

## Concerned Members report and comments on the Board meeting of SLPPOA – Aug. 9, 2016

*NOTE: this is not the official Board meeting minutes that the Board is responsible for producing  
Authors' notes and comments*

- *What is the Board hiding that is worth \$28,000?  
The lawsuit is still being contested, has not reached a conclusion, and the costs are continuing to grow. All because the board would not comply with the Bylaws and grant a books and records request that included NO malicious request for personal information (false facts stated in the Aug. member letter)*
- *The Concerned Members believe that the lawsuit brought some good results:  
an audit due in 2012 was finally produced in 2015  
a reserve study has been initiated  
a management company to oversee the financials  
bank reconciliations by an independent company  
automatic statutory liens on every delinquent property*
- *The issue of administering our water system in a different way is on the agenda for the annual meeting. Nyhan is going to orchestrate this discussion. This issue has been thoroughly discussed during multiple member meetings over the past years. He's covering old unfriendly ground and it doesn't surprise us that a few Board members aren't offering to alert the details.*

*The conclusion of past debates was that it wasn't advisable or acceptable to members or past Boards to follow this path even though the "carrot" of grants still entices some. Becoming a MDWA would require turning over the Association's water rights to the State, instituting a new set of bylaws, electing a second Board to oversee the MDWA and complying with 60 pages of statute and 199 separate sections pages of the procurement code, with no money guaranteed. Whether Nyhan can pull off an unbiased and thoroughly researched perspective on an old issue is yet to be seen.*

Board Meeting, August 9, 2016

Board Members attending: Otero, Nyhan, Kilburg, Veverka, Brophy, Vergamini, Fredlund

Board Members absent: Ballman, Bennett

Guests: Corn, Ms. Otero, Star, Moore

### Treasurer's report

Account balances as of August 8, 2016:

Operating: \$107,920

Reserve: \$82,969 (\$18K was transferred to the operating account for 1000 ft of line replacement for system 1) A total of \$30,000 has been earmarked for line replacement

Special Assessment: \$5217 *We question why this money is still being held in this account after the project ended in 2015.*

#### Overdue money

Collectables: Total outstanding: \$1689. Eight properties overdue. Two owe only interest. Five are making payments. One is unresponsive. *Same as last month. When will pressure be put on this unresponsive person? The rest of us are subsidizing someone who refuses to pay his share of the costs. The worry is that this person will slide over into the uncollectable category and the Board will shrug their shoulders and say "there's nothing that can be done about it."*

Uncollectables: Three properties owe \$15,849. *This number grows a bit each month because the Association can charge interest on these accounts. There is the possibility that none of this will be collected, as has happened in the past because of who has rights to the assets.*

The property on Los Griegos closed.

Sunland completed its 2<sup>nd</sup> Quarter review, but the report isn't on the web yet. Also the Association's semiannual tax filing was completed.

The HOAMCO contract will begin October 1. They will take over much of the financial recording and billing functions. The Treasurer claimed this organization has an A+ rating with the Better Business Bureau and that HOAMCO does a lot of business with other Homeowners Associations in New Mexico and Arizona. *That doesn't dismiss the fact that they had an F rating a few months back, still have 4 outstanding disputes against them and that they are not BBB accredited. One Santa Fe association group has deemed them an evil bunch.*

The bill from the lawyer for the lawsuit is \$27,644. This number will increase as the proceedings are not yet finished.

#### Water maintenance

Since the last meeting the Association upgraded about 1000 feet of mainline water pipe along Hovenweep Loop from the intersection of Bonito/Mesa Verde/Hovenweep to the valve near Aztec Lane. This section was suspected to have had a 3-4 gallon/min leak. Besides replacing and relocating the 4" pipe to the side of the road, the contractor installed three new isolation valves, connected two taps to resident properties, installed a new freeze proof flush hydrant at the lowest point of the line, and placed tracer tape along the length of the pipe.

The estimate for the project was \$13K, but was over budget at \$15K.

Because of regulations, the Association cannot start another 1000 ft project for 60 days; this would be September 22. *The Board openly criticized a concerned member's inquiry with NMED that alerted of the 1000 ft of line restriction. Adherence was going to be bypassed and could have resulted in possible fines.*

A hydrostatic pump was also purchased for \$500 at the behest of our water operator. This was used to pressure test the line when it was refilled with water. This equipment may also be useful in detecting leaks in the future.

