

**Sierra Los Pinos Property Owners' Association
Board of Directors Meeting
January 10th 2023, 6:38pm via Zoom**

The meeting was called to order by the president Keith Rigney, with the following members present: Keith Rigney, Scott Dewitt, Mana Babicz, Suzanne Star, John Hines, Amber Gaston Dewitt, Ann Cooke and Josh Toennis. David Stuedell and Kristi Cross were not in attendance.

Guests: Barbara Van Ruyckevelt

Approval of agenda: Keith Rigney moved to approve the agenda of the January 10th meeting, seconded by Suzanne Star and, there being no opposition, motion carried.

Approval of minutes: Keith Rigney moved to approve the minutes of the December meeting, seconded by Scott Dewitt and, there being no opposition, motion carried.

OFFICER REPORTS

President (Keith Rigney)

1) New website

I don't know where the issues have been getting our website updated, it was kind of a lapse of communication on our end of where the information was supposed to go. So that is on us as a board. But we have a very old website built by GoDaddy, umpteen years ago. So the question that I'm bringing to the board: we have a local member named Bobby Eaton, and he creates websites for a living. And I messaged him just out of curiosity and said, hey, before I approach the board on this, would you mind looking into what you'd feel about doing a new website for us? He immediately replied back and said, yeah, I would do that. Our current website is out of date, and old and probably created by a not so great company like GoDaddy. He named off a couple of others, and I was like, bingo, you got it. You read us like a book. So I know we've been having issues with our website lately, with Michael and stuff. I have not got price estimates on this. I purely would like to see what the board thinks about pursuing a new website. This is something that we could make what we think works best for our community.

Obviously, personal opinion as it is, we as a board, but I feel if we can get people's logins better, get water outputs better, get water graphs better, have logins better, our documents cleaner, whatever it may be, I think this is a good adventure that we can maybe look into. Just would like to hear thoughts. This could also reset our email servers as well. So now we'd have a master person that could control all of our emails and see all the emails, and we would know who that is and the logins for that. The board members would have that login. So it kind of is two birds with one stone, just kind

of throwing it out there to see if this is something the board would like to see. Let me know what you think.

Scott: I'm for it.

Keith: Thank you. Anyone else have any opinions? I know there's been concerns about the listserver and things like that lately, so don't make me go round robin, because I will go round robin and make sure everyone speaks their mind on this if I have to. So let me know what you guys think.

John: Cindy is still at work but I know she'd made a bunch of comments that it was really difficult to maneuver through it because it was so antiquated. And she's been a promoter of getting a new website all along, so I'm sure she'd be in favor of it as well as I am.

Keith: Thank you, John. I kind of figured that.

Suzanne: I'm okay with it as well.

Keith: Perfect. That does give us majority. So Mana, Josh, I don't know if you guys care, but with that being said, we'll just continue forward.

If you want, since I do know Bobby, I can kind of put the feelers out, and I want to make it very clear that this is not official. We are not officially doing this yet until we talk to Bobby more. I want to have a very good plan of how we approach this, how we spend this money...

2) Junk-It Hauling and Moving Services, LLC

So a guy named Corey Attencio is the owner of Junk It and he reached out to me a couple of days ago. He wants to bring a garbage service to Sierra Los Pinos.

I know this is something that a lot of members have asked about, something a lot of just people have asked about in the area.

Scott: Keith, can I correct you? He wants to do not only Sierra Los Pinos, but he wants to offer it to La Cueva and the other communities on the mountain.

Keith: Yes, you are correct. I was getting to that in my spiel. So sorry if I wasn't clear enough yet. We talked for probably about 2 hours, maybe a week ago on the phone, with Corey. And Scott is very correct. He's not just going to support Sierra Los Pinos. He is going to reach out to Thompson Ridge, La Cueva, even some areas in Fenton. It just depends how many people he can get signed up. He will not do this service unless he gets 75 people signed up to a six-month contract. Once he has that number, he will move forward with this, start sending out emails, start getting in contact with people, and he's going to start doing polls on when people want their trash picked up, whether it's weekly, biweekly. Right now he currently states it is six bags per household on a weekly basis. He wanted me to make it very clear that this is a flexible number. So if you are at eight or nine bags a week, he will gladly adjust to that. He's just here to try and make us

happy and be just a reasonable human being. So even if you are doing a house remodel or something like that, any person who signs a six-month contract has the ability to also rent his trailers and he will bring it out and park it at your house and you can fill it up and he'll come by, take it away for you. If you do have a current active contract, any of those additional services are 20% off.

So what I got from the guy was he pretty much has two trucks and two trailers, and his Junk It and moving service can pretty much do anything under the moon with that truck and trailer. You want him to haul a piece of equipment to your house that you are renting, he'll do it. He will literally haul it for you. If you just need it for garbage, he'll come up here and pick up your garbage. If you have a huge remodel, he'll come and help you haul out the remodel. He seems like a very nice guy, very reasonable guy. I did tell him I had some caveats about his availability to get to certain houses in the winter. He plans on addressing that once the contracts sign up and where people are at. He is heavily pushing people to look into investing into bins, like city garbage cans. Just in case if you do have to leave your garbage out overnight so bears and animals don't come and get it. He also said he's flexible enough that if you just want to park a pickup at the edge of your driveway with all the garbage in the bed covered, he'll gladly uncover it. He'll gladly haul it away and make it happen. He's a very nice guy. He's a very good guy. He's definitely here to help us. It will be good for us. So if you know anyone that would like to join these services, his website is junkitnm.com. So he probably has around 20 people signed up by now, hopefully almost halfway to 75. So you may see signs up. If you talk to neighbors, please inform them, because he does need to hit that quote of 75. If there's any more discussion, let me know. If there's any questions, let me know. I can always reach out to him.

Mana: You're not talking about this being mandatory for Sierra Los Pinos, you're just saying this is an option if anyone in Sierra Los Pinos wants it.

Keith: You are correct. Okay, so I made it very clear that, personal opinion, he does not need to be contracted by Sierra Los Pinos Property Association. We should have no effect over his business and what he can or cannot do. He's simply coming in, picking up garbage and leaving. I don't think we have any control over that. It's a private company not contracted through us. So we are not obligated to go through him; we can still go through whoever we want, but, yes, it is completely voluntary to the area.

3) DA Salazar Construction information to public

We hired a contractor last year, DA Salazar Construction LLC, I believe it's officially called. We wanted him to replace the mainline pipe to get our leak rate down. He came and went as pleased. We never pushed him to a definitive date. Whenever he had "other priorities" or something else came up, we let it happen. We were very lenient on our end because we didn't want to push the only contractor we had available at the time. He started going off the deep end, as in we don't know what truly happened. He started making comments that concerned us as a board and John Hines is a water operator, and he was simply not getting the job done. Winter was here and there were still holes in the ground with pipe showing. So John Hines, our water operator, fired him; he let him go and we parted ways with our contractor. I officially sent out that email and

I told him we no longer needed his services. Well, what ended up happening was a little over a month after we parted ways and we told him we no longer needed his services, David Salazar sent the association a \$44,000 bill when the entire project was only supposed to cost \$16,000. This bill was titled for delays due to the association and our water operator. So in our executive discussion, we deemed that this bill is highly unreasonable and we are not going to pay it. In the last month, our water operator, our treasurer and me, as president, have gathered up all the information and communications we have done between us and David Salazar. During this time, he has sternly stated that our water operator has only stalled him on two occasions for 48 hours, which is total of 4 days. But his bill clearly states that our water operator and Sierra Los Pinos had stalled him for a total of 44 days. He already doesn't line up on his end. So to inform the public, this is me telling him that we are not paying that bill, and we have informed them that we're not paying that bill. He has contacted us back and said that he is willing to come back in the spring and finish the project just so we don't have to get legal involved. I personally do not think we will hire him back. I would gladly contact HOAMCO and take his vendor packet away so he doesn't have the ability to come back, but that is what the board is dealing with on the back end. Anyone, did I miss anything? Do I need to clarify anything? Barbara, does this terrible story make sense?

Barbara: What was the contract signed by the association with him?

Keith: Someone please chime in if I am wrong here. The contract was "given to us" that we paid, and these quotes were never signed by us. They were approved verbally, and these quotes clearly stated the work to be completed, whether it was mainline replacement of 900ft or elsewhere. We have an email of him directly stating this project would normally cost \$40,000 but that he will not bill us that much, they would charge it at \$16,000. So we have in writing what it will cost. Now, I don't know if we have an official contract signed. I know we have a few repairs signed by John Hines, but someone please clarify if I am wrong.

Barbara: I just can't believe that you didn't have a contract with a contractor for this amount of work. And it was verbal, that really bothers me.

Keith: So this is a long and drawn out story; I'm going to try and paraphrase. Our water management team was wanting John Hines to replace a different section of pipe. We got a formal written documentation bid on that section. Once we did a meter loop testing, it was found out that that section was not our problem child or our highest leak rate. So to get the projects moving, our water operator was pushed by our water management team to continue the process of replacing pipes. So John Hines, to keep all of his bosses at the time happy, kept the process going by trying to get this project moving to get our leak rate down. So he moved forward as the assumption that this was going to be the exact same price per foot as written in invitation to do this line replacement. And we did receive the quotes. We did pay them: first set of quotes says the line replacement amount and the leaks fixed, but there was no contract physically signed. It was literally a quote, which is a contract to David Salazar. So there's a lot of

variables here over time that pushed us to try and get this project done before winter. It's not as simple as "we had ten years to plan, we didn't sign it". There's a lot of variables here that, yes, could have gone smoother.

