

SIERRA LOS PINOS PROPERTY OWNERS' ASSOCIATION
Minutes from Board Meeting of August 10, 2021

1. CALL TO ORDER at 6:36 PM

2. ROLL CALL: (P=Present, E=Excused, A=Absent without Notification)

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| President: Paul Lisko | P | Water Maintenance: John Hines, Special Non-Voting Officer | P | Legal: Paul Rightley | P |
| Vice President: Keith Rigney | E | Water Compliance: John Hines, Special Non-Voting Officer | P | Firewise: Ann Cooke | P |
| Secretary: Geraldine Burnworth | E | Roads: David Stuedell | P | Architectural: Josh Toennis | E |
| Treasurer: Jeremy Oepping | P | | | Parks: Cindy Hines | P |

Guests: Suzanne Star, Marsha Gaillour, Tim Harrison

3. APPROVAL OF AGENDA

Motion made by Paul Rightley; seconded by Jeremy Oepping. All approved.

4. APPROVAL OF MINUTES from Regular Board Meeting of July 13, 2021

Motion made by Paul Rightley; seconded by David Stuedell. All Approved.

5. OFFICERS' REPORTS

a. President – P. Lisko

i. Paul L. reported attending Jemez Mtns SWPP/CWPP Scoping Meeting in Jemez Springs on July 27th. SWPP stands for Source Water Protection Plan and CWPP stands for Community Wildfire Protection Plan. Discussed was proper conservation and consistent delivery of water resources addressed, which included discussion on regulation, infrastructure, sustainability, wildfire, and watershed. Some of the best practices recognized were to have three to five shovel-ready projects to immediately tap into funding for old water systems like SLPPOA's. That's it for SWPP. For CWPP, there is a Wildfire Risk Reduction Grant available through the BLM, available in March, for fuel reduction prescriptions available through county agents. Group will meet again in a month-and-a-half with local partnering agencies to be invited.

ii. John Hines & Paul met with NV5 Grant Writer Gilbert Gallegos at SLP firehouse, July 29th. He suggested establishing MDWCA for funding from NM Finance Authority & others. NMFA provides funding to communities that set up a MDWCA in the amount of 85% grant, 15% loan. So, SLPPOA should set that up. Sought volunteer from Board to form committee to do that. Paul Rightley volunteered to take personal responsibility for this to progress it forward until it can be comprehended exactly what the scope may be. He mentioned the project should jive well with his being legal director on the Board. John Hines then offered his assistance. David asked if setting up a MDWCA would delay addressing infrastructure and leak issues on System

