

**THE PORTIONS OF THESE MINUTES PERTAINING TO LITIGATION AND
CLAIMS ARE PRIVILEGED AND CONFIDENTIAL**

ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

Minutes: Board of Directors Meeting.

Date: January 9, 1996.

Present: Jane Buchsbaum, Dick Downar, Theodore Ginsburg, Peter Gonzalez, Larry Higbee and Peter Stanton.

Location: Estancia Primera Recreation Center.

President Pete Stanton called the meeting to order at 8:05 A.M. The minutes of the December 1995 meeting will be available for review and approval in February.

TREASURER'S REPORT:

Ted Ginsburg distributed the Year-End Statements. He commented that there were no outstanding debts except \$200 owed to Aspen Compound being held in a road maintenance escrow account. There are 16 Aspen Compound homeowners.

He explained that the final 1996 budget was mailed to all lot and homeowners with the ~~annual~~ ^{annual} assessment notification letter.

RESERVE FUND:

Pete Stanton reported that he and Ted Ginsburg have received a complaint, namely that nothing has been done about setting a limit to the Reserve Fund. Action on this had been promised at the Annual Meeting. Larry Higbee offered to find someone who will be objective and will research the question. It is best that this be done by a third party and the Board agreed that a fee of some sort would be acceptable. Ted Ginsburg reminded the Board that the awaited valuation appraisal of the Recreation Center was needed for this purpose.

Peter Gonzalez moved and Dick Downar seconded a motion to split the reserves into an Emergency Fund and a Capital Fund. They also moved and seconded a motion to approve the Treasurer's Report. Both motions passed.

ALTAMIRA:

Pete Stanton reported that the Judge had ruled in favor of EPCSA. There will be a judgement against the 16 opposition homeowners. Our legal costs were approved, both for Peter Ives and Mary Walta. The hourly rate approved by the Judge may differ from the ~~hourly~~ ^{hourly} charged by Ms. Walta. This will not effect us as the Association is covered by insurance, it may effect what the insurance company can collect from the 16 homeowners.

There will be an "Authority to foreclose in 30 days" issued by the Judge. However, there may be an appeal. The cost to each of the 16 homeowners will be approximately \$8,000 (including legal fees). EPCSA should receive about \$50,000. Mr. Stanton reminded the Board that if we had these monies from the beginning everyone's dues would have been significantly less.

ANNEXATIONS:

Pete Stanton reported that all annexations have been completed and the lawsuit will be dismissed.

ARCHITECTURAL REVIEW BOARD:

The Board had no report from the ARB this month.

RECREATION CENTER:

Peter Gonzalez reported that he was still working on finding a carpenter to suggest solutions for the interior door problem. He also reported that he is having a great deal of difficulty in finding an electrician to come fix the missing motion detector at the foot of the entrance door.

Mr. Gonzalez has prepared a handout to be given to Rec. Center users. It outlines; how to set the lights, how to set the alarms and the rules for cleaning the facility. He had only one draft copy which he gave to Mr. Stanton for review.

Mr. Stanton suggested that it may be time to re-key. Jane Buchsbaum asked, who had keys?. Mr. Stanton explained that all racquetball users get a key on request. In addition everyone who helps with the pool has a key. The question was tabled for future consideration.

Mr. Higbee asked about the feasibility of establishing a small fitness center. Mr. Stanton raised the problems of supervision and liability. The Board concurred that the liability problem made a good idea untenable.

NEW BUSINESS:

- A. Mr. Stanton expressed a concern about snow plowing Aspen Compound due to the pavers on the roadbed. It was plowed after a recent storm but the plow operator was concerned about pulling them up. Mr. Stanton suggested that the blade of the plow be lifted to prevent this. If a problem develops we will need an agreement with **all** the home owners.
- B. Mr. Higbee asked ~~the~~ about the sidewalks in Estancia Primera. Are we not liable if someone slips in front of the Recreation Center? Mr. Stanton responded by saying we need a handy man.
- C. Mr. Stanton wrote to Mr. Alexander in regards to trash and illegal traffic on his property. He asked an answer by January 10. Mr. Stanton said that the next step would be a letter from EPCSA's lawyer. Dick Downar ^{asked Bob Lockwood} to put a few large rocks on the trail into Alexander's property and he agreed to do it.

The meeting was adjourned at 9:20 A.M.

Respectfully submitted Jane K. Buchsbaum

Secretary

**THE PORTIONS OF THESE MINUTES PERTAINING TO LITIGATION AND
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ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

Minutes: Board of Directors Meeting

Date: February 13, 1996.

Present: Jane Buchsbaum, Al Davis, Dick Downar, Theodore Ginsburg, Peter Gonzalez, Larry Higbie and Peter Stanton,
Guest; ARB Chair - Mary Lawton.

Location: Estancia Primera Recreation Center.

The meeting was called to order at 8:05 A.M.

MINUTES:

Ted Ginsburg moved and Peter Gonzalez seconded a motion to approve the December 13th minutes. The motion passed. Dick Downar moved and Larry Higbie seconded a motion to approve the January 9th minutes. The motion passed.

RESERVE FUND REQUIREMENTS:

Larry Higbie introduced CPA Lawrence Cornelius. Mr. Stanton explained that a CPA has been asked to consult with the Board of Directors to discuss a logical method to determine the appropriate size of the Reserve Fund. The key issue is the capital requirements needed for the long term maintenance of the Association's physical assets. Mr. Cornelius described his background and his experience with providing CPA services to homeowner's associations in New Mexico. He has resided in the Albuquerque - Santa Fe area for 21 years and at this time he is the CPA for 7 homeowner's associations in the "La Tierra" area. Mr. Stanton commented that most of our expenses are related to the maintenance of the Recreation Center. The other large expense is insurance. We file federal tax form ~~1128~~ which requires the payment of a 30% tax on our investment income. 1120-A

Mr. Stanton stated that we now have in excess of \$28,000 in the Reserve Fund and that we should receive about \$50,000 from the settlement of the Altamira lawsuit. In addition as each of the new lots are sold the Association will receive \$500 per lot which must go into a "Capital Fund" as per agreements signed with the developers. This has the potential to add an additional \$40,000 to the reserves. However, the increase in homeowners may require the expansion of the existing facilities.

