

Concerned Members report and comments on the board meeting of SLPPOA-
December 9, 2014

NOTE: this is not the board meeting minutes that the board is responsible for producing

Authors notes and comments:

- Report details were short at this meeting. We suspect most of the details of the Board's actions or lack thereof, are being discussed in the closed meeting session (or executive session). So far, subject matter and discussions in executive sessions have been exempt from disclosure to members *one way to avoid accountability to the membership.*
- Uncollectable accounts are still being collected. The term "uncollectible" has been adopted by the Board after consultation with the attorney. It actually means accounts in foreclosure.
- There are still \$11,924 in delinquencies. *2015 dues collection has started. Based on the experience of past years, we are concerned the full impact of rising delinquencies will become obvious towards the end of the collection period in March/April.*
- Espionage, sabotage and enforcement based on the Vienna Convention are now being alluded to for certain personas non grata in our association. The Board has been asked by Bennett, President, to consider declaring certain members personas non grata, and the right to eject them from board meetings. and possibly removing their status as members in good standing. *All members should be very much concerned about such contemplated measures for a private HOA.*
- How many of you are aware of the <\$500 no lien and Debt Payback/Hardship agreements? We understand why. These policies have not been explained or published for the members. *If you don't ask you won't find out, but the policies are out there to be selectively used by the Board.*
- We are told that some property owners have been offered payment plans which are not in accordance with the bylaws. In early 2014, an effort was made to create and distribute a hardship policy to help those in financial need, however the effort which was approved by the attorney, floundered, and has yet to be formalized and publicized. *The Board continues to offer to some property owners payment plans which is unfair to other members who struggle to meet their obligations but haven't been granted the same hardship payment plan opportunity.*
- The best "meat" of the meeting is during the new business report, when concerned members bring up issues. We have seen little cooperation or resolve on more definitive financials despite our efforts, but we will continue to monitor and report on Board activities. *Vigilance is necessary in a democracy. Be aware that your rights could be at stake with every policy enacted and it's not guaranteed that you will hear about it.*
- How does the July 2013 Home Owner Association (HOA) law pertain to SLP? With the exception of Sections 4 &8, it doesn't, according to our legal chair. The claims the Board makes in the member letter of Dec. 3 now posted on the SLP website regarding reasons to arbitrarily tradeoff an audit for a lesser form of financial oversight, does not apply to our association. *Two members have submitted comments/concern about the letter and are posted on the CMSLPPOA website. We hope there will be corrections to the misrepresentations in a timely fashion.*

Called to order 7:18pm

Board members present: Bennett, Veverka, Fredlund, Brophy, Downing, Mr. Otero, Kilburg

Absent board members: Ballman, Nyhan

Kilburg taking notes.

Guests: Shurter, Star, Moore, Van Ruyckevelt, Ms. Otero

Nov. minutes approval delayed until later in the meeting as not everyone read them prior to the meeting.

Reports

Treasurer:

Operating Acct-	\$82,421.82
Reserve Acct-	\$61,824.94
Special Assessment-	\$4,896.83

Collectible delinquencies –

Operating account -	\$1,945.29
Special Assessment -	\$ 3,045.84
Total collectible delinquencies -	\$5,350.93

Uncollectible delinquencies (foreclosures/ bankruptcies) \$3,898.21

Special assessment	\$ 2,041
Total delinquencies	\$11,924.00

One *uncollectible* foreclosure paid, another foreclosure initiated (papers were served to Treasurer). Two foreclosures have been initiated within 2 months.

\$18,920 in 2015 annual assessments has been collected thus far. *Some numbers may not be accurate as attending members are not allowed to ask questions of the Treasurer for clarification.*

Specifics regarding the annual dues payment policy were clarified:

There is a 3 month grace period until March 31 to pay the annual dues. If payments are not received by March 31, on April 1, interest will posted retroactively to Jan 1. This is the same as last year.

Water

Both systems have been running well. All sampling is done.

A contract with water operator Naranjo is pending signature by a Board officer. There is also a possible replacement operator should Naranjo not be able to continue servicing our community.

There is still a Level Con transmitter problem with the system 2 tanks.

Sanitary survey is complete.

There is a new heater in the Aspen Grove pump house and there are plans for the house to be rebuilt next year.

There are only 28 meter cans left to be installed out of 144-145 planned. No more planned for this year.

Thanks, Peter and whoever else helped with the accomplishments!

Firewise

2 fires in Thompson Ridge jumped their prescribed burn areas due to winds.

Two- 25,000 gal tanks are designated for SLP as opposed to the 50,000 gal originally planned. They will be laid temporarily on their sides near the fire station until construction of pads and placement is determined. They will be shorter but diameter will be the same. The tanks will eventually be upright. It was indicated that the installation site may be on the east side of the fire station. After completing the road work in Jemez Springs in a few weeks, the tanks will be transported to SLP which should be at the end of

December. Depending of the placement of the tanks, an additional meter may be needed for the fire department. *We appreciate the LCVFD's efforts to improve fire protection for our community.*

Website

There are still complaints regarding problems with navigation and email addresses for the Board on the SLP website.

