

MINUTES
SIERRA LOS PINOS PROPERTY OWNERS' ASSOCIATION (SLPPOA)
BOARD MEETING
November 14, 2017

1. CALL TO ORDER: President, Ms. Judy Kilburg called the meeting of the Sierra Los Pinos Property Owners' Association to order at 7:17 p.m. at the SLP Fire Station.

2. ROLL CALL: (P-Present, E-excused, A-Absent without notification)

Pres - Judy Kilburg	P	Water – Peter Veverka	P	Firewise – Tamera Weary	P
VP - Harold Corn	P	Roads – Brian Nelson	P	Parks/Architectural – Max Otero	P
Sec/Treasurer - Lorraine Otero	P	Legal – John Fredlund	P		

GUESTS: Suzanne Star, Barbara Van Ruyckevelt, Mary Moore and Dave Schmitt

3. APPROVAL OF AGENDA: Mr. Otero motioned to accept the Agenda. Mr. Nelson seconded the motion. There were no oppositions.

4. APPROVAL OF THE MINUTES: Mr. Fredlund motioned to approve the minutes of October 11, 2017. Mr. Veverka seconded the motion. There were no oppositions.

5. OFFICER REPORTS:

a. President – No report.

b. Vice President – No report.

c. Secretary/Treasurer: Ms. Otero provided the following Monthly Report:

1) The balance in accounts as of October 31, 2017 is as follows:

Operating Account: \$76,276.18

Reserve Account: \$108,398.14

Special Assessment Account: \$7,643.19

2) Past due accounts:

We have 7 delinquent accounts for a total of \$9,465.31. This amount dropped significantly from last month's report due to payment on the largest delinquent account, full payment on the last two accounts that were on payment plans, and payment from a few members that paid their interest-only charges. We also received a check from another member which will pay off their account but is not posted yet so it won't show up until next month's report. Of the remaining delinquent accounts, four are considered uncollectible in the amount of \$7,600.43. The last two members are still making payments.

3) On 10/26/17, I deposited the September monthly transfer of \$370.83 into the Reserve Account.

4) The October Newsletter was mailed to all members on 10/25/17 and included the 2018 Budget.

5) The draft of the Annual Meeting Minutes was reviewed by the non-Board member, comments were incorporated and the final draft will be posted on the website.

6) We have two new members that closed in October and I sent them the New Member package. There are two other sales pending.

6. STANDING COMMITTEE REPORTS:

a. Water

i. Water Maintenance – Mr. Veverka relayed a thank you to Harold Corn, Dave Schmitt, Max Otero, Brad Shurter and Joe Brophy who helped in getting water back to everyone. Mr. Veverka said it was initially thought there was a break in the main. Upon excavation the back hoe punctured the main line and that was repaired. When the water was turned back on a leak was discovered between the main and Ms. Van Ruyckevelt's water meter. The next day the pipe was replaced with poly-pipe which is much more flexible and her water was then turned back on.

ii. Water Compliance – Mr. Corn reported the following:

Water System Coliform/Microbiological Reports:

- System 1 sample taken by Frank Naranjo, 10/14/17
 - Total Coliform - Absent
 - Total E. Coli - Absent
 - Disinfected, Residual 0.36 mg/l (241 Trilobite)
- System 2 sample taken by Frank Naranjo, 10/14/17
 - Total Coliform - Absent
 - Total E. Coli - Absent
 - Disinfected, Residual 0.19 mg/l (1223 Los Griegos)

Water System Compliance Schedule required by NMED DWB for 2017:

- NMED Sanitary Survey (frequency every 3 years) conducted (~3 hrs.) with Joseph C Savage, NMED, & Harold Corn, SLPPOA; 10/20/2017.
- NMED Sanitary Survey Results received by certified mail, 11/1/2017; NM3565423.
 - 10 significant deficiencies were identified & 3 recommendations were provided. SLPPOA must provide written documentation to DWB within 30 days of receipt. SLPPOA must take corrective action no later than 120 days from Nov. 1 (date of results letter). VOLUNTEERS NEEDED FOR CORRECTION ACTIONS!!
- NMED EPA 353.2 Nitrate + Nitrite Water Samples collected by Vernon Trujillo & Peter Veverka, 10/11/2017.
- NMED EPA 353.2 Nitrate + Nitrite Water Samples results by Scientific Laboratory Division, 10/26/2017:
 - Aspen Well = 0.46 mg/L
 - FR 10 Well = 0.71 mg/L
 - Hovenweep Well = 1.95 mg/L

Water System Miscellaneous:

- Well meter readings were submitted to NMED DWB for September submitted 11/5/2017.
- Repair of meter head to transmitter wire accomplished by Dave Schmitt on Scouts Lane.
 - "Tamper" flag reset on Scouts Lane using Badger Meter Reader and Software by Dave Schmitt and Harold Corn

- Need a volunteer to follow and respond to 811 tickets for SLPPOA, possibly with the KorTerra (KorWeb) automated Ticket Management System.

