

Concerned Members report and comments on the Board meeting of SLPPOA – June, 12, 2018

NOTE: this is not the official Board meeting minutes that the Board is responsible for producing

Author's notes and comments:

About the Board's proposed "emergency" water policy...

SLP does not have unlimited water. Water is not free and should not be wasted. The State is in drought conditions and our water rights, ground water levels and the reliability of our water system is not guaranteed.

A recent Board committee's policy established to mitigate excessive usage has been challenged due to possible errors in data calculations and logic.

The State has issued a [bulletin](#) on how to mitigate the drought conditions as must our Board. SLP does not have the water rights to justify a 7000 -11,000 gals. /mon. per household as proposed by the committee or continue to allow excessive usage.

The national water use per household average is at 80-100 gal./day. That's 3100 gals./mon. We have over 43 users that exceed 4,000 gals./mon. If every property is allotted 7000 gals./mon. (over 2 times the national average) with our current water leak/loss, we will exceed our water rights allocation by 297,000 gals./yr. leaving nothing for fire fighting, breaks, declining ground water levels, and possible mandatory state imposed restrictions for conservation.

*Our water rights allocation of 59.3 ac ft/ or 19,323,000 gals/yr. must be distributed equally between 155 lots per year. Add on top of that since 2016, we have had an combined average of 550,000 gals./mon. water leak/loss on both systems. Approximately 50% of our pumped water is wasted every month and that number does not include the leaks on private property, that many owners have not fixed. **Our water loss is an unacceptable and excessive 6.6 million gals./yr.***

Provisions cited in a state engineer's permit for SLP in 2003--

This application is approved provided it is not ... contrary to the conservation of water in New Mexico nor detrimental to the public welfare of the state....

June 12 call to order 7:22pm

Board members present:, M.Otero, L.Otero, , Kilburg, Veverka, Corn, Weary

Guests: Star, M. Moore, Nyhan

Minutes and agenda approved

Treasurer

Account Balances:

Operating - \$132,790

Reserve - \$120,137

Past due accounts -

23 delinquent accounts totaling \$18,107.

5 delinquents are in foreclosure or bankruptcy totaling \$9600. A \$550 partial payment is expected from one but the remainder ~\$9,000 will probably be written off.

Of the other 18 delinquents - 2 have still not paid, 2 are on a payment plan and 4 have paid approximately 1/2 of their assessment and the others still owe a late fee charges.

Warning letters have been sent to delinquents.

There are 2 pending sales.

Legal costs - \$959 for attorney fees for community legal issues.

Lawsuit cost - no change - \$51,954

Water

A few excessive water usage offenders have spurred the Board to consider an emergency water policy until a Bylaws change can be incorporated. It is reported that the policy would grant each property owner 7000 gals./mon. and then shut them off. 50 cents a gal. would be charged for overage.

The emergency policy has been sent to the attorney for review. The attorney cites Article 6, Section 1(a) as authority for the Board to make policy.

There was an excessive and heated verbal rant from Veverka concerning the high users about water usage. He stated that taking weekly meter readings to quell the excessive use would be necessary.

Kilburg also noted a neighbor running an oscillating sprinkler in the middle of the day as a water waster.

Drafting an emergency policy will require more legal fees. It was mentioned that one of the Bylaws changes anticipated in the future would address excessive water use.

The water policy originally initiated by a committee recommended a 7000 gals./mon. per lot. Moore stated that, based on SLP water rights, the association doesn't have that available. Nyhan commented that the 50% leak rate needs to be addressed.

Discussion indicated that there have been discussion between the water team and Nyhan, one of the high users, and that he threatened the Board with a lawsuit.

Veverka stated that the committee relied on approximately 145 lots for the evaluation of distribution of gallons of water per lot. However, Weary stated that fairness needs to incorporate all 155 lots of the association. Kilburg agreed that a vacant lot could eventually be developed and subject to the same usage and needed to be in the calculations.

A lengthy discussion evolved about how to monitor, notify, enforce and turn off offenders.

The final outcome suggested 7,000 - 11,000 gals./mon. with no resolve discussed on the details. *The policy is being challenged based on incorrect data and logic.*

Compliance

Samples on both systems absent any coliform. Residual levels for .sys 1 –at .06, sys 2 at .07.

The annual Consumer Confidence Report (CCR) is posted on the web.

The meter readings have been filed with the state.

It was noted that lightning disabled the sys 1 Aspen Grove well and that the problem was remedied.

The sys 1 Hovenweep well is still down awaiting an electrical upgrade. If needed the well can be run with the generator.

