

Sierra Los Pinos Property Owners' Association
Board of Directors Meeting
December 13th 2022, 6:38pm via Zoom

The meeting was called to order by the acting president Keith Rigney, with the following members present: Keith Rigney, Mana Babicz, Suzanne Star, John Hines, David Stuedell, Ann Cooke and Josh Toennis. Scott DeWitt joined the meeting later; Kristi Cross and Amber Gaston DeWitt weren't in attendance.

Guests: Barbara Van Ruyckevelt

Approval of agenda: Keith Rigney moved to approve the agenda of the December 13th meeting, seconded by Suzanne Star and, there being no opposition, motion carried.

Approval of minutes: Keith Rigney moved to approve the minutes of the November meeting, seconded by Suzanne Star and, there being no opposition, motion carried.

OFFICER REPORTS

President (Keith Rigney)

1. Website updating schedule

This has been brought to my attention and this is not a new issue. This is an issue that has been going on for a while, and it is our website updating. I haven't checked our website in a while, nor do I know at what status it is, when was the last time it was updated. That is my fault but of what I am aware, it has not been updating on a regular schedule. I think the big issue is I don't think we entirely know who is updating it, who is in charge of updating it...the list may go on. I do know we have a pretty complicated website, but anyone can learn it. We may have to pass this on to somebody else. Does anyone know who is technically still responsible for updating minutes and other things onto our website?

And I'll take that silence as the issue that it is, as nobody knows who should be updating the website. This needs to get dealt with. We currently have Mike or Michael, who's been doing in the past, or Cindy Hines. John Hines, you might be able to help us with this. Does Cindy want to update websites? Is that a thing? I know she's been helping me update emails, but not quite websites. Does she want to help with this or are we still forced to go through Mike?

John: Cindy says she doesn't know how and she doesn't have the ability to do that. It's up to Mike.

Keith: Perfect, that answers our question. Suzanne, I did see you had an email graphic with Mike. Did anything come of that to help the board out?

Suzanne: Well, I know that Mike has wanted to be relieved of this responsibility and it doesn't appear to me that he is staying in touch as well as he could. But I think he's still relying on somebody to send him the information on occasion and he will update it. But I haven't seen any update on the minutes since July, so I don't know what's happening with that.

John: Keith, I send the water reports every month to him with the anonymous report and compliance to them every month, so I don't know if it gets posted or not.

Suzanne: John, your water reports are being posted or being posted now on another separate page that he's created. I had a little time trying to find it, but they are there. But the minutes and the financials have not been posted for quite some time.

Keith: Perfect. Well, at least we know. I guess he is updating something. Mana, have you been given direction of Mike's email and to send stuff to him? And if you have, have you been sending the minutes to him?

Mana: I have not been given any direction, I did not know that Mike existed. I still have to meet with Kristi about all the duties of a secretary. Her and I have both been really busy, so that's something that we need to do so I can know what the secretary actually does besides minutes.

Keith: Well, that is not the answer I think we want to hear, but it is the correct answer and it shows we need to get this fixed. So we have used a guy named Mike to publish it to our website. What I will do as an action item is I will send you his contact info to you. And then if you can, please send all the minutes that you have taken since you have become secretary and send them his way for posting, that will at least be a start for us to start getting some updates on the page. And then in another time being, I think the whole board needs to take an action item of do we need to find somebody to relieve Mike? Is that internal to us? Is that something we need to reach out to.? That is something we need to get figured out soon because we need to get better at updating our website.

Josh: I know that there are websites like Square Space, I think is one of them, where they have templates for websites and it's supposed to be really easy to update and things like that. I'm sure there's a subscription fee to them, but that might be something that we could look into to basically redoing the website and making it simpler so that a normal person could upload documents to it.

Keith: I am all for that. I don't think that a subscription fee would be expensive per se. But if we do create a "new", I don't know how that works, or take that URL or whatever it is to create it, I do see it as a benefit because if we can get good information out to the members, that is important for us to do. John, I do see your hand is up. What do you need?

John: Cindy just said that in the meantime, I was responsible for sending in the water reports to Mike. The secretary was responsible for sending the minutes and the treasurer was responsible for sending the financials.

Keith: Perfect, that seems very reasonable to me as that is your respective areas to take care of. I don't know if people want to research some websites, see what we can figure out. In the meantime we will message Mike, see what his status is and we will move forward and hopefully get either a new website or get Mike on board or get someone trained. Either way, one of those paths need to be taken. We will move on to the next subject. I don't know if anyone here can fix this, but I'm going to make the board aware.

2. LANet RMA signed official copy location

Most of us were here when this happened. We created a road maintenance agreement with the help of Paul Lisko and Scott Turner for the lots up in Unit 6. You know how that blew up with a different buyer. But the owner of, I believe Lot Three, which LA Net now owns, they did sign this road maintenance agreement that I am aware. I have not seen this and nor has Suzanne been able to track this document down. But somehow this document got lost and I don't know where the signed official copy is and I hate to admit that, but that is what happened. So we need to find this. And with that being said, it brings in my next topic.