1. Mr. Lisko told him that it would not and it would make SLPPOA available for federal funding to apply to those projects. Mr. Rightley stated it will involve setting up a legal entity.
- iii. On July 30th, a member requested to install a small DVD exchange in Black Bear Park. Request withdrawn after being advised of compliance with ACC guidelines & input from Parks
- iv. Possible re-opening of Thompson Ridge slash pit on Saturdays from 8 AM to 4 PM. USFS closed it because more than slash was being dumped there. USFS tentatively willing to re-open if a community volunteer is present to monitor. Mr. Lisko asked for a volunteer from SLP for one Saturday per month. John & Cindy Hines volunteered for that duty. Cindy stated that she would post a request in the newsletter asking for more volunteers.
- v. Attended NM Rural Water Assoc. Conference with J. Hines in Albuquerque on August 4th:
 - Updated contact info with NM 811 after learning of no phone contact, July 28th.
 - NV5 Rep Project Mgr Arvind Patel showed us preliminary analysis on coming project
 - Grant Writer Gallegos shared SLPPOA Articles of Inc. for eligible funding from:
 1. Susan Rodriguez and Mary Finney with NM Finance Authority (on-site)
 2. Wesley Billingsley, NM Bureau Chief, Capital Outlay Projects (email)
 3. Andrea Telmo, Project Engineer Suprvsr; NMED Const Programs (email)
- vi. Request reimbursement for NMRWA Conf: \$75 reg. fee + \$27.91 dinner for J. Hines & him Motion to approve by Paul Rightley; seconded by David Stuedell. All approved.
- vii. Preparation for Annual Meeting, Saturday, September 11th, via Zoom, 2 to 4 PM:
 1. Cover letter – Draft started.
 2. Biographies: Asked David for his. Stated hesitancy: He may want to withdraw his candidacy if no contractor found to plow snow. Finally agreed to provide bio
 3. Develop ballots: Hard copies and/or electronic ones through Zoom (IT help?) Ann suggested developing a matrix for owners of more than one property. No member willing to volunteer to set up electronic ballots. Paper ballots will stay.
 4. Invited speaker: NM State Forestry to present community triage assessment
 5. Design Analysis Report to be presented by NV5 with Q&A session to follow.
- b. Vice President – K. Rigney (Excused. Paul Lisko gave report in his absence.)
 - i. Road maintenance agreement developed 7/15 with attorney input for Lots 1-5, Unit 6. Keith emailed realtor Ron Brown that the buyer be charged a flat rate without assessing for water but to cover costs of traversing roads. Fees being assessed in draft agreement. Sean Weary placed logs in ruts of High Road and backfilled with dirt. Cindy led Board in advising a per lot charge should be assessed annually. Ann stated Bootzin originally assigned these lots in a side deal with owner who wanted to be autonomous from Assoc.
 - ii. Follow-up inquiry from attorney made Aug. 4th re: High Road access for Lots 6-17.
- c. Secretary – G. Burnworth (Excused. Paul Lisko gave report in her absence.)
 - i. Explanation of recent incomplete mailing sent in error to membership on July 31st. There was no ballot, just the return envelope. She followed up with email to members.
 - ii. Update on placement of dumpster in SLP by Universal Waste Systems of NM: She

has nothing more to report on that at the moment.

d. Treasurer – J. Oepping

i. HOAMCO Financial Statement (Attached)

ii. Treasurer's Report

1. The balance in accounts as of July 31, 2021 is as follows:

Operating Account: \$190,993.36

Reserve Account: \$124,620.54

2. As of July 31st, we have 11 delinquent accounts totaling \$13,117.11.

(A reduction of \$280.88 from last month)

3. The July amount of \$666.67 was transferred to Reserves during the month.

iii. Member Listing: There was one change of ownership

We welcome: Steven D. Godfrey, 1571 Los Griegos Road.

iv. Update on Water Conservation Fee to NM Taxation and Revenue Dept: Jeremy reports he is still working with them. T&R ran an audit to find we did not pay one of our water conservation fees in 2018. Finally determined that we did, but the check was paid to the wrong department. Jeremy will have them update & verify error in writing.

v. Current/Potential Fiscal Reports

Financial updates and conversations: Monthly financial statement shared with board and posted on website. Annual budget drafted for 2022, shared early autumn and finalized at October board meeting. Now open for board members to include line items. Annual Financial Review placed in new format, will adjust as necessary, thinks members will be pleased with more detail around the narrative.

vi. Create a Financial Reports page on the slppoa.org website: Independent financial audits completed every three years per bylaws. Last one completed early 2020. For reserve studies, best practices recommend every 3 to 5 years. Last one done in early 2017. Long term asset management plan to be considered. Jeremy wants to create a financial page on the website to make all these reports easier for members to find.

He then sought feedback for creation of that page.

- Paul Lisko stated, “The more transparency, the better.”
- Ann Cooke agreed the Board should be transparent with finances.
- Suzanne Star stated such a page gives easy access to interested members.

Jeremy then asked Cindy about the best approach to put together the page. She stated to sketch it out for Mike the webmaster to develop/build that page from sketch; mentioned he may already have a template available. Jeremy stated he will get things in motion.

vii. Review of draft budget for 2022. (Previously submitted for Board review; attached.)

viii. Request for reimbursement of office supplies in the amount of \$42.84.

Motion to approve by Paul Rightley. Seconded by Ann Cooke. All approved.

