

Concerned Members report and comments on the Board meeting of SLPPOA—November 14, 2023

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

Author's comments:

- The water billing vote failed. *Most of the Board members were not in support and are planning another "kick the can down the road" approach.*
- A 2nd vote was proposed. *The Board declines to consider any further effort toward the only reasonable way to fund our water system.*
- Increasing the annual dues is the next proposal on the agenda. *No implementation plan has been discussed, there are legal and administrative issues not to mention that it will offer little to build any substantial revenue encourage conservation and leak fixing or give us any opportunity to qualify for federal/state infrastructure funds.*

Attending Board:

Cooke, Smith, Tasnim, Wirth, Stuedell, Mielke, Van Ruyckevelt, Star, Dewitt

Attending members:

Paul Lisko, Tim Umshied, Mary Moore, Carl Hansen, Tera Hansen, Matthias Hochanadel
Harold Corn

Vice President -Cooke

Cooke made a motion to increase the dues 10% for HOA for 2024. All approve and motion passed.

Secretary - Tasnim

Discussion about minutes and newsletter corrections.

Treasurer -Star

Op Acct - \$105,000

Reserve -- \$68,000

With one suggestion by Smith to remove the Reserve Study funding for \$6800, the 2024 budget was approved. The \$6800 will be moved to reserve.

The outstanding \$5400 invoice for a 811 dig from JMEC in 2022 will be addressed by Cooke.

Hot Topics

- HOA Law certification forms by some board members still outstanding.
- Cheryl Sowder volunteered to review the FEMA application for flooding damage
- Corn reported that the fire hydrant parts are in the shed

- Lisko complained about the Facebook page that has posted not only an incorrect report but a defamatory account by Jack Nyhan. Because the SLP Chat is not an authorized SLPPOA Board media page, the board has no control over it.

Cooke made a motion to put in the newsletter that SLPPOA is not affiliated with the FB group

Water Billing 2nd Vote

Star reviewed the benefits of a second water billing vote. Can incorporate the text or attach it to the minutes.

Star makes a motion to accept a 2nd vote on water billing

Van Ruykevelt seconds. Discussion begins.

Comments by the board members during discussion:

Mielke states that the vote represents the membership's feedback so a 2nd vote isn't necessary.

Smith -- The process for a by-law change is very cumbersome - we shouldn't do it again.

Dewitt - We shouldn't waste more money on the process- two biggest issues are it's expensive, and he claimed there was no detailed implementation plan : He stated a 2nd vote with more education wouldn't help.

Wirth - Doesn't support it unless there's a dramatic change in the proposal

None of the dissenting board members were knowledgeable about efforts put for during the meter assembly vote in 2012 that took 3 years before it finally got approved. But they decided to throw the baby out with the bath water and try another approach.

The membership chimed in:

Umscheid - suggests water billing capped at 2%,

Lisko - stated without a revenue stream dedicated exclusively to water, USDA, DOE would not give grants.

Moore pointed out that we need quite a bit more money.

Tasnim - would like a new proposal that's quite different.

Star made a motion to proceed with a [2nd water billing vote](#). Motion failed 7-2-- Dewitt, Cooke, Smith, Tasmin, Wirth, Stuedell and Mielke voted no Van Ruykevelt and Star voted in favor.

Smith made a motion to disband the Water Management Team and remove all traces of the WMT, so the board from now on will handle water management. Cooke seconds.

It was decided that the 811 responses will be forwarded to Morris, Wirth, Corn and Dewitt. Cooke made a motion to compensate Morris (or Corn) between \$25-100 dollars per task, depending on the difficulty of the tasks involved. Cooke will construct a contract.

Water - Wirth

No report

Corn's summary of water systems completed projects was presented.

Star asked that Wirth send his usage files to her and the Board before filing on the website.

Roads - Stuedell

Stuedell stated that we should find a cheaper contractor

Meilke suggested that with each line fix we should fix that section of road.

Architecture - Smith

There were 3 approvals.

Smith wants to update the interpretation of setbacks - based on the same definitions as county zoning ordinances

Smith will continue to research Accessory Dwelling Units -

Smith presented a revised Airbnb permit that applies to the Vacation Rental Policy. The permit will only be a registration with no fee.

She made motion to accept these three changes to the registration form. Ann seconds. Star votes against.

Star's objection to the Vacation Rental Policy was described in her Oct 22, 2023 email

Can we legally enforce rules that are more restrictive than the provisions of the CCR's?

<https://www.hoalawblog.com/wp-content/uploads/sites/385/2016/12/Article-re-Judicial-Deference-CCRs-Rules-FINAL.pdf>

Estates at Desert Ridge Trails Homeowners' Assoc. v. Vasquez, 2013-NMCA-051, 300 P.3 736, is limited to the "prevention of nuisance-like activities."

Unfortunately there is no restriction that I found in the CCR's that specifically addresses occupancy, property management, vehicle parking, fire restrictions, noise limitations, supervision, firearms, bows and arrows, dogs, and waste.

The only restriction that could encompass all the above mentioned rules and may be legally defensible is....

"no obnoxious or offensive trade or activity shall be constructed thereon nor shall anything be done thereon which may be, or may become, an annoyance or nuisance on the area thereof."

However, is the Board allowed to "expand" on this definition and create further restrictive rules or would this require an amendment change?

..... before we get challenged in court.

Firewise-Cooke

Cooke submitted funds for volunteer hours.

Parks

Umsheid weeded Black bear park.

Long Range Planning- Van Ruyckevelt

Van Ruyckevelt presented a proposal from Wilson & Co. for \$22,790.00 recommending a need to-scale map of water system, and several other pieces of information regarding the state of the water system and what's not working.

Meilke - argued that some on the Board agreed to table the reserve study for later during the budget discussion, so we can come back this idea in 2025.

Van Ruyckevelt declined any further involvement as Long Range Planning chair due to Smith's taking over without any communication or cooperation to agree to work with Van Ruyckevelt.

Smith is working on a 1-3, 3-5, and 5-10 year plan. She will proceed to work with Wirth and Corn on the 1-3 plan.

New Business

Smith makes a motion to come up with a new proposal for increasing the 2024 Annual Assessment. Scott seconds. Discussion:

Star questions whether there are any laws that would prevent an "interim" increase in the annual assessments.

Smith commented that the website doesn't have official address of board, 950 Forest Road 10 - and that Tasnim put it on the new website

Old business

Lisko - talked with Jeremy Goldsmith about fixing high road.

Meeting adjourned at 8:29 PM.

Next meeting: Dec 12, 2023