

OFFICIAL BALLOT
TO VOTE TO AMEND AND RESTATE A PORTION OF THE BYLAWS
OF THE SIERRA LOS PINOS PROPERTY OWNERS' ASSOCIATION

Ballot contains four pages. Mark all ballots in ink and only mark one box per ballot issue. Please vote on all amendments. If you wish to view the current Bylaws, they can be found at <http://slppoa.org/www/policies>.

Name and Location

Proposed Amendment to Article I: "The official address of the corporation shall be amended to read 950 Forest Road 10, Jemez Springs, New Mexico 87025."

FOR

AGAINST

ABSTAIN

Justification: The Bylaws currently on file show the original address of P. O. Box 674, Los Alamos, New Mexico 87544. The Board of Directors, at a meeting on February 15, 2001, voted to change the address to 950 Forest Road 10, Jemez Springs, New Mexico 87025. This change to the bylaws cannot be affected without a vote of the general membership.

Excessive Water Usage

Proposed Amendments to Article X – Assessments, Section I. Creation of Personal Obligation of Assessments

Insert a new Section 5 to establish a monthly assessment for excessive consumption of the Association's water. Article X, Section 5 will be created to read:

"A three-tiered level to describe water usage will be acknowledged as:

Level One is described as water usage of 7,000 gallons or less in one month with no additional assessment made.

Level Two is described as water usage between 7,001 and 11,000 gallons in one month with the Board of Directors setting a rate based upon the previous 12 months cost to provide water to members of the Association. The rate will consider electricity costs, pump replacement cost history, chemicals, and any other costs that may vary with the amount of water pumped.

Level Three is described as water usage greater than 11,000 gallons in one month with the rate charged being ten times the rate computed for Level Two water usage.

Billing for excessive usage shall be monthly for any usage greater than 7,000 gallons in one month. A billing handling charge will be added to all invoices.

Water charges for excessive use become a lien on the property and the Association has the right to foreclose the lien or seek personal judgement against the property owner for the amounts owed."

Article X, Section 5 will be renamed to be Section 6 and the title amended to read: "Notice and Quorum for any Action Authorized Under Sections 3, 4 and 5."

Article X, Section 6 will be renamed to be Section 7 – Assessments and the first line of the paragraph will be amended to read: "Annual and special assessments shall be fixed at a uniform rate..."

Article X, Section 7 will be renumbered to read: "Article X, Section 8."

FOR

AGAINST

ABSTAIN

Justification: An excessive amount of water delivered to SLPPOA residences is used or leaked by a small number of users. This usage level is unsustainable for our system and unfair to the substantial majority of households using less than 3,000 gallons per month. The Water Committee of 2017-18 proposed, and the Board accepted, assessing households with excessive water use, a monthly per gallon charge and a flat charge to cover billing costs, in order to discourage excessive use.

Base Annual Assessment

Proposed Amendment to Article X, Section 3 – Annual Assessment

Remove the following language: “The base annual assessment shall be established by the Board of Directors as such time as sufficient experience shall have been obtained to justify such establishment. The base annual assessment established by the Board of Directors shall be subject to countermand by a majority of members present at a regular or special meeting of members, but if not countermanded by the time of adjournment of the first annual meeting of members after establishment thereof by the board then that established by the Board shall be deemed to be the established base annual assessment.”

Insert a new Subsection 3(a) to read: “The annual assessment, and if necessary, subsequent interim annual assessments for members owning lots within Sierra los Pinos Subdivision shall be set by the Board of Directors.”

Create a new Subsection 3(b) to read: “Regular annual assessments shall be determined by the Board of Directors and may not be increased more than ten percent (10%) above the annual assessment rate for the previous year, except as provided in Subsection (c). Such annual assessments shall be based on a calendar-year operation.”

FOR

AGAINST

ABSTAIN

Justification: To remove references to setting the "base" annual assessment. The "base" was set more than 40 years ago and any reference is no longer valid.

