

**SIERRA LOS PINOS PROPERTY OWNERS' ASSOCIATION
BOARD MEETING
December 9, 2014**

Board Members Present: Stan Bennett, Peter Veverka, Judy Kilburg, Joe Brophy, Eleni Fredlund, Scott Downing, and Max Otero. Board Members Absent: Katie Ballman and Jack Nyhan. Guests Present: Loraine Otero, Suzanne Star, Sabine Shurter, Barbara Van Ruyckevelt, and Mary Moore.

Meeting was called to order by President Stan Bennett at 7:18 P.M.
Mr. Bennett asked that Board members review and approve the agenda.

Minutes of the meeting were discussed and tabled for approval until later in the meeting as not everyone had the opportunity to review the latest copy.

OFFICER AND COMMITTEE REPORTS

Treasurer

Ms. Kilburg reported the following account balances:

Operating Account: \$82,421.82
Reserve Account: \$61,824.94
Special Assessment Account: \$4,896.83

Delinquent Account Status (Collectable):

Total Delinquent for Annual Assessment: \$1,945.29
Total Delinquent for Special Assessment: \$3,405.64
Total Collection Possible Past Due: \$5,350.93

Delinquent Account Status (Uncollectable due to Foreclosure):

Total for Annual Assessment: \$3,898.41
Total for Special Assessment: \$2,042.00
Total Uncollectable: \$5,940.41

Note that the term "uncollectable" is the term, PER OUR ATTORNEY and not something the Board has made up, that identifies properties under foreclosure and/or bankruptcy, which typically means we are unable to collect.

Combined Past Due:

Operating Account: \$5,843.70
Special Assessment Account: \$5,447.64
Total Past Due: \$11,291.34

Since the November Board meeting, the owners of the foreclosed property reported at the November meeting paid their balance in full as did one other delinquent property owner.

Ms. Kilburg also reported that she was served papers on yet another foreclosure. The documents were turned over to the legal chair for further action. There are now two new foreclosures in two months.

New member documentation was received for a property that was sold on Trilobite Trail.

Disclosure documents were requested for a potential sale of a home on Aztec Lane.

The 2015 annual assessment invoices were mailed out and to date we have received \$18,920.00 and checks are coming in almost daily. Contrary to what's posted on the CM website, we typically receive approximately 1/3 of the payments by the January 1st due date. As per the Bylaws, Assessments shall be considered "past due" three months from the original due date. Therefore, on April 1st, interest will be posted retroactive to January 1st if payments have not been received by March 31st. This is the same interpretation used in previous years and has been clarified by our attorney on multiple occasions. Delaying payment until after January 1st only realizes unnecessary cost to ALL SLP members.

Water Maintenance

Mr. Veverka reported that both systems are going well. The contract for Mr. Naranjo, water operator, is pending Board officer approval. We now have a possible replacement operator should Mr. Naranjo retire his services.

Thanks to Mr. Corn, all of our State sampling was conducted.

There continues to be a problem with the System 2 tank Level-Con transmitter.

The Sanitary Survey is complete and no maintenance is scheduled until next spring.

There is a new heater in the Aspen well house and the new Aspen well house will be built next spring.

Mr. Veverka reported that the meter can installations are complete for this year and we can't afford to install any more until the new assessments are paid. There are 28 meter cans left to be installed out of approximately 144.

Firewise

Ms. Fredlund reported that with the nice weather there have been two fires in Thompson Ridge. These were prescribed burns that jumped their containment lines.

Ms. Fredlund also reported the Fire Department will be getting two 25,000 gallon tanks for Sierra los Piños instead of the one 50,000 gallon tank originally planned. They are being stored temporarily in Sandoval County until the road through Jemez Springs is complete. These tanks are a little shorter but otherwise the same as the originally planned tank. The exact siting location has not been determined as yet. Mr. Veverka indicated that he may put in another meter for the fire station at that time.

IT – Web Page Status

Mr. Schacht was not present. Mr. Bennett indicated that the web page is still being worked on. There are some who are experiencing problems navigating the website and Board member e-mail address links aren't working properly.

Roads

Mr. Downing reported that the snow removal contract was completed. Mr. Meskimen completed repairs on Los Griegos. Mr. Downing spoke with Sandoval Co. and they stated we can't use their cinders and they can't sell them to us. Mr. Downing has a contact of suppliers and the cost is estimated at \$900 for a truck load of approx. 25 tons, which is about \$35/ton. The majority of the road budget has been expended. A decision needs to be made as to where to put them so as not to be confused with the cinders belonging to the County. It was noted that the privately purchased cinders would have salt.

