

Concerned Members report and comments on the Board meeting of SLPPOA – July 2015

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

Authors notes and comments:

- One month we have carryover, the next month we don't. We have approximately \$215K in the bank. We are half way through the year and have spent 38K of the budgeted \$107K allocation for services. How should one classify the remainder?
- There are lots of categories to compile in order to figure out where we stand each month on delinquencies. How to compile the *real* number is still difficult and facts are reported in a hard-to-follow method. Based on the July report we have \$13.9K in delinquent accounts.
- It's discouraging to sit at Board meetings as topics are brought up month after month and not resolved. Action items are postponed, are put on the next month's to-do list or aren't even readressed.
- Important issues such as water usage and leaks continue to be debated and we hear nothing of putting \$274,000 worth of meter assemblies to their economical use – to serve as a cash register to fund our water systems and "encourage" members to take responsibility for consumption and leak repair. Introducing this subject takes resolution, and we suggest giving the community the chance to make that decision.
- In a wrap up of the costs of the meter project an overrun of \$26.4K was reported. However there was no acknowledgement that of the \$26.4K, \$15K was attributable to the 10 can pilot project—an independent proof of concept phase funded independently from surplus funds in the water system budget in 2012. Hopefully at the annual meeting a detailed report will be available to members.
- Member input at board meetings is neither invited nor welcome.
- Some topics disclosed on the agenda such as water usage, nominating committee, and HOA management are a member's right to know and should not be discussed in closed sessions . We don't believe discussing these topics in secret is in the best interest of the community
- After 10 months on the merry-go-round, we can only hope for a more proactive Board next year.

July 21, 2015 call to order 7:18

Board members present: Bennett, Fredlund, Brophy, Kilburg, Nyhan, Ballman (left early), Veverka

Guests: Star, Moore, Schachts, Shurter, Van Ruyckevelt

Revised Agenda approved. Minutes – approved

Reports

Treasurer:

Operating Account -\$120,854

Reserve Account – \$ 65,905

Special Assessment Account -\$ 27,991

Three properties considered uncollectible with an outstanding balance of \$9411.

Three properties have collectible debt – 2 are making payments and one has been turned over to the attorney; total outstanding balance on these three properties is \$4537. *Total outstanding: \$13,900. One board member commented that this is the lowest number seen in the past 15 years. This statement is false and misleading. In 2010 at the annual meeting it was reported \$3200 in delinquent dues. In Oct of 2011 outstanding dues were \$866. In Sept of 2012 delinquencies were reported at \$6400. This is not the first time this year that this Board has published information that is misleading.*

Of the total collectible debt, \$1052 is for outstanding annual dues and \$3034 is for the special assessment. *When reporting on these numbers, Board members congratulated themselves on the low dues delinquencies of collectibles but seemed to gloss over the uncollectible debt which may or have already been written off the books— lost funds for association services have not been not publicized.*

The \$213 water conservation fee was paid.

7+ million gals pumped since January which is less than half of our association water rights allocation of 19+ million gallons. *However, it was noted that during a drier period of last summer the usage soared with one member used 84,000 gallons of water in one month. This wet spring and summer has saved us from over allocating our water rights and possible ramifications with the Office of the State Engineer. Water abuse is not sustainable.*

Water

Maintenance -

The Isaak controller burned out in the Aspen Pump house. It was noted that the liquid chlorine housed in the pump house could have been a serious problem should the controller have sparked a fire.

System 2 Levelcon battery is working intermittently, it was suggested it probably needs a booster for better performance.

Financial report on the special assessment meter can installations:

Cost breakdown including the pilot program –

- total budget was \$ 247,842 (8 vacant properties opted out of the install)
- total project cost including the pilot project *costing \$15K* was \$ 274,275.
- \$61470 was borrowed from the operating account to fund both projects. *We have seen no reference to the separate detailed accounting of the project ie; income vs expenses to be able to justify this amount. Additionally we find no reference to verify the transfer and approval of funds between accounts during the project. An oversight committee was to monitor the financials as per the SA agreement, but no reports came out of that committee.*

The pilot project was an independent proof of concept plan which was funded by water budget funds (\$15K) with the objective of ensuring all lots had shutoffs. We question why its funding was comingled with the SA project.

- Total project overrun was \$26,433. *For better understanding, the pilot project funds should not be added into the overrun. The overrun should be reported as \$11K.*

The overrun was due to a computer purchase, labor inflation, new laws requiring no-lead assembly materials, and leaks were repaired as they were found during the installs. *There were also PRVs and other materials unexpectedly needed for some installs. We expect repairs during installation would have been itemized separately to give a more accurate accounting of the project.*

Overall benefit – leak rate was reduced. *We have heard no evidence that the leak rate has substantially decreased, but we know that there are leaks that have never been fixed.*

Compliance:

The once a year sampling was done, and another is still needed.

The Consumer Confidence Report was complete and OK'd by the state

We have a new NMED compliance officer.

Firewise:

A brief reminder regarding giving notice if yard debris burning is planned

Roads:

Mechanical failure with road equipment and the rains have delayed laying the recycled asphalt.

Legal

The budget of \$7000 is overrun by \$2800

Costs are due to the expenses for legal action on the delinquent accounts and the lawsuit.

