

SLPPOA BOARD MEETING
February 11, 2014

Board Members Present: Stan Bennett, Judy Kilburg, John Nyhan, Suzanne Star, and Peter Veverka. Board members absent: Joe Brophy, Deb Pero, and Eleni Fredlund
Guests Present: Barbara Van Ruyckevelt and Sabine Shurter

Meeting was called to order by Vice President Mr. Bennett at 7:20 PM. A meeting quorum was met.

Mr. Bennett set the ground rules for the meetings: Reports: Only report on interests, corrections, and clarifications – no other discussion. Other discussion is covered under new business action items. Minutes: Minutes are to be summarized and capture what takes place at the meeting. Verbatim is only for motions or technical information which will be in officer reports. Simply stated as “discussion was held and came to agreement on” and capture decision and important information. Expenditures: If the Board agreed to spend the money, the committee has approval. There is a policy in place for other expenditures over \$500. If clarification is needed and we want the Board to consider, then put out an email and ask to put on the agenda under new business. Empowerment: Directors should be empowered for the chairs they hold. Not sure how the water situation works, but we may be empowered to assign to someone else in the event the water chair is not available. We do need to set limits of empowerment. Mr. Veverka added that where water is concerned, we need to do everything to keep water going so this may be only way to get things done. Mr. Bennett concluded that we need a clearer, different way to do business.

OFFICER AND COMMITTEE REPORTS:

Secretary:

After some discussion, Mr. Nyhan made the motion to accept the January minutes with corrections to the last draft. Mr. Veverka seconded the motion. Motion passed unanimously. Ms. Kilburg agreed to make the corrections.

Treasurer:

Ms. Kilburg reported the following account balances:

Operating Account	\$100,923.36
Reserve Account	\$57,775.24
Special Assessment Account	\$22,173.47

Ms. Kilburg reported that one delinquent member paid their balance and two others made payments. These are different than those who have been turned over to the attorney.

Approximately 38 members are yet to pay any of the annual assessment and payments are coming in on the special assessment. Aging report was presented and a separate delinquent account report given the Ms. Star. Past due account status is:

Uncollectable (due to foreclosure, etc.)	\$6,893.05
Collection Possible	\$8,411.62
Total Past Due	\$15,304.67

Mr. Bennett asked about the audit of the financial records. Ms. Kilburg reported that she has been in contact with the accountant to close the books for last year and complete his review.

Discussion of accounts in arrears and the aging report ensued. Ms. Star asked about showing the special assessment amounts separate from the annual assessment in the aging report. Ms. Kilburg gave further explanation of the aging report and showed that the special assessment does already appear.

Water Maintenance

Mr. Veverka reported that a total coliform sample came back high on Outlier's Road and he hasn't been able to make contact with water operator as yet. Sample results are being posted. Believe that bad sample was taken from the frost-free faucet. It was reported that Mr. Trujillo, the water operator quit and it was questioned whether he would respond to help on the resamples.

Mr. Nyhan reported that he has taken measurements and measured depth of lines on all properties. Ms. Kilburg e-mailed him the list of those members who opted out. There are many unknowns for the next phase of meter installs and should only plan on installing 50 can as that was the original plan. After some discussion, Mr. Veverka made the motion to make inventory guidelines for the next step. Mr. Nyhan seconded the motion. All voted in favor.

Ms. Star asked if equipment and manuals had been returned from the water operator.

ACTION: Mr. Veverka will obtain from Mr. Trujillo.

Mr. Nyhan reported that a working group has been formed to deal with the water operator contract. The contract with Mr. Trujillo ends in May. The water bureau web site has sample contracts as well as a list of other water operators, which are all far away. Mr. Nyhan will make some contacts for cost estimates and size of their systems. Mr. Veverka reported that some members of the oversight committee spoke with Mr. Naranjo and he has been doing sampling for 30 years, has his own lab, and does sampling for several organizations. He offered to perform regulatory samples and assist with chlorination. Mr. Bennett recommended that Mr. Veverka and Mr. Nyhan come back next month with recommendations.

Ms. Kilburg relayed a message from Mr. Corn that the meter cans need to be ordered now since there is at least a 6-week lead time.

Water Compliance

Mr. Nyhan reported further on the sample result that shows presence of total coliform and that resampling will be performed at the same location which is believed to be at the frost free. He has spoken with the NMED and a public notice and other forms need to be filled out and posted on the fire station door. Ms. Kilburg reported that the follow up letter usually comes a few weeks after the positive sample.

Mr. Nyhan reported that he has gone through the water files and found that we've had seven

violations between 2010 and 2013 within both systems. On 10/27/2010 there was a positive total coliform sample and nothing was done about it. In 2011 there was one positive and all repeats were clean. In 2012 there were two positive samples with repeat samples clean. Mr. Veverka stated that Mr. Naranjo suggested our systems may not need to be chlorinated as it's not a mandatory requirement. Mr. Nyhan indicated that it's not a good idea to stop chlorination since we've had positive samples. Mr. Bennett suggested we control our sampling database and water sampling. It's possible that when taking samples from a frost-free that the water is not run long enough. Mr. Nyhan expressed concern that we have no water operator and no contract for one in place. It was the boards' consensus to ask Mr. Naranjo to take the next samples. There was further discussion on our need to notify the resident of the positive sample.