Barbara: Okay, Keith, I was on that team committee. I never saw anything in writing, all right? And I'm not speaking for the other people, for Harold or Suzanne or Paul, but I never saw a price. It was just all in the air when John decided, "Oh, it's this much", and he'd quote something verbally, and that's all we had.

Keith: And that was quoted and documented in the water management team meeting minutes, which you were on and in. So that is what we went off of at the time being.

Suzanne: There was a lot of questioning going on as to whether the 400ft of Ashley Lane was going to equate to the 7, 8, 900ft of the Meadow as well. So there was a little bit of a problem there.

But I'd like to intercept just for a minute, and I need to ask John. We have paid Salazar \$36,178 and some odd cents for this line replacement so far. John, is that an accurate payment or is it an overpayment?

John: I don't know if that includes the two leaks that we actually had that we had to repair when we were replacing that line that he assisted on. Or actually there were three leaks that occurred right at that same time we were doing that replacement of the line. And I don't know how he billed; I didn't see those bills. I don't know if he billed the leaks individually, or if he just put it in on with his totals, I don't know.

Suzanne: Well, the problem that I have and I think you were included on this as well and Keith was too; we got two bills for \$16,300 and it was an identical invoice submitted twice. Unfortunately, we never got a really good invoicing system from Salazar. I don't know what happened, but it wasn't very specific. It didn't appear very accurate, and it was too hard to be able to tell what he was billing for. So going back to Keith's situation and our thoughts on bringing him back in spring, I just got a question. We've got a \$44,000 bill outstanding right now, and I'm just trying to figure out where we are. What was accurate for a payment and what was maybe an overpayment or do we still owe him money? Does anybody have that information correct?

Keith: I think where we are at is everything we have paid to date is valid and accurate. Because as he was doing the replacement and the pipe burst due to there not being back pressure of dirt, that triggered another \$16,000 bill due to fixing that leak and digging out that huge hole, letting it dry and then getting it back to work. So my understanding is, to date, he is paid in full and the bill that he additionally gave us, was a bill out of spite because we "fired" him. Personal opinion on that last statement. But that is what I believe to be our current situation.

Suzanne: So how are we going to move forward in spring when we have \$44,000 invoice sitting in front of us and dispute that he may not come back and we still owe him

money? Have John or you decided how you are going to try to handle it before spring comes?

Keith: I think the correct statement is we as a board had an executive session and we deemed we will not be paying this \$44,000 bill. We have written documentation, as I said earlier, of the pricing and work to be complete. And he is quoting this extended bill on delays. These delays, he has clearly stated, were only two days total of 48 hours a piece. His delays do not match up to what he has told us through email and it doesn't line up. So we are not paying him; we are not bringing him back because we as a board decided we were not paying him. We were all there as board members, and I think we move forward. If he wants to take us to legal, there's a reason why we spent the last month getting all of our information and documenting everything saved on file and getting it ready. That was the path I assumed we were taking. Now, maybe the executive session you heard, the same one I was in, was different. But that is what I heard and how I thought we were proceeding forward.

John: As far as the future goes in the spring: Harold and I met with Dave Raue, and Dave gave us an estimated cost, what he thought it would do to finish up the job. And it wasn't going to be that much, I can't remember off the top of my head. And of course, we wouldn't hold him to that quote anyway until spring. So we've already had Dave Raue come look at it and he can finish the job for us and get it all back together.

Barbara: When did the board approve Dave Salazar? Because if that's something in writing, did it go through the board?

Keith: Bills or his payment?

Barbara: Hiring a contractor to do work should go through the board.

Keith: I can't tell you the date and time that it was approved, I don't remember. I can't say it was definitely approved, I don't remember. I don't want to quote myself and be wrong, but utilizing David Salazar was nothing new, different, out of the box. He did plenty of work for us trying to find leaks due to ultrasound tests. Before he even started on our mainline project, we already billed him out \$5,000 or \$6,000 for finding leaks. It wasn't like he was a new contractor to the board; he was already being utilized. Hence why we proceeded forward with him doing the line replacement.

Barbara: If this goes to court, we're going to lose because nobody approved anything. Nothing was in writing, and it's his word against yours. So in the future, before Dave Rally or anybody is hired, it should be voted on by the board. That's my sentiment.

Keith: So you're looking at this in a completely different window. Did the board maybe not follow their own rules because we are too busy in transitions and timing? Yes, maybe. I don't know. Did that cause us issues with David Salazar? No. David Salazar is billing us due to delays that we "caused". When we go to court, the court doesn't care whether we followed our own bylaws; they care if the bill is valid. If we caused those

delays to cost his company money, that is what we will go to court for. Now, let's say if someone came to sue us over us following policy, that'd be a whole different story. But that ship has failed, we're already past that. So once again, the court cares if we caused him delays to bill us \$44,000. John, did we cause him \$44,000 with the delays?

John: No.

Keith: There you go. There's our court case.

John: Maybe I can give a little history here for everybody.

Originally, when we hired NV5 as the engineer to do the commingle project, we went out for bids, and there were two bids; one was sky high, the other one was David Salazar. None of us knew much about David Salazar, but he did come with very good references. So the board planned on hiring David Salazar to do the project, if the commingle project would have been approved. The commingle project was not approved. At that same time, when Paul was president, we did have the main line freeze up at the end of Los Griegos. And so we as a board decided to hire David Salazar, since he was willing to come up here and do that at a much cheaper price, to do the replacement line on end of Los Griegos, which he did with flying colors. In the same process, when spring came along, we had our own waterman show up and we found some leaks. So since David Salazar was already up here with equipment, we went ahead and used him to dig up those suspected leaks. Originally they thought that the part of the line that hadn't been replaced is the line coming down into Vallecito and across the meadow. So we didn't hire him; we asked for him to give us a quote on replacing that line, because that was going to be the next line that we were going to replace because there was so much pressure bank put on by the water management team. And as you remember, when they did not approve the commingle line, it was because all the money that we were going to use on commingle line should be used on repairing leaks. Therefore, we changed directions and said, okay, we're just going to concentrate on repairing leaks. We got a bid from him on what it would cost to do the Vallecito meadow crossing. At that same time, we went ahead and did our ultrasound thing, and he gave us a bid, but we did find that the highest leak rage rating that we found was from Ashley Lane going across Forest Road 10 to the commingle valve. So he gave us a quote on that. And then at the same time, we reevaluated what the ultrasound meter testing found and we found that the biggest leak was between Aspen Grove well and the commingle valve. So we said we would concentrate on replacing that one first. Therefore, he gave us a quote again on that saying it would be \$16,000. The board approved that. And so we commenced the beginning to replace that line. And just from the beginning, all the way through Mr. Salazar's bookkeeping and getting us required quotes and things was poor to say the least. We had requested many times over and at the same time he was here with equipment. We had a leak on Scout Lane, we had a leak on Aspen Grove, we had a leak on the old line going from Aspen Grove well down to the commingle line and we had a leak over on Los Griegos, upper Los Griegos. Therefore, since he was here with equipment and we actually had water pouring up out of the ground on those leaks, we went ahead and used him because we don't have to have board approval for emergencies. And when we have water running

down our roads out of a pipe, that constitutes pretty much emergency. So we used him for those, he billed us for those and we paid those. And then in the process we also had this verbal contract of the \$16,000 that he had given us for doing the line, going across the Vallecito and then going for the Ashley line. And then finally we went to the Aspen Grove down to the commingle valve line. So we went off of that same basic cost that he had quoted us for everything else to commence building, doing that repair. Since that happened, obviously replacing that line got slower and slower because he had other jobs going on in Pueblo. He lost a crew; he had to get rid of them because they were on the job site smoking pot. Then they had vehicle breakdowns, he ran out of gas twice... So he kept having all these excuses why he went up here working. Finally, at the end, when I finally said, I have to let you go, he'd come to my house two days in a row, telling me these off the wall stories that were just so far-fetched about involving law enforcement and SWAT teams and police and everything. Then he said he was going to report us to the state because we were hooking into a storm sewer line there at the well and that we had hot water line that we were trying to hook into... all these things that are nonexistent. So I let him go and that's kind of where we're at today. Sorry, it was a little long winded.

Suzanne: I just want to say one thing. Thanks, John, for going through the description. This goes back to my monthly reminder but if we ever have another contract or do any type of work for us, regardless roads, water, whatever, anything over \$500 is going to be approved by the board. And I hope that we can stay with that policy, remember it, and that there's no additional approvals done without the board being aware of it.

Keith: I want to make clear that policy is written for non-emergency use only. We once again, as stated, deemed this as an emergency.

Suzanne: Well, the line replacement on the meadow well, was not an emergency. So that can't be totaled in on this at all, Keith. But yes, I understand.

Keith: We did our sonic testing and labeled a 4.2 gallon per minute leak in that section. I believe you can label that as an emergency.