Because they didn't dig up most of the old line, they were not able to determine the cause of the suspected line leaks. Veverka is planning another meter loop test in the next few weeks for all of System 1 to see what difference the installation of the new section of line made.

The next 1000 ft will be distributed over 2 sections of line, Bonito Way and the south end of Hovenweep Loop. There are 9 connections on these stretches and electric cables above the water lines to contend with that may complicate the install and cost.

#### Water compliance

For the recent project to replace water lines, it was stated that all regulation and specifications were met. The NM Environment Dept., the NM Drinking Water Bureau, and the water operator were consulted.

According to the above officials, an engineering study was not required. *Although a less costly engineering review was requested and agreed to be investigated for the benefit of professional input, nothing was undertaken as promised.*

The July water samplings were within or below specification. The well readings were sent to the state.

#### Firewise

A bear was reported to have pushed through a screen door and into a home in the subdivision.

The policy regarding use of ATVs and dirt bikes was posted on the web

A controlled burn started on Virgin Mesa on July 24; it has grown to 70 acres. The Forest Service is setting a perimeter around it.

The burn ban has been lifted in our area.

On September 5, the Forest Service plans a 2000 acre prescribed burn on the Cuba district.

The Forest Service is improving Forest Road 10 for future logging and is marking trees for clearing along the perimeter.

#### Roads

Contractor Luster is scheduled to begin work next week. The first area to be graded and crowned is Los Griegos. Kilburg suggested a culvert needed at her intersection on Shannon's Wy.

Brophy asked if there was an overall schedule and scope of work for roads. The answer was no. *This work will smartly start during the monsoons. How much money washes away each year on road repair? We congratulate Vergamini for his willingness to help with absolutely no prior*

*knowledge of roads issues and who was assigned this position following the disappearance of his predecessor – who did absolutely nothing during his 6-month tenure as roads czar.*

*Have you noticed that repairs seem to pick up right before the annual meeting?*

Discussion continued on the lack of good maps of the subdivision, on how many miles of road we have, on the wisdom of using millings or other fill, and the nonexistence of a maintenance schedule for the roads. It was suggested that Luster will be consulted for future road maintenance ...*if he shows up.*

Finally, concern was stated regarding residents who reroute the natural flow of water on their property. This often results of excess water being directed on the roads, which in turn results in erosion. *Although this was mentioned as a concern, no one was tagged with the responsibility of talking with the affected homeowners to solve the problem. This has been an ongoing battle since the days Meskimmen worked on the roads. Water bars were put in, residents removed them.*

#### Legal

A reserve study is *finally* in progress *after a long delay and fuss over a \$3000 cost.*

A verdict has been produced in the lawsuit. Brophy stated that “justice has been served” since initially the verdict went in the Board’s favor. However, the plaintiffs are contesting the findings, so the issue isn't settled yet. *What is undecided is whether this will lead to an appeal. The Board voiced displeasure that this could bankrupt our association, but we don't see them trying to stop it.*

#### Community relations

Nyhan reported that “the community is up in arms” over the lawsuit. *It of course depends on which members of the community you talk to about the issue. Most people feel that this Board is not transparent and only discloses information when it decides to do so. For example, have they given a good explanation of what happened to result in the Association’s insurance policy being canceled? That continues to be protected information.*

#### Architecture/Parks

Otero spoke with someone putting in a concrete pad for a car port.

The parks will need mowing because of all the recent rain.

#### Action items

Road marker stakes: Vergamini will buy them... *finally.*

Tree thinning: no money is available.

Well caps: nonworking wells need to be filled in with concrete. This will wait.

LevelCon repair: the probe that was issuing alarms on the System 2 tank(s) has currently fixed itself. The problem may have been pressure building up in the tanks. It was suggested that the system 2 fiberglass tank needs a vent. Corn is looking in to it.

New business

Ballots are coming in for the election.

Preparation for the annual meeting in September is in progress. Each current Board member should be ready to make a report of the year's activities.

Nyhan is working on a presentation regarding future plans for water system governance. He will discuss the research he's done concerning Mutual Domestic Water Associations and other options and the advisability of our community adopting a different type of water governance structure. He passed out a draft document and asked Board members for input.

It was stated that something has to be done to get a grip on excessive watering.

*We find that amusing considering one of the board members usage has been reported as high as 40,000 gal/mon., and no acknowledgement by the Board about action being taken.*

Open meeting adjourned at 8:24 PM.

Closed session - no topics noted

mm/ss

CM Report - Not for Copy