

**SIERRA LOS PINOS PROPERTY OWNERS' ASSOCIATION
BOARD MEETING
November 11, 2014**

Board Members Present: Stan Bennett, Peter Veverka, Judy Kilburg, Katie Ballman, Joe Brophy, John Nyhan, Eleni Fredlund (arrived for executive session), Scott Downing, and Max Otero. Guests Present: Loraine Otero, Suzanne Star, Sabine Shurter, Barbara VanRuyckevelt, Mary Moore, Mike, Timo, and Eagle Schacht.

Meeting was called to order by President Stan Bennett at 7:15 P.M. Mr. Bennett asked that Board members review and approve the agenda. Mr. Nyhan made the motion to approve the agenda and Mr. Brophy seconded the motion. Motion passed unanimously.

Minutes of the meeting were discussed with no corrections noted. Mr. Veverka made the motion to approve the minutes and Mr. Nyhan seconded the motion. Motion passed unanimously.

OFFICER AND COMMITTEE REPORTS

Mr. Bennett reminded everyone that minutes are reports given by the chair of each position and to bring details on printed format. Present the summary. He also stated that the Board is following Roberts Rules of Order.

Treasurer

Ms. Kilburg reported the following account balances:

Operating Account: \$73,637.02
Reserve Account: \$61,821.39
Special Assessment Account: \$3,342.70

One member who had a large delinquent balance paid all but the last interest posted (\$22.57).

Ms. Kilburg was served papers notifying the Board of a delinquent account that's gone into foreclosure. This past due amount is now added to the "uncollectable" category. We now have two properties considered uncollectable.

Delinquent Account Status:

Total Delinquent for Annual Assessment: \$6,838.75
Total Delinquent for Special Assessment: \$6,909.10
Total: \$13,747.85

From the above total, those considered as "uncollectable" due to foreclosure:

Uncollectable for Annual Assessment: \$3,713.10
Uncollectable for Special Assessment: \$2,414.52
Total UNCOLLECTABLE: \$6,127.62

Collection possible for Annual Assessment: \$3,125.65
Collection possible for Special Assessment: \$2,414.52
Total COLLECTION POSSIBLE: \$7,620.23

Details of the aging report will be discussed during the executive session.

Invoices for the 2015 Annual Assessment will be mailed to members next week with a due date of January 1, 2015.

The property tax bills were received and there is a discrepancy on two properties.
ACTION: Ms. Kilburg will be contacting the County Assessor's Office to find out why the large increases.

The last quarterly review was performed by Sunland Management Company and they found no issues or action items to be resolved.

Meter Cans

No report as Mr. Corn was not present.

Water Maintenance

Mr. Veverka reported that there were two leaks on System 1 that took two days to repair. The cost for the line break is at \$1,035.00.

System 2 is reported to be tight with a current leak rate of 12.7 gallons per minute, down from 17 earlier in the year, so progress is being made in reducing our leak rate. Mr. Nyhan stated this leak rate is still not acceptable. There was discussion regarding the work that needs to be completed on the booster station and Aspen well house.

Water Compliance

Mr. Nyhan reported the following:

- Replaced gauges on Aspen and Hovenweep Wells and Booster Station as required every two years: upgraded to radio read
- Brought Aspen well up to code by extending well head 18 inches above ground level
- Had security system with locks added to Forest Road 10 wellhead and Aspen well head.
- Put fencing around Forest Road 10 wellhead and System 1 tanks
- Repair of Aspen main line break in well house
- Scheduled Sanitary Survey of SLPPOA Water Systems and then delayed it due to leak repairs and having to write the Emergency Response Plan and Operations & Maintenance Manual written from scratch.
- Worked with contractor to get estimates on fixing Shed and Booster Station
- Worked with Peter on replacing Aspen Well House

All of these are things that were deficiencies in the Sanitary Survey report that weren't responded to previously and had a deadline of 30 to 90 days.

- Wrote "Emergency Response Plan for Drinking Water Systems at Sierra los Piños Property Owners Association (SLPPOA)" by Dr. Jack Nyhan, Mark Stanley, Judy Kilburg, and Eleni Fredlund, as required by New Mexico Drinking Water Bureau.
- Wrote the "OPERATION AND MAINTENANCE MANUAL FOR DRINKING WATER SYSTEMS of Sierra los Piños Property Owners Association", required by New Mexico Drinking Water Bureau. We're still not in compliance as we need to decide on which chlorine solution to use. Mr. Veverka thought we were going to use household bleach.