Suzanne: No, we've had that leak for a long time. This was something that we had to be planned out and done appropriately. But we've been living with a 300,000 gallon a month leak for three years, so it wasn't an emergency, but it should have been a planned project, which it was, or at least it was partially planned. Just want to make that clear, is that we can't just call things emergencies just because we have leaks. We got plenty of leaks unless they're bursting out of the ground, as John was saying, it's not an emergency. So we got to keep that under wraps and make sure that we follow the bylaws on that. And that's what my reserve policy is coming into play as well and I'm hoping everybody read it. But that's for later in the evening.

Keith: No, I do agree; this could have been planned a lot better, I'm not disagreeing with that. What I am disagreeing on is that this was an emergency. You and many other people have come to the board and have said to us many, many times, "We need to get

this leak under control, we need to get this leak under control.” This is the same thing I've heard for three years being on the board. And the board finally got to a point where we had a contractor and we had availability to try and fix this leak. Five gallons a minute is three showerheads running at full blast. That is an emergency. Whether it's going up or down, it can be labeled as that. Water doesn't show very often. It is what it is at this point.

John: I agree with you, Suzanne, that if we have a planned line replacement project, it should be engineered, it should be planned out, we should have a contractor that knows what he's going to run into, sign and everything. And that was what we got from David for that line replacement. The only other problems were with all these other emergency leaks that were pouring up out of the ground and causing road damage... those were emergencies and those were things we had to get fixed right away. Just like the Los Griegos frozen line or broken line, whatever it was. That was an emergency. We had seven customers out of water and we had to get them water. So those kind of things are emergent. But when we can do a planned line replacement like we've done in the past, that should be engineered, that should be estimated out material wise, everything else and get a signed contract. And that is what basically we got from David when he said this project would be \$40,000, but I'm not going to charge you that. I'm going to do it for \$16,000. And to me, that was his verbal written email estimate or cost if the board did approve, to have him do that line replacement.

But I agree with you. It could have been a lot better, and I could have done a better job on making him make sure that he showed up to work every day and also making sure that any cost overruns or anything like that would have been given to us. And so we could have approved it, basically, because we didn't have any of those as far as I think, legally and personally. He quoted \$16,000. We paid it, and he didn't complete the job. So I don't think he has a chance in court.

As far as delays go, all the days that he had delayed, the only four that I told him not to come up or were to dig were the two day times we had flooding going on here and our roads were being washed out, and I didn't want him digging down with as much saturated water and ground we had. I didn't want him making more problems than we already were dealing with at that time.

Keith: Well, that's our update, unless anyone has any more comments. Let's summarize really quick: the board could have been a lot better, let's put it that way. There's a reason why we might have all new board members on here, so we're hoping we can continue this leg forward and we can all be better at what we're doing. Anything else?

4) Rigney last official day as president

This is my last official day as President. I did notify the board on November 13, 2022 of my resignation.

Thank you all for helping me throughout this process. I came in with little to no knowledge. I've gained a lot of knowledge, and I just need to start looking after me and my family. This president deal takes way too much time for what I have the availability for. I just thank you all for dealing with me in the time being.

Suzanne: Keith, are you resigning from the board, or are you going to stay on the board?

Keith: I honestly haven't quite decided yet. I would love to finish out my 3 year contract that I didn't sign, but that I signed up for, and finished my time out in parks. The other side of me, to be completely honest, just doesn't want anything to do with the board because I have put so much time into this, and I have gotten nothing good out of it to date. Nothing good other than people questioning everything that I tried to do to help, and I don't want to deal with that anymore, but I really haven't decided. I'll gladly take parks if needed, but I will not want to do anything more than that. I'll take parks and help set up the new website.

Vice president (Scott DeWitt)

Hello, I haven't done much on the reimbursement. I don't think I've even looked at the emails you sent me. But I have looked at the Ashley Lane, and we are expressly not required to do repairs to that. So I'm going to send it to Mr. Turner, ask his opinion, and that's going to be all I'm going to be able to offer, unless someone wants to pick a vote, get a quote, see what it will cost... which I think even asking us to do that, it's just not right.

Suzanne: Do you think that we ought to hold on going to the attorney until Hotchkiss actually takes any further action?

Scott: Well, my only concern would be whatever Mr. Turner is charging us per hour. If it takes him a couple of hours to go through the documents, that could be \$1,000. Honestly, I don't have a problem with that, if we just let Mr. Hotchkiss make the next move.

Suzanne: I think that would be the best. And there's no reason to incur any further legal charges until at which time we need them.

Scott: I'm fine with that.
And I believe that's all I have.

Secretary (Mana Babicz)

Okay, I just have two things. The minutes were submitted for last month, and I sent them to Mike for the website, and he told me that it was updated. And then next Monday I'm meeting with Kristi Cross to give me the laptop and all the different things that are for secretary and just let me know everything that the secretary is supposed to do. So I'll be able to send welcome packages for new people in Sierra Los Pinos and all those things. And that's all I have.

Treasurer (Suzanne Star)

1) Audit update

I sent you all a quote from Thad Porch on December 15 for board review, and his quoted price within his quote was \$3,575. And that will go ahead and cover our audit. That's required by the bylaws, and it will also be tax return preparation. So I'm going to need approval on that so we can move ahead and we can follow our bylaws

Keith: Suzanne, would you like to make a motion for that bill to be paid?

Suzanne: I'm sorry, I thought I did. I'll make a motion that we approve the Thad Porch quote for \$3,575 that will cover the financial statement audit and the tax return preparation for \$2,022.

Scott: Scott Dewitt will second.

Suzanne: Thank you.

Keith: No objections? Perfect, thank you, everyone. I know doing that audit is good for us, and following our bylaws is important.

2) End of the year balances

The balance in accounts as of December 31, 2022 is as follows:

- o operating account (carry over from 2022): \$55,875.11
- o operating account after 38 members paid assessments in full and 9 members made partial payments: \$101,668.11
- o reserve account: \$43,681.54
- o we have 7 delinquent accounts totaling \$14,740.85. Liens have been filed on each - per SLPPOA lien policy (accounts exceeding \$500)
- o the amount of \$666.63 was transferred to reserves

3) Late invoice mailings

I have a problem here with HOAMCO because apparently there are 16 members with conflicting addresses on their mailing list, as opposed to our QuickBooks. I'm going to try to figure out what happened on that. I'm not sure if everybody got their invoices. I know 3 people have contacted me so far, and we're trying to work out what's going on with these addresses or these conflicting addresses.

4) LA Net RMA

I'm going to have to look to somebody to find this RMA. And the reason I am having a problem with this right now is I contacted Paul Lisko, who was the primary person working on this at the time, and he quoted me that LA Net should have been charged \$580.77 for their assessment. Keith, you gave me a \$531.39 charge for the assessment based upon some calculations that are in this RMA that I am not aware of. I've never

seen the RMA. We don't have anything in our hands as a full legal document. So I'm going to have to put that out to the board: who can go find this RMA? Maybe Kristi Cross, she's legal. Worst case scenario is Paul could not find it. He said he was surprised that he couldn't find it. Well, I'm sorry, but I'm a little bit disappointed in the fact that legal documents can get lost. They shouldn't ever get lost. They should at least be copied and they should be put someplace. But they do belong in our safety deposit box, in the bank, not even in the file cabinet, because the file cabinet can be easily lost or taken out.

So is there anybody that I can rely upon that can go after these RMAs? We need two of them. The LA Net definitely needs to go to the treasurer, because every year that calculation is going to change. From what I understand, it's only based upon no water, but it's based upon the rest of the services that we provide, and I thought maybe Kristi could do that. But worst case scenario is we're going to have to go to the attorney and get charged some more money to have him find the document and copy it and send it to us, or we have to go to Ron. Did LA Net have an attorney; does anybody remember?

Keith: Why don't you just go to LA Net and just plead, "We're a new board, do you have this document?"

Suzanne: I'm not going to plead anything, let's get Kristi to do it.

Keith: The man's name is Allen Saenz.

Suzanne: Yeah, I know who he is, but I'd like to go ahead and see if maybe Kristi could get involved in this, she's legal. Could that be a possibility?

Keith: Yeah, I think anyone could get involved, but I think it's just reaching out to Alan and going, "Hey, do you have this agreement? We just want to make sure we're charging you correctly." I think that's very nice of us, very human like of us, very courteous. I think that's a really easy step rather than instead of going to attorneys.

Suzanne: No, I don't want to go to an attorney if we can avoid it. But I don't know who really has the legal document. He might have his signed copy. Do we have our signed copy? Do we have anybody's signed copy? We should have someplace. Keith, you were even part of this. Do you remember anything about it at all, you and Paul?

Keith: No, I never started it. I started the whole process on the RMA with Scott Turner and helped derive it, helped edit it, and as soon as I got it done, I passed it off to Paul. And then Paul was very bad at CC-ing me in emails, which I asked him time and time and time again to CC me in emails so I could get the information, and I never saw the official document.

Suzanne: Okay, I'll go ahead and see if I can get with Alan. And, I mean, I don't have to plead or beg with him. We'll just tell him that we lost the document, we don't have it, and we need it. Might as well be honest with the guy. So there's no reason to go ahead and

pretend. But anyways, I'm a little disgusted with that, so I hope that never happens again.