3. Document storage

We have a file cabinet down at La Cueva Fire. We need to start utilizing this for any official business or signed documents because what is happening is there are so many issues on the board and so much stress involved that people are coming and going really fast. And the training is not up to par for these board members, nor is the documentation for these board members that they accomplish in their time there. So we as board members need to make sure that we become more diligent about anything that is "official and or signed and or progressed" or whatever it may be. It needs to be formally documented and placed in our file cabinet down in La Cueva fire department. If you need a code to get in there, I can give you the code as an active board member. Or if you do not want the code, you can give the document to me or Suzanne, and we can document it for you in the file cabinets. But this is something that we need to get better at for our safety and just for the community's safety as well. So we need to start working on that and holding each other accountable. Any comments on number two or number three of my agenda?

Suzanne: I only have one comment, Keith. Anything that we get as official, signed copies, such as the LA Net RMA or the Jemez Mountain Development RMA, it needs to get into our lockbox. When I took a look at the file cabinets down in the fire station, I don't think anybody could find anything at this point. So we may have to meet and decide how we're going to continue our filing system, because the files are packed, and it would be very difficult for anybody to find anything unless we have some organization.

Keith: No, I completely agree. I think that is something we're going to have to take on. Whether we want to or not, it has to be done. And I did see your email about meeting down there, Suzanne. I just haven't had time. I may end up trying to help you with that sometime in January. I will probably no longer be president by then, but I'll gladly still try and help in this avenue.

4. Zoom reimbursement status

And then my last subject is a reimbursement subject. I did get approved for my Zoom reimbursement. I sent it out that night, and I haven't seen it yet. Suzanne, do you have a status on that? It's not like I'm dying, but I might as well ask.

Suzanne: Okay, what reimbursement was it for, Keith? Please remind me.

Keith: Of course. That was for me purchasing the pro version on Zoom. It was \$159.27. And if you need me to resend the email, I gladly can.

Suzanne: I believe that Amber might have submitted that. I know that was right at the time that she and I were both transitioning. I'll recheck it, but I believe it's been sent. But I'll check it out on HOAMCO tomorrow and find out if they've received it and if it's in the process of being paid.

Keith: Wonderful, thank you so much. And I was really just asking.

I did not add this to the agenda, as I forgot. I am going to request another reimbursement tonight. Last month, when we were dealing with the Hotchkiss ordeal, I called the Sandoval county clerk and I got every document pulled under the Sandoval county clerk that they saved over the years. The amount paid subtotal was \$31.49. The reason why I personally charged this money is because going into this with Hotchkiss, I wanted to make sure that we had every document possible and that if the Sandoval county did document any easements and their sizes, I would hope Sandoval county would have documented these and I wanted to see what they had. So I had them pull everything on the Hotchkiss file. Unfortunately, I did not find anything other than what we already had. It was literally an identical PDF of what we already had in our possession from Hotchkiss and Suzanne. So it validated that there is no easement listed, but it did charge me \$31.49 and I would love for someone to make a motion to reimburse me set amount.

Suzanne: I'll make a motion to reimburse you \$31.49 for your Sandoval county clerk papers.

Josh: I'll second.

Keith: Wonderful, thank you guys. It just skipped my mind last time. With that being said, I did just send out that reimbursement email.

Vice president (Scott DeWitt)

Keith: He is not here. I'll try and talk about this or at least bring it up as subject matter to talk about.

1) Cero Pelado fire reimbursement

I have not heard any progress on this. We are still out roughly \$30,000 from paying Tug leader to fix our road last year. I haven't seen any progress; I don't know if Scott made any progress. The two people who would know progress on this would be Scott and/or our roads, David Stuedell.

2) Ashley Lane

So this is the Hotchkiss case. I also have not heard anything on this. I know we discussed a game plan last month. Does anyone know if that game plan took a step forward or if we're still on halt? Does anyone know anything on the subject at this time?

Perfect. I'll take the silence as no one knows. I will try and contact Scott and see if he does have an update.

Secretary (Mana Babicz)

1) Minutes

All the minutes of the meetings have been submitted, the last one on December 5.

2) Minutes: summary or verbatim

There's been some talk about should minutes be a summary or should they be written as verbatim. I have a few questions on this since I just joined the board a few months ago. How long was Kristi a secretary and did she always do verbatim minutes?

Keith: That is a good question. I want to say she was secretary for a year, and I do think she always did verbatim. She was also... I don't remember what it's called. She wrote verbatim for court cases and school minutes and things like that. So that was normal to her. As far as I know, she always did verbatim in her term, regardless of length.

Mana: I've been a part of different HOAs in the past and I've never been a secretary, but it was always done as a summary. So when I joined this board, it was unusual for me to see that it's verbatim. I don't like the summary part because it's an opinion, in a way, of a secretary. It's very easy for a secretary to leave something out that should be summarized; it should be in the minutes. So for that reason, and since Kristi did it verbatim for at least a year, if not longer, I would like to keep doing verbatim, even though it's a lot longer. Because also, like you said in the emails, Keith, it's not just my summary. I would like to protect myself and the board and do word by word, what happens in this meeting. We don't want to hide anything. It's out in the open. So I'd like to hear other people's opinion on that to know if that's okay.

Keith: John Hines, I see your hand is up.

John: Yeah, I just wanted to put in: when Cindy was secretary, she did a detailed summary. So she basically tried to get to summarize what everything was talked about, but tried to get everybody exactly what they said, also input. That's what she said she did.