Nonpayment of Assessments

Proposed Amendment to Article X, Section 8 – Effect of Nonpayment of Assessments: Remedies of the Association

Amend the first paragraph to read: “Any assessment not paid within thirty (30) days after the due date of January 1st shall bear interest from the due date at 1.5% per month (18% per annum) with a minimum interest charge of \$5.00 per month, compounded monthly, to accounts considered to be “past due.” Assessments shall be considered “past due” 30 days from January 1st. Further legal action will begin six (6) months after the due date. If assessments due from any lot owner become past due, the Association may invoke remedies as enumerated in Subsections (a) through (e) below:”

FOR

AGAINST

ABSTAIN

Justification: The Bylaws are currently written in such a way that it causes confusion in the interpretation, which has resulted in several boards seeking legal interpretation or misinterpretation by previous boards, allowing a three-month grace period before the account becomes past due and then charging interest retroactive three months. The current Bylaws read “Assessments shall be considered “past due” three (3) months from the original due date.” This also creates interest calculation error by the management companies and anyone else handling the billing for the Association.

Water Lawsuit Assessment

Article X, Section 9 – Water Lawsuit Assessment

Amendment: Remove Article X, Section 9 in its entirety.

FOR

AGAINST

ABSTAIN

Justification: The water lawsuit ended many years ago and this section is no longer valid or necessary.

Definition of a Lot

Article XIII – Lots, Section 1. Definition of a Lot

Amendment Article X, Section 1, Subsection (c) to read: "Lots are for single family residences only, except those owned by Sierra los Pinos and designated as parks, well sites, and possible future well sites and may not be subdivided. Lot 16, Unit 2, has been divided for a public service department with the approval of the Board of Directors. The divided lots are designated as lots 16A and 16B, Unit 2. Lot 16B is owned by Sandoval County and under the control of Sandoval County Fire Rescue. Except as specifically otherwise provided in these bylaws, Lot 16B would be subject to the Association's bylaws and covenants for Unit 2. Any change in the lot designation from 16B to 16A will not alter water surcharges or annual assessments due the Association."

Article XIII – Lots, Section 3. Definition of a Lot

Amendment Article X, Section 3 - Assessment of Lots is amended to read: "Each lot, except 16B, Unit 2, as defined herein, and those lots designated as parks and well sites, are subject to being assessed as provided in these bylaws. No combination of lots, except as allowed in the definition of "lot" in Section 1 above, shall be effective to prevent or limit the assessment of a lot as provided in these Bylaws."

FOR

AGAINST

ABSTAIN

Justification: When Lot 16, Unit 2 was split, and error was made at Sandoval County designating lot 16B as 16A. After failed attempts over the years to correct the records with Sandoval County, the decision was made to correct the designation in the Association Bylaws.

Attorney's Fees

Article XIV – Attorney's Fees and Costs

To be added as a new Article to the Bylaws and reads: "A court may award attorney fees and costs to the Association should they prevail in a civil action between a lot owner(s) and the association."

FOR

AGAINST

ABSTAIN

Justification: The current Bylaws have no provision for recuperating costs should the Association prevail in a civil action between a lot owner(s) and the Association.

Board Compensation

Article III - Board of Directors, Section 4. Compensation

Amendment Article III, Section 4 is amended to read: "Any Director duly elected and serving as a Director shall receive a thirty percent (30%) reduction in that Director's annual fees due if, and only if, that Director attends seventy-five percent (75%) of the meetings scheduled for the Board of Directors while that Director serves. The newly elected Board member shall serve a full year, and the same individual shall be an actively contributing member of the Board, having attended at least seventy-five percent (75%) of the scheduled Board meetings of said year; in order for a thirty percent (30%) reduction to be granted toward their annual association fees, which will not be received until they have served their initial year on the Board of Directors. This reduction will be applied to dues following the year of service and not be retroactive. Any Director may also be reimbursed for their actual expenses incurred in the performance of their duties upon the majority approval of such expenses by the Board."

FOR

AGAINST

ABSTAIN

Justification: This incentive is designed to encourage more residents to serve on the SLPPOA Board of Directors, making those Board positions more desirable and more competitive, thereby making them more diverse in the process. It is also a show of appreciation for the contribution each Director makes in time and energy expended in furtherance of performing their administrative duties for the Association.