

MINUTES
SIERRA LOS PINOS PROPERTY OWNERS' ASSOCIATION (SLPPOA)
BOARD MEETING
February 12, 2019

1. CALL TO ORDER: President, Ms. Judy Kilburg called the meeting of the Sierra Los Pinos Property Owners' Association to order at 7:18 p.m. at the SLP Fire Station. A quorum was met.

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

Pres - Judy Kilburg	P	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

GUESTS: John Fredlund and Suzanne Star

3. APPROVAL OF AGENDA: Mr. Corn asked to amend the agenda to add the Aquifer Monitoring Program as a new business item. **MOTION:** Ms. Weary motioned to accept the Aquifer Monitoring Program as a new business item on the agenda. Ms. Otero seconded the motion. There was no opposition from Mr. Corn, Mr. Lisko, Mr. Otero or Mr. Stuedell.

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

5. OFFICER REPORTS:

- a. President – No report.
- b. Vice President – No report.
- c. Secretary/Treasurer:

(i) The balance in accounts as of January 31, 2019 is as follows:

Operating Account: \$170,175.05

Reserve Account: \$112,070.22

(ii) As of January 31st, we have 48 delinquent accounts totaling \$39,606.87.

- We've received about 69% of the 2019 assessment dues.
- Of the 48 delinquent accounts, nine have paid a portion of their 2019 assessment dues.
- A reminder letter/statement went out to delinquent members on February 11, 2019.
- One member has requested a payment plan which will be reviewed by the Board during the Executive Session.

(iii) The January and February 2019 Reserve checks in the amount of \$666.67 each for a total of \$1,333.34 were deposited into the SLPPOA LANB account.

(iv) There is one change in property ownership that closed on 1/11/2019. A new member package will be sent to them.

(v) On February 4th, I requested HOAMCO have Thad Porch prepare our 2018 tax return.

(vi) The legal costs to date:

Lawsuit Legal Costs: Remain unchanged at \$52,077.13.

Other Legal Costs: Remain unchanged at \$5,557.41.

6. NEW BUSINESS:

a. Water Billing Proposal: Ms. Star provided a presentation for a Water Billing Proposal for community review and bylaws change vote. Why? To raise funds to fix and upgrade our water systems infrastructure and sustain ongoing maintenance. See Attachment 1 for the detailed presentation. Discussion ensued. The Board appreciated the presentation and requested that Ms. Star provide the additional supporting data she referenced during discussion. The Board will review and determine a path forward.

b. SB 150 (HOA Act) Changes – J. Kilburg. The new governor signed into law Senate Bill 150 which modifies the Home Owners Association Act. There are many changes that will impact every HOA in the state. Of particular concern is that member record requests can now include general ledgers and members addresses. Ms. Kilburg considers this a security issue. Also, if the Board cannot respond to a member request within 10 business days, a \$50/day fee is charged. The disclosure documents will now be \$300; however, the disclosure documents are only valid for 60 days. If the closing is delayed, the homeowner is charged an additional cost. There are many other changes. The new law goes into effect on July 1, 2019. Our attorney is also looking into the changes and will provide his opinion of how it will impact SLPPOA and what recourse we have. The general thought among the Board is that SB 150 is out of line.

c. Well Depth Monitoring Program – H. Corn – This week he and Mark Stanley met with Scott Christensen from the New Mexico Bureau of Geology and Mineral Resources. The goal of the Program is to see how much water we have in the State. Mr. Christensen measured each of our three wells at least two or three times with a metal tape. He also had a sonic measuring device to valid the readings. Mr. Corn stated we had done our own measurement the last time the pump in the Aspen well was replaced. At that time it was measured at 317 feet. Mr. Christensen measured this time and it was 315 feet. This means that the water level is higher which may be attributed to the repair of some of our leaks. Participation in this program will be no cost to SLPPOA. If they break anything they will be responsible for the repairs. It appears to be a good deal for us. They want to keep at least one well on a continuous monitoring device otherwise the measurements will be done on the remaining wells once or twice a year. The continuous monitoring will be done by the sonic device that's connected to a router which will enable us to see the water levels at any time. These water levels become public records which will be placed on a map online so the State can look at it and see areas that may be losing water. Mr. Stuedell asked if we could opt out of the Program if we would start to see negative ramifications. Mr. Corn answered yes we could opt out. **MOTION:** Mr. Corn made a motion to participate in the New Mexico Bureau of Geology and Mineral Resources Aquifer Sharing Program. Mr. Lisko seconded the motion. There was no opposition from Mr. Otero, Ms. Otero, Mr. Stuedell or Ms. Weary. Mr. Corn will sign the contract.

7. STANDING COMMITTEE REPORTS:

a. Water

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

January 2019 Water Maintenance-Meter Report

Water System Maintenance:

- General – No water maintenance events to report for January.

Water System Miscellaneous:

- Well meter readings were sent to NMED on 2/6/2019.