Keith: And maybe we get to the point of we want verbatim in the things that matter, but if we start doing side conversations or jokes or whatever it may be, you are right, and it does leave it up to interpretation of the secretary, what's important, what's not. But I don't know; if I make a joke to John Hines I feel that doesn't need to be added in personally, or if we have a little side conversation that is just about how we're doing. I don't know what it may be, I'm making examples here, but I know Suzanne is an advocate for summary and she does claim that it is a double edged sword. And I do agree that it can come back to haunt us, to write verbatim. She is 100% correct, as it does show all of our cards on the table. The issue that I also want to advise is I don't want to hide anything. I don't think anyone here is trying to do anything shady or do anything wrong. We are purely here to help and better our community and better things, regardless. Are there things from past boards that may come back and haunt us? Yes, of course. That will always be a thing because the board has been here for 30 years and the actions of those boards at that time will always influence how we are perceived and/or do our jobs today. That's just going to be how it is. And unfortunately, that is forcing us to do verbatim and it is what it is. But I personally would like to leave it up to Mana and how much time she would like to allocate to this.

Mana: Well, if the board agrees, I will continue doing verbatim, but I will be, like you said, selective of side conversations or jokes or stuff like that that isn't important for the members of this community to read about.

Keith: I think verbatim is good as long as we have an opposing view in the area.

Mana: Okay, then I will continue doing that.

3) New board member certifications

I'm waiting for Scott to submit the new board member certification. I will send another email to him and remind him to do that.

Keith: Before we move on, I want to make sure that the decision of verbatim is okay by the entire board as I've gone down this road in the past, and I'm the only one who has spoken up., and I don't want it to bite me in the ass because I am the only one who spoke up. So I am going to do round robin here and I'm sorry to put everyone on the spot, but I need to do it for my own personal, whatever you call it. I'm just going off the top. Suzanne?

Suzanne: I will agree with that selective verbatim. And I think that, as I had mentioned in an email to Mana, that we have followed in the past the Robert's Rules of Order as to how you take minutes. And that is: you can record things that people say that are

important to the decisions that we make, actions that we take, and cut out all of the minutiae. I think that that would work fine and I think that all of us would appreciate having a little less to read through and at least get to the points. So I agree with the selective verbatim, It's fine with me.

Josh: I agree that verbatim is fine, selected verbatim.

Ann: I agree.

Keith: Thank you, everyone. I don't mean to put everyone on the spot, I just have been down this road and I want it to be a board consensus and not a resident consensus at the time. I don't think that is fair.

Treasurer (Suzanne Star)

1) 2023 budget revision

The final balance on the budget revision was \$170,256.39. What we did with the final budget revision, and you all received a copy of that, is we took from roads that was originally at \$43,000 in their budget. We reduced that down to \$25,000, and we split the amount, the \$18,000 coming from roads to both system 1 and system 2. We added \$9,000 to system 1 for a total of \$27,000 for that budget. We added \$9,000 to system 2 for a total of \$19,000 for that budget. The entire 9.94% of the assessment increase for this year, which is \$15,876.39, was added to the budget. And I just want to make a point to let you know that it includes an adjustment of \$531.39 from the LA Net RMA provision. They are only going to be paying for everything but water. So there's a percentage in there that we needed to also add in.

So this year's budget increase: the contribution is going to go from \$666 a month to \$1,990 per month. And that will increase the contribution from \$8,000 from the original budget we had to \$23,876. Hopefully, if we don't withdraw much more money from the reserve account in the next year, we may accumulate maybe \$66,800. But that all depends on the rest of our invoices that may be coming in and what we have to do.

I did send everybody on the board a chart at the end of the reserve policy draft that I sent on Sunday. And I hope that you all had a chance to at least look at the fact that the 2017 reserve study projected that at this time we should really be around \$149,800. And currently we're at \$43,000. So we have a ways to go to catch up.

The balance in accounts as of November 30, 2022 is as follows:

- o operating account: \$63,413.51
- o reserve account: \$43,009.34
- o as of November 30, we have 6 delinquent accounts (of which 6 are over \$500), totaling \$14,529.67.
- o liens have been filed on each - per SLPPOA lien policy (accounts exceeding \$500)

- o the amount of \$666.67 was transferred to reserves during the month of November
- o there were three changes in property ownership in November. We welcome: Dylan Lyman on Mesa Verde, Daniel Worth on Trilobyte and Samuel Rosen on San Juan.

I'm going to go back now to the over budget issue. You've had a chance to look at the financials. Those are the things that we've exceeded our budget area in a few areas. And all I'd like to do is just remind the chairs to watch your budget. We still may be able to squeak by this year, but my only question is, is that the way we want to exist in this association, paycheck to paycheck? So I think what we need in the future is a little bit better planning to watch our money. And we also don't want to count on special assessments because they're not easy, quick or they're not guaranteed.

2) Late invoice mailings: The reason that we've had a problem with the invoices going out late, because I haven't seen mine come in yet, is due to the late budget approval. It normally takes seven to ten days to process through HOAMCO. Next year what I'd like to accomplish is that we'll have the budget approved at the October meeting and mid-November we'll submit it to HOAMCO for a late November mailing so the invoices get to the members by December 1, as per the bylaws. So I'll try to keep that on schedule for us.

