

## Concerned Members report and comments on the Board meeting of SLPPOA-- November 9, 2021

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

### **Author's comment:**

- The board is revisiting the water billing initiative with no plan. *Unfortunately, the members including some board members, have no idea what our issues are, what the cost of upgrades will be, what upgrades are necessary or why water billing is important.*
  - We still have 11 delinquents, for a total of \$13,000; some that have not paid at all this year. The board is just now starting to send "intent to lien" letters. *The board has not followed the Bylaws that stipulate timely action for nonpayment. They were questioned about the status at the last meeting. That may have urged them to take action.*
  - The board is surging ahead with a co-mingle project as the first water system upgrade *despite it being a low priority, redundant, non emergency issue. The cost was originally estimated at \$57,000 but escalated to \$89,000. This project would be paid out of reserves. That will deplete our reserves by 70% or more leaving us only \$37,000 or less for emergencies.*
  - System 1 is at a 54% leak rate- losing over 300,000+ gals. / mon. with no plan to fix anything. But the co-mingle project has been declared a first effort regardless of priority. *As the leak rate increases, system 1 users may be faced with an emergency that we have no monies in reserve to fix. The board is failing us on its ability to manage our community water systems.*
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Zoom meeting called to order 6:33 pm.

Board members present:, Oepping, Lisko, Rightley, C. Hines, Stuedell, Cooke, Rigney, Toennis, Cross (new secretary).

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

Approval of agenda and the minutes.

### **Officers' Reports**

**President** – Lisko

District Ranger Brian Riley replied that the FS has taken down 15 snags on a portion of the East boundary of SLP and that they will try to work on the North entrance and boundary of SLP during a prescribed burn or will try to finish in the Spring.

The preliminary contract document for the co-mingle project from NV5 was sent to sent to the attorney for review. NV5's estimate for job went from \$57,000 to \$88,816. It will now go out for bid.

Van Ruyckvelt commented that \$89,000 will desiccate the reserve fund. She stated that this project is not an emergency. Lisko stated that Corn had made the suggestion of tackling the co-mingle project first and that he, Lisko, was going to stay on course regardless.

Star questioned the viability of a co-mingle system to suck water from system 2 only to throw it into system 1 with a 54% leak rate. Lisko stated that the co-mingle valve would not be used on a regular basis. *Until the leaks are fixed, it shouldn't be used at all!*

Rightley commented that it was good that water could be shared between systems. *Water can already be shared between systems. Corn pointed out in an earlier meeting with NV5 that he could reverse the water to go from system 2 to system 1 and had successfully done so.*

The rest of the board remained silent on the priority of the project and the reserve issue. *Not a good sign.*

Lisko asked Harold Corn to write up a history for the special meeting which he declined. Mary Moore picked up the task.

The special meeting on the SLPPOA water system held in Jemez Springs at the Presbyterian Church, on Saturday Nov. 6th, according to Lisko, went fairly well. He admitted after hearing discussion at the meeting that a MDWA may not be the appropriate option because of all the requirements. A water coop might be a better way to go.

Rigney noted that there was little discussion about cooperatives as the invited guest who was to speak about cooperatives, didn't show up.

Star added that the board went through the expense of hiring the attorney's advice, why wasn't a self-governing option (changing the bylaws **WITH** member approval) to fund the upgrades also presented as an alternative idea. She asked when will **all** the options be on the table for discussion. *There is more than reforming as a MDWA, or as a cooperative for funding options. We can self govern a water billing structure (per the attorney but with member approval) with a bylaws change and a rules document.*

Lisko requested reimbursement for \$507.39 to cover costs of buffet lunch, mileage and Zoom renewal. The catering from Rudy's in Albuquerque was too expensive so he ordered through the BBQ place in Los Alamos. Motion for payment approved.

#### **Vice President – Rigney**

There was no update on the road agreement with realtor Ron Brown for the lots at the top of Unit 6.

Rigney stated that the only Facebook posts on Sierra Los Pinos Homeowners Chat were that there were lots of concerns regarding the location of the meeting.

**Secretary –Cross**

Cross stated that notices of the special meeting were printed and mailed to members on Saturday, October 16th. She purchased 200 stamps at a cost of \$174. Reimbursement was approved.

She has submitted her board member certification as required by HOA Act of 2019.

Cross couldn't open the Zoom document recorded at the special meeting to transcribe. Lisko will follow up with the Zoom service for advice.

**Treasurer – Oepping**

Account balances:

Operating - \$108,270

Reserve- \$126,670

\$666 was transfer to reserves.

There are 11 delinquents totaling \$12,995. According to Oepping HOAMCO has started to send "intent to lien" letters. The charges are being added to the property owners accounts. They will have 30 days to pay in full or can choose a payment plan.

Moore asked if there are any people that haven't paid anything this year. Answer...Yes. She reminded the board that it has the option to turn off the water. Lisko stated that that was not the way the board wants to handle the situation. Oepping replied that turning off water might cause problems.