Some Association members feel the reserves are too large and the Board has taken on the task of determining the appropriate reserve requirements.

Mr. Cornelius explained that as a non-profit corporation in the state of New Mexico we must present a financial statement stating that our reserves are adequate for anticipated capital expenses. In addition, it is illegal for the Association to refund money

back to the members, we can however, apply a credit from the reserves against future annual assessments.

He suggests that we develop a "Replacement Schedule" for each element of the physical plant owned by the Association showing; anticipated life, replacement costs and estimated time to the next replacement. Developing the "present value" of these requirements will show the proper reserve levels. This will probably show that our present reserves are not excessive. To develop the schedule we need the advice of a contractor or a building inspector. Peter Stanton will talk to Ralph Padilina about this issue.

Mr. Stanton said that once all the new homes are occupied the assessments may go down from present levels. He indicated that 2 things are needed at this time; a footnoted financial statement and a limited report to the membership stating that all is well.

Mr. Cornelius said that his usual financial statement for associations of our type is issued with the budget. To take us on as a client would require an up-front fee of from \$1,300 to \$1,500 after that the annual charges would be about half that amount. Mr. Cornelius left after his presentation.

Al Davis commented that he likes the concept of listing the Recreation Center as a real asset. It gives us a good tool for selling our own property. He asked Dick Downar to request samples of financial statements from other homeowner's associations. Mr. Stanton indicated that we should consider at least one other CPA, for comparison.

TREASURER'S REPORT:

Ted Ginsburg reported that, so far, we have collected \$28,117 in dues. He has sent a note to 10 people who have not yet paid. He stated that we are on target as to expenses. Al Davis moved and Peter Gonzalez seconded a motion to accept the Treasurer's Report. The motion passed.

ALTAMIRA:

Pete Stanton reported that Mary Walta prepared judgements against each Altamira homeowner in the suit; one for financial recovery and one for foreclosure. The legal fees will be about \$6,000 per property. This means that there will be some unhappy people coming into the Association.

ARCHITECTURAL REVIEW BOARD:

Mary Lawton described 2 recent problems. The first is in regards to final approval to a homeowner. The problem has to do with the condition of the Cumbre Vista road. She explained that this is why we have deposits from each home builder until matters are completed to everyone's satisfaction. The second problem was brought up by Alma Cohen who is concerned about the cut (8 feet) between her property and the new house built by Cross. Mrs. Cohen was urged to work out her problem with the Cross'. The Cumbre Vista ARB Guidelines states "no perimeter fences" but Mrs. Cohen has a wire fence now. A plan can be worked out with the Cross' and then given to the Cumbre Vista ARB and, if necessary, to the EPCSA ARB or Board.

Ms. Lawton said that the EPCSA ARB current membership is herself, Mary Walta, Ed Thorne, Pat Haueter and Bill Lumpkins. The membership of Robert Lockwood has been discussed. Ms. Lawton objected to the fact that the EPCSA Board called an evening meeting to discuss Mr. Lockwood and other ARB candidates without consulting her as the Chair.

Ted Ginsburg moved and Dick Downar seconded a motion to appoint Lumpkins, Thorne and Lockwood to the EPCSA ARB subject to verification of their qualifications as outlined in the Covenants and Restrictions. The motion passed. Al Davis moved and Dick Downar seconded a motion to ratify ~~there~~^{their} appointment effective March 1. The motion passed.

RECREATION CENTER:

Peter Gonzalez reported that an above ground valve, near the water meter, is leaking. In addition the snowplow chopped-off the cover of a sewer clean-out pipe in the parking lot. A plumber has been called.

He also reported that he has a bid for fixing the interior doors so that they open flush against the wall, it will cost \$300 plus materials. The Board agreed that it was a minor problem so it was best not to spend the money. Al Davis volunteered to explore other possible solutions. Peter Gonzalez suggested one alternative would be to replace the existing layout table with 2 thinner, portable conference tables.

The parking lot is cracked and sinking under an obvious trench. Repaving would cost \$2,661. It was agreed that we should wait another year to see if the trenched area continues to sink.

ALEXANDER PROPERTY:

Pete Stanton reported that the response from Alexander about the trash on his property is that he does not want to spend any more money at this time. Mary Walta is speaking to his attorney.

NEW BUSINESS:

Pete Stanton asked the Board's permission to place "NO SOLICITING" signs at the Estancia Primera entrances. Al Davis moved and Ted Ginsburg seconded a motion to do so. The motion passed.

Respectfully submitted Jane K. Buchsbaum

Secretary

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ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

Minutes: Board of Directors Meeting.

Date: March 12, 1996.

Present: Jane Buchsbaum, Al Davis, Dick Downar, Theodore
Ginsburg, Peter Gonzalez, and Peter Stanton.
Guest: Gregory Ogburn (CPA).

Location: Estancia Primera Recreation Center.

The meeting was called to order at 8:05 A.M. by President Peter Stanton.

Mr. Stanton introduced CPA Gregory Ogburn who made a presentation in regards to the financial reporting requirements of the EPCSA. Mr. Ogburn said that he had reviewed our previous financial information which he characterized as a "Compilation Report". He suggested that we had 2 more appropriate options; either a full blown audit or a "Review Service" which would analyze the validity of the numbers and offer an opinion as to their reasonable nature. Mr. Ogburn went on to say that the AICPA Guidelines recommend that for financial statements to be complete they should include a "Schedule of Major Repairs and Replacements", in regards to all real property. This will provide a guide to the amount of dues we must collect to maintain the facilities over time.

Peter Stanton said that the building will be appraised and we should have an engineering study prepared for the Recreation Center. Al Davis moved and Dick Downar seconded a motion to spend up to \$600 for an engineering study. The motion passed.