And I'd like to go just a little bit into the 6 delinquents that we have, \$14,529.67. What I would like to do is to ask the board to review the bylaws, section 8, the non-payment remedies. And what I'd like to do in January is to go ahead and discuss the option of turning off the water for non-payment. And I would like to make sure that you are all aware of the fact that if a delinquent will establish a payment plan, they won't have their water turned off. But what we're dealing with right now is that people just aren't paying and we're filing liens. I'm not even aware of the fact that anybody's even asked anybody if they want to have a payment plan and we were offering those years ago. We have a payment plan policy that we can follow. But I'm not going to go into that right now. I'll send a proposal for the January meeting on what I'm going to suggest or propose to the board on this and some of the provisions that I think we can look at.

I just wanted to also let you know that years ago we did check into this turning off the water. According to an attorney with proper notice, we do have the right to do that. Nobody wants to do it; nobody wants to get that difficult with some of our residents. But when we start getting up into the \$14,000, \$20,000 delinquency, we really need to take a little bit more aggressive action. And I know there have been members out there that have questioned it and asked why we haven't thought about it.

3) Audit update

I have emailed Thad Porch, who's done our audits in the past. I asked him for detail on the scope of the work. He gave me a verbal quote of \$3,300 if we're still with HOAMCO. However, today he wrote me back and said that he would not be able to get me a firm

quote until tomorrow. So what I'll do is I'll just present the quote at the January meeting, and if we can get that approved, we'll get him hired and get that audit for 2022 done.

And I just want to go over a little bit on the reserve policy draft. I didn't expect anybody would have much input yet because you didn't get it until Sunday. But because we have no withdrawal policy in the reserve right now and we may be subject to similar budget issues next year, I think a policy needs to be in place to prevent more abuse to this account. So I'd like all the board members to review it and send me input prior to January meeting so that we can discuss it and maybe get it voted on. See what you think.

4) USDA submission

A few weeks ago, I sent off to the USDA the information that they had requested. And we did this through the WMT because we want to find out from USDA what our eligibility for loans and federal monies may be. She said that she'd go ahead and respond to us, let us know where we stand with our finances, and give us some input as to whether or not we even have any qualification standing at all. And I'll keep the board posted if I hear something from them.

I don't mean to be a broken record, but I just want to remind everybody I'm probably going to do this at every meeting. It said it's prudent that we adhere to our \$500 financial oversight policy. So any expense that's going to run over \$500 needs board approval.

Keith: Thank you, Suzanne. Thanks for being on top of everything.

HOT TOPICS

Keith: I did not add these hot topics. So if someone would like to take a) Secretary of State director's update.

Suzanne: Well, I added both of them, and I'll just talk about the Secretary of State director's update. It can be done on the Secretary of State's website. However, we need a username and a password to do it. And we have old members on there right now, so we need to get the new members on.

The bank access update is the same thing. If I remember right, there are certain people that need to go in and sign cards at the bank, which I think is Enterprise, in order to have access to our lockbox. And that has to be done but I don't know the process anymore as to exactly how that's done. Just have to call the bank, I guess.

Keith: Perfect, thank you, Suzanne. I know right before the turnover of the board, we tried to run down a credit card through HOAMCO. And I know you've done a lot of work, Suzanne, I don't want to add another thing to your plate. I don't know if this is something we can kick off in February or something, but I would still like to look into getting a credit card in the association's name, which will allow us to pay contractors, buy materials, buy traffic cones, all these miscellaneous things that we can store in our shed that will help

us on a daily basis. If this new board thinks that that is advantageous and good for us, then we'll pursue that. But I just thought I would bring that up as I remembered that was something we were pursuing in the past.

Suzanne: Keith, I just want to let you know we have pursued that credit card situation in the past. And if I remember right, the reason that we did not go to credit card is because our bylaws, I can't remember exactly where I saw this, require two signatures before we can make a purchase, or on a check. So I think that's the reason that the credit card didn't go anywhere. Do you know anything about that?

Keith: I do not. Let me look into it. I don't think I've ever read that, and I've read the bylaws a lot. So I will look into that and see what I can find. But that would be a very good point. It would make sense why we don't have one. If that is the case, then we won't get one; simple. But we might as well look into it and try and make our lives a little easier.

Suzanne: How are we going to do the Secretary of State update; who's got the information to get onto that website and update that?

Keith: I doubt it's any one of us. I think our best bet would be contacting Paul Lisko since he was the most recent almost four-year term president. That would be my guess.

Suzanne: Okay, do you want me then to contact Paul?

Keith: Yeah, at least start with him and let me know if there's anything I can do to help.

STANDING COMMITTEE REPORTS

Water (John Hines)

Water compliance:

We had our two monthly tests taken on one, on system one and on system 2, with both showing no coliform present on either test. And with the 0.6 milligrams per liter of chlorine on system 1 and a 0.12 milligrams per liter chlorine on system 2. We did order the two chlorinators since they were failing before and the one has been installed at Hoven Weep. In fact, system 1 people might have noticed a little bit of chlorine in their taste in the water there for a while, while Mr. Narano got that situated and straightened out correctly. And the other one is to replace the one in Aspen Grove and hasn't been replaced as of yet, but I assume he's going to replace it this month when he comes to do his tests.

Water maintenance:

We'll talk about this later, but I relieved David Salazar from working on our project. We had a bunch of problems caused by him that finally became too much and I was like,

we're done. We had a customer out of water at 1022 Los Griegos, had another complaint about water being out on system 1 and that was because Mr. Salazar turned some valves that he shouldn't have that shut the water off.