5) Reserve policy

I sent everybody a draft reserve policy on December 11, and we discussed it just briefly at the December meeting. And I know, Keith, you asked me to resend it, so I did. And I was hoping that the board members would look at it and review it and send me some input prior to this meeting. I didn't get anything, and I didn't receive any disagreement, so I don't know. We can proceed on with a little bit more discussion on it. I think you all are aware of the reason why this reserve policy is important for our board and for our association. It is a safety net, just like the financial oversight policy was. If we just overdue on the budget you just can't come in and put your fingers in the pie and start grabbing out, because if we don't have the money, we can't pay the bills. And you can't just go into a reserve policy and start pulling out money without the board being aware of the fact of how much money do you want to pull out. What is it going to cost? Because we can't just go get a loan if we can't afford it.

Barbara: What is the reserve policy? I didn't see that.

Suzanne: Sure, I can read it to you, no problem. Let me just go over it. It's only two short pages here. If everybody has the reserve policy in front of them, you can follow along if you have any questions. **see the attached copy of the reserve policy**

That's the actual policy. And then there's a project approval form that follows, that just gives guidelines on the project name, the estimated cost, the project description, and the board members who approved or denied it, and the date. And then on the fourth page of this is just something that does not have to be a part of this reserve policy but I put it in at the time. It was based on the 2017 reserve study that you, Barbara, brought up at the annual meeting.

And what the reserve study told us at the time is that at this date, 2022, going into 2023, we should actually be at \$149,800 in our reserve and going up. And where we are today is at \$43,000. So we need to start taking some action and safety measures on this Reserve account so that we can protect our association and we can protect our assets. Does that answer your question, Barbara?

Barbara: I just got back on, my phone died.

Suzanne: Oh, sorry. How much did you lose?

Barbara: Everything. That's okay, I don't want to hold up the meeting.

Suzanne: Okay, sorry about that.

John: Suzanne, you refer to the chair quite a few times. Who's the chair?

Suzanne: Well, I don't know. It's interesting, John. The water never had a chair. We tried to get a chair for you and we never got one. I thought Ann Cook was supposed to be helping you. I thought she was the one that was going to be dedicated to the water. So that would be the chair. And you would be part of that conversation, of course. And I think the only other one would really be important would be roads, and that would be Dave Stuedell.

John: Dave would be the chair, even though he's a board member?

Suzanne: That's what I was talking about, yes. Let's say you were the chair, okay? You were the chair of water and you had an emergency. The non-emergencies, I think, are pretty self-explanatory. You had an emergency, here's the way I see this working. Somebody would notify you that there's an emergency and there's a break. And as soon as you were notified that there was a break, you would go ahead and notify the board and let them know. And the board is responsible to get out to the membership and say, "We've got a leak. We may have to shut your water off; you may be out of water for a day." So you go ahead and notify the board. The board notifies the residents. Tell them what's going on, because there's probably not going to be anybody on site immediately to do anything. But we notify the homeowners, tell them what's going on. It might be a day out of water, it might be an hour out of water, it might be a month out of water. We don't know because you're not going to know until at which time you're able to get in touch with a contractor to find out when we can get somebody up here and how much he might estimate it to be a cost.

And what we need to know is if you would come back right now and you'd say, "We got a huge leak for \$50,000 and we got to get it fixed and it's an emergency." And I'm going to tell you, we don't have \$50,000, John, we got \$43,000. Where are we going to get the rest of the money from? So we need to, as a board, decide what we have to do in order to make sure that we can get this emergency fixed. But I do want to make the comment that whether it's roads or whether it's water, we moved up here, and we understand that there could be emergencies that are not going to be repaired overnight, it's not going to happen. There have been people that have been out of water for two weeks. It's unfortunate, but we're not like a big city. We don't have that kind of money. And even big cities are out of water sometimes for a day, two days, a couple of days before they can get the leak repaired. Does that answer the question, John, as far as a chair? I don't know who the chair is. You need a chair.

Ann: I have a comment too.

First of all, what in the world is an emergency? It's not defined, and the devil's in the detail.

Second of all, what's adequate? Because I don't know what the adequate amount is.

Third, even if you abide by whatever rules you self-imposed on yourself, and let's assume you use all your emergency rules or emergency funds via the rules. I mean, it's still zero at that point. How do you penalize? We can ask for donations, we can do a special assessment and we can raise the assessment 10%. When the money's gone, the money is gone and then you'll be making decisions.

Fourth, I don't see anybody with a will to run down the reserves. We'd all wish they were larger, but 30 years ago people started figuring out that you either invest in your infrastructure or you bandage the situation. And currently we've chosen to bandage the situation.

So those are my particular comments because I don't know... when having a break, we have emergencies all the time then, do we not, John?

John: Yes, we do.

Keith: I've been busy, so I read your reserve policy about an hour before the meeting and I gave you six comments of my own that I sent you via email. This meeting is already running long or I would bring them up.

I work in a world of paper. I work in a world of policies and documents at the lab. And I understand your intentions behind this, I really do. And I do think all of this needs to inherently get better: the planning, the forms, the approvals, I think all that 100% needs to get better. As we learned with the David Salazar stuff earlier in our conversations tonight.

Like I said, I have comments for you. Feel free to read them and then we can talk about them. The one question that I do have though is most policies, trainings, rules are derived from an incident of people doing something wrong or poorly. And since you're originating this document, I want to know when there has been an "emergency" that was not an "emergency", that this would have saved the association money and not slowed it down. Because my main concern with a policy of something of this caliber is more along the lines of we have a leak, we need to fix it. Oh no, you need majority board approval, you can't move forward and then when you don't do it, some member that knows this policy is going to sue the board, which only hurts the board, to show us that we were wrong, but we were just trying to get people water back. So I'm worried there is more documentation here than what we need. I think we can morph this into more of if there are any projects done, they need to go through this form, this approval and this status updates, which I think inherently controls our budget and our reserve amounts and that will most likely give light to our active projects better. I don't know if we want to morph this into something different because I do understand and I do get it, but I have concerns with timing.

And the question still stands of when did we mess up, when did the board in the last three years mess up that have caused these reserves to go down? Because I think this issue has been a 30-year issue, not a 3-year issue. And I have not been here for 30 years.

Suzanne: Well, that could be, but we have seen that our reserves have been up for a while, and then they have been taken down quite quickly for all the different emergencies that we've had. And I think that the most important thing is, and I can understand everybody's concern is that we have a policy of \$500 of financial oversight; that's one policy that was put into place a number of years ago by the board just because of the fact that we had to have some control over it. I think the reserve policy particularly has to be managed fairly well, because we do have a problem here; if we do not have enough money in our reserves and we lose a well, as Ann Cook said, we could

go out for a special assessment. We could go out and door to door and get people to contribute. But in the meantime, we have to get that well up and running. And if we don't have the money, where are we going to go, if people aren't willing to go?

Ann: This is the point, Suzanne. If there's a defined emergency that uses the money and it's zero or \$40,000 and it's not enough to address the next emergency, making a rule that says we should have more money isn't going to solve the problem. We don't have it. And there are only three ways to get it: we can have donations, we can go out for 10%, or we write a special assessment. And if we need to write a special assessment, that's what we will be doing. And if the membership all say they don't want to pay for that special assessment, then the problem will stand. That's the solution. And wishing to have a bigger savings account with more money in it, I'd love to have that. But self-imposing rules, cutting off our nose despite our face, so that we can have a big reserve and not spend it on whatever we define is not an emergency, that's what the board's there to decide. Is it emergency or not? We use the funds. If they're gone, we're going to be writing a special assessment or we're not going to be fixing it. That's it, that's reality.

Suzanne: Well, why do you think that the reserve study went ahead and told us we should have X amount of dollars in the reserve that we don't have?

Ann: I think you should have a half million in the reserve. It isn't reality. Let's make a rule: we must have a half million. Therefore, we'll put all the assessment for it and use it for nothing else but the reserve. If the board wishes to make that decision, that's fine, but we can do that without policy. Well, you're a part of the board, so that's what this is all about; how does the rest of the board feel about keeping a reserve that is a little bit more fluid than what we've got right now. Because when we run out of money, it isn't so easy to go for a special assessment. And yes, you're right. The residents will come out of the woodwork saying, "Why didn't you guys plan better?" That's the board's responsibility, and it is all of our responsibility. They're exactly right. Our fiduciary responsibility is to make sure that we know how to manage our money. And if we can't manage the money, and I don't care how many leaks we've got, how bad the roads get, we've got to manage accordingly. And if the roads have to go and the leaks have to remain over a week or two or three or a month, that's reality, like you said. But if we don't have the money, we can't help fix things. And we're not going to be able to explain this to the membership. We spent it all, so we don't have any money.

Keith: Yes, we can explain this to the membership. We had flash floods last year. We paid \$40,000 to get these flash floods fixed so there wasn't power line and water line showing. That is an emergency. I mean, that wasn't chosen; that was us forced to do it. We tried to do a line replacement to get our leak rate down that has been complained about for the last ten years. You including complaining about it and always asking for a plan. So we try and tackle it, it costs us more money than expected. That is what happens.