Water Usage: Setup & read on November 1, 2017 was accomplished by Dave Schmitt & Harold Corn, usage compiled and summarized by Mark Stanley. Lorraine Otero is updating our meter database input file.

- System 1
 - Wells Pumped 589,087 (592,597) gals (...last month's data...)
 - Usage = 228,441 (272,469) gals
 - Leakage Rate = 8.1 (7.4) gpm
 - Leak Flags Identified = 14 (10)
 - Users > 7,000 gals = 5 (-); highest user last month dropped to 6,900 (leak flag) gals; highest user on Sys 1 = 14,010 gals
- System 2
 - Well Pumped 241,560 (243,350) gals (...last month's data...)
 - Usage = 140,810 (159,132) gals
 - Leakage Rate = 2.3 (1.9) gpm
 - Leak Flags Identified = 6 (7)
 - Users > 7,000 gals = 2 (-); highest users = 18,276 (leak flag); 10,628 (NO leak flag) gals.

Mr. Fredlund noted that the member that has had excessive usage in System 1 has reduced their use significantly.

b. Roads

i. Bonito Way Erosion - Mr. Nelson asked about the Bonito Way road erosion issue. Mr. Corn said that some of the rain was going straight down in the area where they put in the blowdown valve and it created a bit of a rut. A member was worried that it was going to freeze and was worried that it would cause a problem for their meter can. It needs to be filled in. Mr. Nelson and Mr. Veverka will get together tomorrow to review the situation.

ii. Sand Barrels – Mr. Nelson reported that two weeks ago he drove around and found a couple of sand barrels that need replacing. Ms. Kilburg said there are two new barrels in the shed but that all of the barrels in the community should be inspected to see which ones need replacement or steep areas where a barrel should be but isn't. As far as refilling the sand barrels Mr. Nelson will send an email to see who is available to help him fill the barrels. Ms. Weary made the suggestion to invest in reflecting posts because the snow plow driver doesn't always see the barrels. Ms. Kilburg said there should still be some reflective posts left over from when they were purchased for the meter cans. They extra ones are in the shed.

iii. Damaged Culvert Replacement – Ms. Kilburg said the culverts need to be replaced right away so when it snows the plow won't cause additional damage. There are two specifically that need repair which Mr. Veverka will go with Mr. Nelson to show him which ones specifically.

iv. Cinders/Cover for Cinders – Mr. Nelson reported that he communicated with Mr. Martin Crane to discuss what his parameters are for his bobcat before it is decided what type of cover is purchased. Do we want walls to cover the cinders or just cover on the top? Mr. Otero

stated that the vendor that delivers the cinders he will not be able to deliver them into an enclosure; therefore, a heavy canvas tarp was suggested. It was noted that the County has placed Jersey bumpers around the County's pile of cinders. However, the County did not contact SLPPOA prior to placing the bumpers which is thought to be on SLPPOA property. Mr. Fredlund said it initially impeded the maneuvering firetrucks, and when the County moved the barriers they moved more onto SLPPOA property. Ms. Kilburg said she will call her point of contact at the County.

Mr. Nelson said it was suggested we need more cinders. Ms. Kilburg said Mr. Crane mentioned that he didn't believe what SLPPOA currently has is enough. Ms. Kilburg suggested Mr. Nelson talk with Mr. Crane to determine what we'll need.

c. Legal

i. Delinquent accounts

- 100 Los Griegos - Has been sold to what looks like a company that will eventually sell it to someone to live there. We should be able to start getting dues paid, including some of what is already owed.
- One property to foreclosure, was liened a couple of months ago. No response from or contact with owners.
- One property paid off dues plus Brad's fee for taking over collection. ~\$1400.

