

Concerned Members report and comments on the Board meeting of SLPPOA-- July 13, 2021

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

Author's comments:

- The board is still mulling over how to enact water billing hopefully without member vote. They are still feeding off the failed excessive water use policy. *Despite much past information, the board still has no plan on how to set up a billing structure or how to separate water from other association services. The board can continue to kick the can down the road, but they are missing the opportunity to fund our water system infrastructure through equitable member assessments.*
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Zoom meeting called to order 6:35 pm.

Board members present:, Oepping, Lisko, Burnworth, C. Hines, Stuedell, Rigney, Cooke.

Board members absent: Rightley, Toennis

Guests: Star, Corn, J. Hines -water operator, *(some attending via phone)*

Approval of agenda and edited minutes of June 8th.

Officers' Reports

President - Lisko

The Master Services Agreement with NV5 was revised and accepted. The major contested issue with the original document was NV5's requirement to own the engineering rights on the design.

An invitation was sent to member-owners to attend an inaugural meeting with NV5 on 6/29. There were few folks that showed up, *but Tuesday at 10am may have prevented many from attending.*

Lisko transcribed his notes taken at the meeting. Star indicated that the claim of an 88% leak rate on System 1 and a 68% leak rate on System 2 was incorrect. His notes should read:

JN stated we had a high leak rate on sys 1.

Star agreed with JN that the leak rate was between 40 - 50% on sys 1 and only about 1% on sys 2 and she questioned how our sys 2 leak rate could be almost 0. Star questioned whether our master meters were calibrated correctly, to which there was no answer.

Star's notes from the meeting are posted on www.cmslppoa.org.

J. Hines agreed with the correction and did not know when the meters had last been calibrated. He will check on the last time they were calibrated. J. Hines indicated that some of the houses on sys 2 are actually on sys 1 and that has skewed the loss rates.

There was discussion about whether calibration is necessary. Star added that calibration is important and if and when we transition to water billing property owners will expect accuracy on their water bills.

Lisko reported that we should approach our state representative, Christine Chandler, to inquire about capital outlay for our system projects.

Lisko requested reimbursement in the amount of \$22.05 for 7 gallons fuel put into his UTV. Request approved.

Vice President – Rigney

According to the attorney, the title search done on the 5 lots of Unit 6 produced no legal binding contract giving the board the option of charging for services.

There are a few options to consider. The board can initiate a legal binding document, or not charge them at all. The downside of not charging would give the new owners free roads and snow removal.

The attorney suggested that a contract doesn't have to be equitable to other members of the association. There could be a different annual assessment applied to the Unit 6 lots.

C. Hines was in favor of charging a set rate.

Cooke commented that the contract should make clear that SLP is not obligated to provide water.

Oepping discussed how a percentage of the annual fee could be charged.

Corn asked if the new owners would be joining the association. Lisko indicated they would.

Stuedell asked if they would get 5 votes if they have to pay 5 assessments.

Cooke reminded that the owner could chose to consolidate.

Rigney stated that he would have legal counsel draft a written agreement for traversing SLP roads.

There was no determination on the amount that would be assessed the new owners.

Secretary – Burnworth

Burnworth didn't have an update on placement of a dumpster in SLP by universal Waste Systems of NM.

She stated that preparations being made for the SLP annual membership meeting on Sept. 11, 2021. She's working on getting the ballot mailing done. It was noted that there

are three board members up for election. If anyone has any property owner names to add to the ballot that they should contact her.

Lisko threw out an idea to use the ballot as a fishing expedition to poll members input about a special assessment to implement water billing. There was some discussion about the pros and cons of whether such an idea was worth the effort.

Stuedell reminded the board that 2 months ago this issue was to have been reviewed by the attorney. He commented that he believes it is a legal issue that cannot be simply imitated without a vote of the membership and that the board cannot circumvent the Bylaws.

Cooke commented that putting this idea on the ballot should state that it is a non binding informal poll to consider restructuring the fee system with water billing. She added that the board can write special assessments any way they want, however any special assessment requires a 2/3 vote of the membership.

Star suggested that you need to get buy in from the community and whatever strategy the board decides, it needs to be legal. She went on to comment from previous experience that water billing requires a new corporate structure and that the board needs to "market" the benefits to the community if they want to succeed in implementing this type of operation.

It appears the point was missed that water billing should not be initiated as a "special" assessment. It is a long term financing project to fund the water system.

Despite a prior legal interpretation that the special assessment would require annual rates, not randomly by the day or month, as would be normal for a water billing operation, we question whether "annual rates" conforms to the "uniform rate" requirement and whether changes in rates would be legally enforceable every year without member vote. Even a tiered level billing is a moving target subject to board decision. And we don't believe qualifies water billing as a special assessment.

Lisko seems determined to find a work around for water billing to avoid a member vote based on the failed results of the last Bylaws vote.

Rigney questioned why the association would charge a few excessive users when we have a 50% leak rate on system 1 that's not under control.

It was decided that legal advice is the first step.

Treasurer - Oepping

Account balances:

Operating: \$191,771

Reserve: \$123,938

There are 11 delinquent accounts totaling \$13,397.

\$660 was transferred to the reserve account.

There was one change of ownership; Tyler Gilstrap at 104 Trilobite Trail.

Oepping received a template for the annual financial report that will be used for the upcoming member meeting. He saw no value in catching up with the missing year and will move forward as of this year.