I just don't want more rules on top of that. We don't want to spend reserves. I don't think anyone here is planning to spend reserves. I think we're all wanting that reserves

amount to go up. And yes, that study says we should be at \$143,000, we're at \$43,000. What that study actually says is we have a declining infrastructure with not enough money coming in to fix that. If we had, if we could bump up our dues to \$1,600, we'd have more money coming in which would allow us to pad our reserves. We don't have income. We are a failing company. And if we truly want to hit this \$140,000 mark, how about we just do nothing this year? We don't do roads. We pass by on water. We refuse to talk to legal unless we're forced to and someone's taking us to court. Well, I mean, that could give us \$100,000 in a year and we just don't do anything this year. There's options that we can plan for and do, but do we need to go to those extremes? I don't know. If we truly care about this number, then that's what we need to go after. If we truly care about improving our infrastructure so people are not out of water, then we do the alternative: we spend money and we fix pipes. So what is it? A rule would do that, I just don't think is advantageous. And I do think we're all talking on different levels, meaning the same thing, but aren't saying the same thing. We all want the same thing here, that's what I want to make very clear.

John: Suzanne, who makes the decision on when something gets done, whether it comes out of reserves or out of the general fund.

Suzanne: I think, John, that first of all, when something's going to get done, it comes out of the line item first. The reserve fund is the reserve fund. It stands as an auxiliary when you're out of money.

John: So once the line item funding in the budget is down to zero, then if there's more, it comes out of the reserve.

Suzanne: Yeah, that's the way I understand it. That's what happened last year with roads. That's what happened last year with water. That's what happened last year with legal.

John: If there's money in the general fund, say, in the water budget, and we have a leak and we repair it, does that money come out of the general fund until it's down to zero, then? Or does that automatically, since it's a leak and an emergency, come out of reserve?

Suzanne: No, it comes out of the water budget until at which time you're down to zero, and then you can start dipping into the reserve.

John: Okay, thanks.

Suzanne: You're welcome. Anybody else on the board have any input? Scott, Mana?

Amber: Scott had to step away.

Suzanne: Amber, what do you think?

Amber: Having lived in an association in San Antonio, Texas, we were assessed \$60,000 for an entire brick fencing around the community. I'm used to being special assessment, so my opinion is if it gets to a point where the community has a concern and we're in a position where we need the money, the assessment needs to be hit. It's part of what a homeowner association is doing, is assessing for special projects that they don't have the money for. Otherwise it doesn't happen. And the community needs to know that.

Suzanne: So do you think that we ought to start giving the residents a little bit more information about the fact that this is what we have and this is what we're trying to do, but we may not be having the money... So special assessments could be forthcoming, at least prep them in advance?

Amber: If they read their bylaws and so forth, is the assessment requirement in there?

Ann: Yes.

Amber: If you join any homeowners' association that I have ever been part of, which have been three, all of them include the possibility of assessment for special projects because of this situation. And yes, they need to be aware that it's been cushy and great, but we had some situations last year that required extra funding and unfortunately, our reserves are low. And at this point, the assessment for this project is whatever the amount is, and you either have water or you don't.

Mana: I do agree with that. And I also think if members are going to complain or like you said, Suzanne, they're going to say, well, the board didn't manage the money right - they can join these meetings; they can join and share their opinion.

Amber: Thank you.

Mana: And I think it should be communicated with them, I think they should know. We joined this community in March, so we've been here almost a year. I had no idea about anything. And I think the communication to the members is a big deal and it should be better.

But I do think that if special emergency comes up, a special assessment is needed, just like Amber said, you either have water, you don't, you do the special assessment or you don't. I think it's reality. I think it's very logical. I don't know, it makes sense to me.

Amber: And we do have a very passive community and they are aware if you are a member of the SLP Property Association, you have got to know that there are meetings and if we're not communicating it enough, then whatever means we need to, we need to get that out. But I have not much sympathy for people when they don't show up for meetings until all of a sudden they're being asked for money and they're like, "why?". Where have you been for the last ten months? So, yeah, I think strong communication needs to happen and I think these people need to be made aware: this is an association, you are a member. This is our situation; this is what happens in

associations. And you face this possibility of an assessment if something critical happens like this. It's not something that's willy-nilly. It's got to be a critical thing for an assessment, but still. Anyway, that's my view.

Suzanne: Thank you.

Well, I'll take a look at, Keith, your input, because I haven't seen it yet. You sent the email and if anybody else has any input on it, let me know.

Barbara: I am a member and I do come to the meetings. And I sent out a letter when that commingle project was going off to alert all the homeowners of what was coming up, that the last board wanted to spend all that money on the commingle project, which I thought was a fiasco.

I had to spend over \$200 with a flyer going out alerting the members to come to the board meeting and see if they're going to vote this proposal in, which, thank God, it didn't get voted in. And I frankly think the reserves have been going down, down, down. I've been preaching on the reserves since 2010 and I think the reserves are way too low. And for special assessment, you're going to have to get 66% (two thirds) vote to approve it. And we know how hard that is, because when we had the meters put in, that was difficult. And so I think you should vote on the reserve policy. People come up to the board, they vote. Either they voted up or they voted down, but it will be recorded. Thank you.

Keith: Something I would like to point out is I did get Barbara's letter during that commingle, and while that commingle was getting voted on, we had no more members than we do right now in that meeting. So when Amber said that we have a very passive community, we do. We have a super passive community, as in Barbara tried to reach out and say, hey, there's stuff going on. There was not a single email in any of the board members' boxes saying, hey, you shouldn't do this, because Barbara warned us about it. We didn't get any of that. There was no community backlash to us even entertaining the commingle idea, except for Barbara and Barbara alone. And I want to make very clear that the community not entertaining that decision means the board did that in safety of the board, it saved itself and did not do the commingle. It was not due to the public harassing the board; the board decided that.

Suzanne: Well, I think that we actually did have people that showed up to that meeting, Keith, that did voice their opinion on it. More people than we've ever had when we have normally a normal board meeting. So there were people that showed up. We might not have sent emails, but they did. We had more than normal.

Keith: More than normal to me, would be like, we need 2/3 vote, so we need 80 people. I think we legitimately had 14 people in that meeting. That's not enough. So you're saying 6 people voiced and changed the opinion of the board. That was a board decision. I know the board doesn't get enough credit, but the board needs credit when that was turned down, and I hope you guys see that, that you guys need to support the board. Everyone needs to support the board and help us. And not just say, "Well, we did this", because that was a good decision on the board. And I don't think anyone has ever

once said, "Thank you, board, for doing the right thing,". Just putting it out there. I may be biased, but I'm putting it out there. I've never heard that to date. Hence why I'm leaving.

Suzanne: Here's what we are dealing with. Either we go ahead and continue to try to provide for reserve, a sufficient reserve, so that we have a little money in our pocket once in a while, because going out for special assessments is rather difficult for people. We tried to do this with the meters, and for \$1,600 total cost, we had to divide it over three years because people couldn't seem to come to grips with paying any more than \$500 a year. So if we had a little bit higher reserves, we could tell the people, listen, we can do a little bit more. We've got a little bit of a buffer here, instead of us always having to cry reserve every time we have a problem because we have no money. So we got to take that into consideration too. A lot of people aren't going to be able to come out of their pocket a couple of \$1,000 when we need it. It's not going to happen. And we're going to play hell trying to do anything, and everybody suffers because of it. Some of us can afford it, maybe, and some of us can't.

So I think that I would like you to seriously think about this reserve policy. It's only to protect the money that we're trying to raise here. This isn't just, well, when I run out of my line item, I'm going to go ahead and just dip into the reserves and just keep drawing it down. Even with the flash floods that we had, it's unfortunate, but that \$40,000, and we even had one person complain about it too, was part of it washed right away again; as soon as we had the next rain, it got worse. And we're going to have another big problem this year, I believe, because it's probably not going to stop for another couple of years.

So I'd like to be able to show the membership that we would like to build these reserves. We'd like to have a buffer so that we don't have to come out and ask you for a special assessment if we don't have to. We're trying to do a little bit more proper management and I know it's going to take a sacrifice. We're not going to be able to do everything that we want to do with roads and not everything we want to do with water until at which time we get these reserves a little bit in better shape. And I think all of you, I can't imagine any of you do not have some type of reserve or some type of a budget in some bank account. You're not living from paycheck to paycheck, I wouldn't expect. Now, some of us are, but most of us try to have at least a 6-month reserve or something like that they tell you to have in case of an emergency.

So I would hope that you would all think very seriously about this. This isn't to add another rule to this to make life miserable. It's just a matter of the board needs to make sure that when we're pulling money out of the reserve, that we're doing it properly, we've properly managed for it. If we do not have the money or we can't afford it, then we're going to have to figure something else out. But at least it shows that we're trying to have a buffer for projects that come up. I don't want to just be paycheck to paycheck and still be it. And we'll go out for a special assessment because a lot of people just can't afford it. It's just not going to happen.

Mana: Suzanne, did we raise the reserve fund that goes in every month from \$666 to over \$1,000?

Suzanne: We sure did, yes. In fact, I took that full 10% that we went out for, which is about \$15,000, and dedicated it to the reserve. And I would like to hold on that and continue to increase those reserves. I believe in reserve policy studies, and when they say that you should have an x amount of money in a reserve, I believe that they're telling us that for a reason. They're not telling us that for the benefit of themselves.