Mr. Ogburn explained that an annual Review Service would cost between \$1,200 and \$1,600. A Compilation Report would cost about \$500 to \$700. Costs are based on an hourly rate. Included in his services would a recommendation for an appropriate reserve fund.

Mr. Stanton concluded this portion of the meeting saying that Mr. Ogburn is the CPA for the local Realtor's Association and for about 6 homeowners associations including El Dorado. He thanked Mr. Ogburn for his presentation.

Mr. Stanton suggested that we consider Gregory Ogburn as our CPA and that a Compilation Report should be adequate. After a discussion Peter Gonzalez moved and Al Davis seconded a motion that we retain Mr. Ogburn as our CPA. The motion passed.

MINUTES:

Ted Ginsburg moved and Dick Downar seconded a motion to approve the February 13th minutes. The motion passed.

TREASURER'S REPORT:

Ted Ginsburg reported that to date we are a bit under budget. There are 5 home or lot owners who have not paid their dues. We have approximately \$50,000 in reserves. He is considering buying more Certificates of Deposit. Mr. Stanton suggested that the monies collected from sales of new lots (\$500 per lot) be placed in a separate account to be named the "Capital Improvement Fund" as this money must be kept separate and used for capital improvements, by agreement with the developers. The account with the certificates of deposit could be named Reserve Fund II.

ALTAMIRA:

Mr. Stanton reported that our attorney tells us that the judgements have not been signed by the judge. Once this is done she will record everything. Several persons (3 or 4) want to settle. We may get appeals from a few, Dick Downar feels this may be about 6 to 10 persons.

RECREATION CENTER:

Peter Gonzalez reported the following:

1. The expenses have been a little heavy \$800 has been spent on the pool mechanical equipment where \$500 was anticipated.
2. The plumbing repairs have been completed but he has not yet received the bill.
3. We have estimates on the repair of the drip irrigation system. We must decide what we want to water. The Board's decision was to hold this up for a the time being.
4. Mr. Gonzalez distributed a job description for the pool manager. He has posted with the local colleges and has written to James Cordova but the responses have been few. The Board suggested he contact the State Department of Labor.

OLD BUSINESS:

1. Mr. Stanton reported that the "NO SOLICITATION" signs are up.
2. We have heard from Mr. Alexander's attorney. He will put a cable along his property line on Hyde Park Road. Al Davis moved and Peter Gonzalez seconded a motion to spend up to \$1,000 to help Alexander with the expenses of cleaning and fencing. The motion passed.

NEW BUSINESS:

1. Al Davis moved and Peter Gonzalez seconded a motion to inform the Board of Realtors that permanent directional signs to properties for sale will not be allowed. Open house signs will be allowed for 1 day. The motion passed.
2. Mr. Stanton is working on a revision of the Articles, and Covenants and Restrictions. The changes will be

basically administrative.

3. Mr. Stanton requested that the handicap parking space be painted as it is almost invisible. Mr. Gonzalez agreed to do so.
4. Mr. Stanton said we must name a "Registered Agent" for the "Corporate Report". He suggested naming Mary Walta our attorney. Jane Buchsbaum suggested putting the word "attorney" rather than a specific name when we redo the Articles.
5. Mr. Stanton described a need for a safe place to store our litigation files. Peter Gonzalez suggested a solution would be to put a lock on the door of the small room now being used for storage. The Board agreed.
6. Jane Buchsbaum described a large sculpture she and her husband will be installing on their property. Both the chairs of the Paseo Cresta ARB and the EPCSA ARB have been advised.
7. Ted Ginsburg said that we have received a letter from the city regarding the "Storm Management Ordinance". The Board agreed to ask for information without volunteering to be a participant.
8. Al Davis reported that Gerald Pitchford (Northeast Homeowner's Associations) wants a meeting with the Los Vecinos developers to see what is being planned. There are 2 sets of plans one with a mixed commercial zone and one without. The City Planning Commission is still interested in inserting the commercial zone. Al feels we should monitor this issue at the planning level. Pitchford's group is organizing against the commercial zone.

Al Davis recommended 2 actions: we should get involved with the network and we should put pressure on the Planning Commission. There will be workshops and we need to be there.

Jane Buchsbaum requested that we must consider the other reasons to oppose Hinkus besides the commercial zone including the other adjacent neighborhoods.

The meeting was adjourned at 10:05 A.M.

Respectfully submitted Jane K. Buchsbaum

Secretary

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ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

Minutes: Board of Directors Meeting.

Date: April 9, 1996.

Present: Jane Buchsbaum, Al Davis, Dick Downar, Ted Ginsburg,
Peter Gonzalez, Larry Higbee and Peter Stanton.

Location: Estancia Primera Recreation Center.

The meeting was called to order at 8:05 A.M.

MINUTES:

Al Davis moved and Dick Downar seconded a motion to approve the March 12, 1996 minutes. The motion passed.

TREASURER'S REPORT:

Ted Ginsburg reported that we have spent approx. \$7,800 of our budget which is a little under budget for this period of time. Very little was spent on snow removal. We have purchased more money market funds. We have approx. \$50,000 at Dean Witter, \$36,000 in the bank and \$9,500 in the Capital Account.

To date only 2 persons still have not paid dues and 4 lots in Kachina Hills owe money to us which should be coming from the title company at settlement.

Ted has met with our CPA, Mr. Ogburn, and he has given him all our financial data from last year. The Recreation Center has been appraised but we do not have the report. The appraisal does not include the land. Pete Stanton said that the land is an Association asset and we should know its value. Mr. Gonzalez explained that the purpose of the assessment was to facilitate our determination of the Association's capital maintenance and repair needs, so the land valuation is irrelevant at this time. There are capital requirements for the swimming pool. He has inquired about cost of building a second tennis court, as the existing court could become over saturated. He went on to say that he gave Ted Ginsburg a report on 10 elements which will need repairs over the next 10 years. Each element has a different life span.

Mr. Ginsburg said that by May we will hear from Mr. Ogburn.

