

## MINUTES

Sierra los Pinos Property Owners' Association  
General Membership Meeting  
Saturday, June 13<sup>th</sup> 2:00 p.m.

Board Members present: Paul Lisko, Cindy Hines, Dave Stuedell, Jeremy Oepping, Tamara Weary,

SLPPOA Members Present: Jack Nyhan, Sandy and Ed Partridge, Harold and Carolyn Corn, Jose Gandia, Jennifer.

Meeting was called to order by President Paul Lisko at 2:05 p.m. Ballots were sent out, revised per input from membership during the April 18, 2020, general membership meeting. At the conclusion of this meeting, President Lisko, Secretary Hines and board member Weary will go the SLP firehouse to collect any further ballots. Members will also have the opportunity to have any additional comments read into the record to be included in these minutes. At 4:00 p.m., the ballots will be counted to determine if a quorum has been met. As of the date of the meeting, a total of 83 ballots received will constitute a quorum. This number is based on 2/3 of the general membership in good standing. Additionally, the old ballots from the first round of voting will be destroyed.

President Lisko then asked for questions and comments from membership. Jack Nyhan asked that we go through all of the ballot issues and provide explanations. Lisko explained that this had already been done at the April 18<sup>th</sup> and the purpose of this meeting was to discuss the revisions made to the current ballot. Nyhan wanted to discuss several items on the ballot. The first to be discussed is the item regarding Attorney's Fees. He indicated that what we are proposing to add to the bylaws is not within the purview of the property owners' association, but governed by the judicial system. Lisko indicated that our attorney said it was appropriate to add this to our bylaws. Nyhan also wanted to know if we receive attorney services through HOAMCO. Lisko said that we do not because we need to be represented by an attorney who practices in New Mexico and HOAMCO is not based in New Mexico. Nyhan feels that our current legal representation is not an expert in homeowner's association law. Lisko indicated that our current attorney is about to retire and we are in the process of hiring a new legal firm. He said that he would check with HOAMCO about the possibility of them providing those services.

In regard to the ballot item about board compensation, Nyhan feels that Harold Corn should be given free water for life for all of the volunteer work Corn has done on our water system. Lisko indicated that the suggestion will be taken up at the next board meeting.

Regarding the annual assessment for excess water use, Nyhan questioned several aspects of the ballot questions, including how the language in the ballot item referring to ongoing costs to maintain the system would be used to calculate the amount charged for excessive use. He questioned how we would plan to bill for the excess usage and do we realize how many bills would have to be issued? He feels there is an excessive amount of leakage on the system and is it fair to charge

homeowners based on the total amount of usage, if so much of the water from the system is being leaked? He wants the bylaw amendment to address the actual cost for over usage. He doesn't feel the numbers upon which we based the average monthly usage per household is accurate. At this point, Paul explained that what we are here to discuss today is the ballot question as it is written and presented. If any member is not happy with the ballot question as written, they are free to vote against it.

Dave Stuedell commented that Jack's concerns are valid and could be taken into account should the amendment not pass.

Paul agreed that Jack's points are well taken. If there are no further comments, we will proceed to the firehouse to accept any remaining ballots and determine if a quorum was met. He explained, again, that the ballots from the first round of voting would be destroyed.

Dave Stuedell said that he thought that we would go door-to-door to solicit ballot if a quorum was not met. Paul explained that rather than doing that, if a quorum of 2/3 votes is not met today, then the bylaws allow for another vote within 60 days where a quorum is only 1/3 of the membership. Dave said that we should ensure that the membership knows that is the case. Paul indicated that he had communicated that with the membership in several letters and emails and that they should know that is the case. He also mentioned that everyone has access to the bylaws and can read them and educate themselves. Dave argued that people will not read the bylaws and Paul responded that people need to take that responsibility.

Jack Nyhan said that in Paul's memo to the membership, he felt that the information regarding a potential water shut-off policy was harsh. He is concerned about the possibility of fire should his water be shut off. He also said that he understands that lack of participation by the membership is a problem, but that the board should make more of an effort to contact people individually. He also mentioned that people are under stress due to COVID-19 and some have lost jobs.

Paul responded to the comment regarding the shut-off policy by saying that once the policy is drafted, it will be shared with membership for their comments and input.

Paul also mentioned that many of the members of SLP do not live here and have requested that we present meetings via Zoom so they can participate. This method of meeting will most likely be continued for all meetings into the future to allow those who are out of town to participate.

Paul addressed the COVID-19 job loss comment by saying that the board has already put in place a payment forgiveness policy to assist those facing financial struggles. Nyhan commented that this was a good thing.

Per the HOA act, Paul asked if we could have any volunteers to process the ballots. Jack Nyhan, Ed Partridge and Sally Hunter volunteered.

Carolyn Corn made a motion to adjourn the meeting, Jose Gandia seconded and the meeting was adjourned at 3:14 p.m.

Paul Lisko, Cindy Hines, Tamara Weary, Sally Hunter, Ed Partridge and Jack Nyhan met at the firehouse to accept additional ballots. At 4:05 p.m., the total number of ballots received in person and by mail were counted by Sally, Ed and Jack and numbered 51. This did not meet the quorum of 83 required. These ballots were placed in the possession of Secretary Hines. The old ballots from the first round of voting were shredded and disposed of.