ii. Lawsuit - Star's Brief-in-Chief was filed. Our Answer Brief is due approximately Dec 21. Our attorney has recommended, and we have tentatively agreed, that he would bring in another lawyer as lead and Brad would act as co-counsel. Mr. Fredlund motioned to have our attorney bring in another lawyer as lead on the appeal and our current attorney will act as consulting counsel. Mr. Nelson seconded the motion. There were no oppositions.

iii. Restrictive Covenants Violations

- **Dog breeders** – Mr. Fredlund asked someone to volunteer to draft a letter to the dog breeders for our attorney to send as Mr. Fredlund is tied up with firehouse duties.
- **Clean up of a Member's Premises** – Member has cleared some of the debris around their property but there is still more to be done.

iv. Ashley Lane – Owners in that area got stirred up when Ray Trujillo changed the course of FR 134 away from his property onto another's property. Others present expressed the belief that the relocated road was still on Ray's property. Board members and LCVFD received complaints and investigated. Since the road was still passable, even by Tender 52, LCVFD had no specific complaint, but planned to contact the Forest Service Law Enforcement Officer to alert them. Board members did not see anything violating agreements from the old lawsuit. The road was eventually put back to old route, but a little rougher from the earth moving.

v. Lot-line encroachment - One sale was jeopardized by a new survey that showed a corner of a building too close to the lot line. Interestingly, a different encroachment shown on previous survey was now far enough from lot line. We sent a letter stating that this and future BODs would not pursue this matter, with warning that other owners still could.

d. Firewise – Ms. Weary contacted the website administrator about getting on distribution of fire notifications. Ms. Weary now has access to that page. The administrator has been doing a

great job and will continue to send out notifications coming from the Santa Fe National Forest. Ms. Weary will keep watch and send out any notifications that are overlooked.

From a Firewise perspective, Ms. Weary wanted to share that usually in April there is a big Firewise meeting in La Cueva. She would like to contact whoever organizes that meeting to see if they we could have the meeting here. She thinks we would have a good turnout especially from SLP. We could have a dessert potluck and a community outreach. If they're not conducive to having the meeting over here we could have our own maybe in May. We could get someone from the Santa Fe forest rangers and emergency preparedness folks, the local garden group to talk about high-altitude gardening, high-altitude cooking, etc. Ms. Weary mentioned that also, there were a lot of lessons learned from the El Cajete fire that we could share.

Additionally, Ms. Weary stated that next year she would like to hold a community CPR class and possibly a basic first aid class because we are so remote here, and it's the people that are on scene first that can be the most helpful in an emergency.

Mr. Otero said that a couple of days ago, no phone service was available from SLP all the way to the Jemez Springs village. What happens in an emergency? Mr. Fredlund said that La Cueva calls Windstream and tells them about the outage/emergency. More CB radios using a specific channel would be helpful.

e. Parks – no activity

f. Architectural – no activity

7. OLD BUSINESS

a. Meter Can Install on Vacant Lots – Mr. Corn asked about the lids for the cans. Mr. Veverka will call the vendor tomorrow morning. He will put insulation in for the time being until we receive the correct lids.

b. Webmaster – Ms. Kilburg stated she hasn't received any volunteers or individuals interested in the job.

c. Excess Water Usage – Mr. Fredlund reported that the Excess Usage Policy Committee met once more. Agreed on 3-tier billing system: No bill below 7k gallons, non-punitive per gallon charge (\$1/1k?) based on what water costs us to pump plus the cost of billing for 7k to 11k gallons. Punitive per gallon charge (\$1/100?) above 11k since it is unsustainable. Bylaw change drafted and discussed. Forgiveness policy still needs to be discussed. Also, discussion is required on Lockout, what happens for nonpayment? – Mr. Fredlund said it would go into lien like any other debt.

d. Reserve Study Corrections – Ms. Kilburg stated she hasn't heard anything from the company. She sent another email a few days ago. They have not submitted their invoice.

e. Management Company/Accounting Firm Bids – Ms. Kilburg said she has been telephone tagging with an individual that has indicated interest. She also has spoken with HOAMCO CFO regarding some of the issues we've been experiencing. They are working on

fixing some of the problems. She also talked with them about expanding some of the oversight in other areas like they do for other associations. In particular water because we have such a unique situation. They have people that are on call that would inform one of several contractors about a leak repair. It's worth pursuing to see what the cost would be and what the response time would be. Ms. Kilburg asked the water folks to let her know their availability and a meeting can be coordinated.