Peter Gonzalez moved and Larry Highbee seconded a motion to approve the Treasurer's Report. The motion passed.

ALTAMIRA:

Mr. Stanton reported that the Judge has filed the judgements in the records of the court. He delayed until he found someone to take care of the foreclosures. There are a number of persons who want to settle. There are 30 days available, form April 30, for filing an appeal. If they don't act by the 20th our attorney will

begin foreclosure proceedings.

ARCHITECTURAL REVIEW BOARD:
No report this month.

RECREATION CENTER:

Peter Gonzalez reported that a lock has been installed to secure the small room so that all materials can be stored safely. Only the President, the Chair of the ARB and the Recreation Center Chair have keys. Ted Ginsburg moved to that effect and Jane Buchsbaum seconded the motion. The motion passed.

Mr. Gonzalez has hired a Rec. Center manager for the summer using the State Employment Office. The young man is a guard at the County Jail on the graveyard shift so our hours work well for him. He is hired as an independent contractor at \$7 an hour, 9:00 A.M. to 2:00 P.M. 6 days a week. If he comes to close the pool in the evening he will receive 1 hours pay at \$8. We will use volunteers to open and close the pool on Sunday. On May 8th the pool will be "opened" to circulate the water. It will open for use around May 23rd.

OLD BUSINESS:

1. Pete Stanton reported that an agreement has been reached regarding the cabling on the Alexander property. Our offer of money to help defray costs was appreciated. No sum was named.
2. Mr. Stanton expressed a concern that \$500 is a lot to pay for grounds maintenance. He asked Dick Downar to get additional estimates. Mr. Downar explained that he had met with Peter Gordon of "Groundworks". He would charge \$250 to \$300 per month for 8 months coming twice a month. Last year "Landworks" came once a week. It was suggested that they be given the opportunity to make a bid based on twice a month.

NEW BUSINESS:

1. Pete Stanton distributed changes to the "Covenants and Restrictions" which will be reviewed at the next meeting.
2. Al Davis reported that NENA had a meeting with Ken Hinkus (Los Vecinos), with 3 of our Board members present. Mr. Hinkus has set aside an area which could be used for mixed commercial directly across from our North entrance. He has committed to 6 affordable housing units.

The meeting was adjourned at 9:10 A.M.

Respectfully submitted Jane K. Buchsbaum

Secretary

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ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

Minutes: Board of Directors Meeting.

Date: May 14, 1996.

Present: Jane Buchsbaum, Dick Downar, Ted Ginsburg, Larry Higbie
and Peter Stanton.
Guest: Mary Lawton.

Location: Estancia Primera Recreation Center.

The meeting was called to order at 8:07 A.M. by President Pete Stanton.

MINUTES:

Dick Downar moved and Larry Higbie seconded a motion to approve the April 9, 1996 minutes as read. The motion passed. They will be distributed at the June meeting.

TREASURER'S REPORT:

Ted Ginsburg explained that since the last meeting he realized that 2 additional property owners had not paid their dues, London and Tatum. There are 4 lots in Kachina Hills from which we have not received assessments. Our potential CPA, Mr. Ogburn, has not prepared a report for us as yet. Mr. Stanton expressed concern as we need a report for our Annual Meeting in August. We have received a preliminary report on the maintenance and repair of the Recreation Center. The full report will be ready in June.

ALTAMIRA:

Pete Stanton reported that the following are appealing; Kerr, Donica, Kliewer, Ford, Cannon, Morris, Lynch, Thomas and Schwarz. Hudgins has paid a third of what she owes. We can foreclose anytime we chose to do so until she pays in full. Claiborne, Unger and Koenig are settling. Sehgers is discussing settling. There will be a hearing on the appeal before Judge Hall. We understand that some may want to put up their houses as collateral on the debt. We will not accept this. We want the cash.

ARCHITECTURAL REVIEW BOARD:

Chair Mary Lawton made the following report. Kachina Hills has 5 new homes under construction. Jim Hays has dug a well which has not been approved. He also has not received a final approval on his house. The house on Lot 22 is 2 or more feet higher than the Kachina Hills rules. They will probably pass a variance to allow approval. The house is below the Estancia Primera regulation, which is 20 feet. Los Nidos has 4 houses under construction.

As Ms. Lawton will be stepping down after 2 years service as Chair of the ARB she made the following suggestion; the ARB does not serve a bonofide purpose, there is too much bureaucracy, these matters should be decentralized, now the ARB only pushes

paper. Mr. Stanton expressed a concern; if we relinquish control do we relinquish responsibility? Ms. Lawton said that her way will make for more responsible neighborhoods.

GROUNDS MAINTENANCE:

Dick Downar reported that he conferred with Landworks who choose to do our work every other week for a reduced price of \$325. The Board agreed to continue to use their services.

OLD BUSINESS:

1. Pete Stanton reported that Alexander is working on getting his property cabled.
2. **Los Vecinos** - Pete Stanton reported that the city would not attend the NENA arranged meeting with Ken Hinkus. There are 2 major problems, the commercial strip and the proposed entrance. It remains confusing as to why, if the City Council voted "no", the commercial strip remains an issue. If a turning lane is approved across from our South entrance, it will make things difficult and dangerous for our residents. The city has agreed to a working session with all parties on May 23rd. Larry Higbie expressed the opinion that at a public hearing the Los Vecinos plans will not be approved due to the neighborhood below it.

NEW BUSINESS:

After general discussion, it was agreed to hold the Annual Meeting on Thursday, August 8 at 4:00 P.M. We must prepare the changes to the documents by June 15. Complete the study on the reserves, find new Board members and send out all the material and a call to the meeting by July 8.

The meeting was adjourned at 9:20 A.M.

Respectfully submitted Jane K. Buchsbaum

Secretary

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ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

Minutes: Board of Directors Meeting.

Date: June 11, 1996.

Present: Dick Downar, Ted Ginsburg, Peter Gonzalez, Larry Higbie
and Peter Stanton.

Location: Estancia Primera Recreation Center.

The meeting was called to order at 8:05 A.M.