Legal

Mr. Brophy reported that the water operator contract is in place.

Community Relations

Mr. Nyhan was not present.

Architectural

Mr. Otero indicated no recent activity.

Parks

Mr. Otero indicated he had nothing to report.

Action Item Status

- American Leak Detection – Mr. Veverka reported that this would be pushed out until the spring.
- Lightning Strike – Switch Status – Mr. Veverka reported that the surge suppressor was blown out and has been replaced. We may need to buy more by next summer.
- Shed Electricity – Mr. Veverka reported that nothing has been done on this yet and that we need to do something about supporting the structure first. We've been looking at one contractor, but may need to look at another.
- Minutes – Late review of the minutes from the November meeting. The motion was made by Ms. Fredlund to accept the minutes. Motion seconded by Mr. Otero. Motion passed unanimously.

OLD BUSINESS

- Lawsuit action for foreclosure/cross claim – Mr. Brophy reported that we collected past due amount. Member now only owes for release of lien.
- Association Property Valuation Assessment – Ms. Kilburg reported that she met with the Sandoval County Assessor regarding the two assessments in question. We were assessed for the Fire Station property. There was confusion on the plat since that particular lot was split into lot 16 A and B. The designation has caused

confusion over the years and is still incorrect in our Bylaws. We had to pay for the first half of the taxes, but will be reimbursed once the correction is made. The other tax bill was for the business property tax. After hiring Sunland Mgt. they discovered we hadn't been filing our business property taxes. Now that we filed, we are being billed. Business property taxes include our sander, laptops, printers, etc.

- Pro Bono Letter for Mr. Naranjo – Mr. Bennett reported that he sent out the pro bono letter and his services were valued at \$3,400.00.
- Contract labor on Aspen Well building – Mr. Veverka reported that this is on hold until the spring, but will take care of any emergency. The large leak created some problems.
- Audit Statement status – Mr. Bennett reported that the audit statement to the members has been posted on the website. The only input has been from one member.
- Roads sanding contract status – Mr. Downing reported that he spoke with Mr. Crane about where he wants to store the cinders. After some discussion, it was determined that storing at the park behind the fire station is best and separate from where the Sandoval County places theirs to as not to get confused. The Board agreed to spend \$900 on cinders.
- Tank overflow switch – Mr. Veverka reported that it was a pressure switch that was needed.
- Proxy clarification – Mr. Bennett reported that the proxy statement needs more clarification so people understand how to give their proxy to someone else. It will also be explained in the Newsletter that typically goes out during election time.

NEW BUSINESS

- Nominate the Schacht's as "Goodwill Ambassadors" for SLPPOA – Mr. Veverka nominated the Schacht family as Goodwill Ambassadors for the community. They not only went out during Halloween but also at Thanksgiving, with the Ross Family, singing and spreading joy to the neighbors. The board discussed having a community piece on the webpage for other such community events. Ms. Fredlund would also post on the List server.
- Direction to membership regarding financial review of SLP books – Mr. Bennett explained that he spoke with Mr. Casanova and he confirmed that the previous years' books are closed after tax preparation and password protected by them and no changes can be made to the books. From previous open book reviews, no issues have been brought to us from 2012 forward. To make a change, we have to go through Sunland Mgmt. and they make the change. Further discussion will be moved to the January meeting under old business.
- Board's right to ejection of members and naming persona non grata – Mr. Bennett reported that Robert's Rules addresses ejection of a member from Board meetings. Vienna Convention on Diplomatic Relations Article 9, a receiving State may "at any time and without having to explain its decision" declare any member of a diplomatic staff *persona non grata*. A person so declared is considered unacceptable. Such a person would be considered separated from their Member-in-good standing. The rights of a government passes on to its citizens. It's the duty of the chair to enforce. Mr. Bennett has never dealt with misbehavior

and wanted to make sure we start thinking about it and become familiar with Roberts Rules process. This could apply to any persona non grata and anyone suspected of espionage. There's a process of naming a person persona non grata if suspected of espionage or sabotage, they will be ejected. The Board will not allow them to attend any future meetings. Mr. Veverka asked if this will also include Board members and it was agreed that it would. Espionage has other meanings – stealing something and stealing information fall under espionage. Mr. Veverka asked if this would require a Bylaw change. Mr. Bennett stated that Roberts Rules along with persona non grata provides a strong position, as it does cease and desist. Opinion received on this is good and gives us a basis on how to deal with disruptive meetings. The first action is ejection of member from that meeting and it doesn't preclude them from returning to subsequent meetings. It was suggested that we document without using names. People see what's been going on and don't want to be on the Board.