9. NEW BUSINESS:

a. Ms Suzanne Star asked the following questions:

- Are you familiar with the HOA Act that if our governing docs are amended we have to come into compliance with the HOA Act.

RESPONSE: Ms. Kilburg said that this has been brought up numerous times in the past and that if we make any changes to our bylaws then 100% of the HOA Act would apply. Ms. Kilburg said however, that our bylaws stand alone and that doesn't necessarily mean that we have to incorporate the HOA Act into our bylaws.

- When I requested the recording of the annual meeting, Mr. Fredlund said it wasn't an official record that members can request. My question is open meetings are not confidential so why is the recording not released? What's in the recording that can't be reviewed, why would the Board refuse the recording to someone that asks for it? Was it a Board decision?

RESPONSE: Ms. Kilburg stated that when the Board made a decision to start recording the minutes, once the minutes were typed the recording would be destroyed and the written Board-approved minutes become the official document of the meeting.

- The Audit - the auditor had to make a re-statement to reflect the bad debt error.

RESPONSE: Ms. Kilburg said there was no error. There is nowhere in the report or in her discussion with the auditor that there was a bad debt error. She doesn't know where Ms. Star got that from. The Restatement specifically states, "The December 31, 2015 financial statements for the Association did not include an allowance for uncollected receivables. The December 31, 2016 financial statements include a restatement to add the prior year allowance in the amount of \$6,812." Nowhere does it state there is an error. The amount that they wrote off for bad debt was in Oct of 2016. There was not an error in the posting in 2015 because that account was written off in 2016. That amount was for prior year debts. There was no error.

- Why hasn't the Board included a line item in the budget for estimated delinquent accounts because every year we have them?

RESPONSE: Ms. Kilburg stated we do not have write-offs every year. We have delinquents but we have only written one partial and one total write-off which we may now get reimbursed. Only two times in all the years she has served on the Board have we ever had to write-off an account on a foreclosure.

Ms. Star said she wasn't talking about write-offs but asked about members that do not pay their dues.

RESPONSE: Ms. Kilburg said that is not considered a bad debt unless you have to write it off. We usually end up collecting on it. There's not an expense line for a bad debt unless we have to

write it off as an expense. When we have one, we add a line item to the Chart of Accounts that states it's a bad debt. You can't make it a budgeted item.

- Can I get a copy of the monthly meter readings? You used to have them on the website.
RESPONSE: Ms. Kilburg said we normally post them on the website but because we don't have a web administrator right now we are behind on the posting of the reports and asked to please be patient.
- There is a rut starting on one of the main line valves on intersection of Mimbres and Ashley. It's not bad but it needs to be filled before winter.
RESPONSE: Mr. Nelson said he will look at that intersection tomorrow when he drives around to look at the other two issues tomorrow.

b. Mr. Dave Schmitt had the following comments:

- First, he wanted to thank everyone on the Board.
- Secondly, he had a meeting with the Forest Service regarding several issues. The Forest Service is offering all posts and barbed wire for owners' whose property borders the Forest Service property for the purpose of trying to keep cattle off their private property.

Ms. Weary said if Mr. Schmitt sends her the Forest Service contact and information from his meeting, she would write up something for the newsletter or send an email to all property owners informing them about this free service the Forest Service is providing.

Mr. Nelson asked if barbed wire is allowed. Ms. Kilburg said there is barbed wire already throughout the community.

Mr. Schmitt added a comment to Mr. Fredlund's report. The water committee agreed on a three-tier structure. Discussion ensued about other details discussed at the Committee meeting but further discussion among the Committee members is required.

c. Ms. Barbara Van Ruyckvelt had the following comments:

- On upper part of Los Griegos, in the road easement, someone put up a ski jump ramp with steel posts. It is considered dangerous and she recommends it be dismantled. Mr. Nelson said he will take a look at it.
- Ms. Van Ruyckvelt has concern that the member who brought in a trailer recently is not showing indication that they are going to build a permanent residence. She asked if they know the rules. Mr. Otero said the member is aware of the rules and that they have two years from March 2018 to build. Ms. Kilburg said they still have plenty of time.

10. NEXT MEETING: Tuesday, December 12, 2017, 7:15 p.m.

11. ADJOURN: The meeting adjourned at 8:57 p.m.

12. EXECUTIVE SESSION

Lawsuit

Delinquent Accounts

Submitted by: Lorraine Otero