Mana: I think that's a good first step, if nothing else, for the members to see that the board is trying, the board is working on it. The board is seeing that the reserve is low, but also the board is working with what we have. If the emergencies are coming up, they need to be worked with. I think the members, especially in Los Griegos, are probably very thankful that the flooding was fixed, that people had water within a day or two. I think that if a need came for a special assessment and members needed to vote on it, if there weren't enough members and people were without water, I think members would wake up and say, okay, I need to attend these meetings. I think that would be a good wake up call, in my opinion. I don't think special assessment needs to be seen as a bad thing necessarily. It's there for a reason. If it's needed, it'll happen. But at the same time, I think it's good that you've raised a monthly amount that goes in for the reserve, and the members can see that we are working on that.

Suzanne: And maybe you can help me, Mana, with it, too. I think we're going to have to get these newsletters out a little bit more regularly, maybe on a quarterly basis, and publicize that. I think that's a good idea, so people understand what we're doing and what we're up against.

Mana: I'm totally fine with that. I can even do it monthly, I don't mind doing that. I like communication. I like knowing what's going on and before joining this board, I had no idea. So I think it's good for people to be aware, and if they read it, they do. If they don't, they don't. But then our job is done and we communicate on our part.

Suzanne: I agree, I totally agree.

Barbara: Are you going to vote on the reserve policy, or are you going to try it again next month?

Suzanne: What does everybody want to do with this?

Keith: I believe changes for sure need to be made. You haven't even read my comments; it needs to be at least pushed a month.

Suzanne: Okay. Then I'll look forward to anybody else's comments on it, please. And we'll make sure the people who are not here today or the board members who aren't with us will be able to participate as well. But they've all now received it, so I think that they can make their comments and we'll revisit this next month.

Amber: Sounds good to me.

Suzanne: We had a couple of other issues here, some financial issues that I just want to bring to the board's attention.

6) The Secretary of State

Mana, would that be your responsibility to make sure that the offices and directors are changed on occasion? Do you know anything about that or are you going to find that out from Kristi?

Ann: I can address that. I just finished applying for another organization today. The Secretary of State has a website in which the corporation is registered. \$10 is due to be paid. I don't know, Suzanne, if you have the mechanism to do that electronically through a bank account and routing numbers. It just requires logging in and typing in who the directors are. And in fact, you don't even need to put everyone in there. They just need to have it checked off electronically in a statement saying you're in good standing and pay your \$10. Now, if HOAMCO wants to do that, I think that's wonderful, but I would say that you're in a better position to get the \$10 paid electronically than Mana is.

Suzanne: Okay. HOAMCO will do this for us; they have to file an annual corporate report, it's due in May.

Ann: They can file it today if they so desired. May 15, I believe.

Suzanne: According to Rose at HOAMCO, she said that they do it in May.

Ann: If they want they can it in May, but if you want them not to be late, I just like to get it done at the first of the year and then it's finished.

Suzanne: Well, that's what I thought, too; we were supposed to do it at the beginning of the year and they said in May. So I'll recheck... I was just wondering if I'm taking over something that is the secretary's job and not the treasurer's job; that I didn't know for sure. So if you want me to continue on with that, I'll continue on with it. Not a problem.

Ann: It only takes five minutes.

Suzanne: Well, HOAMCO does it; I can't do it. They're in charge of doing this thing. The only problem is that I needed a username and a password, and I don't know what that is either.

7) New Mexico business tax accounts

According to what I could find on the web, these are not in compliance. I don't know what that means right now. I'm going to have to try to get onto the New Mexico tax and rev website, I'm going to have to create a new access and try to update and try to figure out why we're not in compliance. All I did was I found enough information that said

you're not in compliance. So I'm going to try to keep working on that a little bit. I just want to let the board know I don't know why we're not in compliance.

Baker Utility wanted me to find them a form that we were a non-taxable organization, and that's what got me on this topic. So I don't know what's going on and I haven't been able to accommodate them either because I can't get onto the website. I thought somebody else had done this. So I had no username, no password, so I'll have to recreate just so that the board knows that I'll keep working on that.

Amber: Suzanne, have you reached out to Jeremy on that?

Suzanne: Yeah, I've reached out to Jeremy on a couple of things and unfortunately, I don't know what was going on with that. So thanks for the thought again.

Thad Porch, who's going to do the audit, said he could go ahead and help us, but it will cost us \$250. So unless I run into a real log jam here, I'm going to go ahead and try to do it myself and save us a little money. If not, I'll talk to you again about it.

8) Enterprise Bank safety deposit box

I called them the other day and of course there's some old members on it, and I expect they still have keys. We need to get that resolved so that we have new people on it. Normally we do that when we change the board members. The problem was that now in order to keep our safety deposit box, we need to have an active account with Enterprise. We didn't have to have it with Los Alamos National Bank. Why they didn't catch it earlier, I don't know. But right now we have to decide. And I've already talked to Francine over at HOAMCO. We used to have all of our accounts over at Los Alamos National Bank. When we changed over to HOAMCO, they took all of our accounts and they transferred them down to Alliance in Arizona; an Alliance bank of some sort. When I talked to Michael, I told him we only have two accounts. Now we could go ahead and transfer our reserve account back to Enterprise, and I'd need to talk to Michael about how to go about the easiest process, in order to keep our safety deposit box in the Enterprise bank. And I can't see that there's any other options because we all live up here in this area and anybody who becomes a board member, some people would have access to our safety deposit box, which we should. We have all our legal documents in there and other important papers. So what does everybody think about how we deal with this? I was just going to recommend we transfer our reserve account back to Enterprise and let HOAMCO deal with this the best they can. Comments?

Ann: Well, minimally, if you want to keep the deposit box active and you need an account, I would at least open an account and put \$25 in it and leave it that way. Whether you transfer the reserve account, if you're making deposits to it every month, HOAMCO is going to need to have access to it. You can link the accounts if you so desire, but I think your simple solution is just putting a little money over there to keep the safety deposit box open.

Suzanne: That's a good point. And I'm going to ask them again, Ann, about that, because when she said active account, I said, what does active account mean? It means that money has to go in and come back out and go in and come back out. I don't

exactly know how to do that unless we open up another account and have three accounts.

Ann: All you need to have an active account at Enterprise Bank and Trust... what's the fee on the on the safety deposit box? \$30?

If it's \$50, hypothetically, open the account for \$100, have them withdraw the fee out of that, and then have HOAMCO deposit the fee into the account and then it's active, always.

Suzanne: I'll find out if that's permissible. I'll keep you guys all posted on that as soon as I have a chance to talk with them again and find out what they mean by active and how much money we have to have in there. So if we can do that via email.

Ann: You don't have to have much, but I just make it double the fee of the safety deposit box and then they always have a mechanism for getting their fee out of it.

Suzanne: Yeah, that's a good idea. That might be the best way to do it.

Also, in order to have the safety deposit box and the access changed over, I have a six page account questionnaire that we have to answer to even open up an account. And then we have to have articles, incorporation and a proof of our tax ID. So I'll get all that together and try to get that started. I've got a key right now... I got it from Jeremy, because I'm now taking over the treasurer. I don't know how many other people are on this account right now. Normally speaking, I think we had the secretary and we had the president, if I'm not mistaken. Do you remember, Ann?

Ann: Probably around three people but I don't remember. It's been a long time for SLPPOA. You're going to need a letter on letterhead stating who should be on the account and who needs to be removed. They won't tell you who's on the account unless you find somebody who's active.

Suzanne: Right. I'm going to do that, too. Well, I'm going to have to get a letter, and it'll have to come from the new president.

Ann: You can write the letter yourself.

9) Delinquency report

We still have 7 delinquents from last year, totaling \$14,740.85, and I don't know what's going to happen this year. So far, we only have 38 members that have paid, but hopefully most of the people will be paid by April 1. And I'd like everybody to think a little bit about this, and this has always been a point of contention. I know people don't like it, but I'm going to bring it up again, and I would like you to start thinking about the bylaws, Section 8, the non-payment remedies for the February meeting. Members in the past have expressed a need to take more aggressive action to collect on these delinquencies. And so far, \$14,000 seems to be growing, and it's not a good sign. I don't know why we've got \$14,000. Maybe the years passed, we didn't ask people to get on a

payment plan which would help them. They just don't pay, and we just start building up our delinquent amounts.

Mana: I have a question about that. Yeah. So when someone doesn't pay for the yearly fees, are they contacted? Do we get in touch with them and do they respond?

Suzanne: Mana they should have. I don't know what's happened in the past because I haven't been a part of this. But years ago, I believe we used to go ahead and send them out consistent reminders that at certain times during the year and this is actually in our bylaws, that they would become delinquent. And then when they became delinquent, then they'd have a lien put on, and then they could have there'd be other remedies that we could take. There was also something put into place that they could avoid all of these remedies if they would sign up for a payment plan. However, they need to sign up if they're showing some type of inefficiency to be able to pay. We're just not going to let everybody sign up for a payment plan; that's not the point. But if they're having a hardship, we could accommodate them and they could avoid these remedies that are available to the board. So I'm going to try to follow up with the seven delinquents that now have been in the process for a couple of years. Some of them I'll be successful with, I'm sure, and some of them have been over a couple of years that I don't think I'm going to. In fact, one of the people who owns a lot, a vacant lot up here, I think has been delinquent for, I don't know, three, four, five years already not paying. There's not much we can do. But we've filed a lien. So what we did do, Mana, is we did file liens. However, my thought on this is I would like the board to consider, and this is kind of the way I was thinking about it. Now, if a member has not established a payment plan, first of all, we allow them to establish a payment plan by giving them a notice, such as: by March 1, we send out a notice saying that there's a payment plan available for a hardship case, or if they don't comply, that we can take the bylaw remedies, such as water turn off. And then we go to liens. In April, April 1, the reminder that the water may be turned off and a lien will be filed. But if you want to establish a payment plan, come to the board and let's work it out. If by June 1 we don't get anybody at all and they just kind of blow us off, then we go ahead and we turn the water off with a sheriff, and we can pay an outside vendor to turn this water off, and we'll relieve any board members, the water operator of the responsibility. I don't want to get hardcore like that, but people are pushing our buttons. \$14,000, almost \$15,000 is too much.