6. HOT TOPICS

a. Attorney’s input on separating water from Annual Assessment & billing separately - P. Lisko

There was a summary of what Scott Turner had to say. Special Assessment does not apply. Establish a rate that encourages conservation and discourages waste. Bylaws do not prohibit billing water separate from the Annual Assessment. Assess monthly with the non-water portion still due owing on January 1st. \$8300 was spent beyond budget for attorney fees. There are 130 public domestic water associations and 70 or 80 private nonprofits like SLP, according to the New Mexico Drinking Water Bureau. They come up with an annual average of what it takes to deliver water. That average is \$55.93 or 6000 gallons. That's a little less than one penny per gallon. Comparable rates were given for Cañon, Ponderosa and Jemez Springs. Normal household use in Sierra los Pinos is \$32.04 for 3440 gallons. The attorney suggested removing water from the annual assessment and re-categorizing it as fees.

John Hines did an analysis of water use over the last six months: 130/151 users used less than 4000 gallons a month for July. 103 users are below 700 gallons per month. 33 people used up to 7500 gallons. 15 people were above 7500 gallons per month.

Ann Cooke said maybe to increase the entire budget for water so long as it does not exceed 10%. She asked if we could then get 20% of users for 80% of water that's used. Paul L. verified Ann's comment.

Jeremy Oepping stated we should decide to vote on separating water from the Annual Assessment. He stated there needs to be a one-page explanation on how we recommend that this be done, given history and how we expect to handle this in the future at whatever percentages we may want to do. He further suggested this be put out to membership, that we're willing to study this and see what it will look like.

Paul Lisko agreed and again asked the board which method it should pursue: Either let the membership know we're taking water out of the Annual Assessment to a separate rate system or to open it up to the general membership to vote on it in compliance with Article 10 Section 5 wherein 60% of membership makes a quorum. Then if no quorum is met, wait 30 days and put it out for a vote again. Then only 30% of membership would be needed for a quorum.

Ann Cooke suggested it be put to a vote with a one-page explanation, maybe drafted by John Hines. The respectful thing to do is to put it before membership for a vote.

John Hines stated that 80% of members will not be affected. We are subsidizing 20% of the people who use excess amounts of water. That's not fair. Try to make it equitable. 20% will pay for use of more water. It's a utility. You pay for what you use.

Ann Cooke agreed with that. She then asked John Hines if he's willing to write a one-page explanation.

John said yes but wants input from other board members.

Paul Lisko stated he could draft something with John Hines and send it out with the letter announcing the annual meeting and possibly put it on the ballot.

Jeremy Oepping disagreed. It should not yet be placed for a vote. It should be presented to membership as what we plan to do and get their input. Share the process, but not call for a vote.

Paul Lisko wanted to still ask members to allow water to be taken out of the Annual Assessment and applied to rate structure billing, which has not yet been developed.

Jeremy Oepping states he understands that we're not going to vote on it. We're going to tell the membership that we're doing a study to pull water rates from the annual dues. Once we have a fair and equitable process in place, then we'll let them know. It's not a vote now; this is what we plan to do and we'll take input, but we've yet to devise the actual process.

Paul Lisko stated there first has to be a vote from members that will allow us to take water out of the Annual Assessment and apply to a rate structure which is not yet developed. We would only be asking for that now.

Ann Cooke stated we should not ask for that now. She suggested providing more information. There's not enough time to ask the membership to digest this at the annual meeting.

Paul Lisko stated he's OK with it either way, so long as we're moving forward. He then asked other board members to weigh in.

Cindy Hines agreed with Ann Cooke.

Suzanne Star stated education is a really important thing. The subject is a little convoluted and she couldn't completely understand it, even though she's well-informed with our water system and familiar with how folks think about it. She agreed with Jeremy's recommendation to get the study done, let the people know what you're planning, and then make a proposal to them. If it's brought out at the annual meeting, people will dig in their heels and won't be supportive. Don't let that happen.

Paul Lisko summarized that the consensus is not to bring this up for a vote at the annual meeting and also not put it on the ballot. Instead, draft something that states the direction we want to go in and have discussion on it at the annual meeting. Is that satisfactory?

Ann Cooke agreed.

Jeremy Oepping asked if the board would be given a chance to red-line it.

Paul Lisko stated the letters announcing the annual meeting have to be mailed out ASAP. He can send the draft to the board for review.

Ann Cooke stated that she doesn't think it needs to be part of the mailing.

