

## Concerned Members report and comments on the Board meeting of SLPPOA October 13, 2015

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

- *When will the Board get the message that cryptic conversation and secrets regarding Association management is an invite to dissention and litigation?*
- *Attend any Board meeting and try to decipher the basics of certain discussions. Like a ship without a rudder, some random points are mentioned in reports as if the discussion and decision had taken place elsewhere. Case in point; the Board has alluded to a Reserve Study project, no mention as to why or with whom they are contracting or any information on what this study will accomplish. Additionally they indicate that it will be expensive. Is there any reason for the secrecy?*
- *We've been aware of the Board's half-truths, we are now experiencing half-reports. Attending Board meetings or reading the minutes does not guarantee you will gain sufficient knowledge to understand the issues.*
- *The Board is not spending all the money collected from annual dues each year, and there will be carryover again this year. (Last year it was \$24K.) Our total bank resources are, at the moment, \$159,300. We doubt this will be broadcast at the end of the year. Despite having excess money, the Board hasn't made much progress on fixing road problems or the big water system leaks.*

Meeting called to order 7:21pm

Board members present: Bennett, Brophy, Kilburg, Nyhan, Ballman, Veverka, Otero  
Late arrival – Bushnell, Absent: Fredlund

Guests: Star, Moore, Ms. Otero, Corn, Shurter

Agenda and minutes approved.

Budget discussion moved to new business

### Reports

Treasurer:

Account balances:

Operating - \$93,419

Reserve - \$65,912

Special Assessment - \$ 28755

*Total funds*            \$159,312

Out of the excess operating funds, \$20,000 is being dedicated to more road repair, and \$40,000 is available for more repairs.

Uncollectibles: Still 3 property owners in this category owing a total of \$11,684.

Collectibles: Still three properties totaling \$3274 (\$1501 from dues, \$1773 from the special assessment). Two are making payments, one isn't, and the situation has been turned over to the attorney. *Same report as last month. Not making progress on the one individual who isn't paying ANYTHING.*

Since last month, 2 properties within the subdivision have closed (one on Hovenweep and another on Los Griegos) and two more have asked for disclosure documents, so real estate has picked up this summer

It was reported that there were no line items over budget this year. *Despite the pessimistic outlook of some Board members that the 3-year meter can project was over budget and there were some that were proposing cancelling when the labor was estimated at \$100 per lot over the original estimate, we still have surplus funds. Obviously, major projects can be accomplished without breaking the bank or sacrificing other services if the membership can be convinced of the benefits of a project.*

Only \$73K of the \$106K budgeted 2015 income has been spent to date. Because there is still money in this year's budget, the dues will not be increased in 2016.

#### Water Maintenance:

The leak detection company worked 4 days on system 1. Four leaks were identified. There were no leaks identified in the suspect meadow area. The biggest of the leaks was noted in an area where a leak was previously repaired by our resident crew a few years ago. Raue has been hired to fix the leaks and will start by the end of the week. No households were tested. The leak detection report will be posted on the web.

Corn reviewed the results of profiling some of the high water users with leak indicators on their meters. *It was not noted how many problems exist or were tested.* He suggested that the profiling focused during the midnight to 3 AM time period. The worst leak was shown to have grown over the 6 months before the vacant house was shutoff. In this case, the leak started at 17 gal/h and accelerated to 77 gal/h! When water was restored, the leak had disappeared suggesting that someone responsible for the property, when notified, had fixed the problem. *We question why the issue was not addressed sooner with the resident; it might have resulted in less water loss and the leak being fixed sooner.*

It was also reported that 3 properties are higher than the norm and are of concern. *The norm has not been identified.* Leak flags on properties depict a water loss of 1 gal/hr. over a 24 hr. period. That equates to 744 gals over 30 days.

It was mentioned that we need more isolation valves. *In 2010 the Board solicited input from Peter Nathanson, PE, NM Rural Water Association who offered his professional opinion of an [initial phase 1 scope of work](#) for SLP water system improvements. This phase 1 scope of work represented the initial system improvements that he recommend for the SLP water system in order to bring the system to an operational level sufficient to conduct further evaluations for*

*future improvements which included household meters and isolation valves. The Board should revisit this professional engineering proposal which resides in the Association files.*

Compliance:

Tests were initiated for coliforms E.coli, and there were no problems identified. Special tests were also initiated for haloacetic acids. Nothing was detected

Firewise

The Board is still working on clarifying a standard for how many trees are within fire safety regulations for an acre of land. It was stated that there shouldn't be more than 400 trees per acre.

IT: No report

Roads:

No commitment appears in place yet for the \$20,000 Los Griegos road work this fall. The delay is over concerns about the shallow depth of the telephone lines. Last month the legal chair was requested to have the attorney send a letter to this utility for possible help on the issue, however the results of that action item is unknown.. This season they will do minimal amount on roads; over the winter, they state they will develop a plan for grading, materials and maintenance.

There was discussion regarding the original platting of the roads and the preference for GPS coordinates so the contractor can realign the roads to where they used to be. *Realigning roads to their original platting will be limited by the position of the newly installed meter can assemblies. Other problems could be trees, fences, walls etc. in the Association road easement and ensuing disputes over perceived encroachment on private land.*

It was stated that the county no longer will be maintaining FR 10. This job has been delegated to the FS. *It wasn't stated what part of FR 10 would be affected.*

Legal

Three properties deemed uncollectible were reported to the attorney, and the longest delinquent has been notified by the attorney. *Notified of what? Actions taken and the results on long term delinquents are still well kept secrets. We are still guessing that if we don't collect, it is written off the books, and isn't mentioned in any reports.* It was stated that liens have been filed, *unfortunately liens don't guarantee collection.*

Some cryptic discussion occurred about the Reserve Study. A meeting this week will take place with Mr. Brophy and an individual named Carlos. The Study is expected to be expensive and the recommendations in the study are expected to be an "eye-opener." *No information has been offered on what prompted the study or what company the Board has selected for the project. It's unfortunate that important public issues concerning Association management are kept a secret.* It was decided that the attorney needed to be consulted before the contract was initiated.

