

Concerned Members report and comments on the Board meeting of SLPPOA Mar. 12, 2019

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

Author's notes and comments:

- The Board will not support water billing. *Unfazed by the 6.4 million gals a year loss and the 60% leak rate that plagues our systems, the Board reasons that the DIY limp along approach is good enough for our association and the members. One wonders what these resident's did when they lived elsewhere, most likely subjected to water billing. Updates on our water loss situation, and response to the Board's claims and comments will continue to be posted at <http://www.slpwater.us/>*
- The new [revisions](#) to the 2013 HOA law have the Board quite upset. *The new law does offer more protection for the members and requires more effort on the part of Board management and includes a penalty provision! We hope the Board takes notice and avoids future litigation.*
- A Bylaws change meeting is in on the horizon. *Stay tuned, changes will affect you and you may not have much time to make a decision.*

Meeting called to order 7:25pm

Board members present: Kilburg, Corn, M. Otero, L. Otero, Lisko, Studell, Weary, Rightley

Guests: Star, Van Ruyckevelt

No officer reports.

Treasurers report - L. Otero

Account balances:

Operating: \$180,478

Reserve- \$112,745 set aside for capital expenses.

\$600 transferred to reserve account.

2019 income tax is complete. No federal tax. Tax preparation fee - \$269

Legal cost- lawsuit- \$52,077

Other legal costs \$5,557

Question was asked about the reserve account and who determines when it gets spent.

Approximately \$8,000 is contributed to the Reserve account each year and the Board determines when it gets spent.

Water Report- Corn

No water maintenance issues. *No water issues... 6.4 million gals. wasted in 2018 and both systems at a 60% leak rate?*

Sys 2 Level Con monitoring stopped working and Schmitt has given notice he will no longer be volunteering.

Corn mentioned that he will not rerun next year and that volunteers will be needed to take over the water chair and responsibilities. Training will be provided. *We wouldn't need to rely on volunteers if we had monies to hire professional help.*

A resident ran over his service line on Sys 1 and ruptured it. The repair was done.

Monthly system reports

Sys 1 Unit 2 - highest user at 18,000 gals. is an absentee homeowner. (1/2 gal/min. for 28 days) It was stated that he was advised and his water was shut off.

SLP will be participating in NM geology and mineral resources monitoring program on one well. An internet connection is needed within 1/2 mile of the source. The data sharing agreement is being signed and sent. *The monitoring will give us a "real time" water level reading of the well.*

NMED state oversight rep. Trujillo, resampled some of the wells. He sampled for nitrates and heavy metals and others stuff.

Water Usage

Sys 1 - pumped- 541,550 gals. this month, use -214,855 gals. this month - loss rate - 8.1 gals/min 327,000gals./mon. loss- 60% leak rate

Daily avg. use -88 gals. per day

15 leak flags, 4 users exceeded 7,000 gals. All had leak flags.

Sys 2 - pumped -346,000 gals. (*correct # - 321,550 gals. pumped*) use -128,000 gals. (*correct # - 124,000 used*) *It appears last month's data was accidentally presented.*

Loss rate 4.9 gals./min. *197,000 gals per month loss - 61% leak rate*

Daily avg. --70 gals. per day. 9 leak flags , 2 users above 7,000 gals.

high user of 15,000 gals. will fix as soon as ground thaws

M. Otero reported some bubbling on Los Griegos which may indicate a leak on sys 2.

Water Maintenance - Weary

2 samples were taken. Sys 1 reporting a higher than normal level however Weary stated it was still within reason. Corn commented that his water (Unit 1) doesn't smell of chlorine until the glass is left on the counter for awhile. Weary will notify Naranjo, system sampler, for further explanation.

Legal - Kilburg

A panel of judges has been selected for the appeals lawsuit.

The attorney has been contact regarding the new HOA law that will affect our Bylaws.

Lisko reported that he contacted the Attorney General's office regarding the provisions that may be unfair in the law. One of his arguments was the 10cent a page charge for copies.