MINUTES:

The minutes of the May 14 meeting were reviewed by the Board.
Dick Downar moved and Larry Higbie seconded a motion to approve
the minutes as corrected. The motion passed.

TREASURER'S REPORT:

Ted Ginsburg presented the Association's year-to-date financial
statements. They were reviewed by the Board. Pete Stanton
requested that \$12,000 of the total assets be shown as a
liability. It is the monies for 4 Altamira properties collected
in the settlement (\$3,000 each) which must be reimbursed to the
insurance company.

Ted indicated that 5 Kachina hills lots owe the Association the
\$500 Capital Fund payment. Larry Highbie will follow-up with the
title company.

The Tatums (La Viveza) have not paid their dues and they have not
answered the telephone messages left them. They will be sent a
registered letter. Peter Gonzalez volunteered to try to determine
why they have not responded to date.

Peter Gonzalez moved and Larry Higbie seconded a motion to
approve the Treasurer's Report. The motion passed.

ALTAMIRA:

11 property owners will appeal the judgement. They must each set
aside \$1,500 to cover the legal expenses of the appeals process.
The Judge will allow them to pledge their real estate equity as
collateral, but if they sell their property they must pay.
Sehgers will settle on his house but not on his empty lot.

ARCHITECTURAL REVIEW BOARD:

Mary Walta is the new chair of the ARB.

Pete Stanton stated that he had given a lot of thought to Mary
Lawton's suggestions, (given at the May Board meeting), and had
come to the conclusion that her ideas may well have merit when
Estancia Primera is fairly well completed. At this point, we need
an umbrella ARB to counterbalance the influence of the individual
developers. Larry Higbie pointed out that the system which allows

decisions by the local ARB's to be appealed to the Estancia Primera ARB is a valuable asset which prevents arbitrary power to rest in the local ARBs. The Board agreed to recommend no change at this time.

RECREATION CENTER:

Peter Gonzalez stated that the only outstanding issue is the water usage problem. We will have to wait for some definitive information from the water company. He feels that we do not use very much water and we may well be under the minimum limits (6,000 gallons a month) set by the city for the 25% reduction rules. Ted Ginsburg will find last year's water bills to determine last year's summer usage.

OLD BUSINESS;

1. Alexander has found a contractor to cable his property.
2. The Los Vecinos subdivision was disapproved by the City Planning Commission.

NEW BUSINESS:

1. The "ESTANCIA PRIMERA COMMUNITY ASSOCIATION DOCUMENTS" will be reviewed by the Board at a special meeting to be held in the Recreation Center, on Thursday, June 20th, at 3:30 P.M.
2. The Annual EPCSA Financial Planning meeting will be held on Tuesday, August 6, at 7:00 P.M.
3. The city has made a demand that EPCSA pay \$175,000 for repairs to the Arroyo Saiz, based on our "Master Drainage Contract" with the city. Pete Stanton, Al Davis and Mary Walta met with the City Attorney to state that the city has no right to demand this money on a number of legal grounds. We must await further developments.

The meeting was adjourned at 9:40 A.M.

Respectfully submitted Peter Gonzalez

Board Member

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ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

Minutes: Board of Directors Meeting.

Date: July 7, 1996.

Present: Jane Buchsbaum, Al Davis, Dick Downar, Ted Ginsburg,
Peter Gonzalez, Larry Higbie and Peter Stanton.

Location: Estancia Primera Recreation Center.

The meeting was called to order at 8:00 AM.

MINUTES:

Jane Buchsbaum moved and Ted Ginsburg seconded a motion to approve the minutes of the June 11 meeting. The motion passed. Jane was not the recorder of the minutes at that meeting.

TREASURER'S REPORT:

Ted Ginsburg reported that only two home owners have not paid their dues, (McGuire and Vecchi). Mr. Ginsburg distributed several reports; Transactions, Income and Expense, Summary and Net Worth. The reports indicate that we are under budget for the first half of the year. There is \$67,000 in the checking account, but Pete Stanton explained that \$12,000 must be reserved for legal fees. More funds will be shifted to the Dean Witter money market account which is the General Reserve Fund. There is \$9,000 in reserve earmarked for capital improvements. As we appear to have sufficient funds we may well give each homeowner a credit against their annual dues next year. We must pay taxes on any interest earned on the invested funds.

Mr. Ginsburg reported that unfortunately our new CPA, Mr. Ogburn, has been unresponsive and as yet we do not have his report on the appropriate size of the General Reserve Fund.

Mr. Ginsburg distributed a report by the Siena Corporation on the condition and maintenance of the Recreation Center building.

Pete Stanton requested that we have actual budget and expenses at the end of July for the Annual Meeting. He explained that each year we carry over approximately \$10,000 for unexpected expenses.

PREPARATION FOR THE ANNUAL MEETING:

Mr. Stanton stated that our attorney, Mary Walta, does not recommend the distribution of the proposed revised EPCSA documents before the Annual Meeting. They need careful examination. There will be a Financial Review Meeting on Tuesday, August 6, at 7:00 PM, held at the Recreation Center. The Annual Meeting will be held on August 8, at 3:30 PM, with a light supper to follow. The only voting on the agenda is the election of directors. We will distribute the minutes of last year's Annual Meeting.

ALTAMIRA:

Pete Stanton reported that 12 Altamira homeowners are filing an appeal. All the motions have been filed. They are appealing as a group and are including the Altamira Homeowners Association.

ARCHITECTURAL REVIEW BOARD:

Mr. Stanton reported that there have been a number of requests for approval in Los Nidos. The final 2 tracks still do not have plat approval but are getting close.

Al Davis commented on the lack of a formal report from the ARB. He feels that the Board should have a report presented at every Board meeting, especially at this time when Estancia Primera is at a critical stage of development. The Board agreed with his comments.

RECREATION CENTER:

Peter Gonzalez reported that the pool manager, Daniel King, is doing an excellent job. He suggested that we may want to give him a small bonus at the end of the season. This may be an inducement to return next year. There is a leak in the roof, in the entrance hall. Mr. Gonzalez will inspect the roof and have it repaired.