I read the meters on December 1 and when I brought them back to the house, the meter program crashed. And so I went over to Harold and Harold worked on it considerably. And finally, on December 3, after making phone calls I found out because our water metering program is so out of date, they will no longer support it and they were going to charge us \$225 an hour just to get support. In the meantime, Harold called Baker to get estimates on a new meter reading program and what it would cost us. He actually sent out the bids and everything. Harold did get the old software to work again. So we did get the meters read this month. Because Mr. Salvador left without covering up our lines Harold and I went over and with Harold's tractor we covered up the exposed water lines as much as possible so we can complete that project in the spring.

The booster pump at the Los Griegos Cerro Pelado corner pump: I had to go reset it twice and I don't know what's wrong with it. We do have a spare motor so it seems to get a fit every once in a while and does that. And all I have to do is go up and hit it and it starts again and then it runs for another three or four months before it does it again. So I'm keeping my eye on it to make sure that if it's starting to go bad, it could be a capacitor issue. But we do have a spare in the shed, so if it does go bad, I can replace it.

System 1:

- o the wells pumped 571,266 gallons
- o we used 264,323 gallons
- o average daily household usage: 91 gallons per day with a main leak rate at 51%. We lost 252,943 gallons.
- o leak flags: 12, with 12 of those being repeated
- o there were 8 users over 7,000, with 7 of those having leak flags

System 2:

- o the wells pumped 139,950 gallons
- o we used 134,008 gallons
- o average daily household usage: 75.2 gallons with a main leak rate of 1%. We lost 5,942 gallons.
- o leak flags: 4 identified
- o there was 2 user over 7,000 gallons with no leak flag

The hydrant locks were ordered. We haven't received them yet.

We received a bill, and then I sent that to Keith from Jemez Electric for hitting some lines over on Los Griegos last winter. And I asked Keith if we wanted to pay those or not because the lines were miss-located and were not located where we hit them. And

Keith's suggestion was that we fight that. So I'll be sending a letter to Jemez Electric telling them that we're disputing having to make that payment. And I do have pictures taken where the locates were and where we actually hit the lines.

Just a little personal note, I'm still on one leg. I have a couple of setbacks, but I'm getting better every day, and so hopefully I'll be back to two legs here shortly.

Roads (David Stuedell)

I don't have too much to report. I'm sending Pete the vendor packet. Suzanne was nice enough to send me the vendor packet and send me a form for us bypassing the need for insurance. But I'll send him the vendor packet to get him to see if he can fill that out. So I'll get that out today.

I think because we've reduced the budget on the roads by 50% or so, we're going to have to get creative this year on what we want to get done. Obviously, nothing's going to be done during the winter season, but rather than spend \$40,000 grand or more, we've got \$25,000.

We also might want to put in a concrete U over there on Aspen Lane where the water washed it out. So we do have some things that we might want to do with that \$25,000. We could bypass doing roads completely or just get them patched up a little bit.

One of the key things that I think that tug leaders team does really good is cleaning up and fixing the bar ditches. The bar ditches get in pretty bad shape after a year, even if the roads are bumpy, the bar ditches can be pretty deep and pretty washed out. So that's one area that we might have to suffer with.

As far as Bob Hotchkiss, I don't know how to address this one without stirring up something or getting myself personally liable. I've talked to him in the past. Basically what he wants is the water running off and the way tug graded the roads, it tends to run down the left hand side as you're going down the road.

I'd like to open this up. I know Suzanne said I'll just communicate with them and I can do that; I have in the past. But obviously nothing is going to be done in the winter. I didn't see any problem at all when I was down there looking at it. I don't really see from the legal stuff that we have to do this or that. I think we have to think about from the legal standpoint, what was the intention of the legal agreement and it was basically to not turn it into a high speed thoroughfare. I don't think there was any really intention other than that.

So let me open that one up to hear what people have to say.

Scott: I don't know what this guy wants. If he wants us to divert the water to other people's property, that's not good for other people.

David: Right; and he's not part of the association. He's is part of this legal agreement that Keith, Suzanne and I have looked at. It's basically pretty nebulous in my opinion.

Scott: I've looked at it, too, and I don't see where we're obligated to maintain the road. I think I heard the term maintain the road back in 2008 or whenever this agreement was made to that standard, but there's no such wording. And assuming there was, you can't maintain a road to a picture or a state that it was in 16,17 years ago. There's no width, there's no slopes, there's no grades, there's nothing that an engineering firm would require to maintain that road to a certain specification. So I don't know; other than telling this guy to pack sand and sue us, I don't know. A lawsuit would just cost everybody a bunch of money and he wouldn't win because we're upholding our side of the agreement, which is not much.

David:

What do you think, Suzanne? I think Suzanne has been looking at this a little more closely. I personally think he's just an angry person who wants the water to run off into other people's property, which means redoing the roads. How do the people who are in the association going to feel about the water running off into their property? And when he says run off, what he's thinking is it's just going to slough off in little spots along the entire grade of the road. In other words, it almost has to be like literally a work of art to do what he wants.

I actually went over this with him a couple of years ago. We didn't do anything with it. In other words, if you look at a country road, it might ab a little this way and that way, and the water would slough off in those different locations. And if we want to address him and say we will do this to his standards. But if we don't just basically roll over and say, "What do you want?", we're not going to make this guy happy.

Scott: Well, even if you do give him what he wants, is he going to be happy? Probably not.