Water Usage: Meters were read February 1, 2019, by Harold & Carolyn Corn. Mark Stanley provided the setup and distributed the Readings and Usage reports:

- System 1
 - Wells Pumped 555,062 (643,597) gals, (...last month's data...)
 - Usage = 213,879 (258,323) gals
 - Monthly Average Household Usage = ** (5.5) gpm
 - Daily Average Household Usage = 82 (91) gals
 - Main Line Leakage Rate = 7.9 (8.2) gpm
 - Leak Flags Identified = 13 (15)
 - Users > 7,000 gals = 5 (7); highest users =
 - 9,746 gals (leak flag);
 - 8,747 gals (leak flag);
 - 7,790 gals (leak flag);
 - 7,542 gals (leak flag);
 - 7,186 gals (NO leak flag);
- System 2
 - Well Pumped 345,960 (380,760) gals, (...last month's data...)
 - Usage = 128,588 (149,395) gals
 - Monthly Average Household Usage = ** (3.2) gpm
 - Daily Average Household Usage = 63 (73) gals/day
 - Main Line Leakage Rate = 5.0 (4.9) gpm
 - Leak Flags Identified = 10 (8)
 - Users > 7,000 gals = 3 (1); highest users =
 - 15,464 gals (leak flag);
 - 8,963 gals (leak flag);
 - 7,013 gals (NO leak flag);
- Summary
 - Eight users are above the 7,000 gal recommended usage threshold.
 - Both systems are down on production and usage gallons for January.

ii. Compliance – Ms. Weary provided the following February 2019 Water Compliance Report:

January 2019 Water Compliance-Meter Report

Water System Reports:

- System 1:
 - New Mexico Water Testing Laboratory Inc.
 - Sample collected on 01/25/2019 by Frank Naranjo.
 - Location: 7 Mesa Verde Road; Sampling Point: RT 001
 - Sample was Non-Detect (ND) for Total Coliform and E.Coli
- System 2:
 - New Mexico Water Testing Laboratory Inc.
 - Sample collected on 01/25/2019
 - Sampling Point: RT 005, 631 Aspen Grove
 - Sample was Non-Detect (ND) for Total Coliform and E.Coli

b. Roads – Mr. Stuedell provided the following Roads Report:

- i. We had two loads of cinders delivered for a cost of \$762.42 each load.
- ii. I purchased tarp to cover cinders, receipts will be provided to Board. Mr. Stuedell said he will call the contractor and talk to him about ensuring the tarp is back in place on the cinder pile after he uses the cinders.
- iii. Notice was sent out by Mr. Corn to not park on road during the winter so that plowing can proceed.
- iv. Next plowing will cost \$1000 extra, we used our 7 main plowings in contract. Mr. Stuedell is not certain who is notifying the contractor to plow. Ms. Kilburg said it should be Mr. Stuedell even though Mr. Corn has been making most of the calls. Mr. Stuedell said he'll be primary and Mr. Corn will be secondary. Ms. Kilburg commented that some of the members don't have weather appropriate tires for this season.
- v. Roads gets narrow when there is a lot of snow, cost extra if we want to bring in backhoe. Ms. Kilburg said the contractor needs to do more than one pass so that the roads can remain wide enough to get two vehicles through. Ms. Weary stated that some cars are parked in the roads and emergency vehicles cannot get through. Ms. Weary asked if the contractor has to sand when he plows. The answer is it depends on the amount of snow or if there is ice on the roads. Ms. Weary also mentioned it could be a liability that some of our members are picking up the slack for snow removal.
- vi. New plowing and sanding for Feb 12, 2019
PLOWING
1/13/2019 - 7 hrs.
1/18/2019 - 6 hrs.
1/24-25/2019 - .6 hrs.
SANDING
1/25/2019 - 3 hrs.
- vii. The contractor has done a total of 7 plowings and 3 sandings, the next plowings will cost an additional \$1000 each.

Old report from Jan. meeting:

Plowings

12/3/2018 - 4 hrs.

12/27/2018 - 4.5 hrs.

12/29/2018 - 4.5 hrs.

1/2/2019 - 7 hrs.

Sandings

12/15/2018 - 2.5 hrs.

1/5/2019 - 2.5 hrs.

Mr. Stuedell asked if someone needs sanding to contract roads1@slppoa.org.

