

Concerned Members report and comments on the Board meeting of SLPPOA July 14, 2020

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

Author's notes and comments:

- The Excessive Water Use assessment hits another road block, *as expected, and the verdict is still out. The new law firm indicates that the special assessment would require annual changes in penalties assessed, however we question whether annual changes conforms to the "uniform rate" requirement and whether changes in rates would be legally enforceable every year without member vote.*

In our opinion the amount of time and effort expended in trying to get a majority vote on a punitive policy would be better focused on water billing where each member is charged equally for their water, would compel leak fixing and the income used for infrastructure repair and replacement. When will they start attacking the big picture?

Zoom meeting called to order 7:15 pm.

Board members present: Stuedell , Oepping, Hines, Lisko, Toennis, Cooke, Weary.

Guests: Star, Corn

Agenda for June approved.

Two sets of minutes to approved.

General membership meeting - June 13 - approved

June 16 board meeting - approved.

Officer's reports

President Lisko reported on his discussion with new legal counsel. He contacted 3 different law firms. One never responded. Turner Law was chosen because it is located in ABQ and handles HOAs.

He confirmed that any change of amendments of the Bylaws requires a 60% vote of eligible members. The Excessive Water Use assessment needs to be treated as a special assessment and not a Bylaws change and has to be done with a separate vote.

According to the new law firm, the same ballot has to be used for the revote and those already submitted on June 13 are valid and will be retained as part of the count.

Another letter will be sent out with another ballot informing the membership if they have already voted and are satisfied they don't have to send in another ballot. If they want to change it they need to mail another ballot.

According to the law firm, the special assessment has to set an annual rate, not randomly by the day or month, however *we question legal advice on how a rate for a special assessment can be changed annually without a vote and whether a vote will be required each year as the rate changes. The Bylaws state a special assessment shall be fixed at a uniform rate; changing annually doesn't meet the Bylaws requirements.*

The punitive rates to be charged annually will be calculated on what operating expenses have occurred within the year. There were concerns when it was mentioned that replacement of infrastructure would classify as a cost such as the recent pump replacements. *Infrastructure costs were not part of the proposal in the past.* And it was debated whether infrastructure costs that benefits everyone should be calculated into the penalty equation.

Oepping suggested regrouping with former members of the committee or others to determine a yearly rate.

A SLP member requested having a HOAMCO representative at the board meetings. The cost would be \$300/mn. Weary and Hines rejected the idea. In the past HOAMCO has not fulfilled all their job specifications. Stuedell thought it was a good idea however it was mentioned that if there were any questions needing answers that those could be passed on to HOAMCO after the board meeting without the cost. Lisko didn't see any benefit to the proposal. The issue was tabled.

Vice President Hines reported that a draft of the newsletter was sent to board. She asked for any further comments to be included. The date for the annual meeting was recommended.

She stated she has had no time to create a 2nd listserver exclusive for SLP, and doesn't know how to do it anyway.

She is working on the membership list and is still missing 20 resident emails. She will continue to transcribe the recordings of the board minutes and forgo the transcription software for now.

Treasurer- Oepping

Operating account - \$ 149,000.

Reserve account - \$115,758.

There is \$10,645 outstanding in delinquent accounts. Of the 20 delinquents, 9 owe less than \$200 and 9 owe more than \$500.

There was no change of property ownership during the month.

Lisko discussed the proposed purchase of lots 1 & 2 (Unit 6) for a communications tower and possible extra water storage tank. Lots 1 & 2 were chosen as they are the highest lots and each straddles part of the flattest area on the hill. He contacted the owners and was referred to Ron Brown real estate agent. The 4.5 acres lots are being offered at 69,000/ea. He offered \$69,000 for both but the offer was rejected. There are 5

lots in the package and the owner desires to sell all for \$225,000. Some lots are smaller and cheaper and it was mentioned that maybe one of the smaller lots would suffice if they are willing to subdivide.