*We understand the occasional need for legal advice, but we are concerned that reliance on legal advice for every business decision may be excessive.*

## Community Relations

Dozens of raccoons have been trapped and transported out of the Association.

## Architectural

There was one request for a woodshed.

## Old business:

Another policy was discussed to keep the listserver manager and member's contributions under control. The question was brought up about what would happen if the volunteer listserver manager didn't follow the policy? This subject will also be turned over to the attorney for further advice.

They bemoaned the lack of volunteers. *There may be reasons besides lack of interest why some people don't want to get involved. There are those who have volunteered and have been turned down. Others who offer help are not contacted. The lack of volunteerism appears to be a management problem.*

How to categorize the Reserve Study in the budget was questioned. Unfortunately the legal chair has yet to get an estimate of cost so the Board can move on with the project. There are still earmarking issues within the budget and a line item needs to be established.

The water leak policy was again discussed. Even if they identify the water abusers, what are they going to do with the information? Vergamini was noted as being the person who would massage the data.

Three thresholds for water leak policy were mentioned: identify, notify and then initiate action. If a homeowner can't fix the problem during inclement weather it was suggested that the Board provide them a key to turn off their water when they are not there. The effort is to help owners with diagnostics. *The Board recognizes that the Bylaws do not allow for any actions in case of abuse. Unless some legal changes are pursued, uncontrolled leakers and water abusers may jeopardize water delivery to every water user of the respective system.*

It was suggested, as most homeowners don't have water turnoff keys long enough to extend into their shutoffs, the Board should identify where keys could be custom made or the water team could provide them to owners when requested. It would prevent the homeowner from messing with the meter can assembly. *Now here's a place where a policy might prove beneficial and cost effective. Without a policy to prevent unauthorized access to the meter can assemblies, members can access the turnoff valves and meter data which could lead to damage and cost to the Association. This is Association property the Board can and should control.*

## New business:

More discussion regarding trees per acre and livestock issues and how the covenants/CCR's might be changed for better control. The Board states it does not want to be caught between not having a reasonable policy and not enforcing the covenants. It was mentioned that the covenants should be rewritten so there are the same covenants for all units/members. *Years ago this was attempted and failed at the board level, never to be voted upon by the members. It wasn't*

*mentioned what provoked the issue. Another half-of-the-story report. If members have any concerns about the rewriting of the covenants of the unit they are living in, they better start paying attention to avoid surprises.*

A statement was made pertaining to rewriting the Bylaws which was met with unenthusiastic reactions. Nyhan has been tasked with putting down ideas for Bylaw changes.

The upcoming road repairs are to be published to keep members informed.

There was much discussion on the liability of the road repairs and whether the attorney had written the letter to the phone company to rebury phone lines. Issues concern shared responsibilities between the Association, individual property owners, and the utility company (for example, grading down the roads which has resulted in exposed lines). Due to utility line depth and the need for discovery of original road platings and other issues, the repair may not be starting soon. It may require property owners to notify the telephone company of their line problems.

As efforts to engage the utility companies in the past have failed to get the lines buried deeper, it was questioned whether it's the utility company's responsibility to keep up with the eroding roads or the Association's responsibility to keep the roads from eroding.

Budget:

*There was no attempt by the Board to reveal the actual numbers that are being approved for each line item. This is what we could ascertain from the snippets of conversation.*

- Roads maintenance has been increased by \$10K to \$23K; there is still \$20K unused in the roads budget this year.
- Snow removal is the same; \$17,000, with the exception that the contract is adjusted upward by 5% every year.
- Water maintenance
  - Sys 1 increased from \$6500 to \$8900.
  - Sys 2 remains at \$6500
- Water operator has been reduced from \$7K to \$3K as the operator is not charging for operations but only for sampling.
- A new line item for a management company was included at \$10,000 and the initiative will be pursued after the lawsuit is settled. Nyhan commented that these expenses for tax work and management appear to be too high. Other Board members noted that the Association is different from a private household with different assets and responsibilities. *We think that a management company would add a much needed professional approach to our community, and cut down on the need to be running to the attorney for every letter, policy, discussion, statement and contract. We shall see whether, once a management company has been hired, additional expenses for a tax service will incur.*
- Allocation for tax work by Sunland *wasn't identified*. It was noted that Sunland likes the quarterly reviews to ensure that they can do the taxes right.
- There was no allocation for reserves. It was suggested that the money will come from the operating account. *What kind of budgeting is that?*

- The rest of the budget wasn't discussed publicly.

Then there was more complaining about the lack of volunteers, that people used to work together in the past, and one Board member expounded that we are a failed corporation and should go into receivership and have the State take over. A Board member said that he (and his colleagues) are the last of the volunteers and everybody else is gone. *With no proof of who they ask, we suggest it's a problem with how the Board interacts with those who do volunteer and why they turn down help. Personal preferences, likes and dislikes have driven the interaction between Board members and members which may have also affected volunteerism.*

The election of Board officers was conducted; the chairs remain unchanged with the exception of newly elected Bushnell, who will take over on roads. *One Board member noted that nothing can be voted on in closed sessions. This is the reason why the selection of officers is done in the open session.*

Open discussion:

Star asked whether the leak detection company report would be posted and questioned what was being done about the four leaks. Shurter asked whether a leak was found in the meadow. *The answers have been incorporated in the above report*

Closed session began at 9:10pm

Cars dispersed 9:50pm

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