Jeremy Oepping asked if just a few talking points could be drafted which say that we're looking to study this. Give membership a heads-up that we think this may be a good idea; that others have tried and been successful. We'd like to dig into it a little bit and come back when we've got a plan.

David Stuedell facetiously stated that Jeremy will have to do the billing since he is the accountant.

Paul Lisko disagreed with David's statement. Then stated, to make this as clean as possible, he wants to make sure enough people show up at the annual meeting and know what we're discussing. So, he just wants to include one line in the cover letter that says something to the effect of what direction we want to go and why it's important for members to attend this meeting. And then, work on talking points for the meeting, which Jeremy had recommended.

Ann Cooke agreed.

David Stuedell was garbled. He mentioned something about the 20% using more than 4,000 gallons.

Ann Cooke stated that if something like this is implemented, our goal is to take those 20% of abusers and make them recognize that if they don't want to be charged more, then they will reduce their water usage. In which case, income from water billing may be disappointing.

Paul Lisko stated that will be figured out with another potential project with NV5. He again mentioned that he doesn't want the discussion now to get into rates and costs; just to keep it clean and simple.

[NOTE: Hot Topic discussion on separating water from the Annual Assessment was 40 minutes long.]

7. STANDING COMMITTEE REPORTS

a. Water – J. Hines

i. Maintenance

1. Perfect storm last month: Levelcon tank monitors went down when changing from 3G to LTE. At the same time, the Meadow Well pump went down; had to be pulled and replaced. Comingled both systems for service from Hovenweep and Aspen Grove wells. (The Levelcon tank level monitors are now working. Levelcon support was contacted and they sent new sending units. The parameters are still being modified.) Everything is now back to normal. John had to physically check tank levels to make sure there was enough water.
2. Weekly well and pump inspections were performed.
3. The Meadow well went down and had to comingle System 1 with System 2 until the Meadow well pump could be replaced. Contacted Moya Well, Inc and they pulled pump and replaced with new pump on July 14th. Meadow well is now pumping and System 1 and 2 are running independently again.
4. Supported Jemez Mountains Electric Coop on two line locations and digging up fault in electric line on Los Griegos Road, July 28th. Worked out comm issues.
5. Time clock in Hovenweep well failed. Bypassed 'til replacement can be installed.

ii. Water Usage for July 2021

NOTE: Due to Meadow well going down, and the Systems being tied together, there will not be individual System reports. The total leak rate of both systems is as specified in the report, including any leak flags and detection for customers. A lot of rainfall during July brought both household usage and leak flags down. John reported correcting three leaks for homeowners, last month. A couple of places reported low water pressure, which he will check.

iii. Compliance

1. System 1 Coliform/microbiological reports
2. System 2 Coliform/microbiological reports

Suzanne Star asked whether there would be any report for monthly usage. John stated there would be a report, but it would be for all of SLP; cannot differentiate between Systems 1 and 2. Leak rate for both systems together was 54%. Currently working with NV5 to correct System 1 leak rate. However, individual homeowner usage was still tracked and sent to the webmaster to post on the slppoa website.

b. Roads – D. Stuedell

- i. System road grading delayed ‘til the week of August 30th per request of Tug Leeder. Typically costs \$36k to get roads graded with five loads of recycled base course at \$1200/load. We can look for a better rate. [The remainder of David’s transmission on this topic was unintelligible.]
- ii. Entrance to 1416 Los Griegos damaged from adjacent property run-off, reported on July 31st. (This agenda item was not discussed.)
- iii. Need for three culverts identified. Dave Raue looked at one place. David is in contact with Tug Leeder on the other two: He is interested in placing culverts before grading the roads. One of them would be at the junction of Aspen Grove and Shannon’s Trail. David then suggested sending out an annual notice on culvert cleaning. Paul Lisko suggested David find a video online that could provide techniques and have Cindy put that link in the newsletter. David agreed.
- iv. David stated that if he can’t find someone to plow snow this year he will resign from the board. He’s not willing to take the heat. He’ll check with ASM and see if they’re willing to plow snow. Quote for snow plowing contract received from VerBerg, July 25th. He wants to charge us \$5000/month and is not going to do Los Griegos. So, it’s out of the question. David personally knows the man who runs ASM. He lives in Santa Fe, but seems positive he’ll do it for us. Dave Raue was doing it for \$1500 a round, taking four hours. That’s a good rate. David thinks we shouldn’t pay more than that. Discuss options.