Roads

There is a completed contract for snow removal.

Meskimen completed repairs on upper Los Griegos road.

Downing reported that the county stated that SLP cannot use their cinders and they cannot sell them to us. He suggested that we buy our own, but the cinders would not have a mixture of salt which helps with melting. He has found another source, and the cost he estimated at \$900 for a truckload (25 tons). which is about \$35 / ton.

Almost all money in the road budget has been spent.

Legal

The water operator contract needs to be printed and signed.

Architectural & Parks- no report

Action items:

- American leak detection – work on the meadow leak will be postponed until spring
- Lightning strike – surge suppressor replaced
- Shed electric- nothing done
- The Aspen Grove pump house structure needs bracing/repairs. The contractor that was chosen for the job has been unresponsive.

Old Business:

- Monies from a lawsuit and cross claim have been collected—with the exception of the payment for the release of lien.
- The high property valuation is because the county fire station was added to our assessment. Still a lot of confusion over division of the lots on the county plat which is still incorrect. SLPPOA has never filed business property taxes. This was caught by Sunland Mgt. and will be remedied.
- The probono letter for Naranjo's services was complete and sent by the Board president. His services were valued at \$3,400.
- Contract labor for the Aspen Grove pump house is being delayed until spring
- The Boards audit statement to the members has been posted on the website, *despite its inaccuracies*. All board members have helped to create this audit statement. Bennett stated that he received 1 input on the letter, *however there were 2 concerned members who offered corrections/comments by letter*.
- The Board authorized \$900 for the cinders
- Proxy statement clarification will be developed for the next election and sent out with next year's ballot.

New business:

The Schacht family has been appointed as good will ambassadors of the community for their efforts during Thanksgiving.

Bennett announced that 2012 and forward, Sunland has “closed”/locked down and password protected the books and will do so after tax preparation each year. Only Sunland can access the books of previous years. Bennett suggested that there is no need to review SLPPOA’s finances by any member.

He stated that the 2014 books are still open until the end of the 2014 tax year. 2012 - 2013 will be off limits. He also stated that nothing has been brought to the board regarding any errors. *While some questions brought up by members have been corrected retroactively without informing these members about such corrections, other questions/concerns have been left unanswered.*

People who want to keep track of the finances will only have the current year to review. *We don’t think this type of “lock-down” is appropriate for the members. Past years can reveal information pertinent to the financial health of our association.*

Bennett moved to the next topic: Roberts Rules of Order (RRO) and how it authorizes the authorities to deal with misbehavior or unruly members. He went into detail about RRO Article 13 - Right of assembly to eject any one from its place of meeting. *We believe this is the entire statement: (extracted from the internet).*

73. Right of an Assembly to Eject any one from its Place of Meeting. Every deliberative assembly has the right to decide who may be present during its session; and when the assembly, either by a rule or by a vote, decides that a certain person shall not remain in the room, it is the duty of the chairman to enforce the rule of order, using whatever force is necessary to eject the party.

Bennett also described his discussions with a federal judge and federal marshal. He brought forth more ideas extracted from the Vienna Convention on Diplomatic Relations. These rules determine how to deal with misbehavior and unruliness, suspicion of espionage and sabotage, stealing information and with personas non grata within the framework of diplomatic and international relations between states. He called for Board consideration to adopt these ideas/rules for our association as this issue is not addressed in the bylaws. He suggested these severe rules are necessary as an alternative to a lawsuit. *We believe the Vienna Convention was created for diplomats at the United Nations and is not appropriate for a little neighborhood Association like ours.*

It was also stated if a member is shown to be in association with a persona non grata, they too can be prohibited from meetings and suffer the loss of good standing as a member. It was stated that this decision would separate the member from the community. He thought this was a really powerful statement.

A board member suggested that such statements should also include Board members. Two board members showed some concern about such measures. They suggested that members losing their temper in a meeting should be ejected from that one meeting without precluding further attendance.

Veverka questioned whether the Board had the right to initiate this type of procedure over the membership as it is not addressed in our bylaws. Bennett is of the opinion that the Board does not need to go through the process of a bylaw change. The effort to “secure information” is appropriate on a government level, and above actions are meant to “enhance a government assembly”. He stated that this should not be considered a witch hunt and it would have to be supported with evidence and reasons.

We questioned the reasoning behind this entire discussion as the bylaws provide for meeting decorum resolution. We wonder why the board is expending energy on what appears to be an effort to assert control and power over the members. We believe the Board’s function is to oversee and provide services and abide by their fiduciary responsibilities for the association, not to “police” the members.

