

**Concerned Members report and comments on the Board meeting of SLPPOA –  
Feb 12, 2019**

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

Author's notes and comments:

- *Unless our Board members address the increasing water loss problem, many unaware members will be left "holding the bag." If the Board decides to do nothing, Star will initiate action to communicate and educate our members.*

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Meeting called to order 7:15pm

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

Absent: Rightley

Guests: Star, Fredlund

Jan. minutes approved. The well depth monitoring program added to the agenda.

**Treasurer report - L. Otero**

Account balances:

Operating: \$170,175

Reserve: \$112,070

48 unpaid (delinquent) at \$39,606. It was claimed that because the Bylaws are unclear that property owners aren't paying yet.

69% of the assessment have been received

Of the 48 unpaid, 9 have paid a portion. One member requesting a payment plan. A reminder notice has been sent.

There has been one change in ownership.

HOAMCO will again do our tax

Legal costs for the lawsuit is unchanged.

Other legal costs - \$5,557.

**New Business** (added at the beginning of the meeting to accommodate guests)

Star presented a proposal on water billing – to fix and upgrade our system infrastructure and sustain ongoing maintenance. Our property values depend on a reliable and safe water supply system. *The proposal met with mixed response; some good support and some apprehension.* Proposal is posted on <http://www.slpwater.us>

Discussion amongst the Board included some debatable statements:

- How will the Board "sell" the idea. The answer was – give the members the facts and allow them to decide.
- Members will see a considerable cost increase. *Yes, water billing to fund the system expenses will cost all members. If the systems continue to deteriorate, they can plan on special assessment to preserve their water system; a very difficult process to accomplish and a bigger chunk of change.*
- As a nonprofit corporation if we charge for water we will need to pay tax. This statement was countered with so what?
- Our water loss is being returned to the aquifer; that was countered with – not necessarily.
- We need to involve more volunteers. The proposal stated just the opposite; we need to relieve our dependence on volunteers as they are retiring, moving, getting old, are not reliable and are a liability.
- We don't want to spread "doom & gloom." That was countered with– wasting 1/3 of our water rights IS doom and gloom and the members have a right to understand the urgency of the water loss issues. Reporting numbers in gals/min, using small numbers as was reported at the Jan meeting, 12.5 gals/min. sounds benign however, as pointed out in the presentation that small number equates to 530,000 gals./mon., 6.4 million gals./yr.
- No Board member commented on the fact that we are now sending our FD to the river for water while we pump millions of gallons of water into the ground.
- We could increase the dues every years to cover the improvements. *We can't raise enough in any one given year to cover \$1.5 million in estimated costs to fix and upgrade our system. We've been postponing TOO long and costs increase every year.*

Fredlund argued that the excessive use policy would be less punitive. *This policy offers no reasonable funds to fix and upgrade our system. Water billing is not proposed to be punitive, but to engage all property owners to finance and protect our system.*

The proposal was tabled until further investigation was done on the numbers and corporation setup. *We question how many Board members are even aware of the excessive water loss. Only Lisko questioned the 500,000 gals/mon loss at the Jan meeting, with no further explanation or discussion from any other Board member.*

Studell and Otero brought up ideas on how to engage more volunteers. It could be made mandatory that new members would be drafted onto the Board, or those that volunteered for the Board would get their dues paid. *We see these ideas creating more problems than solving them.*

Kilburg reviewed the new changes to the HOA Act (SB 150) recently signed into law. She proclaimed that several changes will impact the way the Board does business.

Studell suggested filing a lawsuit against the legislature and Kilburg stated that these and other issues are going to be addressed by the attorneys.

Otero suggested impeaching the governor.

Corn presented the new agenda item:

Scott Christensen from the NM Dept of Geology came up to tape the water depth of our 3 wells. Corn mentioned that they may include a sonic measuring device for continual monitoring. He stated that Aspen Grove well measured 315ft as opposed to 317ft from some years back. Studell voiced concern about the possibility to opt out. Corn confirmed we could. The Board vote to sign a contract to continue with the effort

#### **Water Maintenance - Corn**

No event- no breaks this month. He reported on sys 1 and sys 2 usage, loss, leak flags and users over 7000 gals. His report included a loss rate on both systems at 12.9 gals/min. 7.9 gals/min on system 1, 5 gals/min on sys 2. A .4 increase over last month. *Again....no Board member questioned the "small" number. Keeping everyone including the Board members off guard.*

#### **Water Compliance - Weary**

Nothing detected with the testing, however she had questions regarding the chain of command on the sampling..

#### **Roads - Studell**

Studell reported that 2 loads of cinders were delivered. The pile is uncovered and the tarp remains on the side of the pile. He will take the issue up with Raue.

Raue has used up his 7 plowings and the next plowings will cost \$1,000 each.

The narrow plowing of the roads was discussed as was adding no parking signs on the roads to keep people from parking on the roads and making it difficult for snow plowing.

It was stated that people who come up to rent homes in the winter are ill equipped to handle the driving conditions of our roads.

It was mentioned that we are paying \$2000/yr to sand the roads and Studell stated the Board should limit sandings because he thinks the Board needs to conserve costs and we don't want to lose Raue. Despite volunteers working on the higher elevation roads, it was stated that sanding is a necessity to accommodate those residents that have difficulty negotiating the ice. Accidents could create liability for the association.

Plowing of the Hovenweep loop has been resolved with Raue. The county will be responsibility for that road.

It was suggested that the Board get the county to do all the roads, however past conversation with the county would require that all owners deed their portion of the road over to the county. This idea will be revisited. RL Leeder, the contractor that worked on the roads last fall would install the culverts, but would not do the engineering. Lisko recommended an engineering report.

#### **Legal - Kilburg**

Star filed 2 documents with the clerk's office. A notice of supplemental authority to alert the court of the change of the HOA Act by the legislature. (*Federal Rules of Appellate Procedure requirement*) and a motion to be served electronically. HOA Act changes and how it will affect the association will create more attorney's fees.

**Firewise - Lisko**

Lisko discussed the workshop in Santa Fe and about the project to treat 35 acres in Jemez watershed to improve water shed and clear out the forest. He stated the main focus now is on the Seven Springs area. He suggested putting out a questionnaire that would lead a property owner to understand reasons to clear their properties. He handed out a draft of the GEJWUIC project overview.

**Parks - M. Otero - no report.**

**Architectural Control - M. Otero - no report**

**Old Business**

A contract was sent to Schacht the existing webmaster. It was stated Schacht would review, modify and reply.

The water surcharge (excessive usage policy) is on hold. The attorney will have to look at the bylaws as a whole with the new HOA Act and the current charges of the policy.

The issue of Bootzin releasing Unit 9 from SLP water rights has not been determined and will require attorney advice and documentation. Corn agreed to talk with Bootzin.

**Action items**

The Extension of Time to Perfect form required by OSE - Weary - no report.

VRBO covenant changes -Lisko presented his ideas for covenant changes for those VRBO properties in the association. They included, permitting, parking, limitations on occupancy based on floor plan, fire restriction when appropriate, off-highway motor vehicles operations use, noise limitations, supervision of children, dog control and waste disposal.

Closed meeting called 9:15pm.

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