Paul Lisko stated after finding ASM, he spoke with the owner, Anthony Martinez, who said he could be in SLP to plow in an hour, an hour-and-a-half at the latest. Paul thinks he caught Anthony Martinez at the right time. He was debating whether or not to purchase another truck with a plow and hire another driver to do plowing. A contract for plowing the 4.5 miles of SLP roads may justify those expenditures. Anthony Martinez seems honest. He’s done landscaping work in SLP, so he’s familiar with the area. VerBerg wants to charge \$31k for six months he may have to plow, whether he plows or not. But, his being unwilling to plow Los Griegos is a deal-breaker. ASM plows snow all over northern NM. Unknown what he may charge, but whatever it is may justify an increase in the annual assessment by 10% to cover. ASM wants to visit SLP to scope out terrain and draft a quote after.

David felt encouraged things will work out for Anthony Martinez to plow snow.

David states it was suggested that after our summer rainy season ends, that that’s the best time to grade roads. He’s been unable to find any documentation specifically in support of that notion. But he found something on quality.

c. Legal – P. Rightley

- i. Concern from member in Unit 1 (received July 19th) on possible operation of puppy mill at 202 Mesa Verde Road. He will look into this situation; questions whether it conforms with county animal control ordinances. It may be a commercial entity, which is not allowed by bylaws. He’ll check into past contact that Sandoval County Animal Control has had with that landowner and

then request input from attorney on how best to proceed.

d. Firewise – A. Cooke

- i. Goat Fire Structure Triage Assessment developed by Chris Romo, NM State Forestry. She's not going into more detail about that now.
- ii. LCVFD to retrieve county chipper this week. It will be transferred here soon. Once she gets notification from Lee Taylor, she'll let everyone know.

e. Architectural – J. Toennis (Excused. Paul Lisko gave report in his absence.)

- i. One new architectural request rec'd for new home construction at 346 Los Griegos Rd
- ii. Projected completion for new Architectural Control Cmte guidelines to be this winter

f. Parks – C. Hines

- i. Specific maintenance performed in parks: We had a very successful park clean-up day on Saturday, July 17th. There were 7-8 people who helped mow and weed-eat, installed posts to prevent driving into the park, repainted playground equipment, removed small trees to be later chipped. She wants to place chipped material under swing sets to make a little softer landing for kids, if needed.

Ann Cooke mentioned closure of Thompson Ridge slash pit. Thanked Cindy for volunteering one day a month to monitor slash pit.

Paul Lisko reminded Cindy to give a shout-out to Shawn Weary for constructing a hand-made sign and installing it for Black Bear Park, which she then did. Stated she'll also put it in the newsletter.

- ii. Update on newsletter: Expect it to be done in next couple of weeks. She'll include items already mentioned during meeting; wants to include section on history of area with pictures from old postcards, for more fun and not just all business.
- iii. Update on road identification and miscellaneous traffic signs: Nothing new to report. It's in progress; hoping to get final quote in the next week or so; will send notice via email, once we know how many posts and brackets needed. She'll include their installation as part of quote, but with idea she and John will do themselves.

8. OLD BUSINESS

- a. Installing broadband Windstream fiber optic cable thru Valles Caldera to SLP – D. Stuedell
David stated that this work is in progress. It is anticipated that these connections may become available in SLP within the next year-and-a-half.
- b. Anyone with any update on LANet, Star Link, other internet provider? –K. Rigney, H. Corn?
Neither Keith Rigney or Harold Corn were present at this meeting. Paul L. stated since there was nobody knowledgeable to comment on this item, it be skipped and move on.