Mana: I don't think it's acceptable that someone can go three, four, five years without paying and not have any consequences.

Suzanne: I agree. And that's what I wanted you to all think about a little bit; should we go ahead and get a little bit more aggressive? I'm all for it, I've always been for it. But I know that many people on the board have been very reluctant to turn people's water off because it's a God given right. Well, it is not a God given right. And the problem is that if the liens don't get us our money, someday liens may get us our money, but there's no guarantees, and we can get way up with the lien, and eventually nothing happens or we have to wait till they sell. If I don't want to pay my dues right now, and you guys are going to go ahead and lien my property, you're going to have to wait till they carry me

out in the box. So good luck on getting my money until my estate sells, and then maybe you'll get your money. And we've had these problems before.

Ann: I'm not arguing against this or for it one way or the other. We have another problem that's going on that's in the same abuse category, all right? These people don't pay their dues over several years, but we also have members who are paying and abusing their access to water so that we all end up supporting supplying them water. All right? The other side of that - can I turn off their water too? Because they're basically stealing from me.

Suzanne: Well, Ann, you know where I stand on that one and that's a whole different subject matter. But I agree with you and I think that the only way that we are going to be able to accommodate that would just be with water billing. But that's a whole different can of worms that we shouldn't say. It's not really a can of worms. It's something we should have been doing a long time ago, but we just haven't.

Ann: I'm just saying that you have two sets of abusers and you're only addressing one set. And I would also make the comment, I'm not saying that they shouldn't pay their dues; they should. But \$14,000 out of 100 is 14% and that's not even one year. That's several years' worth. So if it's three years' worth, divide it by three and you're looking at 4%. As I said, I think they should pay their bills and I would not like to see it increase and perhaps the board should contemplate more stringent action. But I think we also have some other problems that we need to address.

Suzanne: If you wouldn't all mind thinking about this a little bit more... We tried it once. We can get a sheriff up here, that's not a problem. And we can go ahead and just hire somebody to do the turn off so no board members and like the water operator aren't going to be shot at or whatever the story is going to be. But just as Mana is saying, to let people just abusing the situation and not paying, and they're allowed to have a payment plan, but they don't even want to do that. It's sort of like, no, I'm not going to pay and I'm not going to ask you for a payment plan, I'm not going to try to do anything. So think about the fact of whether or not this board should get a little bit more aggressive with it. I'll do the best I can with trying to give them the notices ahead of time. They're going to get a couple of notices ahead of time. And as our previous attorney mentioned at one time, you can go ahead, it's in the bylaws. You can turn off the water with sufficient notice. And so we got a legal reading on that without having to worry about going to court. Think about it a little bit. What I would like to do, if it would be an agreement with everybody, that we would go ahead and March 1, I'll send out a notice saying that you haven't paid but we have a payment plan for people who are having a hardship. Please contact us. I'll try to be as nice as I can about it, but of course, I'll clear this with the board. I'll clear these letters with the board or these emails that I'm going to send out. We're not talking about that many people; right now we're talking about 7. But I would say by the time March 1 comes around, we're probably going to be talking about 25 or 30 people that still haven't paid. So I need to get this started ahead of time. April 1, if I don't hear anything, on April 1, they get a reminder that the water will be turned off. On June 1, a lien will be filed if they don't go ahead. And then we take action. Now, June is

into the spring, so it's not like they're in the winter and they're getting their water turned off, and it's going to really be a hardship. Now we're into summer. Well, it could be a hardship if we get a fire season, but I can't do anything more about it than that. All I can do is recommend to the board that we consider it. And we start taking more aggressive action. And I think when people start seeing that we're serious about collecting our money, that maybe we'll get more people to pay up.

Keith: Suzanne, where would this money come from to pay someone to turn off water? We just had an hour long conversation about how we need to not spend money. Where's that money coming from?

Suzanne: It's probably just going to come from one of the water things, one of the water maintenance things, because it's water, and it's not going to cost that much money. If it costs us a couple of hundred dollars to have somebody come out and turn off five spigots, it's not going to cost us that much money, but it might get us some money in the future, but that's where it would come from. At least that's my estimation.

Keith: It's not really water maintenance. Personal opinion is not water maintenance. It's more legal than anything.

Suzanne: All right, legal. Well, think about it. We're not going to do anything tonight over it. I wanted to just bring it to your attention and wanted to ask you about it and see what you had to say about it. And in February, I'd like to have more of a conversation. I'll send you the full proposal that I'm going to put together about how this would work so that we can move forward a little bit quicker than we did tonight on some of this stuff. I'm sorry that the treasurer report takes so long. I'm hoping to clear the slate a little bit so that from this point forward, I'm only talking about the amount of money we have and we don't have.

There's only one other thing I have to ask John if John is still with us. The Jemez Electric I owe you's – there are two of them, up to about \$5,000. You said you were going to dispute that. Did you get any resolve on that?

John: No, I have not. And I'll talk about a little bit in my report. I haven't done anything, but I have a letter that I'm drafting to give to Keith to approve, to send to them and I also have pictures that show how far off their line locates were when we hit the line. So I don't think it could be an issue but I'm working on that right now. But I'm computer-less so it's kind of at a standstill.

Suzanne: Okay. I just wanted to make sure; I'm still holding on those invoices so let me know. I'm not going to send them in for payment or anything until you let me know whether or not you were able to get those. What I don't understand about it is how can they go about charging us when we never even asked them to come out here.

John: We asked them to come out. I called them 13 different times and when they did come out, they mislocated it. Now they're billing it.

Suzanne: Okay. The only other thing I wanted to ask you, John, I know you're now computer-less for a while but we need to get that conservation fee in. So if you can or tell me how to do this, we need the beginning of July meter readings, readings to the end of December well meter readings. Is that correct?

John: Yes. And I sent those all to you from the past three years. And so you should be able to get all but the last month and you should be able to get last month off of that other file that I sent you from when I read meters this month.

Suzanne: Okay. I'll put it together, I'm going to send it to you so you can look at it to make sure it's okay.

John: Yeah, I never dealt with that. I just sent Jeremy the monthly well meter readings that I scan to the state engineer's office and he dealt with it. So I don't know if I'm going to be able to tell you anything... because I did submit the well readings this month to the state engineer's office already online. But I couldn't send you the documents since I don't have a computer. But I did send you the file that does show the readings of the three wells. So you should be able to take those readings and add them to the previous ones I've sent you and be able to do it.

Suzanne: I think what I'll just do is I'll just go from July to December.

John: Sounds good.

Suzanne: There's only one other thing that came up, and that was a lady by the name of Erica, and I can't remember her last name right now, but she said that she was going to be a little delayed in her payment, but I think she may be able to make it until before March. I told her that we just go ahead and put together a quick payment policy just in case she doesn't make the deadline so that she's not put into the delinquency process. Does anybody have any input on that?
All right, I'll put something together then. I can't hear anybody.

Ann: Go ahead and put it together.

Suzanne: Okay, thanks, I'm finished.

STANDING COMMITTEE REPORTS

Water (John Hines)

Water system maintenance:

- weekly well and pump inspection
- responded to water freeze up at 1268 Los Griegos Road. Unfroze homeowners line.
- read meters Feb 1st
- meter reading program crashed; Harold Corn repaired bad software
- investigated cost of new software for meter reading/Harold Corn
- investigated loss of Levelcon to System 1 tanks
- replaced frozen main line on Aztec Lane
- responded to water freeze up at 1022 Los Griegos; isolated faucet in homeowner's residence
- investigated water leak at Aspen Grove well

System 1:

- o the wells pumped 498,839 gallons
- o we used 238,097 gallons
- o average daily household usage: 87.3 gallons per day with a main leak rate at 52%. We lost 260,742 gallons.
- o leak flags: 12, with 12 of those being repeated
- o there were 6 users over 7,000, with 5 of those having leak flags

System 2:

- o the wells pumped 225,760 gallons
- o we used 223,623 gallons
- o average daily household usage: 124.37 gallons with a main leak rate of 1%. We lost 2,137 gallons.
- o leak flags: 8 identified
- o there were 2 users over 7,000 gallons with no leak flag

Monthly Water System Coliform/Microbiological Report

System 1

(sample taken by Frank Naranjo, 1/27/2023, RT 001, 7 Mesa Verde Rd)

- o total Coliform - absent
- o total E. Coli - absent
- o disinfected, residual 0.05mg/l

System 2

(sample taken by Frank Naranjo, 1/27/2023, RT 005, 631 Aspen Grove)

- o total Coliform - absent
- o total E. Coli - absent
- o disinfected, residual 0.08 mg/l

Before I get any further, I just want to thank you, Keith, for your service and you've helped me out a lot and sorry to see you go, but just want to publicly say that you helped me a lot and I really appreciate it.