Mr. Otero mentioned that he contacted R.L. Leeder and asked if they could do an engineering study to determine where culverts are needed on our roads and determine if existing culverts need to be replaced or moved. Mr. Otero said they can do the culvert placement and/or moving but they cannot do the road grade engineering. Ms. Kilburg said more research is needed.

c. Legal – Ms. Kilburg said she received notification from our attorneys that Ms. Star has notified them regarding an amendment to the HOA law and her intent to notify the Court of Appeals of the bill. Ms. Star believes it will change the pending appeal. She believes some provisions affect the arguments in her Brief so she will be sending a letter to the clerk’s office and to our attorneys within the next couple of weeks in accordance with 12-318(D). Ms. Star will also be submitting a motion to be served electronic transmission. These new actions will escalate our lawsuit costs.

d. Firewise – Mr. Lisko said he attended the workshop in Santa Fe. Mr. Lisko said a lot was accomplished at the workshop. He has a draft proposal that is being reviewed for the pilot. What this project will do thinning projects on private lands because the Conservancy is concerned about having a healthy, viable forest and watershed by reducing the risk to the Jemez Spring water system. It applies to Jemez Springs, the Pueblo of Jemez, Sierra los Pinos, Thompson Ridge and Seven Springs. It will improve water shed and also thin out the forest to help prevent wild fires. It’s starting out small but if we get our foot in the door we may be able to get funding to treat private land so that people can make their land defensible and protected from wildfire while improving the water quality downstream.

Mr. Stuedell said he sent an aerial picture of his property to see if they would be interested even though they aren’t quite this far along. Mr. Lisko mentioned the Conservancy will start with the Seven Springs area first.

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

f. Architectural – Mr. Otero said there is no activity to report.

8. OLD BUSINESS:

a. Webmaster & Listserv Management – Mr. Corn said he sent the proposed contract to Mr. Mike Schacht which he has reviewed and has some proposed modifications.

b. Water Surcharge Committee Proposal/Bylaw Change Meeting – Ms. Kilburg said this is on hold. The attorneys want the Board to look at the proposed changes since we have new people on the Board. We will have to look at the bylaws as a whole because of the new HOA Act to see what other changes are needed. Some of our bylaws are invalidated based on changes in the Act. We may need more bylaw changes after we hear from the attorneys.

c. Water Rights for Unit 9 Release from R. Bootzin – Mr. Corn reported at the last meeting that Ms. Kilburg said all the documents she has seen that Unit 9 is no longer part of SLPPOA. We may need to have an attorney draw up a document for Mr. Bootzin to sign releasing SLPPOA responsibility for Unit 9.

9. ACTION ITEMS –

a. Water Rights Perfection Extension Application – Pay Back Fees. - Ms. Weary had no update but plans to get it done by the end of the month.

b. VRBO Covenant Modification – Mr. Lisko didn't find any specific on HOAs that address but he did find a Durango CO HOA website that addresses some of the items we need. Some items for consideration in developing appropriate language for our Bylaws.

- Permit
 - Possible application process
 - Requirement to notify adjacent property owners of rental and point of contact
- Parking
 - Site plan to specify number and location of spaces on property
 - Overflow parking to be specified in nearby area, e.g. along NM State Road 4
- Floor Plan
 - Limitations regarding occupancy
 - Location of fire extinguishers
- Fire Restrictions
 - Owner to notify renters of any county, state or federal bans currently in place
 - No fireworks permitted at any time or for any occasion
- Off-Highway Motor Vehicles
 - Operation prohibited off-road within POA boundaries
 - Operation on POA roads only to get to and from adjacent public lands
- Noise Limitations
 - Establish “quiet hours” between 10PM and 7AM
- Adults in Charge Specified
 - Direct supervision of minor children at all times
 - Assure proper safety equipment in use before engaging in outdoor activities
 - Bike helmets; knee and elbow pads
 - Successful completion of DGF ATV operators' course
 - Flashlights/reflective wear as necessary
- Dogs

- o Must be under control or on-leash at all times
- o Must be current with vaccinations
- o Must have fecal matter picked up after doing business
- o Muzzled or otherwise prevented from excessive barking or howling
- Waste
 - o No disposal of solid or liquid wastes, except as permitted by owner
- Water usage limit

The Board agreed this was good information and a good start.

c. Send Notice via Listserv Regarding no Parking on Main Roads – Mr. Corn sent out the notice on the Listserv.

d. Contact D. Raue regarding No Plowing on Hovenweep Loop – Mr. Stuedell has informed Mr. Raue of this requirement.

e. Date for State Forestry Dept. Presentation on Defensible Space – Mr. Lisko said this has been placed on hold.

f. Road Drainage Issues Identification – Contact R.L Leeder – This was discussed in paragraph 7.b. above.

10. NEXT MEETING: Tuesday, March 12, 2019, 7:15 p.m.

11. ADJOURN: The meeting adjourned at 9:27 p.m.

12. EXECUTIVE SESSION

- Lawsuit
- Delinquent Accounts
- Payment Plan

13. The public Board meeting reconvened at 9:50 p.m.

The Board reviewed a payment plan submitted by one of the members. **MOTION:** Ms. Otero motioned to approve the payment plan. Mr. Lisko seconded the motion. There were no oppositions from Mr. Otero, Mr. Stuedell or Ms. Weary.

The Executive Session adjourned at 9:53 p.m.

Submitted by: Lorraine Otero