OLD BUSINESS:

1. Pete Stanton reported that the post and wiring are being installed on the Alexander property. Some Altamira homeowners are complaining about the noise and litter. The Board agreed to contribute \$1,000 to the cost with the provision that the asphalt driveway entering the property must be removed.
2. Al Davis reported that the Los Vecinos project will go back to the Planning Commission, on appeal, on August 11. We have 2 main issues; the commercial zone and the road access. In the first round of the approval process the city Council clearly directed the Planning Commission to eliminate the commercial zone.

NEW BUSINESS:

1. Pete Stanton suggested we provide the Rec. Center with a microwave oven. Peter Gonzalez moved and Ted Ginsburg seconded a motion to spend up to \$300 for this purpose. The motion passed. The storage space in the kitchen area will be increased by adding more shelves to the existing cupboard space.
2. Al Davis felt that the suggestions in the Siena Corporation report should be implemented. Mr. Gonzalez indicated that the minor ones have been taken care of, only the stuck door remains a problem. Mr. Ginsburg suggested that he knows a "door specialist", he will contact him.
3. Pete Stanton and Al Davis reported that the City of Santa Fe has asked EPCSA for \$175,000 to make repairs in the Arroyo Saiz. The city, through a deputy city attorney, tried to coerce us into paying. He pointed to the Master Drainage

Contract as the city's authorization. We were also able to determine that the city has asked for \$37,600 from each of the 4 other tracks. Larry Highbee indicated that Jim Hays feels there is some confusion as to our responsibilities under the contract and it should be clarified. Mr. Higbie indicated that Mr. Hays is an authority on drainage issues.

Pete Stanton replied that our position, of long standing, is that there must be a maintenance district created for the total length of the Arroyo Saiz. The meeting with the city was attended by our legal council, Mr. Stanton and Mr. Davis. We feel we have no obligation and will do nothing at this time.

4. Peter Gonzalez brought-up the issue of a small dam on the south side of the La Viveza subdivision which needs repairs. The possibility of it being a EPCSA responsibility was voiced at the La Viveza Annual Meeting. Mr. Stanton stated that there is no EPCSA responsibility as the works are on either private land or La Viveza communal land. The Board agreed with this position.

The meeting was adjourned at 9:45 AM.

Respectfully submitted Jane K. Buchsbaum

Secretary

**THE PORTIONS OF THESE MINUTES PERTAINING TO LITIGATION AND
CLAIMS ARE PRIVILEGED AND CONFIDENTIAL**

ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

Minutes: Special Board of Directors Meeting.

Date: August 8, 1996.

Present: Jane Buchsbaum, Al Davis, Dick Downar, Peter Gonzalez,
Larry Higbie, Bob Lockwood, Pete Stanton and Rex
Wilmore.

Location: Estancia Primera Recreation Center.

The meeting was called to order at 5:05 P.M.

President Pete Stanton called to order the first meeting of the
1996-97 Board of Directors. The newly elected Board, by voice
vote, unanimously elected the following officers;

President - Al Davis,
Vice President - Rex Wilmore,
Treasurer - Pete Stanton and
Secretary - Jane Buchsbaum.

The meeting was adjourned at 5:30 P.M.

Respectfully submitted Jane K. Buchsbaum

Secretary

**THE PORTIONS OF THESE MINUTES PERTAINING TO LITIGATION AND
CLAIMS ARE PRIVILEGED AND CONFIDENTIAL**

ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

Minutes: Board of Directors Meeting.

Date: September 10, 1996.

Present: Jane Buchsbaum, Al Davis, Dick Downar, Peter Gonzalez,
Bob Lockwood, Peter Stanton and Rex Wilmore.

Location: Estancia Primera Recreation Center.

The meeting was called to order at 8:00 AM by President Al Davis.

MINUTES:

Peter Gonzalez moved and Rex Wilmore seconded a motion to approve the minutes of the July 7th meeting. The motion passed. Rex Wilmore moved and Dick Downar seconded a motion to approve the minutes of the Special Meeting held immediately following the Annual Meeting. The motion passed.

TREASURER'S REPORT:

Pete Stanton reported the purchase of "Quick Books" software to maintain the Association's financial records. He reviewed for the Board a new style "Transaction Report" produced for August 96. While discussing the "Profit and Loss Comparison" he explained that part of the Altamira settlement will go to the insurance company and part to the Association (approx. \$14,838.25). More money is pending when the outstanding 11 cases are settled.

Mr. Stanton also reported that there are still 2 delinquent dues accounts to whom he has written. However, the amounts are so small (\$36) they do not warrant a lien. There are also 10 members who have not paid their second installment.

We have \$10,000 to cover expenses for the remainder of the year. This should be sufficient.

Peter Gonzalez moved and Rex Wilmore seconded a motion to approve the Treasurer's Report as presented. The motion passed.

ARCHITECTURAL REVIEW BOARD:

President Al Davis expressed the need to hear a report each month. He asked Bob Lockwood, an ARB member, to serve as liaison. Pete Stanton suggested that invoices are needed to notify lot owners that once they begin construction their assessments increase from \$36 to \$90. Peter Gonzalez moved and Pete Stanton seconded a motion that this be done. The motion passed.

RECREATION CENTER:

Peter Gonzalez moved and Jane Buchsbaum seconded a motion to give the pool manager (Daniel King) a \$500 bonus for his excellent work during the summer. The motion passed. Mr. Gonzalez also recommended that we retain Mr. King to clean and maintain the Rec. Center every other week, at \$30 a visit. The Board agreed.

Mr. Lockwood volunteered to provide the labor required to repair the jammed exterior door.

Mr. Gonzalez reported that replacing the exterior patio tiles will cost \$7,800. We have one estimate. Consideration of the work was tabled until the spring.

Mr. Gonzalez announced that the pool will close in the first week of October. He moved and Pete Stanton seconded a motion to impose a charge of \$25 to replace a lost entry card. The motion passed.