ACTION: Mr. Veverka to contact Mr. Naranjo to make a recommendation and/or obtain chlorine.

Mr. Nyhan presented both the Emergency Response Plan and Operations Manual for signature by Mr. Bennett. Mr. Nyhan emphasized the importance of maintaining hardcopy files with the Association records.

Firewise

Ms. Fredlund was not present for this portion of the meeting.

IT – Web Page Status

Mr. Schacht reported that he has been taking care of adding documents and recently added most of one year's worth of minutes. He asked Ms. Kilburg if she had located any others, but she indicated that it's very time-consuming process and hasn't been able to spend more time on this as yet. Mr. Schacht said he adds things as they come up, such as notices, etc. If anyone has anything, send it to him.

The history of the Level-Con data is now on the web.

It was agreed to make the Board member contact information available to the public, minus personal e-mail addresses. There was discussion regarding an open forum, but it was decided not to do this as it was done in the past and comments on it became inappropriate and is difficult and time-consuming to manage.

Mr. Schacht stated that there was an activity at Halloween that he would have liked to have communicated to the residents, but was unable to do so. It was agreed that Mr. Schacht should have access to the List-server.

Roads

Mr. Downing reported that road repair is needed on upper part of Los Griegos. Made contact with Pete Meskimen. After discussing the issues with the road in that area, we decided it would be best to back drag the area now to get through the winter. In the spring, we need to address the drainage issues in the area. Pete will take care of the area as soon as he is up here with his tractor. I hope this will be completed this week.

Spoke with Martin Crane to set up snow removal contract for this year. We need to pay

the deposit and sign the contract. Ms. Kilburg stated she will send the check this week.

Looking for the best way to get cinders for sanding the roads. Pete is looking to see if he can get them. Mr. Downing has a call in to Sandoval County to see if they have a source we can use or if we can share with them.

Legal

Mr. Brophy reported that a notice of court action for foreclosure was received from the bank for a member who is also a delinquent account. The action named us on the suit with 30 day limit for us to reply. Mr. Brophy met with Attorney Hayes last Friday for one hour to discuss a course of action. He will answer the mandated acknowledgement within the 30 day limit and suggested we file a cross claim to save us the expense of a separate Magistrate Court action, which would cost us around 1K.

Discussion with the attorney also included two other notable past due accounts, which will be discussed further in the executive session.

Mr. Brophy reported that they discussed the financial audit. Mr. Hays provided compelling information that will help with the course of action. This will be discussed further under “old business.”

Community Relations

Mr. Nyhan reported that in the past month he met with people and worked on assessing damage done by Concerned Members of SLPPOA. There are two homes that are trying to be sold and questions came up that there were problems with SLPPOA. Turned out they are finding things posted on the Concerned Members web page. Mr. Nyhan expressed concern that these two sales were lost because of this.

Mr. Nyhan reported that he had two buyers lined up for repo properties to SLPPOA visitors to reduce lien-related debt to SLPPOA and he has spent time meeting neighbors he hadn't met before.

Architectural

Mr. Otero reported that there isn't much going on

Parks

Mr. Otero indicated he had nothing to report.

Action Item Status

- American Leak Detection – Mr. Veverka reported that this will be done in the spring. There was some disagreement and discussion ensued on setting priorities for leak detection and repair. Further discuss tabled for the executive session.
- Lightning Strike – Switch Status – Action is pending due to lack of availability of qualified individual to make the necessary repair.
- Shed Electricity – We received approval from La Cueva Fire Chief, Mr. Taylor.

Mr. Farquhar has not responded, but is believed he had been unavailable. Mr. Veverka will follow up.

Mr. Nyhan asked about the two residents who requested pressure reducers.

ACTION: Mr. Veverka will contact Mr. Raue to install the pressure reducers.

- Water Operator Contract – Discussion ensued between Mr. Brophy and Mr. Nyhan regarding the contract and action status.

ACTION: Mr. Nyhan will resend contract and pro-bono letter information.

Mr. Nyhan expressed concern that repair issues are not getting done and asked for more action regarding compliance issues.

OLD BUSINESS

Pro-Bono Letter for Mr. Naranjo

- Mr. Nyhan expressed concern that the pro-bono letter had not been submitted to Mr. Naranjo.

ACTION: Mr. Nyhan will send information to Mr. Bennett.

