

Concerned Members report and comments on the Board meeting of SLPPOA Jan. 13, 2015

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

Authors notes and comments:

- Topics continue to be deferred to the executive (closed to the membership) session, which we find concerning. *It was reported that there is a carryover of \$24,000 for this year and that appropriation was to be discussed in closed session. What the Board is going to do with our surplus carryover fund of \$24,000 should be public for the members.*

More concerning, we believe there is at least \$60,000 in our carryover; \$126,000 reported as of Jan 2015 in the operating account (includes 2014 budget items not entirely used), minus the \$66,000 currently collected for 2015 dues, adds up to \$60,000 not \$24,000. With our reserve acct at \$61K and a surplus carryover of \$60K, it appears we have \$120,000 in funds at our disposal. We question why more of the meter project wasn't completed at cheaper costs, last year.

- The legal fund is overrun, *but we are not privileged with the details.*
- Delinquencies continue to hover around \$11,000 despite legal action. *We find it confusing why the Board continues to exclude from lien any IOU under \$500. Is collection a serious matter or not?*
- Another leak on system 2 at a fitting on the main line suggests that our systems are continuing to deteriorate. *Attention to this issue should be top priority on the agenda.*
- The Treasurer gave a fairly detailed delinquency report at this session. She also said she was going to publish the 2014 year-end Aging Report on the website. *These are welcomed additions, but we will have to see if they really show up in the minutes or on the web.*
- Criticism and blame for CM involvement in all things gone wrong in the past continues to be a monthly topic of discussion at Board meetings. *Case in point, water compliance issues. Nyhan has brought the Association into compliance with regulations and has fixed outstanding issues. For this he (and the Board) should be commended. However he continues his accusations about the Concerned Members and their negligence about fixing these issues in the past. We'd like to make clear that the CM Group was organized in the summer of 2014. The issues he cites concern problems that arose in 2012 when a past board member was in charge of compliance and failed to follow through with deficiency issues and Kilburg was president of the Association with oversight responsibilities.*
- We find no justification for the Board to continue to make new rules that prohibit members from reviewing certain financials, and from civilly voicing their opinions at

Board meetings. Closed sessions continue based on questionably allowed topics. *Rejecting members input, refusing to communicate with those who show interest, and concealing member business in closed sessions, is bad PR policy, has caused considerable discord, and illustrates how a governing body can obstruct fair representation in a democracy.*

Jan 2015 – In the dark of the night, a generator was started and the lights came on to call the meeting to action, 7:18 ish

Board members present: Bennett, Fredlund, Brophy, Otero, Kilburg, Nyhan

Absent: Ballman, Veverka, Downing

Guests: Star, Moore, Mrs. Otero, Corn

Reports

Treasurer:

Operating Account: \$126K

Reserve Account: \$61.8 K

Special Assessment Account: \$4.4K

Delinquencies – 9 reported. Of the 9 delinquencies, 2 are uncollectable (in foreclosure). Of the 7 that can be collected from, only 3 are making payments. One person has defaulted on his payment plan and the issue was to be taken up in the executive session.

Collectable amount = \$5K

Uncollectable (in foreclosure) = \$6K

Total outstanding delinquencies - \$11,343

End of fiscal year carryover reported as \$24K. How the money was going to be appropriated was tabled for discussion in closed session. *The treasurer finally acknowledged that we have a carryover fund. However we didn't understand the basis for declaring this a "secret" topic to be withheld from members. Where this money is being reported on the Quickbooks financials and how it will be "spent." should not be privileged information.*

An overrun was reported in the legal budget, but no itemized expense accounting about why. *We think that this is an important issue, and we believe we have a right to know how our legal funds are being spent.*

A new budget worksheet was developed. *We don't know why and whether it will replace the budget approved in Oct. and sent out to members by the President.*

Annual assessment collected for 2015 to date \$66,140.

57 members still haven't paid their annual dues; special assessment invoices have not been sent yet.

CRS taxes were filed.

It was reported that an aging/delinquency report will be posted on the website for the close of 2014.

Water

A repair was done on system 2. A recent leak on Cerro Pelado was difficult due to interference with phone and electric lines. Electric lines reported at about 18" depth. Main service line where a break occurred at a fitting was reported to be at more than 5 ft. deep. *The system continues to show signs of further deterioration and the "band-aid" approach will not work forever.* A machine was rented as Raue was unavailable, however the rented machine couldn't handle the job so volunteers had to hand dig the hole.