ACTION: Mr. Nyhan will notify the resident of positive coliform sample.

Mr. Nyhan reported that he has developed a sampling plan mapped into four quadrants on both systems that shows addresses, as on the Drinking Water Bureau site, that also shows what happens if in violation. One sample per month per quad will be taken in each system. The sampling will be done at the same locations. This will be repeated three times per year as required. The sampling plan needs to be submitted by February 28th for chlorination by-products. This was listed as a regulatory deficiency in the review from the New Mexico Environment Dept. (NMED) and it's unclear if we responded. Ms. Kilburg stated that Mr. Brown should be contacted as he was the last person in charge of compliance. Mr. Bennett added that anyone who knows anything about this should contact Mr. Nyhan.

ACTION: Mr. Nyhan will contact Mr. Brown.

Ms. Star asked the status of the Levelcon transmitter. There was not update.

Roads

Mr. Bennett reported that the proposal with Sandoval County is still in the works.

Mr. Nyhan reported that he responded to the 811 test e-mail. Ms. Kilburg said she paid the invoice for \$12.50 which will be due quarterly.

Legal

Ms. Star reported that Mr. Hays (attorney) was given a request from a member who wants to make payments, but there was concern that the amount proposed would take several years to pay off the past due balance. Ms. Star proposed to divide the requested payment into an annual assessment payback over one year and past due payback over more years. Ms. Kilburg expressed concern with this method and suggested payments be applied toward oldest amount due first. The board agreed with Ms. Star's proposal and that it was a way to show that we can get others caught up.

There is no status from attorney. Hays on the Aspen Grove property foreclosure lawsuit.

Ms. Star asked for copies of the liens for the legal file. Ms. Kilburg and Mr. Bennett stated that as this was discussed at a previous meeting to keep the liens with the treasurer as has been handled for many years, this will continue to be the practice and suggest that if a circumstance arises which requires the legal chair to have a copy or the file number, this information will be given to Ms. Star as necessary rather than have duplicate copies. Mr. Bennett suggested this be discussed further and have a board vote at the next meeting.

Architectural

Mr. Bennett had nothing to report.

ACTION: Mr. Bennett to look at the Architectural Approval form.

Parks

Mr. Veverka had nothing to report.

Firewise

Mr. Bennett reported that Ms. Fredlund was not present as she was attending a Firewise meeting.

Public Relations

Mr. Nyhan reported that it was a challenge getting volunteers and developing a job description. It was discussed that a job description was probably not necessary. Mr. Bennett suggested putting together a pot-luck as purely a community event to just visit.

ACTION ITEM STATUS FROM JANUARY MEETING

- Water meter number list to Ms. Kilburg by Mr. Corn: **Pending**
- Add need for volunteers to place and/or fill sand barrels to website: Ms. Star – The availability of the sand was in question.
- Architectural form available on website for members by Ms. Star assisted by Mr. Bennett: Ms. Star reported it was posted. Mr. Bennett will verify.
- Emergency exits request through Jeff Harris and Bob Bootzin property by Ms. Fredlund: Proposals will be brought to use next month.
- Plat of to Ms. Fredlund and Mr. Brophy by Ms. Star: Ms. Star reported she talked with Ms. Fredlund and she has the plat. Mr. Brophy still needs a copy. Ms. Kilburg added that she checked the SLP Bylaws and the lot description is incorrect. The number on file with Sandoval County is the correct lot designation.
- Crunch numbers for meter cans and brief the Board by Water Oversight Committee: Action not complete. **Action: Will report next month.**
- Review from attorney Hays about hardship policy the debt payback agreement constructed by Ms. Star: Ms. Star reported that Mr. Hays had two suggested changes.
- See applications for Water Operator by Mr. Nyhan and Mr. Veverka: **Action Ongoing**
- Water Operator contract draft by Ms. Star: The oversight committee had a meeting and discussed the contract. A copy of the proposed contract was given to Mr. Naranjo, but he indicated that he has his own contract that he typically uses. **Action remains open. Add Mr. Veverka and Mr. Nyhan to action.**

OLD BUSINESS

Delinquent Process

Ms. Star had a copy of the updated delinquent collection process notice, but since no other copies were sent to the board prior to the meeting, the action was delayed. Ms. Star expressed concern as she wants this out by March 1st to give members reasonable notice. Mr. Bennett asked that this be mailed to only the Board members for review and an e-mail vote be taken. There was discussion as to clarifying what vehicle we have to remedy collections. There was concern expressed sending this out when there are only a few

delinquent payers. Ms. Star stated that all members are to be informed to clarify how we do business on assessment collections. Ms. Star read a review from attorney Hays stating that collections could begin 90 days after the due date of the assessment . The board was uncertain as to the remedy process timeline for the special assessment as it was not spelled out in the special assessment. Ms. Star suggested that all board members review the bylaws as to assessment collection process. Mr. Brophy disapproved of the March 10th interest date in the special assessment. Mr. Bennett stated he reviewed the special assessment proposal and we can't change the parameters in which it was approved. The wording has to be the law.

