow plow service. Mr. Stuedell prefers that email (as a record) be used to notify the contractor when plowing is needed unless the weather prohibits access to the Internet, then a call will be made.

Mr. Lisko suggested that we continue to look at purchasing our own equipment or purchase Mr. Martin Crane's equipment and then hire someone to perform the plowing and sanding. He believes that Ms. Kilburg was going to check on the liability and insurance required.

Mr. Stuedell agrees that we are paying more than we have in the past but for now we have to ensure we keep our roads clear. We now have someone that can actually start right away. He said the contractor needed a two-year contract to recoup his startup costs.

Mr. Corn said the Association has wanted to keep away from actually owning and maintaining equipment due to past experience.

MOTION: Mr. Stuedell motioned to accept the DCS Enterprises proposal for a two-year period. Mr. Otero seconded the motion. Mr. Lisko opposed the motion. There was no opposition from Mr. Corn, Ms. Otero or Ms. Weary.

Mr. Stuedell will talk with the contractor to see if he is amenable to splitting the proposal amount so that \$6,000 is paid upfront and \$2,500 will be paid at the end of the contract.

c. Legal – Ms. Kilburg provided the following report:

Bylaw/HOA Act Legal Opinion

The attorneys reviewed the Bylaws and performed extensive research on the HOA Act and whether our proposed Bylaw changes would be impacted by the HOA Act. The conclusion is:

i. The Act does NOT require ANY change in the Bylaws to comply with ALL the new provisions of the Act. Rather, only those amendments that concern Sections 9, 10, or 14 must comply with the HOA Act.

ii. The Act does NOT require all of its provisions to be incorporated into changes in the Bylaws unless an amendment affects one of the three exceptions in subparagraph B; therefore, if for example, we amend the Bylaws to provide for attorney fees in a dispute, then the amendment must conform to the requirements of Section 14.

Therefore; this means that only amendments to association Bylaws relating to voting and ballot counting (Section 9), financial audits (Section 10), and attorney fees and costs (Section 14) must comply with the provisions of the new HOA Act. Again, the HOA Act DOES NOT require ANY change in the Bylaws to comply with ALL the new provisions of the Act.

iii. The comment by Ms. Suzanne Star that “if there is “any change” prior to settlement of the lawsuit, the Appellate Court clerk and SLP counsels will have to be notified.” We are NOT changing anything retroactively in the Bylaws or as of the date of the lawsuit. This assumption is being researched further. Unfortunately, more legal costs are expected. Any further discussion as to details or interpretation is NOT going to be discussed further at this meeting.

d. Firewise – Mr. Lisko reported that there was one resident on Los Griegos Road that was approved to burn slash on November 2nd and again on November 10th. Mr. Lisko mentioned that in the spring he is thinking of inviting an individual from the State Forestry Department to meet with interested members of our community that may want the State Forestry individual to look at their property and provide ideas about how they could further firewise their property. The State Forestry Department is funded through our tax dollars and is available to help us with activity.

e. Parks – Mr. Otero said there is no activity at the parks.

f. Architectural – Mr. Otero said he got one architectural request for a garage. He was waiting for Mr. Peter Veverka, one of the committee members to return from vacation to review the request.

7. OLD BUSINESS:

a. Webmaster & Listserv Management – Mr. Corn stated that Mr. Mike Schacht, a previous member of SLPPPOA and temporarily managing the SLPPPOA website has indicated an interest in continuing management of the website under a contract arrangement. His fees are very

reasonable at an estimated \$50-\$100/hour. Ms. Otero recommended using the webmaster statement of work as a starting point to develop a contract.

b. Water Surcharge Committee Proposal/Bylaw Change Meeting – discussed above.

8. ACTION ITEMS –

a. Research insurance for sander operator – Ms. Kilburg was going to check on liability insurance.

9. NEW BUSINESS:

a. Budget – Mr. Corn disseminated the proposed revised budget. He mentioned that the webmaster portion of the budget may be a little short. It was determined that it would probably all average out.

Mr. Stuedell said the priorities of our community are Water and Roads, why do we not budget for escalation in these areas. If we spent \$32k on roads this year we should escalate that amount. It was explained by Ms. Otero that this year's expenditure on the roads was due to several years of neglect because we didn't have a good contractor to work on our roads. The \$32K as actually two years of roads budget and it's anticipated that \$32K of work will not be required this coming year. Mr. Lisko said that it would help if members were more cognizant of how water runs off their property and if they would routinely keep the culverts by their home clean.

Ms. Weary asked why we don't asphalt our roads. Mr. Otero said each member's property line extends into 15 feet of the road (property line to the middle of the road). Each member would be required to deed those 15 feet to the County and some members are opposed to doing that. Mr. Corn said a committee could be formed to look into this issue with the County. Mr. Otero said we should contact our County Commissioner because we get little, if any, benefit from the taxes that we pay. We get no sewer service, refuse service or road maintenance/repair, nothing! Ms. Weary said we need to do a root cause analysis so we're not continuously putting out money to this problem child. Also, homeowners need to take ownership and responsibility for cleaning out culverts as well.

MOTION: Mr. Lisko motioned that we keep the 2019 budget at \$127,645 and annual dues at \$823.52. Mr. Otero seconded the motion. There was no opposition from Mr. Corn, Ms. Otero, Mr. Stuedell or Ms. Weary.

b. Newsletter – Ms. Kilburg drafted the newsletter and requested any other changes. Mr. Stuedell recommended that we mention that while the 2019 budget remains the same, there will more than likely be an inflationary escalation in future budgets. Mr. Lisko recommended that in a future newsletter we establish policy where we incorporate standards for the homeowner's responsibility in addressing water run-off from their property, culvert cleanup, etc.

c. Star Request for Contractor Parking on Unit 2, Lot 16 – Ms. Star requested that a contractor use the lot to park their RV while doing work on her property. **MOTION:** Ms. Weary motioned to decline the request for Ms. Star's contractor to park their RV on Unit 2, Lot 16. Mr.

Lisko seconded the motion. There was no opposition from Mr. Corn, Mr. Otero, Ms. Otero or Mr. Stuedell.

d. Reimbursement to members who volunteer work for the Association – It was decided that if the member wants to volunteer their services, they do so without reimbursement.

10. NEXT MEETING: Tuesday, December 11, 2018, 7:15 p.m.

11. ADJOURN: The meeting adjourned at 9:47 p.m.

12. EXECUTIVE SESSION

Lawsuit

Delinquent Accounts

Submitted by: Lorraine Otero