

Concerned Members report and comments on the Board meeting of SLPPOA – August 14, 2018

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

Author's notes and comments:

- **WHY should you care about the upcoming Bylaws changes issue? State regulations will overrule the SLP Bylaws and change your rights.**

The 2015 Homeowner Association Act (HOA Act) takes precedent over SLP governing documents and that includes the Bylaws. If members haven't read the new law, there are changes that will affect member's Bylaws rights. According to the HOA Act, "If there is **any change/amendment** to our community documents (Bylaws), the HOA Act requires the Bylaws to comply with the Act. (§47-16-15 (B) *Section 15*). [HOA Act](#).

Here are the questions we are bringing to the annual meeting for Board clarification.

1. What does "comply with the Act" mean, and how will this affect the existing provisions of the Bylaws?
2. What provisions of the HOA Act will change, supersede or be required to be incorporated into our existing Bylaws provisions?

e.g. §47-16-5 - Records disclosure - what law-- Bylaws or HOA Act will take precedent?
Section 5 How will that affect members rights to inspect association documents?

§47-16-10 - Financial audit - what law-- Bylaws or HOA Act will take precedent?
Section 10 How will that affect members rights to an audit every 3 years and yearly financial statements?

3. What legal advice has the Board received on this issue?

- *Why should you care about the proposed emergency water policy? Read the [Argument](#).*

Meeting called to order 7:17pm

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

Guests: Lisko, Van Ruyckvelt, Star, M.Moore, Cantrell

Treasurer Report- L. Otero

Acct. Balances:

Operating - \$126,860

Reserve - \$121,490

Past Due - 20 delinquent accounts totaling \$12,694.

5 accounts in foreclosure totaling \$8,400. One pending sale is a foreclosure.

15 accounts on payment plans, 7 of the 15 past due are attributable to nonpayment of interest.

\$660 was transferred to the reserve acct.

There are 2 pending sales.

Legal fees for: delinquents and other expenses - \$2,627.

lawsuit -unchanged at \$51,949.

Water maintenance - Veverka

Faucet water is still murky and there is still air in the line from a lightning hit on Lisko's house. Bonita Way water delivery currently is experiencing a cloudy water issue that is still under investigation.

Hovenweep well is now on line and a pressure relief valve has been installed however the switch may need calibration.

Compliance - Corn

Reports have been within limits: sys 1 - .04 residual sys 2 - .09 residual.

A special well sampling test was initiated. Because of a lightning strike that knocked a well, samples couldn't be collected. Cyanide detectable was .005mg/liter.

Meter readings are filed. One mortgage lender has requested more information than currently submitted and it was suggested that more detailed information about our water system will be required in the future.

More surge protectors for the level controllers have been ordered.

A Santa Fe contractor had requested to purchase 2500 gals of our water for compacting road work on upper FR 10, but was denied by the board. There was some discussion regarding water for dust mitigation while forest service contractor trucks drive through SLP on FR 10. Star reported that because the FS did not require this provision in the contract that dust abatement would not be provided for SLP.

Meter readings

Sys 1 -569,000 gals pumped, 294,000 used, leaks at 6.2 gal/min, (275,000 gals./48% leak rate) 12 leak flags with the highest user at 42,000 gals. this month.

Sys 2- 468,000 gals pumped, 276,000 used, leaks at 4.3 gal/min, (192,000 gals./41% leak rate), 5 leak flags and the highest user at 100,000 gals. this month. It was explained that the high user was because a water heater that has been repeatedly reported as fixed, is not fixed, and the owner is not a full time resident.

Roads - M. Otero

RL Leeder the contractor responsible for repairing and grading our road did the best job that we've had in years. Member's responsibility to clean out their own culverts was discussed.

No snow removal contractor has been identified. It was stated that we lost Crane due to excessive contact by residents directly to Crane instead of reporting the issues to the Board for them to handle. This isn't the first time we've lost contractors due to resident direct contact with vendors. Some suggestions were made about how to better manage the situation, however, the Board seems to have lost its authority, *or maybe it's because they don't take action soon enough*, to control the membership.

Legal - Kilburg

No update on the lawsuit.

Restrictive covenants – The Board will not pursue the member in violation in Unit 1. The Board said members will have to take action. There has been another letter initiated to the member on Los Griegos.

Firewise - Weary

The gate on High road has been checked and discovered that Bootzin has put in another gate.

Parks - M. Otero

No report.

Architectural - M. Otero

A couple of requests have been submitted. One is regarding solar panels. A comment that solar panels had to be on the back side was questioned due to sun exposure, however as there are no restrictions in the Bylaws for solar panels and there was confusion regarding how to handle the request.

There have been some near misses on the SLP roads and a suggestion was to install 15/mph speed limit signs.

Otero commented that despite RL Leeder's efforts to create drainage, many of the culverts installed years ago are useless due to impaction of road debris and lack of cleaning. Star asked if the culverts were on the association easement or the responsibility of the owner. Ownership appears to be unknown, however if the culverts are not cleared on occasion, the recent road repair expense will be short lived because future water damage will erode the repair.

Old Business

The proposed new webmaster *after months of waiting* has not responded to calls and Weary stated that she would pursue someone else.

Kilburg contacted Sandoval County regarding the trespass of county jersey bumpers on SLP land. The county assumed it was county property and stated they would check into the issue and remove county property. It was not clear that they would move the cinder pile; however the west side of the fire station was suggested as a possible site. *This issue has been in the queue for months without resolve.*

Who will take on the water compliance officer position is on hold until the election and assignment of officer.

There is no progress on the emergency water delivery plan. *This issue has been going on for years.*

The Bylaws changes meeting is set to Sept. 22, at 2pm. A letter will be sent to the members.

Ballots have been sent for the Annual meeting and some have been returned.

Kilburg stated that on four lots the property tax protest has reduced some lots from \$40,000 assessment to \$2,000, \$4000, \$21,000 and \$12,000. There is still some research to do for the protest.

No progress on water system spare parts. *This issue is still being relegated to the back burner.*

No news on leak flags notification. *This issue has been sidestepped since meters were installed.*

Kilburg contacted the Integrity firm in ABQ about taking over the management of SLP. HOAMCO has become a burden to work with.

No progress on rewriting the Restrictive Covenants. *This issue has been discussed for years.*

New business

Corn reported that a new contractor, Universal Waste, may be available for SLP. He stated that Thompson ridge got a dumpster. Prices – \$11.20/mon. with 6 months pay in advance.

An issue in Unit 1 with a lot that has installed a high wattage lumination on the property is affecting surrounding residents. Lights have been on 24/7. As Unit 1 does not have specific restrictions on outdoor lighting, there is no prohibition against it. It is claimed the light is for security. Communication requesting a redirection of the light has not been successful.

There was a request from a resident to address the drainage problem on Los Griegos; however the requester didn't show up. The issue was dropped.

Closed session approx. 9PM.

ss/bv