Missing meter covers from last year's install have been ordered for 2 meter assemblies.

Corn reported on water pumped and usage. *Basic information is available on the SLP website.*

Sys 1 pumped 751,000 gallons this month – less than last month. The usage was 412,000 gallons. Water loss at 338,526 gals. System 1 is currently leaking 45% of its pumped water -- 7.6gal/min (11,000 gals/day - 340,000 gal/mon).

There were 11 leak flags – several over 7000 gals. 6 users over 10,000 gals.

Highest user: 90,000 with no leak flag, a 47,000 gal. user, a 14,000 gal. user with a leak flag, and users at 13,900, 11,000, and 10,208 gal/mon with no leak flags.

Sys 2 was reported at 363,000 pumped but was noted that this figure was wrong. *404,500 gals were pumped according to the records.*

Usage was 195000 gals./mon. 4 leak flags and 6 users above 7000 gal. *Water abusers: 31,000 gals., 13,500 gals., 13,000 gals., 12,000 gals., and 11,000 gals. A total of 11 users exceeded 5,000 gals. this month. System 2 is currently leaking 52% of its pumped water.*

Kilburn stated that a newsletter mailing is imminent and that it will warn residents of the water issues. Unfortunately many pay no attention to the information put out by the Board.

Star asked about notices to those with leak flags. There was no definitive answer as to the progress or results.

Roads

Crane will no longer be winter plowing our roads and a place for the sander is being considered.

M. Otero is clearing out the culvert on Cerro Pelado. He complained about the lack of community assistance. As he put it, people are complacent and don't give a f*#k. It was recommended he get Raue to finish the digging with his backhoe.

Legal

No news on the progress of the delinquent accounts or the lawsuit.

There have been no further letters to covenant violators and no responses to the initial letters.

The attorney is reviewing the proposed Bylaws changes.

Kilburg mentioned that she would prefer to incorporate all the Bylaws changes onto one ballot. Allowing acceptance or rejection of each item separately instead of an individual vote on each item.

Firewise

The monsoons may be earlier and longer.

Running chain saws in the association during the forest closure was discussed. It was questioned whether the Board should incorporate FS restrictions for the association.

The Thompson Ridge slash pit closed.

There was discussion about drafting water for fire fighting off a SLP 2" system main line and whether the association should buy water bladder(s) and place in strategic location around the association. Weary agreed to get prices. She asked how much water could be dedicated to the fire dept. One of the Board members said a water allocation would be explored.

Weary also commented that in the event of a fire that the fire dept. had keys to get through the FR 10 gate during an emergency if it was closed. She also mentioned that patrols are taking place to ensure that the High Rd. exit off Los Griegos is cleared.

Parks

Liability signs have been posted and the open pipes of playground equipment have been capped. The monkey bars that were removed can be replaced because there is money available. *But why?*

Architectural

M. Otero is trying to find another volunteer for the architectural committee. He also mentioned that a 10 x 10 shed request is compliant.

Old business

There has been no progress on the web page because no notice was sent to the new web person.

There has been no action on the county cinder pile and its jersey bumpers encroachment.

There are no volunteers yet for a water compliance officer.

A playground protection plan has been finished and signs posted.

Weary and L. Otero will take on the responsibility of a nomination committee and call people to volunteer for the Board. There will be 5 or 6 seats open. The Board blamed the lack of volunteers on the lawsuit. *This is the fault of the Board. If the Board would have been willing to communicate, there may have been no lawsuit. To Nyhan's credit, he stated he recommended early on to the Board a joint conversation to which the Board refused.*

The Board made innuendos about what happens if there are no volunteers and the Board is dismantled. An email has been sent to the attorney to determine how to handle. Maybe the state will step in and it could be a good thing or not so good.

No action on leak flag notification follow-up.

No action on further bids from accounting firms to take over from HOAMCO as they are not providing the services needed for SLP.

No action on rewriting the CCR's.

New business

A summary of the motion to vote on the water policy subject to attorney input :

- A brief reading of the policy suggested 7,000-11,000 gals./mon. per lot.
- A surcharge will be initiated after a 3 day notice. The notification will either be by letter, email, or phone or all of the above.
- Retaliation for cutting locks off will be subject to the tampering policy remedy.
- Residents with leak flags can't be supported.
- If the allocated amount per lot is exceeded they will be shut off. They will be turned back on the following month. *This approach is problematic and may be illegal.*
- Lock out would precede surcharge. *It was not clear how a surcharge would be initiated if the water is shut off.*

Meeting ended approx 9:45pm

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