- Disclosure Document Form Change – Ms. Kilburg explained that the disclosure document request form was changed. Charges are to be based on cost of copies and such. Depending on the unit, there are approximately 30 pages included in a complete package and most of the time they can be scanned and emailed. If asked to fax the package, it requires a trip to Los Alamos and the fax charge. The \$150 amount was based on other local HOAs. It was suggested by a member to come up with a basis statement and what it would cost if we hired this out. It was decided to keep at \$150 until we determine what other HOAs are charging.
- Additional repair to Aspen Well-house/System 2 Lift Station – Mr. Veverka reported that they will be building a new shed and pouring cement and would like it to look as nice as the Hovenweep Well-house. We don't need a roof slide. Mr. Bennett asked that they have a plan by spring. The lift station only has cinderblock steps and needs a drain in the floor.
ACTION: Mr. Brophy volunteered to make the steps for the lift station.
- Navigation suggestions for Members only website – Mr. Bennett asked for ideas for the website to pass on to Mr. Schacht. One guest noted that there are issues when trying to send an email to a board member from the webpage. Ms. Fredlund noted that it takes too long to find Board members phone numbers. It was suggested that a possible pull-down menu would help in some areas.
- Questions regarding the \$500 no-lien policy and the HOA law – Ms. Star asked how the Board established the less than \$500 no lien policy. Mr. Veverka explained that there had to be a point of no return on the lien filing. People are paying and we wanted to establish a number so people would pay the same. People were paying and owed a small amount. Mr. Bennett added that we also look at how it benefits the community. Below that amount, people are paying. Ms. Star insists that anything that becomes delinquent starts to escalate. Mr. Veverka stated that what we've seen is people pay and get closed out. Ms. Kilburg reported that there are three members who owe under \$500 and one is late interest, one is the attorney fee, and the other is making payments. Ms. Star argued that she doesn't think it's a good policy. Mr. Veverka stated that the Board said it was a good policy and there was a Board vote and it is in the minutes. Mr. Brophy added that we have proof that the policy is working.

Ms. Star questioned their debt payback agreement and hardship policy. Mr. Brophy stated that we were advised by the attorney that we can't do anything about the member on the formal payback agreement until they become delinquent on their 2015 assessment. The agreement was modified by the attorney after the agreement had already been arranged between Ms. Star and one member because it was lacking important information. The agreement was developed for those who really need the help and not intended for everyone to be on a payment plan. Ms. Kilburg added that if having a payback agreement/hardship policy is going to be a problem, then we can vote to discontinue with it. It has been offered to other members with delinquent accounts, but nobody else was interested. Ms. Fredlund asked if we could get this information out on the website with the due date explanation, the hardship request, and any other information that could be useful. Ms. Kilburg added that per Mr. Hays, anyone making payments is legally considered to be on a payment plan, whether it is a formal written agreement or not. Mr. Bennett stated that we can get the information out now that the new assessments are due.

Ms. Star handed out a list of members name, date lien filed, balance due (at the time the lien was filed) and any notes that were available (i.e., foreclosure date) on what she obtained from the County Assessor's Office as public for anyone who chooses to inquire. Ms. Kilburg stated that this information is very out of date and not representative of today's current information. Ms. Star claims she could go back and do a simple calculation to figure out what they currently owe. Mr. Bennett stated the Board will make a decision on how to handle.

Ms. Star stated that the Board needs to follow the HOA Act. Mr. Brophy stated that it has been confirmed through legal counsel that only Sections 4 and 8 apply and our Bylaws are the overarching authority.

EXECUTIVE SESSION

At 9:15 p.m. the Board moved into an Executive Session.

January 2015 meeting was discussed.

The recent "Concerned Members" postings and other past actions and path forward was discussed.

Delinquent accounts were discussed in detail and further actions identified as necessary. It was decided to post the aging report at the end of the year with no member names attached.

Mr. Brophy stated that per Mr. Hays, we should report members making payments separate from those not making payments.

Meeting adjourned at 9:53 p.m.