

Concerned Members report and comments on the Board meeting of SLPPOA – Jan. 10, 2017

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

Authors' notes and comments

- *The lawsuit didn't have to happen. It's unfortunate that it comes at a high price to all members and created much dissention among some members. The lawsuit is now going to the appeals court. It's a process that is afforded to any citizen that feels they have received an unfair decision. According to a state legislator and staff attorney for Legislative Council, the judge misinterpreted the state law. We're now going to find out how 3 other appellate judges review the laws.*
- *The Board is working overtime to develop more policies to "protect" the members. Protect does not necessarily mean in the members' best interest. But as long as the majority of members appear not to care or even pay much attention to what legal changes will be affecting them, we have no sympathy.*
- *Keep your eyes open for a "surcharge" on water usage possibly coming soon to our community. Whether they can legally enforce it will be up to the attorney and you. There is no restriction in our governing docs on water use and we would expect they will take the appropriate steps to ensure that an amendment voted on by the members will be initiated. But we've been surprised before.*
- *The reserve study that took too many months to complete, now comes in as a boilerplate review? Our community is far from boilerplate. What board member solicited this vendor? We await the findings on the web.*

January 10, 2016 call to order 7:20pm

Board members present: Veverka (left early- sick), Corn, J. Fredlund, E. Fredlund (arrived late), M. Otero, L. Otero, Vergamini

Guests: Star and Brophy

Minutes – approved

Agenda– approved

Corn acting chair for Kilburg.

No report from the President.

Treasurers Report

Accounts as of end of December

Operating - \$112,657

Reserve - \$82,994

Special Assessment - \$ 5,218

A vote to accept the financial report was postponed until later in the meeting so all Board members could review it.

Six accounts are past due totaling \$ 9,832. Of the 6 accounts, 3 are uncollectible. The 3 collectible accounts total \$512. The remaining 3 uncollectible accounts are approximately \$9,320.

Legal cost thus far total \$ 32,646.

There was a request for a HOA disclosure that was sent to HOAMCO

Total paid assessments this year - \$44,900 as of the end December.

Water – no report.

Compliance – two samples were taken, one on each system. The residuals on system 1 - .04, on system 2 - .08.

It was reported that more water was pumped in December.

One full time user called and said he was suspecting that he was using too much water. The water team pulled a profile to verify no leaks as he didn't have a leak flag. *Yup... too much water use.*

Weary is willing to help out with the past due sampling, but he didn't want to be legally responsible.

Roads

Road contractor, Crane was sanding the roads tonight.

Sanding was in an old contract but didn't make it into the current contract. It was added to the new contract; however the contract is still waiting for Kilburg's signature. Crane stated he would like a map of the subdivision roads to be plowed and sanded.

Crane argued that sanding is ineffectiveness over snow, because it just sinks in.

Fifty snow stakes have been purchased but haven't been installed yet.

Legal

No report on the delinquent account that we should be collecting on. Response is due on the 23rd.

The lawsuit status will be published in the newsletter *to alert all those members who have not been paying attention and have no idea what the lawsuit is about and that the Board has racked up \$32,000 of association money so far.* It is reported that it has cost each member approximately \$210.

J. Fredlund read the judgment and added the Board's interpretation that the lawsuit was frivolous and malicious. *He failed to mention that the court never agreed.*

The continuing news on the lawsuit is that Suzanne Star has filed an appeal. *All part of the legal process for one to defend themselves against a "bad" decision.* It was suggested by Corn that it could be put out as a standalone notice, however J. Fredlund suggested it could be incorporated into a newsletter with other association information. *We still wonder why the Board will not explain why they didn't stop the lawsuit before it got to court. Why the attorney didn't advise them that settlement was an option and why members haven't asked?*

The Board is apparently still working on the private information policy with the attorney. *Doesn't make much sense as anyone who sits on the Board and eventually retires takes with them a lot of so called "classified" member information. Been that way since the initiation of the community.*

There has been no answer about the water surcharge for excessive users. *Appears that an amendment to the governing docs will be needed to substantiate a surcharge to high water consumers.*

There was no information on the treehouse discussion last month.

Firewise:

Some general meetings are planned.

The forest service is still completing burns on the piles on Thompson Ridge and the slash pit. There is still 1/3 left of the Vallecitos piles to burn.

Parks - no report

Architectural - no report

The annual meeting report will be posted soon. The two individuals tasked with reviewing had nothing to add. The folks the Board relied on for the review will be named in the minutes. The members will not have to wait an entire year to review them, *however it was not mentioned that the members would have a chance to make comments about them.*

Old business

On Jan. 6th the Board received the reserve study.

Corn questioned a few "underestimated" items in the report and stated that the Board would need to revisit the study.

In general the reserve study stated that the capital reserve is well funded, however it was suggested that the reserve funds be increased from \$5000 to \$18,000 per year. Capital improvements for roads was noted at \$5000, Corn thought that a bit low. *A bit low? The last estimate to just improve the base of the roads was well over \$1 million and that didn't include culverts or yearly maintenance.*

The Board talked about the reserve study including possible reserves for lawsuits. *Are they contemplating more members will bring lawsuits in the future? What are they doing wrong to make members unhappy with their conduct?*

It was recommended that a reserve study be done every 3-5 years. The consensus was that the reserve study was nothing more than a basic boilerplate, fill in the blanks service. *We know there are many in this community that could have done a better job of estimating costs for reserves. Long term planning was on the agenda years ago, and the numbers were well researched. That summary fell by the wayside. So we recently paid for a company to "guess" what's best for us.*

As soon as the Board reviews the reserve study issues, they will have the company make revisions and then payment for the remainder of the work on the study will be due.

There was conversation about left over monies-- *did they mean carryover?* to help fund the reserves. Some figures thrown out were \$70- 80,000 in "left overs," but that did not include some \$40,000. *No one seemed to have any accurate understanding of the numbers being discussed.*

Action items:

Corn investigated the Jemez Springs water rates and talked about 3 different tier rates. They will still need to get an answer from the attorney on a surcharge.

There have been no contacts made to residents with leak flags and excessive water consumption talked about last month. There were approximately 70 email responses. L. Otero was having problems with the google drive access that J. Fredlund set up.

Corn mentioned that he contacted the Drinking Water Bureau about getting money for the water system. As has been suggested in the past, our association would qualify for a 3% interest on borrowed money.

Disadvantaged communities may get breaks for relief of some payback. *We're not disadvantaged, just cheap and this is really OLD news.*

Unfortunately the loan issue has been controversial and there are only 6 days to respond; out of time this year. Corn stated they will continue on course of piece-meal main line replacement this year.

HOAMCO is requiring an audit. No information on the cost is available yet. The Board motioned and passed on pursuing the required audit. HOAMCO will provide the referrals for the audit and tax preparation from their selection of vendors.

The website service was renewed for another 3 years at about \$300.

J. Fredlund brought up the issue of the washboard roads on FR 10. Some suggestions are to use 4-wheel drive and no faster than 20 mph. *Again, old news.* Other than that nothing that will stop the wash board affect on dirt roads.

Corn stated that the Board will discuss a Bylaws amendment concerning the lawsuit in closed session.

The annual minutes were approved. The books were voted closed for the year so the taxes and the audit could be done.

Executive session called. No topics mentioned.
Cars dispersed 9:30 pm.

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