Star proposed that they start the action in a timely manner as per the bylaws and not wait until the end of the year. She agreed with Moore and declared that most boards have been afraid to use the water turnoff option for nonpayment as is provided for in the bylaws. Liens, she stated, do not guarantee payment unless the board forecloses.

*September 10, 2009*

*I see no problem with the Association shutting off the water of those property owners that are delinquent in payment of their Association Fees which include payment for the operation and maintenance of a non-regulated private water system. The Association should give reasonable and adequate notice before doing so.*

*Attorney Brad Hays*

Cooke commented that there is no real practical way to turn off the water. She agreed that liens will not guarantee payment until the property is sold and then a continuum of records needs to be kept and submitted to the title company before escrow closes in hopes of receiving reimbursement for delinquent payments. *There are ways to turn off the water. Other associations control nonpaying customers using lock-outs and penalties. If the association is afraid to turn off non paying property owners as is provided for in the Bylaws, they will never succeed in water billing compliance.*

Oepping reported no change of ownership this month.

He mentioned that the \$996 new dues assessment for 2022 will be included in the HOAMCO letter to property owners.

#### **Water - J. Hines**

Hines reported that the systems are working well. *Except for the 54% leak rate that is not being worked on.*

There was another leaking pipe in the Aspen Grove pump house that was repaired.

Leak flag letters and excessive use letters have been sent out and he assisted one customer in leak detection and facilitated with two water turn-on/turn-offs.

Hines has scheduled the well meters to be tested for calibration within the next few weeks.

The water usage audit for the month of October is posted on the SLP website. System 1 reporting a 313,000 gals. /mon. loss-- (54% leak rate); system 2 reporting no leak rate.

Both system are absent any coliform/microbiological issues.

#### **Roads - Stuedell**

The snow plowing vendor contract for Morris has been OK'd by HOAMCO.

A new pile of cinders was delivered and are at the fire station. Stuedell was ambivalent about covering the pile.

Star suggested that the pile needs to be tarped, otherwise the rain and cold will turn the pile into cement.

Stuedell commented that Morris has some parts for the repair of the sanding equipment; however there was no mention that anything is getting fixed.

#### **Legal - Rightley**

Rightley left a voice message, but has received no response yet, and follow-up is on his agenda for a vacation rental property recently discovered on Ashley Lane. He will continue to pursue getting the owner policy compliant.

The sheriff's office and animal control have been called on the puppy mill in area 1. This business is illegal as it is operating for profit and is a prohibited activity not in compliance with the CCR's. Rightley will contact the attorney for further guidance.

#### **Firewise - Cooke**

The SLP firewise status has been renewed. Lisko reported that Chris Romo, the FMO of Bernalillo state forestry and past presenter at a board meeting, will try to get as many properties as possible into the triage and will concentrate on SLP.

## **Architectural – Toennis**

No new architectural requests received for October 2021.

Toennis has followed-up with LA Net and their purchase of Lot 3 in Unit 6.

Cooke asked about a prior report of cameras and lightning on a property and the complaint by a neighbor. According to Toennis, and discussed at a previous meeting, there is nothing against this activity. If it is a business than there is a problem, however, there is no proof that it is a business.

## **Parks – C. Hines**

She sent an email reminder to SLPPOA members regarding the special meeting.

She needs to pick up the signs from Highway Supply and start installing.

Moore reminded her that the signs need to be sturdy and installed correctly because years ago a lot of the signs got torn down.

Star questioned who is going to enforce this? The answer... no one.

Van Ruyckvelt asked if Hines could send an email where the signs are going to be placed.

As Hines has promised before, she will put some info in a newsletter. *We were told she was going to put together a newsletter to help educate the members at the last meeting before the special meeting... that never happened.*

## **New Business**

Lisko requested a review of the new member welcome package. C. Hines and Cross will work with Lisko to adjust the package contents.

## **Action Items**

So far there has been no further information on the Intel water tank(s) for the LCVFD station in SLP for fire suppression. There has been no further communication between Scott Allen of LCVFD and Masthead (Intel tank delivery company). The ultimate set back may be crossing the bridge on FR 10 at Bootzin's meadow.

Lisko did make contact with the NM-DHS interim grant manager about FEMA funding. He learned that grants are processed only once a year on Sept 30. He will continue to pursue the funds.

Lisko suggested forming a committee to develop a water rate billing structure with Valdez of RCAC who has experience in setting water billing structures. The objective is to see what costs SLP will be dealing with.

Star asked how can you develop a billing structure without a plan on what system improvements you want to improve and a budget for those improvements. Water billing is a funding function for water system maintenance and upgrades. The board has no plan, so she doesn't see the advantage of working on a rate structure analysis

until one exists. *The cart again is before the horse. We have to also ask, why go through the effort if there hasn't been an approval by the members for water billing.*

Lisko is going to look at what monies may be available in the infrastructure bill. He stated that there is a special report from the rural water association.

Zoom call ended 8:15 pm.

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