9. NEW BUSINESS

- a. Webmaster: Any tech notices rec'd to change/upgrade service or send to new host? –P. Lisko
Mike Schacht was contacted about members having trouble accessing water usage numbers. His email reply was read aloud. Mike thinks he fixed the problem. The GoDaddy site affected these postings. He was locked out of shell access. He asked

who pays for this account and if they got anything on updating or moving service. Jeremy Oepping stated the last time he paid the GoDaddy account, he doesn't know who was listed as its Point of Contact (POC).

Cindy Hines stated she is the POC. No email has been received by her on the technical side. She further stated that she was Board Secretary at the time. Maybe if these notices are now going to Geraldine; she may not be dealing with them. Cindy will check on this. Routing to a specific board member's email account may not be getting there. She'll work with Mike Schacht to figure it out. From now on, invoices will be sent directly to Treasurer Jeremy Oepping for payment.

David Stuedell commented the Board should have direct log in to the GoDaddy account; be concerned, it's an important account for our domain name.

Cindy Hines stated she can log in but can't make any changes.

- b. Discussion w/Casey Bradley at Cuba Soil & Water Conservation Dist. re: thinning – P. Lisko
She was recommended by Lawrence Crane at NM State Forestry; awaiting approval for thinning on private lands. After Cuba S&WCD gets funding, she'll send forms to apply. Cost sharing with Cuba S&WCD to carry 90% of the cost for the contractor and 10% covered by the homeowner. Homeowner agrees to maintain integrity of the basal area of trees for a ten-year period. Homeowner has to develop an uneven-aged management prescription with NMSF. Paul Lisko states he is willing to take training for timber marking. NMSF having such a program would expedite the thinning projects.

Ann Cooke asked what basal area they're going for.

Paul Lisko replied that that's currently unknown. SW&C District tool to be applied.

Ann Cooke stated from past experience and changing expectations of homeowners, the typical complaint was that the prescription may be too aggressive. Homeowners have to be provided education. It becomes a matter of persuasion: Only you can prepare.

David Stuedell wanted contact information to apply.

Paul Lisko stated nothing's official yet; still waiting for NM State Forestry approval; then properties will be identified to have management prescription applied.

David Stuedell asked that his house be put on the list.

Paul Lisko replied that David's house will be placed at the top of the list.

- c. Attend Northwest Sandoval County Democrat Get-Together in Cuba, August 21st.– P. Lisko
Last board meeting, discussed meeting with State Rep Christine Chandler at this event for issues about broadband & water. Paul asked David if he wanted to attend with him.

David Stuedell agreed; stated his daughter works for US Senator Ben Ray Lujan in DC.

10. ACTION ITEMS

- a. Possible FEMA support to pay for acquisition, transport & placement of Intel tank – P. Lisko
This person who has this information was contacted twice; stated he's been swamped; has to come through. Paul Lisko still working to identify that funding.
- b. Brian Riley: FR 4AM water bars, engineering crossing near SR4, resituating gate – P. Lisko
Ranger Riley contacted about improvements on alternate evacuation route: Discussed filling in some deep water bars; mentioned USFS engineer suggesting rocks be placed in that arroyo before getting to Highway 4; also discussed engineering resituating gate currently difficult for passage.

David Stuedell stated he recently walked that road and found significant maintenance has been done on High Road. It's been graded.

Paul Lisko stated that Shawn Weary has been taking that on.

David Stuedell corrected him; stated that it is the forest road he's talking about.

Paul Lisko stated it was July 5th or 6th when USFS completed repairs on those forest roads. After personally traversing, feedback was given to Brian Riley on how to make it a good accessible route. In preparation, Paul L. suggested a tabletop demonstration with other agencies for practical exercise before wildfire emergency occurs; postings signage of limiting only vehicles with high clearance to be able to access that route.

11. ANNUAL MEMBERSHIP MEETING: Saturday, September 11, 2021, 1400 to 1600 hrs via Zoom
Paul Lisko reminded David Stuedell to submit bio for inclusion on ballot. David agreed.

12. NEXT REGULAR BOARD MEETING: Tuesday, September 14, 2021, at 1830 hours via Zoom

13. ADJOURNMENT

Motion to adjourn by Jeremy Oepping; seconded by Cindy Hines. All approved.
Meeting adjourned at 9:10 PM or 21:10 hours.

14. EXECUTIVE SESSION

Recording stopped.