David: If we spend a ton of money, if we spend our entire road allotment on making them happy, maybe he'll be happy. It's actually like Keith was thinking: is it risk mitigation? In other words, can we spend \$25,000 to save \$50,000? I personally think let him sue us. It just doesn't seem logical.

Suzanne: I was just going to say, I think that I would like to hear what Scott has to say after Keith has forwarded his emails. And then maybe what we need to do is myself, yourself, Scott and Keith just get together and talk a little bit about how we should proceed with this. Because you haven't heard anything from him since the last correspondence, have you?

David: He hasn't sent any more information or any more threat to me. He might have sent it to Keith.

Suzanne: Well, maybe with the help of the board we can decide a course of action to go ahead with it. I don't think he's going to be doing much anymore over the winter. And if he does, if he takes us back to the judge and asks him for an order forcing us to do something, then so be it. There's nothing we can do about it. We'll just have to go ahead

and take it from there. But let's see what Scott seems to think about it; some new input on this might help.

David: As far as I'm concerned... I've talked to him. It seems a little unrealistic what he's asking for, but let Scott read the emails and let's discuss it. Ultimately, he's not part of the association. If he didn't have this "legal agreement", I would just say "well, too bad... We'll try to help you out a little bit." But let's see what Scott thinks after he reads the emails over. And we could probably set up a special meeting: you, me, and Keith and Scott.

Scott: David, have we had any professionals or semi-professionals look at the road and give us any sort of estimate or roundabouts, how much it costs to "fix" and make this guy happy?

David: Well, you don't get any more professional than Tug leaders group, but they're going to charge us a fortune we don't have. They have looked at it and they're pretty much on the same agreement as I am: "What the heck are you trying to accomplish here?" And I explained it in pretty much detail as far as he wants the water to slough off on different areas so that it doesn't reach the bottom. He wasn't worried about the size of the road or the grade of the road. It's just the water not coming down and creating mud pit at the bottom. That's essentially what his big concern is.

Scott: That's gravity, though. Water is going to flow to the lowest point.

David: Unless it just sloughs it off before it gets down to the bottom. He's saying, "Oh, back in the day, when I used to walk my puppy with my cane pole up this road, the water sloughed off in different locations and then you guys came in and graded it."

Suzanne: There's one other piece of information that we're going to probably need to get resolved as well. Part of that run off is my neighbor to the west of me, and if their driveway doesn't hold up this coming spring, we're going to probably have to figure out how we're going to mitigate that because that's basically the bigger problem. It's coming off their driveway. It's washing their driveway down into the road and down into Gaylor's property and then it's just creating a mess on Ashley Lane in some respects. And I think that's what Bob was having a problem with as well. So maybe Scott, at some point, if you want to take a look at this too, but right now the driveway doesn't look too bad.

David: In other words, for that driveway that comes down, ideally they would set up little bar ditches or bar rolls, like any forest road has, to run the water from, instead of coming all the way down their driveway. It would just be small bumps that would divert the water down onto their property. And we could do the same thing with Ashley Lane and make Bob Hotchkiss relatively happy.

We either take care of that driveway up there and Ashley Lane or we do nothing.

Keith: Bob Hotchkiss has not emailed me since his last communications forever ago. I did just send over all the communications that I had with Bob to Scott. I do agree that

we're in a sticky situation. I do hate the mentality of, "Oh, just let him sue us", because we as an association, technically sued him and others twelve years ago. We created this situation which is now coming back to bite us. And according to the legal documents, we have to not widen the road. I searched far and wide of how wide the road was and or what the road looked like back in when this agreement was assessed. I have found nothing. If you drive that road, there is a white adobe wall on the one side so obviously the road didn't grow that way, and it is a mountain on the other. If we grew it that way, I don't know. Can we prove it? No, we can't. Can he prove it? I doubt it. So I don't know, if this ever goes to litigation, if it holds true to us or holds true to him because we can't prove whether it's been altered or not. So if we do want to take that path, I would advise talking to Scott Turner and just sending him the document that is signed and holding us in court and say: there is no dimensions to this, there's no pictures. What does this mean in a court legal standing then?

And most of the drainage is from the house from the west, next to Suzanne. The stuff coming out of the driveway is actually following the road down and then crossing the road and going into, I believe, Mary's yard. And that is a separate situation that I promised I would fix with a personal tractor next year if needed. But that is a separate drainage. This is a road that wraps around the top of a hill. So anything that lands on top of that hill will go down to that road, inherently. That's the drainage we're running into. So it's just a bad situation regardless. And the other thing, too, is if his main complaint is drainage, his legal document that binds us and binds him together does not talk about drainage. It doesn't talk about where drainage should go. It talks about road. So if he wants to step in front of a court and say, "Well, I just want the drainage fixed", well, that is not what the binding document states we have to fix. It says in the document we do not have to maintain it. I mean, I personally would never touch that road again.

Josh: So when I read through the document, the width comment is on the easement from what I remember. I think it states the width of the road easement shall not change, not the width of the physical road. Even from that standpoint, we aren't really liable for anything then because we didn't change the easement. We didn't go and get one to make it lighter. From my standpoint, I don't think we really need to do anything.

Keith: It states the road is the easement and the easement shall not grow, from whatever 2010 date. So if that road grew, then the easement grew. So it's just this circle of how you interpret it. And I don't know what's correct.

