

Concerned Members report and comments --SLPPOA Annual Membership Meeting– Sept. 8, 2018

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

Authors notes and comments:

- *An annual budget and a statement of income as required by the Bylaws were not prepared for the members.*
- *Due to the absence of the Secretary/Treasurer, explanation of the year's financial condition and income collected was not available.*
- *There was no explanation of what the Board has done to mitigate delinquencies and whether the \$7500 outstanding due to foreclosures will be collected.*
- *Based on member response, the Excessive Water Use Policy needs further clarification before being pushed through for a Bylaws change.*
- *Members in attendance appeared not to understand what the Homeowner Association Act was or that it even existed-- what the lawsuit is about and that it affects the rights of every property owner in SLP.*

Meeting called to order 2:05 pm

Board members present: Kilburg, Corn, Veverka, Weary

Absent: Max Otero, Lorraine Otero

Guests: Approximately 12-15 families represented

Guest speaker Lee Taylor (La Cueva VFD chief) recapped some of the yearly fire calls and the wind destruction. There were questions why SLP can't open the fire pit near the fire station for slash. He replied that they can't get permits to burn anymore in the original fire pit. He reminded that a chipper owned by the fire department can be reserved for use.

Taylor reviewed the long process and cost to get the Intel storage tanks at the La Cueva station and commented that to put two 50,000 gal. Tanks in SLP would cost approximately \$300,000.

Cooke passed around a signup sheet for those that contributed any wood cutting/slash hauling to substantiate a firewise status. She also mentioned that there is access to 2 wood splitters and that Howard Fegan 575 829-3031 to be contacted to borrow the machinery.

Kilburg announce the count for quorum. 51 ballots were received, only 47 were needed. There was no mention of any proxies. *No ballots were opened prior to the meeting.*

Minutes of last year approved

Official meeting:

There were two pie chart handouts breaking out association Expenses and Water Expenses.

Treasurer - by Kilburg for L. Otero

Balance in the accounts:

Operating - \$118,000

Reserve - \$122,167

Past Due Accounts - 17 delinquents totaling \$10,823. Of the 17, 4 are in foreclosure for a total of \$7,500. The remaining are making payments.

Legal Fees

Misc. legal services - \$2, 627

Lawsuit - \$51,941

Expenses (copied from the handout)

39% - \$26,634 -administrative (accounting/legal/management

18% - \$12,605 -Transfer to Reserves

33% - \$22,762 -Common area (water repair, snow removal, taxes)

1% - \$944 -Taxes/other expenses (boundary survey/corp. fees)

9% - \$6,222-Utilities

A question was asked about the income received. No info was available.

The recent road repair by RL Leeder hasn't been computed into the expenses yet as the Board hasn't received the bill. It is estimated that the cost is \$35,000.

Water Maintenance - Veverka

There were 2 leaks on Los Griegos - took 3 days to fix.

Feb - there was a loss of water on sys 1 due to a contactor on the pumping system blew apart. An electrician was called in to update all our systems.

The NMED findings required maintenance (vent well caps). Those issues completed.

April - the wind storm took down power lines and an electrical was needed to rebuild the Hovenweep well. A 15Kw generator was used to run pump at Hovenweep in the interim.

All of the water tanks on sys 1 and 2 were revalved.

June - there was another big leak in meadow. A pressure reducing system was installed on Hovenweep. The blowdown valve in the meadow needed to be replaced.

Sys 1 is at a 6 gals./min.loss--approximately 43,000 gals./mon. It was noted that the average leaks in other communities is 15%. *The SLP 2018 overall average loss rate for both systems is 52% (518,000 gals./mon.)*

It was asked if there were any plans to replace more water lines. No.

Water Compliance - Corn

Routine water sampling required by NMED and the Drinking Water Bureau is being done by Frank Naranjo. Total coliform is reported every month.

The Consumer Confidence Report was posted on the web in June.

A sanitary survey is required every 3 years and the requirements were completed. Corn reported that the State is becoming more concerned regarding the water loss. Vernon Trujillo is our state representative for sampling.

During the wind storm it was asked how the air got in the main water line.

Members were reminded that individual monthly usage is posted every month as well as leak flags if the meter is showing a leak.

There has been some excessively high usage in the community. The highest user on sys 1 was in April. The resident used 193,000 gals. in one month.

A new property owner on system 1 off Aspen Grove installed a water pump because he is located above the system 1 tanks and had no water pressure.

Corn stated that the association has to report to the state all unmetered or unbilled water.

It was asked what the Board was doing to notify property owners of leak flags. Corn reported that few review the information on the website and emails do not receive much attention.

Roads - Kilburg

It was reported that the culvert at the bottom of Cerro Pelado was cleaned out. RL Reeder cleaned out 70% of the bar ditches. The contractor brought in 100 tons of millings and their estimated billing of \$35,000 is not yet reflected in expenses.

There was discussion about how to stop the erosion and how to get residents to help clean out culverts. Whether cleaning culverts should be a resident responsibility or the Board's responsibility was left undecided.

A comment was made that now with the roads in better conditions, there has been excessive speed by some. Members need to reduce their speed.

The Board mentioned that we have no contractor available for snow removal yet.

A resident who lives at the bottom of Cerro Pelado had their garage flooded because of the water runoff during the monsoons. Kilburg mentioned that this area has always been problematic due to the steep incline.