Kilburg stated that she is currently charging \$150 for the disclosure requests for sellers/buyers but that may need to be revisited due to the fact that the law suggests that any random fee is not allowed. The law states any reasonable fee for copies is allowed. Typically she needs to provide 25-30 pages of copies to accommodate a request for such documents. It was suggested that we might use Sunland's hourly charges to come up with a basic standard.

She stated most of the time she can scan and email, so the charges will vary. Faxing costs is more due to the need to travel to find a fax machine. It was stated that the Board need a fee schedule based on some metric. Bennett stated that they could also base it on the amount of time expended.

Veverka will work on a plan to repair in the spring, the Aspen Grove pump house which will include a new foundation. He also stated that the booster station will need some work, but no one has offered to help.

There was discussion on residents still having difficulties navigating and sending emails through the SLP website. Moore suggested it may be a coding error. Some items are not easily findable.

Star brought up the issue of the <\$500 no lien policy the board initiated in May. She questioned why the board enacted such a plan and what value was it to the community. It was stated it benefits the board because they can avoid a \$25 filing fee. *We don't think that \$25 which is eventually charged to the owner, would break the bank and that no type of preferential treatment should be afforded to a select group of property owners.*

Veverka stated that the Board picked a point of diminishing returns; they determined that above \$500, a delinquency becomes serious. Star stated that small delinquencies too often grow into bigger ones. *We contend all delinquencies are serious and if everyone in the Association owed below the threshold of \$500 the Association would be in debt over \$75,000-- with no recourse of filing liens.*

It was stated that there are 3 delinquents in the <\$500 no lien category; one on a payment plan, the other two who only owe their release of lien fees. It was stated that this measure was voted on, that there is nothing in writing and it's in the minutes. *The Board offered no explanation on how the new initiative works such as the purpose, background and scope.*

Star questioned why the debt payback agreement and hardship policy initiated in early 2014, had not been posted for the members. Bennett stated now is the time to make it available as assessments are now due. He suggested it get posted on the web. Kilburg suggested that the Board can vote to eliminate the plan and she suggested that no one has taken advantage of it, *however it is believed that one person is on the written payment plan and that the payment plan policy has never been made public. We believe that there was plenty of time to perfect the policy and it could have been sent with the 2015 invoices.*

Fredlund suggested that a clarification on assessment due dates and hardship requests, or any other useful information should be posted on the web.

Kilburg suggested that the entire payment policy process should be scraped or reworded, as the attorney suggests anyone on a payment plan is already considered in a legal agreement. *This statement does not agree with what the association attorney suggested back in February 2013; agreements in writing are defensible in court, whereas verbal agreements are not.*

Star handed out a list of delinquencies that she acquired from the internet and the county assessor's office. She stated that this information is public for anyone who chooses to inquire. She stated that even though this is public, she saw no reason to aggravate the delinquents by publishing any names, but stated that it

was the desire of certain members who have been inquiring over the last year to understand the fluctuating IOU's and Board actions.

Lien filed	Name	Balance	Status
7/15/2014	x	\$1,359.40	Foreclosure (8/2014)
7/15/2014	x	\$744.22	
7/15/2014	x	\$1,359.40	
9/20/2013	x	\$1,391.27	
9/20/2013	x	\$1,391.27	
9/20/2013	x	\$680.05	Foreclosure (9/2014)
7/12/2013	x	\$2,299.99	
7/12/2013	x	\$1,350.47	Foreclosure (4/2013)
7/12/2013	x	\$2,485.52	Foreclosure (3/2010)
3/15/2013	x	\$752.79	

Star suggested, anyone with Excel skills can figure the 1.5% interest penalty from the date of the filing *and it is unfortunate that the only way to get current numbers is through Board updates, which they still refuse to release. We do not know if the list represents all the liens that could or should be filed or the accuracy of the balances.*

She stated that the intent of making this list known to the board was to suggest that first, this is public information and is not private as the board would like all to believe, and second, to ensure accuracy in the numbers. Keeping members up to date prevents inaccuracies about the numbers and the Board actions. She again asked that the Board present current amounts and actions on the outstanding delinquencies. Bennett stated it would be talked about in closed session.

Kilburg stated that the list changes and that some people have been paying. Star interjected that that was the exact reason to keep members posted on the changes. *We include the list with names redacted so members get a preliminary look at what the board withholds and continues to claim as "confidential" and, with names and addresses, are available to the public. It offers a better understanding on the count of delinquents, the extent of each IOU, and importantly whether the Board is being diligent in the filing of liens to encourage payment and taking further action if the delinquent becomes a chronic problem.*

Star also inquired about the HOA law as it applies to the SLP association. She was concerned that the letter posted on the SLP website was misleading the members. Brophy announced that according to legal advice, only Sections 4 & 8 apply to SLP and that our bylaws take precedent, *however there has been no written legal evidence provided by the Board from the SLP attorney, and we claim that the letter citing Section 10, is a misleading/incorrect statement.*

Open session ended 9:15pm

Closed session ended 10 pm.

ss/ss/mm/bv