Scott: An easement is a legal thing. It's not a geographical object. I don't know what you call it, but it's recorded with the county just like a deed would be and we can change it. We would have to sue to change it or fill out an application and then go through the legal process of modifying an easement on a road. My two cents: whoever wrote that agreement did not do a good job.

David: So who is going to send Scott Turner this judgment thing that we keep going back and forth on every single meeting? And Josh was right; it's about the easement.

Scott: I'll send it. Let me look at the emails.

David: Regardless of what happens, because there's a legal agreement and this would codify it into our minutes and our colloquial knowledge that we have as a board. As people move on, we want the new people to have knowledge of this wonderful situation without having Suzanne to have to remember everything,

Any issues with plowing and sanding that I need to address?

Keith: Jonathan, I was just going to say thank you for doing it.

David: Thank you, Jonathan, you were sent by God to help us out, and we appreciate it. I wish everything was so easy.

The only thing I have is sometimes our roads are getting extremely slick on the downhill portions. And so if something becomes unbearably slick, I would then send Jonathan an email saying, ask him to sand it. But as far as plowing, he plows when there's four inches or more. So one inch doesn't require a plow.

And I received payment for my tarp. Thank you, Suzanne. I don't know if you were the reason I got it or it was already submitted, but thank you. I got payment on the tarp that we keep the cinders covered so that they don't freeze up so hard that Jonathan can't get to them. Any questions for the roads guy?

Barbara: I was just wondering why you're plowing when it's only like 1 inch. This has happened the last three snows. It's not much up here at all on Los Griegos.

David: I think Jonathan is just trying to be proactive on it to try to keep the ice down to a minimum. But I'm not asking him to plow, so he's doing that on his own accord.

Barbara: Because taking that layer off, sometimes that makes it slicker, and then that requires it to be sanded. It just seems like if you let a padding of snow on there, it would not be as slick.

Keith: I think Jonathan is plowing to snow off the road because if you have an inch of snow and you drive on it, you then compact an inch of snow and compacting snow and then adding little sun will cause ice. He's trying to get that snow away. So when you drive on it, you compact literally nothing of snow to avoid the ice. And we've already had two or three cars go in the ditch down at the bottom of Los Griegos when he didn't plow because he was out of town. We also missed plowing on the main road due to the county, and he was out there helping a bunch of cars get up the road last week and a gas truck get down. So he's just doing it to help us.

David: Exactly, we can take that into consideration.

Suzanne: Dave, I think that your idea may be to make sure that if he is going to go ahead and try to plow it down, it may create icier conditions, maybe get him on to the sanding a little bit more frequently and less plowing, but more sanding.

David: I would prefer that, too; I'll talk to him. He's very accommodative to our situation.

Eric Peterson was complaining that we do the roads in September and then they're washed out by October. We should do them in October. And I said, great idea. We'll see what we can do.

As far as grading the roads next year, we have to see what Doug would be willing to do for \$25,000. And Pete, who I'm sending an email right now to, is willing to do it for \$25,000 that we have for budget.

Assuming we don't have anything else for roads, because we really don't want to exceed our budget next year, so that's my last item. Any questions?

Legal (Kristi Cross)

Keith: She messaged me; she got busy tonight and will not be here.

Firewise (Ann Cooke)

Well, I have one resident of the association that's interested in talking about his property and what he can do to mitigate, and we've yet to set a firm date or time for when we do that. I'll go talk with them. Other than that, I have nothing to report.

Architectural (Josh Toennis)

No new request submitted for the month. And I think that the email issue is resolved because I did receive an email last month through the architectural email, so that should be resolved.

And one of the things that I forgot to bring up when either roads or water were being talked about is, last week I saw Windstream trenching in a new line on Aspen, and I didn't see anything located. They were trenching right above the line that we had to dig up this spring when it was freezing out. So I don't know if there's someone that we can report them to for using a trenching machine without getting locates called in or what we can do about this. And this isn't the first time that I've seen them doing it either. I just wanted to make people aware of that.

Keith: Thank you, Josh. Yeah, I don't know what we can do about Windstream either. Seems like common sense, but I guess not.

Parks (vacant)

OLD BUSINESS

The President chair will be open as of January 10. We can deal with that however we want. I'll still be here to help, hopefully, as long as you guys will keep me and as long as I keep myself mentally sane.

ACTION ITEMS

There is no new business at this time other than what was covered in the individual reports. Current items are secretary of State directors update that was given by Suzanne earlier. She is going to contact Paul Lisko to see if she can get some action on this. And this might also get resolved with the bank access update as well. There's no other comments than that.

Ann: Tell us who the registered agent is for SLPPOA, for the secretary of state.

Keith: I do not know that.

Ann: We need to go to our previous treasurer.

Suzanne: The registered agent I think comes out of HOAMCO and I don't recall the name of the person, but if he has been put on the secretary of state website, if it's still the current one and that we need to find out as well.

Ann: If he's the registered agent, he should know how to get on.

Keith: Wonderful, thank you.

Next regular board meeting is Tuesday, January 10, 2022 at 1830 via Zoom. This will be my last meeting as actual president.

I am going to make a motion to officially adjourn this meeting before we move into executive session.

Barbara: On David Salazar: I know this is not this board's problem, but the last board. Who vetted him and who got his references and who hired him? Because that was never clear in the meetings, that I could tell. And that's why I sent my letter out, because I had heard some awful things about him and that was one reason I sent my letter out, to stop it, because he was the one that was going to come in on the co-mingle project. So I really think if you're going to discuss him, you should let the members in on the discussion of this.