GROUNDS:

Dick Downar had no formal grounds maintenance report but stated that he was not satisfied with the current maintenance work.

Peter Gonzalez suggested that the south entrance sign should be roofed to match the north sign and to prevent water damage. Bob Lockwood suggested that both signs should be replaced as they are the first impression of Estancia Primera and they are poorly designed and out-of-character for the community. Dick Downar suggested that the individual community names should be placed on the entrance signs. Mr. Lockwood will pursue a new design and Mr. Gonzalez will determine what it will take to electrify the south sign. They will report their findings to the Board.

OLD BUSINESS:

1. The Los Vecinos project has been approved by the City Planning Commission and is on appeal to the City Council.
2. The Altamira litigation appeal could take from 6 months to 2 years for a decision.
3. The cable work is still not completed on the Alexander property and we will not pay until it is done.
4. Drainage - Al Davis reported that based on meeting with representatives of the city and in light of their \$175,000 request, we will encourage the city to work on the problem as a universal Arroyo Saiz problem. Bob Lockwood suggested that we have a civil engineer inspect the drainage each year. We need a baseline to determine if we have any problems. Pete Stanton moved and Rex Wilmore seconded a motion to hire a drainage expert to inspect the Estancia Primera drainage at a cost not to exceed \$7,000. The motion passed. A committee was formed consisting of Peter Gonzalez, Bob Lockwood, Pete Stanton and Rex Wilmore. Al Davis will speak with Mary Walta, our attorney, before we move on this issue.
5. The amended "Bylaws" and "Declaration of Covenants and Restrictions" are under legal review.
6. The Treasurer recommended we hire a new accountant. The Board approved.

NEW BUSINESS:

1. The President stated that a newsletter will be issued shortly with current EPCSA information and a request for

volunteers.

2. There is a city meeting on the "Storm Water Management Ordinance" scheduled for September 26.
3. The president listed known issues for the coming year;
 - a. Peter Ives, legal fees and insurance refunds,
 - b. NENA representation,
 - c. Los Vecinos supervision,
 - d. Snow plowing - Peter Gonzalez moved and Pete Stanton seconded a motion requesting a letter of release of liability from all association presidents if we are to plow their streets. The motion passed,
 - c. Walking paths - Pete Stanton suggested we should try to remove the "Walking Paths" provisions in the Master Development Plan, as the paths are in the arroyo. Bob Lockwood strongly suggested we let sleeping dogs lie as this is a "hot button" issue at City Hall.

The meeting was adjourned at 11:00 AM.

Respectfully submitted Jane K. Buchsbaum

Secretary

**THE PORTIONS OF THESE MINUTES PERTAINING TO LITIGATION AND
CLAIMS ARE PRIVILEGED AND CONFIDENTIAL**

ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

Minutes: Board of Directors Meeting.

Date: October 8, 1996.

Present: Jane Buchsbaum, Al Davis, Dick Downar, Peter Stanton
and Rex Wilmore.

Location: Estancia Primera Recreation Center.

The meeting was called to order at 8:00 AM by the President.

MINUTES:

The approval of the September minutes was delayed until the
November meeting of the Board.

TREASURER'S REPORT:

Peter Stanton distributed a copy of the proposed budget and
discussed its contents. All 1996 dues have been paid with
exception of amounts due from two lots on Paseo Cresta. If these
lots are sold we will receive the dues owed. A partnership owns 4
lots in Kachina Hills, the dues on these properties were supposed
to have been collected by the escrow company, they failed to do
so. Mr. Stanton will follow-up on this matter. Our actual
expenses are well within the 1996 budget.

The Association's income next year will be in the range of
\$39,000 to \$40,000. The Treasurer will present a proposed 1997
budget at the November meeting. We will carry-over approximately
\$10,000 from 1996. Membership dues announcements will be mailed
in mid-December.

To gain greater interest, the approximately \$10,000 Capital
Account has been transferred from the Bank of Santa Fe to Dean
Whitter. The Sunwest bank account has been transferred to Century
Bank for convenience.

A new accountant has been contracted for the coming year. She
will speak to the Board at the November meeting.

RECREATION CENTER:

Al Davis spoke for the absent Peter Gonzalez. The pool was closed
and winterized in the first week of October. We have a recurring
leak in the irrigation system which will be fixed as soon as
possible.

GROUNDS:

Dick Downar called Landworks after the September Board meeting.
He has not noticed a change. Pete Stanton said he did notice some
work but not on cutting back the chamisas. Their contract will
end this month. Some concerns were expressed about Landworks and
the possibility of getting a new maintenance contractor was
discussed. Al Davis stated that we need a plan. Dick said that

Landworks does what is asked of them but we have not asked for much. Al stated that we need to be more specific in our instructions and we need to monitor the situation.

There was some discussion as to how to bring electricity to the south Estancia Primera entrance.

OLD BUSINESS:

1. Los Vecinos - Still pending a reconsideration,
2. Altamira - Still waiting on their court appeal,
3. Alexander - No progress on the post and cable installation,
4. Snow plowing - Rex Wilmore will distribute a letter on "the release of liability",
5. Master Drainage - The committee met and plan to "play it by ear". The inspection will be about \$2,000, a report will cost about \$6,000.

NEW BUSINESS:

1. Al Davis reported that no one volunteered as a result of the request in the newsletter,
2. A Halloween Party will be chaired by Shirley Davis and Ginny Wilmore,
3. NENA, Rich Culpin was asked, but declined to be our representative. Paula Hutchison has volunteered to monitor the Los Vecinos developments. Perhaps she will be our NENA representative,
4. City General Plan - Al Davis acquired a copy of the latest plan and the commercial zone is not in it. Buddy Lucero, of the City Planning Department, explained that there is not enough traffic to support it and traffic access would be a problem. However, we must continue to monitor the situation,
5. Jean Culpin and Elissa Manley have started a twice monthly book group which will meet at the Recreation Center.

The meeting was adjourned at 9:15 AM.