Another resident mentioned that Hovenweep Loop wasn't graded during the road repairs. The Board stated that Hovenweep has been maintained by the county for many years so the association doesn't take responsibility for that road.

Legal - Kilburg

The Board continues to collect on the delinquents.

The insurance cost went down on some common property because there was excessive replacement cost on the previous policy.

Property taxes were challenged and eventually lowered on 4 association common properties. The lawsuit is still pending. Currently this lawsuit has cost each member \$335.

The Board is satisfied with HOAMCO and is seeking other firms to handle the management.

The local resident who expressed an interest in taking over the website changed his mind, and the Board is looking for a new source.

Firewise - Weary

Weary reminded all that everyone should sign up for code red to received emergency announcements.

She stated that fire permits are required for any burning site greater than a 3ft x 3ft area. Taylor can be contacted at 505-269-6435. Permits are good for the day of the burn or up to a month.

The Thompson Ridge slash pit is open and directions are available from the Board.

LCVFD is looking for volunteers.

There are two lots owned by the FS that have too many trees and it was commented that it should be cleaned

Parks - report by Kilburg for M. Otero

There have been periodic inspections of the parks and the monkey bars removed due to unsafe conditions.

Architectural- report by Kilburg for M. Otero

There were 3 architectural reviews that were approved.

Excessive Water Use Policy --presentation by J. Fredlund

The PowerPoint presentation summary:

Because SLP has no deterrence mechanism on water usage, a Bylaws change is proposed to initiate charges on excessive users.

*A lengthy discussion included comments about how the committee would enact such a policy. It was stated that this is just a "temporary" fix. **Bylaws changes should not be dictated on a "temporary" basis. The basis of this "policy" was due to a few excessive users. Despite the fact that we have no water use allotments per lot in SLP, we believe that initiating a water coop that bills according to use would be beneficial because it would pay for system maintenance, any needed outside contract help, help conserve and reflect fairness for all members.***

A comment was made that the details that could be easily changed should be in a policy not in the Bylaws.

Star questioned whether water billing or other options had been considered. *There was no explanation on how the different options compared.* She questioned why a water coop that has been talked about for years hasn't been seriously addressed. *It's a lot of work to establish a water coop and the current Board or committee doesn't appear interested in putting forth that kind of effort. For the future of our community, it's time to move ahead and plan for the future. We do not have a proactive Board.*

Studell questioned how "fair" was defined. He mentioned that if all residents were allocated the same amount over a year and stayed within the allotment each month, there would be no penalty. For those that live only part time in the community and exceeded their usage during a few months would be subject to penalties even though they did not exceed their annual allotment.

Van Ruyckevelt stated that the policy was just a band aid and that a professional approach to water billing should be considered. We need to think of the future and paying for professionals--not counting on volunteers. This policy doesn't take care of the problems.

Another resident said the rates determined were too low.

The policy proposal did not appear to meet with much enthusiasm but stimulated conversation. Many issues were not addressed (see the argument at the end of the report).

New Business

Kilburg mentioned an upcoming meeting for proposed Bylaws changes, however there was no explanation offered as to what they were and why they were being proposed.

Star asked about the implications of changing the Bylaws and what issues would be in conflict with the Homeowners Association Act. As this is an issue now pending in the appeals court, Kilburg refused comment.

Monetary awards were handed to volunteers in the community.

Candidates Studell and Rightley were introduced. Lisko didn't attend the meeting.

Members were chosen to count the ballots.

Results of the ballot count may be found in the Sept. 11, 2018 Board meeting minutes.

Meeting ended around 4:30pm

ss/bv

SLP EXCESSIVE USE WATER POLICY ARGUMENT

The proposed 7000 -11,000 gals./mon. is TOO high.

Our water allocation is 59.3 ac. ft./19,323,000 gals./yr.

We have averaged since 2016, 550,000 gals./mon. in water loss (both sys.)

As of May 2018 we were at an approximate 50% water loss combined on both systems. (6,600,000 gals./yr.)

The national water use per household average is at 80-100 gals./day.

The committee underestimated the number of SLP lots to establish a per lot allotment. SLP has 155 lots and there is no known consideration by the committee for 22 lots in Unit 9 and 4 lots in other units of SLP that are currently owned by the developer that still may have legal claim to SLP water rights.

If every lot uses (Units 1-10) 7000 gals./mon. (over the national average) with our current water leak/loss, we will exceed our water rights allocation by 1,804,000 gals./yr. leaving nothing for fire fighting, breaks, declining well water levels, state imposed restrictions or other emergencies.

If every lot uses up to 11,000 gals./mon. (20,460,000 gals./yr.) we will exceed our water rights allocation by 10,492,000 gals./yr. with the current water leak/loss.

There are four problems with the policy:

- We do not have an emergency....we are not out of water. Yes, we could be heading there, but there has been no education for the members about the drought conditions in the state of New Mexico. [2018 Drought - Resiliency & Sustainable Drinking Water Sources for PWSs](#)
- So far there has been no concerted effort by the Board to get residents to fix leaks.7,000-11,000 gals./mon. is no incentive for the majority to fix leaks, or conserve.
- Because we don't have water billing, the policy could be interpreted to allow all property owners to use up to 11,000 gals./mon. without penalty setting a precedent that is unreasonable, unattainable, and excessive even if we had a 0% leak/loss.
- If residents can pay they can use. **This policy doesn't prohibit excessive use.**