Keith: Barbara, the new discussion we will be talking about in the executive session today was dropped on our laps literally this morning, if not late last night. This is brand new to us and the board has not even had time to discuss it. The basis of it is we fired him and he sent us another bill. We need to discuss what we are doing with this bill. That is what we'll be discussing in the executive session. When we know more and we have a plan of action, we will be releasing this in January as I don't know the best way to approach this.

To answer your other question about references, I'm going to give you my scoop of what I heard on the situation. When the commingle was out for bid, he came in much lower than everyone else; half. I was out fixing a line one day with our past president, Paul Lisko. Paul Lisko told me that he had a quote that was half everyone else's and he wanted me to support said bid on the commingle. He also did not want me to disclose this information until the meeting happened, which I did. But I told him I will not support this unless I get to talk to the contractor and figure out references and I get to figure out why he is so much less than everyone else. I wanted to physically call these references myself. I gave him these three conditions and I told him I will not support him or the commingle until I get these three. Come to find out, Paul Lisko sent out the commingle information an hour and a half or 2 hours before the meeting while everyone was at work. And then everyone got home, jumped on, and we all had to vote on the commingle. I voted no because Paul did not meet my recommendations on what I needed to accept said commingle project. Once again, this is all my perspective and only my perspective. From there we denied the commingle as a board, for whatever reasons it may be, it was denied. From there, we had issues to where we had many leaks, as you know. And he was here, he was willing to work and he was wanting to work. So to try and get some of these leaks found in emergency situations, he was the available contractor. He had the vendor package filled out, I believe, and he was licensed and insured to what we require. With that being said, he was utilized to fix these leaks time and time and time again because we have lots of them. He was also awarded the 800-foot contract of replaced pipe because he did do well for us for the time being to fix these leaks. So the references at that time weren't necessarily needed simply because he did five or six jobs before that and did very good for us. We are now running into issues with him that the board is going to discuss and we will give a full synopsis of what we decide to do in our next meeting, January 10. Hopefully that answers everything.

Barbara: Well, there were a lot of people on that board that probably didn't have that information. So I just wish the board would be more careful when they're considering these projects and not just hire anybody that comes along just because they gave a low bid. I even mentioned that in the meeting that I objected to that. You all forced me to send that letter out to all the members, which I didn't want to do because I thought it was a ridiculous project. Anyway, that's my thoughts.

And the second thing: Suzanne, are you all planning to send out the revised budget with the invoices when you send those?

Suzanne: Yes, Barbara: the newsletter, the budget and the invoice should be coming in the same envelope, hopefully in the next week.

Barbara: Okay, thank you.

Keith: Before we sign off, I know, Barbara, you had concerns with the commingle project. We did go after that project because it does have benefits to our system as many repairs as we do. And I want to, once again, highly stress that this project was denied by an active board, by majority, so for anyone coming to us and saying, "We need to watch what we're spending, we need to be more careful of who we choose as a contractor..." We did all of that, and it was denied. And whether it saved us or not, it was denied. I just want to make that very clear that we have been doing our due diligence.

Suzanne: Keith, in my treasurer's report, I talked about the reserve policy draft. How would you like to handle that? Other than to send it, and that I'm requesting having everybody look at it in January and possibly voting on it. Any input on that?

Keith: No, I was under the impression we were going to give the board more time to read it and assess it in January to make alterations or vote on it. That is what I took from your section earlier.

Suzanne: Okay, that's fine. I'd like to see the corrections coming in before the January meeting so that we can discuss those, not start discussing them, but I'll send it out as a reminder again and ask everybody questions.

Keith: What corrections are you talking about, just corrections to the document?

Suzanne: Any input at all for the document from the board; anything that they want to add, anything they think is needed to be corrected, whatever.

Keith: Perfect. Well, since we are held to following every bylaw with a fine tooth comb, it is imperative that every single board member has the chance to read this and/or speak on these documents to get them approved. And since it was sent in such a short manner, we need the entire month to get corrections together to then get put together for us to talk about it in January. And if all corrections are made and we agree, we can vote in January. If all corrections are not made, then it needs to be done in February. And that's just because we have to get everyone's input. We have to follow our bylaws, and everyone has to vote on it. And we work on a monthly cadence, which sucks, but that is the tools we are given.

Suzanne: That's okay. I'll resend just to remind everybody to use some due diligence and taking a look and putting in their two cent worth.

Keith. Thank you. With the policy, I may have a few questions headed your way, because most times when you create a policy, it is because the board or someone did something wrong. So if you can in your reply to us with your document in the last three

years, I'd like to know what we as a board have done wrong that forced this policy on us. But I don't think we have spent willy-nilly. I think everything that has come up has legit been an emergency due to poor planning over the past ten years. I'm not saying the policy is bad; I'm just saying we were dealt a bad hand and more emergencies are going to come up. And if we have to work through more paperwork, these emergencies could get pushed back and people could be out of water or something could happen. I just want to keep that in mind for everyone. More paperwork isn't always better, so I question that to you. And I want to validate when we have been in the wrong.

Next regular board meeting is Tuesday, January 10, 2022, at 1830 via Zoom.

Keith Rigney made a motion to adjourn the meeting; Suzanne Star and David Stuedell seconded, motion carried and the meeting adjourned at 8:09pm on 12/13/2022.