Studell claimed an attorney he consulted stated that the new law gave the HOA more power.

Roads-Studell

There were 2 additional plowings this month. Studell stated that each plowing takes about 5 hrs and equates to about \$200 a plow which he claims isn't unreasonable. \$1,000 per plowing is consistent with other plowings. There was one sanding done and one more sanding in the contract. Raue recommended a cover for our cinders. A carport or better protective covering or a larger structure for combined equipment and cinders was discussed.

Culverts were again discussed. Because of the melting, snow and ice has built up in the ditches forcing water onto the roads. Lisko suggested it may not be a good idea to add culverts.

Crowning the roads may be a resolve, but the roads are too narrow. Former road repair company, RL Leeder, could crown but would not engineer. More discussion ensued regarding the pros and cons of hiring an engineer. Kilburg stated that we already have an old engineering report, but did nothing with it. *We did do something years ago, but couldn't afford to follow up with additional planning or work.*

Firewise- Lisko

The GEJWUIC project has started with \$25,000 of monies. If this project goes well, bigger projects can be considered. Fire prep day is coming to the Jemez Baptist church in La Cueva in April.

Lisko will bring info regarding possible thinning contracts.

Parks - M. Otero

No report

Architectural - M. Otero

No report

Old Business

Webmaster - Corn reported that Schacht is willing to continue working on the website at \$50/hr. It was stated that the high end cost of his work may be \$400 or more per month. The Board voted to approve the contract.

Water billing proposal by Star -Board reviewed the proposal and they do not support water billing. A comment sheet was handed out citing their reasons. *All updated info regarding the proposal, Board comments and Star responses will be posted on <http://www.slpwater.us>*

The Board claimed that they have already voted on accepting the excessive use water proposal. *Despite the fact that the two proposals are not in conflict, the Board has "blessed" a punitive policy to punish a small percentage of water abusers over a fund raising policy to fix our system.*

Studell asked if the excessive water use proposal would bring in any money. M. Otero responded that it is a punitive policy and some money might be forthcoming. Its purpose is to penalize the people that have high usage. *Unless the Board declares a cutoff on gallons used, high users that can pay can continue to use. If the Board declares a cutoff, rumors of litigation are circulating*

because there is no provision that guarantees a set amount of water per user or gives the Board the right to restrict.

Kilburg exclaimed the need to move forward with the excessive use surcharge policy because the Board made a motion to proceed.

A meeting date for the general membership should be decided soon, however the attorney needs to examine the new HOA law and recommend changes that will need to be added. *A rewrite of the Bylaws, with a corresponding letter substantiating reason and affect, and substantial lead time for property owners to digest these changes before a vote would be a more prudent way to approach the changes.*

Corn has been investigating hiring a water operator as SLP only now has a person who draws water samples. *SLP has been void of a water operator for a few years and we question whether this is in violation of NMED regulations.*

Unit 9 water rights - Corn reported that a legal release document will be drawn up for Bootzin's approval. It was admitted that because 21 lots in Unit 9 are platted as part of the SLP subdivision, the developer, Bob Bootzin still remains in control of a percentage of the SLP water rights.

New Business:

There was discussion about another newsletter because of the changes in the HOA law that will affect the Bylaws. The Board decided to wait until the changes of the new law become effective in July.

Weary inquired about giving renters the meter usage numbers. The Board declined due to "personal information" which Weary argued that some who rent are subject to water use payments and they should be able to know the numbers. A policy was considered.

The rental housing situation in SLP was discussed and a policy is being initiated.

The water rights perfection application to OSE (due 8 years ago) is not done yet.

Star asked the board if there was any dispute over the water loss numbers presented in the water billing proposal. No dispute from the Board. *Excessive water losses can affect future property values. The Board cannot continue to "slug" along and wait to "cross that bridge" when we get there.*

Open meeting adjourned 8:40pm

Cars departed 9pm

ss/bv