- **Contract Labor on Aspen Well Building**

A local contractor wants to do the work on an hourly basis, which includes putting up insulation. The contractor needs to be contacted. The Aspen well house needs repair next year.

There was discussion on priorities of leak repairs and if there is a known leak in a certain area, we should go and fix it. After some discussion, Mr. Bennett suggested the need to establish priorities.

- **Audit**

Mr. Brophy reported on his meeting with Attorney Hays regarding the audit. Mr. Brophy stated that there are two places in the Bylaws where it discusses audit and review. Per our attorney, an accountant is called out – not a Certified Public Accountant. Mr. Hays referred us to the New Mexico Statute adopted by the State of New Mexico Compilation Commission, Subpart “A” that audit, review or compilation is referred to as one and the same. The review that is currently being done by Mr. Casanova and his firm certainly fulfills these requirements. We have certainly fulfilled the requirements. Mr. Bennett emphasized that this guidance came from our attorney and requested that this statute be published.

Mr. Nyhan reminded the Board of the information he gained from the NM State Attorney General’s office that audits are only necessary for corporations with budgets of \$500,000 or more.

Ms. VanRuyckvelt commented that she doesn’t understand the financial reports. Ms. Kilburg stated she’s sorry she doesn’t understand. Mr. Bennett added that the annual reports are given at the annual meeting.

- **Roberts Rules of Order**

Mr. Bennett that Ms. Star had submitted questions to him regarding the following:

- a. Minutes Revision (from annual meeting) – The revisions are yet to be resolved.
- b. Quorum on membership in attendance at the annual meeting was discussed. Mr. Brophy read Article 2, Section 5 of our Bylaws. Ms. Moore stated that according to Robert Rules we can't have a meeting without a quorum. Mr. Kilburg stated that the meeting quorum was handled the same way it was for the many years she has lived here and the same way the Ms. Star handled it when she was president. Mr. Bennett responded that we didn't make any law changes, which would have required a quorum. The election of Board members is handled separately. An open ballot is ballots cast. If write in or nomination from the floor, that is part of the ballot process. We had a separate quorum of ballots. One of the visitors present commented that members were given a limit on time allowed to speak. Mr. Bennett stated that the Board has the floor in the board meetings and the membership at large does not interject comments. Reports are just that – reports, and are just given, then it's open up to discussion. If we followed 100% of Roberts Rules, we wouldn't get anything done. Roberts Rules gives us a structure. We're not a legislature and most of Roberts Rules don't apply to us because we're a Board. We use Roberts Rules to guide us and we're trying to be consistent on how we do business. Mr. Brophy added that our Bylaws are spot-on and read that "members present at the meeting shall constitute a quorum for any action except as otherwise provided in these Bylaws" and that other action is the election. Mr. Brophy added that Attorney Hays suggests that a statement be included to advise on how to handle delegating authority on proxies for mail-in ballots.

- **Compliance Signatures**

Mr. Veverka asked if we should keep current Board members' names on compliance documents since Board members change. It was determined that it is appropriate because it reflects those responsible at the time the document was prepared.

NEW BUSINESS

Ms. Shurter stated she had questions on financial reports and requested copies of year-end balance sheet and other financial reports. Ms. Star asked if requests could be submitted to the Board. It was noted by Board members that these financial reports were once available on the web until the web page was destroyed by the previous web master when she quit the board. Ms. Star indicated that they should have been transferred over to the new web page. Ms. Star was told that this was not possible because documents on the old web page were destroyed and not available on the old web page. Mr. Bennett then asked Ms. Star to provide us the missing documents.

Ms. Shurter believes that statements are being made not according to facts. She also stated she was not pleased with the way visitors were treated at the meeting. Mr. Bennett stated that he is not pleased with the concerned member web page and asked

that it be removed. Ms. Shurter stated she didn't like the web page either. Ms. Shurter stated she would contact Mr. Bennett to discuss her concerns.

Visitors were asked to leave the room and the Board went into executive session.

EXECUTIVE SESSION

At 9:53 p.m. the Board moved into an Executive Session.

Delinquent accounts were discussed in detail and further actions identified as necessary.

The situation with the "Concerned Members" and path forward was discussed.

Water leak priorities were discussed with the following order:

1. Leak in meadow
2. Suspected leak on Los Griegos just above FR-10

Meeting adjourned at 10:18 p.m.

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