He stated that the current payments on the water conservation fee to NM Taxation & Revenue Dept. were missing documentation that comes from HOAMCO and will make sure HOAMCO follows up.

Stuedell questioned why there is no future financial planning for the budget. How does the association plan for future expenses?

Star suggested that in addition to a reserve study a long term asset management plan would be prudent and that such an undertaking was once initiated but there are few willing to take on the task. *There has been no indication that the board has dedicated any time to future budgeting for expenses.*

Water - Hines

Maintenance

The Levelcon tank level monitors are working.

The system 2 well pump failed and was on order to be replaced. He was using the commingle valve to replenish water to the system 2 tanks from the Aspen Grove well in system 1.

Hines sent out leak flag letters and assisted 6 customers in leak detection and repair.

A new Excel program has been designed for water reports.

Hines reported on the water usage for sys 1 & 2 for June. He stated this month there were 13 users over 7000 gals. and one user at 47,000 gals. On System 2 there was one user over 21,000 gals.

Volunteers met for meter reader training with Harold Corn.

Compliance

System 1 and System 2 coliform/microbiological reports are absent of contaminants.

Star asked when the tanks are due for inspection. Hines replied they are due this year but not scheduled yet.

Star asked if Hines could check on the water usage website page as it was not working.

Roads - Stuedell

Stuedell reported that Leeder will be doing our road maintenance in August.

He talked with Raue about the culvert on Trilobite between Coryphodon and Hwy 4 but has received no quote yet. Stuedell stated a new culvert is needed in front of High Road. J. Hines stated a need for a culvert at the Scouts Lane and Aspen Grove Roads.

Rigney questioned why are we doing road maintenance later in the year instead of earlier? He commented that Los Griegos is in need of repairs. There was comment that earlier maintenance preceding the rains is a waste of money, and the road repairs last longer if the maintenance is complete after the rains.

Rigney also inquired about a culvert cleaner. Stuedell stated that the drainage and ditches need to be fixed before we can expect being able to clean the culverts.

Stuedell does not have a quote for snowplowing yet but will recontact the resident that expressed an interest. He also noted that Raue may have a referral.

Legal – Rightley- absent.

No report.

Firewise – Cooke

No report. She has requests for chipping in the neighborhood.

Architectural – Toennis -absent.

Lisko reporting for Toennis.

There was one new architectural request approved for construction of a woodshed at 165 FR 10. There are no updates on new ACC guidelines. Toennis has not had time to work on them.

Parks – C. Hines

A flyer was emailed to the members about a Notice of Park Work Day that is scheduled for 10 AM on Sat., 7/17. Projects will include repainting the swings and picnic table, trimming the smaller trees, and the chips will be put under the swings. Weary volunteered to make a sign. They will add posts to prevent auto access.

C. Hines reviewed the list of road ID & traffic signs, posts & brackets.

Old Business

Lisko announced that on 6/28, the webmaster posted the closure of the shared member account that has allowed random users access to secure SLPPOA data. The new account requirement will go into effect on July 31, 2021.

Stuedell has not heard back about extended broadband for SLP. Lisko stated there may be some capital outlay available and Stuedell volunteered to meet with representative Chandler. There was also mention about a rumor that Windstream may soon be bringing up fiber optic to SLP.

Rigney added that at the end of August the Starlink service might be available for SLP.

New Business

J. Hines reported that as of last Friday, the meadow well went down and the pump would need to be replaced. Pumps are on back order and may be tomorrow or end of the week. He is using the commingle valve to provide sys 2 with water from sys 1 in the interim.

Action Items

J. Hines offered an update from the fire chief for acquisition, transport and placing a large water tank from Intel. Only 25K tanks are available , and the LCVFD needs 30K for the FD to improve their rating.

Lisko offered a few pros and cons regarding the issue. It was estimated that the cost for transport of one tank to SLP would be \$60K. Getting 2 tanks would likely be cost prohibitive. He stated that the county wants SLP to pay and give LCVFD the ownership, and he is not in favor of this idea. Lisko stated that he would expect the county to pick up a portion of the bill if they want to get a better ISO rating. SLP could also supplement the 25K tank with an additional 5K gal tank. The issue is still being reviewed.

Cooke ask where it would be placed. Lisko indicated behind the fire house.

Star stated that in years past, an improved ISO rating would not affect her State Farm insurance rates.

Rigney stated that his Allstate insurance was going to be cancelled unless he provided a firewise safe perimeter around his property.

Stuedell inquired about the financial limits the board is willing to spend for a tank(s) and asked if the budget can accommodate.

Lisko gave an update on the alternate wildfire evacuation route from Los Griegos through FR 4. The FS road crew went in and did some work to the road. Lisko drove his UTV over the road and identified some issues and provided these comments to Riley.

He stated that entering the gate from High Rd., is very steep and the sharp angle would be difficult if not impossible for fire truck access.

There is a cattle guard in the middle of the road and no fencing on either side, he questioned its effectiveness.

On the uphill side there were 4 places where water bars were extreme and the drive would be rough. He noted that Riley suggested that some fill would be added.

At the peak there is a long downhill run and pumice and water are cutting the ditch and crossing the road causing erosion.

At the bottom near the junction of Hwy 4 there was an arroyo with lots of pumice, and a low clearance vehicle would probably not make it. A culvert would be needed to remedy this issue.

His final conclusion and depending on what repairs the FS is willing to do, the road at this time is not a dependable escape route.

Meeting adjourned to executive session - 9:16 pm

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