Action: Board members review and reply with their vote within two weeks and if no resolution by then, it will be discussed at the next Board meeting.

Debt Payback Agreement

Mr. Star suggested that two statements be added as per Mr. Hays' suggestion. Ms. Kilburg suggested changes to the approval signatures. Mr. Nyhan made a motion that the Debt Payback Agreement be accepted by the Board. Mr. Veverka seconded the motion. All voted in favor and motion passed.

Short-Term Financial Hardship Policy

The policy terminology was discussed. It was agreed that hardship requests be approved on a case-by-case basis. After further discussion on wording, Ms. Star made the motion to accept the short-term hardship policy as per discussion:

- initiation on a case-by-case basis
- written request to the board required
- accommodation of any request subject to board vote
- debt payback agreement must be signed by the recipient and the board officers

Ms. Star made the motion to accept the Short-Term Financial Hardship Policy as discussed (above). Mr. Veverka seconded the motion. All voted in favor and motion passed.

ACTION: Ms. Kilburg was asked to put the final policy document together.

E-mail Policy and Proprietary and/or Sensitive Information

Ms. Star read the review from attorney Hays regarding what information is considered "proprietary". His review stated that no books or records are "privileged" as to members and that the aging summary would be a record. Some board members believe we don't have the right to publish such information. Discussion was that this applies to e-mails and the web page as well. Some things have gotten out and there shouldn't be e-mails that certain members are delinquent. When it does show up, there will be a path to its origin. Some board members present agree that it isn't appropriate to give out names to anyone outside the board. Ms. Shurter stated she has requested multiple times a copy of the aging summary and wants a copy of the aging report because of her rising concerns and how the board is working the delinquent accounts. She's heard from other associations that they didn't get information either and there's nothing in the Homeowners Association Act (HOA) regarding proprietary information and feels the aging report is open information. Ms. Shurter requested that the law and principal of open information be upheld and not kept secret. Ms. Star requested an aging summary with the names included. Discussion ensued regarding the dissemination of aging reports and other member account information. Mr. Bennett added that we will have closed meetings with individuals as far as delinquency and how their

accounts will be handled. The open part of the meeting should be without names. Some board members present agreed that aging reports with members' names is not anyone's business outside the Board.

ACTION: Ms. Kilburg suggested that Mr. Bennett and Mr. Brophy have a one-on-one meeting with the attorney regarding the dissemination of aging information.

It was suggested this discussion be continued at the next meeting.

Path Forward for Water Operator Position

After some discussion, it was decided to delay further discussion until the next Board meeting.

NEW BUSINESS

Selection Process for the new Water Operator

As discussed earlier in the meeting, we may have an interested gentleman. The committee will be making a recommendation and get our sampling into compliance. Mr. Nyhan stated that from now on he wants to set policy that if there are any complaints about the water operator that it never goes directly to the water operator – it goes to either Mr. Nyhan or Mr. Veverka. It's going to be a difficult job to get a new water operator. The operator protects our health and needs to be supervised. Mr. Nyhan stated that they have discussed good ideas to implement.

Mr. Bennett stated that notifications for interviews needs to go out to ALL board members and the community at large may want to know as well. Keep in mind that some board members work and can't be available for a noon meetings.

Ms. Van Ruyckevelt commented on her complaints to the Board that she feels had not been addressed regarding the water operator. Mr. Nyhan stated that some e-mails went out to the water distribution and were very disheartening to see this. It was emphasized to direct comments and concerns to the water chair(s) and/or the Board.

Road Sanding, etc.

Mr. Bennett stated that if sanding is required or roads need to be cleared, to let him know.

Ms. Shurter stated that the County doesn't want Mr. Crane to use the sand at the fire station and that the County clears the main road on Thompson Ridge. People up there don't want the sander used. Since Mr. Brophy was not present, use of the sand needs to be verified with him.

ACTION: Sand may not be available until further discussion regarding laydown site. – Mr. Brophy

Legal Justification to Close Meetings

Discussion ensued regarding a closed meeting during the April delinquency decisions. Ms. Shurter suggested that there are specific reasons for closed meetings; litigation and attendance by a member to discuss personal information. Ms. Star suggested that a closed meeting should not be needed as the board will only be discussing remedy action. Mr. Bennett stated that just because it's not in the HOA act or the SLP Bylaws doesn't mean it's

not an option. Ms. Star asked about the legal justification to have a closed meeting and requested by the next meeting, that Mr. Brophy and Mr. Bennett clarify with attorney Hays.

Legislative Special Session Request for Money

Ms. Kilburg reported that after a discussion with a few Board members and others, Mr. Horan worked with Stephanie Garcia-Richardson to submit a proposal that \$55,000.00 be appropriated for Sierra los Pinos for water system infrastructure upgrades, such line upgrades for fire suppression, etc. We won't know anything until the end of the special session.

Adjournment

Mr. Nyhan made the motion to adjourn the meeting. Mr. Veverka seconded the motion. The motion was unanimously passed and the meeting was adjourned at 10:12 p.m.