As far as my reports go, I was not able to generate any compliance or maintenance reports this month because when I got back from vacation on January 1, my computer was black and I cannot get it to come back on. I've taken it to a repair shop and I'm trying to get a hard drive downloaded based off of it so I can put it on a new laptop I've had on order, but it hasn't come yet. Basically, I am with just a Kindle and a cell phone, and I'm not going to generate reports on a cell phone.

Far as things have gone, as I stated before, I did read the meters this month and I was able to take that with the water computer and generate file with Harold's help. I was able to generate the meter readings again for this month.

Secondly, I was able to send the reports for the wells to the state engineer office. We had the compliance reports come back and they were on our monthly test. We were coliform absent and our core line levels were where they needed to be.

For some bad news: Josh notified me two days ago that he was driving down Aspen Grove and noticed there was some snow melted around our well, so I went and checked it and there has been some snow melt around our well head. So I've gone back twice more and I haven't seen any more water coming out of it, but I have a feeling that we might have a problem there as soon as there's a thaw. So I'm keeping my eye on it and make sure that maybe it was an overflow issue. I don't know. I checked inside the well house and everything was fine in there. So I don't know for sure what's going on. But until we get a little bit of weather, we'll have to just keep our eye on it. That's all my reports since I don't have anything else to go off of.

Keith: Thank you, John. Once the ground is not frozen anymore, let me know if you need help digging something up. I'll be down there.

John: Yeah, Keith. I guess I should tell everybody right now after my knee operation, I'm at about 60% so I'm still not able to go dig a ditch or jump down into a ditch or do any trenching. But I still can do a little bit of stuff. Getting better every day.

Keith: All that matters, get better.

Roads (Dave Stuedell)

Keith: David Stuedell is not here tonight, nor have I heard of where he's at. I have not heard of any updates. I have seen roads are pretty packed with snow. Jonathan did do well plowing; he has done extra well with doing sand. I think we've had the most sand spread I've ever seen on top of these roads and he's been fantastic. So if you see him, driving around, please tell him thank you. He's done great for us.

Legal (Kristi Cross)

Keith: Kristi Cross said she had no updates.

Firewise (Ann Cook)

I have nothing to report.

Architectural (Josh Toennis)

No new request submitted and just had a few emails asking questions that I answered and that's all I have.

Parks (vacant)

Keith: Parks is currently vacant, still covered in snow.

OLD BUSINESS

1) President's chair open January 10, 2023

That is today. I did not add these other ones, I assume it was Suzanne. Do you want to touch these tonight? It's already pretty late.

Suzanne: We know about the Jemez Mountain Development, Keith, that you worked on. Do you have that? If you get the final document and send it to me, please.

Keith: Yeah, I can do that. Scott said he is going to send it to me. I assume it just slipped his radar. I already sent an email out earlier during this meeting to him to receive that document.

Suzanne: Okay. At some point I'll get these both into the safety deposit box.

NEW BUSINESS

1) MOU (memorandum of understanding)

Suzanne: Everybody got the MOU (memorandum of understanding) for Sandoval county. Does anybody have any questions or any comments on it?

Let me give you a little bit of background on it. This was put together by the water management team. It started in last June, ended in November, and it's for the protection of our water system. It was a combination of efforts of Paul Lisko, Harold Corn, John Hines, Barbara Van Ruyckvelt, myself and Keith. So we put this together. Paul agreed to go ahead and take it to Lee Taylor. If he doesn't do it, I'll take it to Lee Taylor; we both know him. And we need to get this started; the Sandoval county needs to look at it, make changes if they're interested. But basically it's before the next fire season. It was done because of the last fire season, but what we'd like to do now is we'd like to put a little something in writing to protect our community, our water resources. So that's why this MOU has been sent out for your review, the board review, and if the board will approve on it, we can go ahead and get started. So do I have to make a motion to approve it?

Keith: I believe you would, but I don't know if anyone has actually looked at that. So this would be up to the board if they actually want to approve it tonight.

Suzanne: What do you all think? Can we give the water management team the opportunity to get this out to Sandoval county to take a look at it and get this thing moving?

Keith: Is the water management team even a thing anymore? I haven't seen a meeting in quite some time. And I know you talked in your last email that it was going to dissolve - is it still true.

Suzanne: I don't know if it dissolved, Keith, I just haven't seen a lot of interest in it. But the fact is that if it is dissolved, we're going to have to move ahead with the one thing that we actually did, which is the memorandum of understanding and at least get that, get the protection for the community before the fire season. And it's going to take a while through the county as well. This isn't going to be a slam dunk overnight and come April and March, fire season go on.

Keith: I don't think the board needs to approve anything at this moment. I think the board will approve once it is done and set in stone and it is going to get signed. I don't think it's at that stage yet, as it clearly needs to still go to Lee Taylor. So if you need

approval to go to Lee Taylor, then you can ask that, but I don't think it needs to be approved as an official document.

Suzanne: Okay, that sounds good. So do I make a motion to ask the board to approve the water management team, somebody on the water management team to take it to Sandoval County Lee Taylor to get started?

Keith: Approved.

Suzanne: Is there a second?

Scott: I second.

Suzanne: Thank you, Scott.

Now I wanted to ask one other quick question. Is having meetings on Tuesday night during your supper time and after your work and trying to get ready for the next day, is it too difficult? Should we be considering a different meeting date and make it easier?

Keith: I'm pretty sure that's written in the bylaws that they have to be every second Tuesday of the month. We can't change that unless we get a membership vote.

Suzanne: No, we've changed that. The board has changed it a number of times depending upon how the board wants to handle it.

Keith: With notification of said meeting. So you'd have to notify every single meeting set forward, because that would be directly contradicting our bylaws, which we can do. But you'd have to do that. You have to send out a letter of notice x amount of days prior to meeting movement.

Suzanne: Okay, we can do that.

Scott: I don't have an issue with the time; it's the length.

Keith: Agreed.

Mana: Agreed.

Keith: The next meeting will have to cut everyone's portions down to a certain time or something, if that would help. There's eight sections; cut them all down to 15 minutes a piece, 20 minutes a piece, and run with it. I don't know. I won't be president anymore, so it's not my say. I'm just here to help parks.

Suzanne: Well, before we leave, we got to do something about the presidency position.

Keith: We can talk about that in executive discussion, or we can handle it now. Whatever works.

Suzanne: What do you guys want to do? What's the rest of the board want to do?

Scott: I don't want to be president.

Suzanne: Okay. Next person on the line, I think, is Mana, she's the secretary.

Mana: No, thank you. I don't want to be president.

Scott: It's going to be a hard sell.

Suzanne: Well, how do we proceed?

Keith: Mana, would you like to create a letter to send out to the public looking for a president? Would that be our next best bet? Or an acting position until they're voted in? I don't know.

Mana: I can do that. Suzanne, would you mind helping me do that?

Suzanne: No problem.

Mana: Yeah, we can do that. I think it would be good to reach out to the members.

2) Regular board meeting

I did see Suzanne said recommended in person meeting February 14 at the fire station. Keep in mind, February 14 is Valentine's day, so I'm pretty sure we're going to want to move that meeting right off the bat. Doesn't matter what day, but I'd recommend just getting a notification sent out to the public to get it moved to whatever we decide. What do you guys think? Do you just want to push to Wednesday? Do you want it Monday? Do you want it to Tuesday prior, the Tuesday after? What does everyone think?

Scott: Yeah, Monday is fine for me. Actually, I really don't care.

Suzanne: February 13?

Scott: Yeah, that'd be okay.

Mana: Yeah, that works for me.

Keith: Works for me.

Ann: What day is the 13th? Monday? It's going to be hard for me. I'd prefer the 15th, but that's fine. I'll do what I can.

Suzanne: We can make it for the 15th as well. Scott, Mana?

Mana: I can do 15th.

Scott: Yeah, the 15th will work. It may be a little late, just depends on what goes on at work.

Suzanne: Okay, should we just make it the 15th?

Scott: Yeah, that's fine.

Keith: All right, everyone. Sounds like our next meeting will be February 15. Do I say via zoom, or do we want to do this in person?

Suzanne: I would prefer one point we do something in person so that we all get a chance to interact with one another other than look at each other's names on the screen of a computer.

Keith: I would also just recommend it's going to be cold down there.

Suzanne: We got heat in there.

Keith: Yeah, they don't turn the heat on that high.

Suzanne: We turn the heat on. Go in the office, what do you think? We'll meet in the fire station office where we had our water management team meetings. Does everybody know where that is?

Mana: I don't.

Suzanne: Okay, what you do is go around where the two great big bay, it would be on the east side of the fire station building, and there's a diesel fuel tank right near the door.

Mana: Okay.

Suzanne: Okay, then, Mana, I guess we'll have to send out a notice to all the board members and make sure that they're aware of the next meeting and the change and the place.

Mana: Sounds good.

Suzanne: Thanks.

Keith Rigney made a motion to adjourn the meeting; Scott Dewitt seconded, motion carried and the meeting adjourned at 8:58pm on 1/10/2023.

Minutes submitted by Mana Babicz, secretary.