Lawsuit cost to date – \$6104, *and we have 7 months to go*

It was stated that the attorney has confirmed that the board has met all the financial requirements of the lawsuit and is forced to defend regardless of the “frivolous” claim. *The Board chose not to comply with the Bylaw provisions. Many requests were submitted with no acknowledgement before a lawsuit was filed to initiate action. The books and records inspection requested in December has not been granted. No audit which was due in 2012 has been completed. No substantial review has been provided. If you didn't receive the recent CM email about the lawsuit you can review it on the front page of www.cmslppoa.org. The community newsletter neglected to mention it.*

There is an insurance claim pending on a resident's property.

Community relations

Some members are asking about the lawsuit and don't understand what the lawsuit is about. *Considering all the information that's been out there on the www.cmslppoa.org website since Jan 2015, we would attribute the lack of knowledge to apathy.*

Architectural

A mother-in-law quarters is being considered as long as it's not being rented. *We question the Board's position on ignoring the restriction of one residential unit per lot as stipulated in the CCR's.*

Action list

Discussion on the safety and security of a property on Aspen Grove with a 10-12 ft. bank drop-off posing a hazard and considered an attractive nuisance, *has not been resolved to date.*

How to plan for meter replacements and stock material was discussed. Four meters to have in stock was suggested and not spend the money for an extra meter reader. *We have long needed an asset management plan to fund repairs and replacement of our aging water system. A long range plan was started years ago, however there has been no follow through.*

IT-

The benefit of establishing personal accounts to give property owners a private look at their water usage has been initiated. *As a property owner is under no obligation to do anything about their leaks or water consumption, we question what value this private “preview” serves the community. Seems the community*

should be aware that there are water hogs in the neighborhood and leakers that ignore the need to repair when water is unrestricted.

The same old story reoccurred about the leaks that they can't find, and the wonderment of where all the water is going. It was mentioned that a leak detection company could be rehired and there could be a cost savings to an individual household should a leak be detected. *We question why we have not heard mention about a proactive process to curb water abuse, promote resident responsibility for their leak repairs, and a plan for expected water system upgrades? It suggests that the board is incapable of making a decision to restructure our water system management to ensure a reliable water supply for all members. Maybe the next Board will be more proactive.*

It was stated that one member's water usage was 84000 gals in a month in 2014 and that in one month 200,000 total gals were used. *If every member used 84,000 gal a month we would have exceeded our water rights allocation in less than 2 months. Despite the fact that each member has the right to use as much water as they please, it behooves the Board to be more proactive in protecting the community water resources.*

Listserver:

An inordinate amount of time was spent on discussing about what to do with a service that has worked well and now has become another issue for many hours of debate by the Board. *There appears no way for members to communicate with other members unless the Board first puts it "blessing" on the subject and we expect with all the delays we have witnessed over other past issues, this one will suffer the same demise...with no resolve. Important topics like the recent FS geothermal initiative would have never gotten to our membership in time for rebuttal had it not been for an alert community member. If anyone on the Board had something better to say....they should have said it; not sit in criticism afterwards.*

The Board needs more information about how many trees are recommended per lot. *We doubt those who like their properties stuffed with trees will give a hoot.*

After months of board meeting discussions, the disposal of the freezer issue is still being debated. The community still has an eyesore and liability on Los Griegos that the Board can't resolve.

A contract was discussed to rebuild the Aspen well house, however the problem is the foundation and the old well needs to be plugged.

Hiring an HOA management company is another issue on the burner, *but the Board is still in fact finding mode.*

Old business

The Board is still working on the idea of a public meeting to introduce the HOA management idea.

How should the Board control the listserver? Some suggest a formalized path. *We suggest leave it alone. Let the reader establish their own reality with the topics presented. A blog was ruled out, as in the past, it brought out the nasties in the community. Proactive residents can take matters in their own hands and start their own blog without the blessing of the board.*

It was stated that an audit contract was voted on. *As it was not mentioned at the last Board meeting, we expect it was decided and voted on between board meetings or possibly during a closed session. No details were offered.*

Member nominating report: no responses so far. The deadline is Mon or Tues for ballot preparation.

New Business:

Mary Moore presented an idea to help those in need with leak repair. *It was met with indifferent reception and was sent back to the drawing board.*

A Cost-Sharing Proposal- presented by Mary Moore

What if the Board offered to split costs for repairs to water problems on private property for the year 2015-2016?

Here's how it might work.

Property owners on lot x have leaking toilets and faucets. They call in a plumber and have the problems fixed. They bring the bill for this work to a committee created by the Board, and after approval, the Board reimburses the property owner for half of his/her costs.

Stipulations

- No one property owner gets more than a \$500 reimbursement
- The money for this comes from the carryover funds
- The amount set aside for this purpose would be no more than \$5k
- A committee would be created to assess the validity of each claim
- Pictures and/or invoices would have to be submitted to qualify for the reimbursement
- The work would have to be done on private property
- Delinquent property owners do not qualify for this program

Advantages

- This may encourage people with household leaks to get them fixed
- This may set a different tone; instead of getting money from members, the Association will be returning some.

Motion

I move that the Board consider a program to share costs for fixes to water problems on private property that includes

- Amending the proposal if necessary
- After the program is finalized, advertising it to community members
- Creating a committee of at least two people to investigate and recommend or deny money for these claims
- Setting aside \$5k from carryover funds for this purpose

Closed session 9:07pm – topics proposed on the agenda:

delinquency actions,
lien correction/pmt,
presentation of legal action,

and why are these topics kept secret from the community?

water usage information,
nominating committee,
HOA announcement, presentation, education, strategy.

Cars dispersed 9:50 pm