One of the chlorinators is malfunctioning but under warranty to get repaired. The water operator is aware of the situation.

It was noted that due to the loss of a key, a door to a pump house needed to be removed via hinges to continue the Sanitary Survey inspection.

Compliance:

Our water systems passed the sanitary survey. The 17 deficiencies were cleared. The CM group was again blamed for past problems *and the slander has been posted on the SLPPOA website along with the cover letter of the Sanitary Survey.*

It was also reported that one of the reasons for a noted deficiency on the 2012 Sanitary Survey was because the CM group harassed the former water operator until he quit. Van Ruyckvelt was noted as helping to get a new water operator. Other compliance problems cited were again blamed on the CM group. *We heard this last month, and we hear it again. The CM group takes offense at these continuing accusations. Is there a reason to continue this unfounded attack? We will continue to repost the chronology of events over the past years until this issue is understood.*

Despite the criticism of CM members not fulfilling their duties to comply with the deficiencies of the past Sanitary Survey of 2012, no Concerned Member was involved in managing the SLPPOA water system in 2012, the stated year of the infractions. Shurter handed over the water chair position to a new group of Board members in September 2011, and Star left the Board upon the conclusion of her term in September 2011. The Board member doing the criticism refuses to acknowledge these facts. He refuses to acknowledge that a past board member who was delegated to the responsibility of compliance failed to address NMED deficiencies and that the President who was ultimately responsible for oversight, failed to take action with the Board member. But the slander continues to focus on people who were not even present.

Firewise

The two 25,000 gallon water tanks have not been delivered due to the road construction in Jemez Springs.

Website

Some email links were fixed, however there were still problems with a link on the emergency announcements. It was also noted that a file designated to be posted last month was still missing.

Roads

Cinders have been purchased and delivered, and the sanding and plowing contracts are in place. More discussion is needed on how the roads are going to be handled.

Legal

No activity over the holiday break. Attorney is still on vacation.

Community relations

It was reported that the abuse continues by CM. Especially odious, to some Board members, were the cartoons on the CMSLPPOA website.

Architectural/ Parks No report.

Old business

The Board voted on and unanimously passed the following rules discussed last month:

- To limit financial reports available for review to the current year. It was stated that members don't need to know any past information. *Since when does the Board make decisions on who is entitled and who is not and what information they are allowed to review? No external substantiation (audit) has been produced since 2009 to declare all is "perfect" with the books. We say "prove it."*

A statement was made that the new rule would not affect the request for some members for an open books review that was sent in early Dec.; which the Board has taken no action thus far. *Lots of excuses but no results. Maybe some training on how to comply with Bylaw and HOA requirements would be helpful?*

- As stated in Roberts Rules of Order, the Board declares it can exercise its right to eject from meetings those members it considers unruly. *We wonder what infraction they will use to eject a member from a meeting? The definition of the term and degree of "unruliness" has not been addressed. The good news is, they also suggested it would apply to Board members who have added into the equation at times.*
- A no lien policy for members that own less than \$500 was formally added to the new rules/policies. *With \$11,000 in delinquencies they are adding relief for the noncompliers?*

New business

The open books request letter sent by some Concerned Members was briefly reviewed. It was stated that action on this item was going to have to wait until the Board had conferred with the attorney or the management company and/or who was going to accommodate. *It wasn't clear how many persons need to be consulted before the Board could take action.* It was stated that the delay of the review would not be affected by the newly passed closed/locked books rule. *We'll see.*

Discussion ensued regarding who on the Board (or bookkeeping company) was going to handle the request and how much money would be expended. *The discussion went round and round.* The Treasurer stated she did not have time to accommodate the request; the issue needs to be passed along to Sunland Mgmt. The Treasurer and other Board members declared the request “out of line.” A Board member commented that much of the information could be compiled from already existing online data, why would it be so difficult to accommodate?

It was noted that Sunland has nothing to report on the overview of books. *We wonder whether the overview of the books is very thorough.* The Board’s consensus was that the open books request was nothing but harassment and abuse. *Interesting that member’s request for financial information via open books inspections, which is a right within our Bylaws and the HOA law, is defined by the Board as harassment and abuse. How much information they can squirm out of releasing is the big question.*

Nyhan suggested that water rights have been documented.

Moore’s agenda request was postpone till February.

Meeting adjourned into closed session 7:55pm
Executive session closed at 9 pm.... *and then the lights went on!*

ss/mm

CM Report - Not for Copy