Lisko is willing to counteroffer, but questioned whether there are sufficient funds to purchase. Stuedell commented that he and Weary contacted Verizon in the hopes that they would put up the tower and rent back the land if SLP owned it. They have received no further response. The land was also to accommodate an extra water storage tank. There was confusion on what plan the board was moving on; whether Verizon would be willing to put up their own tower or whether SLP would put up a tower and rent back to Verizon or another company.

There was also the issue of lines to a tank and cost for infrastructure. Weary took the NIMBY stance unless a higher lot(s) were chosen. Oepping suggest a study before proceeding with a purchase. He proposed getting some community member involved to determine the viability of the project. *Why wasn't this done beforehand?*

Water Maintenance- Weary

Weary has submitted 2 reports - June report was entered into the record without discussion. The July report included discussion on the well pump replacements and leak fix on sys 1.

She reported sys 1 at a 6.8 gals./min. main line leak rate and sys 2, after two leaks fixed reduced the main line leak rate to 1.8 gals./min.

Water - Corn

Corn mentioned that the Levelcon alert point has been set higher to broadcast an earlier warning in the event of water loss.

Lisko reviewed the water system operator draft agreement and NMED requirements for certification. John Hines has been hired for the position and Lisko expects to get the agreement back from him soon.

Oepping will contact HOAMCO about the 1099 situation for Hines. Lisko asked if Steve Long, attorney, who drafted the agreement had submitted his bill.

There was discussion about the bids to install an 80 gal. pressure tank at the Hovenweep well site. HGS bid came in at \$2400. Southwest drilling proposal was lower but may tack on more once he gets into the job, and Rogers & Co. bid at \$1850. Because Rogers produced the most thorough estimate they were approved by the board for the job.

Compliance: Weary

June and July reports were absent coli form and chlorine was within normal limits.

The Consumer Confidence Report is posted.

The lead and copper samples were taken. Weary's still waiting for the reports.

Oepping stated the conservation fee payment was made.

Roads- Stuedell

Stuedell still hasn't heard back from Raue about plowing and sanding for next year. He has concerns on the future of winter plowing because we don't have another year on our winter contract and rumor has it that Raue is retiring.

Despite the culvert cleaning request put out by Hines, Stuedell noted that culverts haven't been cleaned. He commented on a few situations where driveways need culverts and some roads need restructuring such as bar ditches to prevent erosion.

Legal - Lisko

Lisko noted his disappointed on the response to the last vote and ask for input on framing the next letter.

Star suggested that the previous ballot will be confusing because it refers to a vote on the excessive use policy.

Firewise - Cooke

Chipping was done in SLP.

Parks - Hines

One park was mowed. The other will be mowed.

Architectural- Toennis

No new requests.

Old Business:

Lisko is waiting on the hold harmless agreement to clear Bootzin's land.

Weary reports that the forest service will not give access as an alternate exit for Los Griego. Oepping reported that the FS has barricaded the roads. Lisko suggested Weary contact Lujan's office for assistance.

Action items

Lisko mentioned that a separate water shutoff policy intended to accompany the excessive water use assessment is on hold and may be presented at the annual meeting. In the meantime Oepping will send out a request for a committee to help draft the costs to be included in the penalties for excessive water use.

Weary stated that 5,000 gallon water storage bladders each cost \$8000. An additional \$300 would be needed for adapters and valves. The board would need to find locations in SLP to put them and how to purchase them. She stated from a former discussion with Lee Taylor, LCFVD fire chief, that SLP would need a minimum of 30,000 gals. or about 6 bladders that could be used for domestic use and fire suppression. She mentioned that Taylor is still trying to get two 10,000 gallon Intel tanks in place at SLP, but would need

SLP to chip in on the cost. Weary stated the cost to install the tanks at station 1 in La Cueva was about \$100,000.

Zoom meeting adjourned 9:30 pm to executive session.

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