Respectfully submitted Jane K. Buchsbaum

Secretary

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ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

Minutes: Board of Directors Meeting.

Date: November 5, 1996.

Present: Jane Buchsbaum, Al Davis, Dick Downar, Peter Gonzalez,
Bob Lockwood, Peter Stanton and Rex Wilmore.

Location: Estancia Primera Recreation Center.

The meeting was called to order at 8:00 AM.

MINUTES:

Rex Wilmore moved and Bob Lockwood seconded a motion to approve the minutes of the October Board meeting as presented. The motion passed.

TREASURER'S REPORT:

The treasurer reminded the Board that the two bank accounts on the Balance Sheet will be closed and the funds transferred. We are about \$4,000 below budget. However, there will be some anticipated expenses in November and December. He estimates at year-end we will be about \$1,500 under budget.

We have not been paid the \$36 due for property sold by Pacific Santa Fe. There are 5 people who still owe money plus the 11 Altamira litigants.

Mr. Stanton led us through the proposed 1997 budget (Attachment A). Income will approximate \$42,800 with the anticipated settlement with Altamira adding an additional \$36,000. The anticipated cash carry-over from 1996 is \$10,000. The Board suggested that monies be put in the 97 budget for the drainage study. Bob Lockwood suggested that we have a "Planning and Capital Account" for such things as the drainage study. Rex Wilmore said we are anticipating \$10,000 of expenses of the "Planning and Capital" type.

Bob Lockwood moved and Jane Buchsbaum seconded a motion that the revised annual budget be sent to the membership with the dues notification, in December. The motion passed.

Peter Gonzalez moved and Rex Wilmore seconded a motion to approve the Treasurer's Report as presented. The motion passed.

ARCHITECTURAL REVIEW BOARD:

Bob Lockwood distributed a Report. The ARB wants all homeowners to have current EPCSA documents which will be acknowledged upon receipt. Thereafter no one can say that they did not know the rules. In addition, the title companies should be put on notice to notify us of a sale. We will then send the documents to the new homeowner.

The ARB requested that the "No Soliciting" signs be removed from the entrances. Opinion was also expressed by Board members that all the little signs at the entrances are tacky. Peter Gonzalez suggested that the signs be removed from their present locations and the soliciting signs be placed on poles which already exist further down the street. Rex Wilmore moved and Peter Gonzalez seconded a motion that Grounds Committee be instructed to move the signs 50 yards into the property. The motion passed.

RECREATION CENTER:

Peter Gonzalez stated that the leaking pipe at the south entrance will be repaired as soon as possible. He has had some trouble with plumbers. He also indicated that he would not volunteer to keep the Rec. Center reservations beyond the end of the year.

GROUNDS:

Dick Downar distributed a list of possible activities for the landscape contractor and asked that the Board use it as a guide to determine the contractor's duties. The Board used the list to frame a grounds keeping plan. Pete Stanton moved and Rex Wilmore seconded a motion to accept the plan as set by the Board. The motion passed.

OLD BUSINESS:

1. Pete Stanton moved and Jane Buchsbaum seconded a motion to place only "North ENTRANCE" and "SOUTH ENTRANCE" on the proposed new Estancia Primera signs. The motion passed.
2. Paula Hutchison has volunteered to follow the progress of the Los Vecinos project. The Callecita Neighborhood Assoc. has appealed the project's approval to the City Council (Nov. 13). In addition Paula has been asked to serve on the NENA Board.
3. Altamira, no change in status.
4. The commercial zone is no longer in the City General Plan. However, it is still in the original ordinance. Its status in the Los Vecinos plan is not known.

NEW BUSINESS:

1. Pete Stanton expressed the thanks of the Board to Ginny Wilmore and Shirley Davis for their efforts on the Halloween party.
2. Peter Gonzalez moved and Pete Stanton seconded a motion that a budget of \$100 be provided for any EPCSA sponsored party, the money to be spent at the discretion of the party organizers. The motion passed.

The meeting was adjourned at 11:45 AM.

Respectfully submitted Jane K. Buchsbaum

Secretary

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ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

Minutes: Board of Directors Meeting.

Date: December 10, 1996.

Present: Jane Buchsbaum, Al Davis, Peter Gonzalez, Larry Higbie,
Bob Lockwood, Peter Stanton and Rex Wilmore.

Location: Estancia Primera Recreation Center.

The meeting was called to order at 8:05 A.M.

NEW AUDITOR:

Pete Stanton introduced a prospective new auditor, CPA Judy Wilson. Ms. Wilson works independently and charges \$75 per hour. The bulk of her experience is in personal taxes and small business consulting. She does not charge for time spent researching questions. Her hourly rate applies only to time spent a client's work. She estimates the charges to EPCSA would be about \$700 to \$1,000 per year.

She has reviewed the EPCSA books and statements and found them in good order. There are new regulations this year for non-profit organizations which may affect homeowners associations. She will review the regulations at no charge to the Association.

Mr. Stanton explained that we need only a "compilation", ~~A~~ full audit is not necessary. She agreed and indicated she was capable and ready to fulfill our requirements.

Mr. Davis thanked her for attending the meeting. She then left the meeting.

MINUTES:

Pete Stanton moved and Larry Higbie seconded a motion to approve the minutes of the November meeting (11/5/96). The motion passed.

TREASURER'S REPORT:

1. Hiring a new auditor;
Pete Stanton reiterated that our former auditor (Ogburn) was difficult to reach and very unresponsive. Rex Wilmore indicated that he has used Ms. Wilson and is pleased with her work. Pete Stanton feels she is probably being very conservative and over stating her fees estimate. Pete Stanton moved and Peter Gonzalez seconded a motion that Ms. Wilson be hired as our auditor. The motion passed.
2. Review of financial statements;
The account closing and funds transfer described in the November minutes were completed. We have received all 1996 assessments with the exception of Joan McGuire's lot. The remaining amount in Accounts Receivable is money due from

the Altamira litigants, on whom we have liens. There will be some surplus at the end of the year. Rex Wilmore moved and Peter Gonzalez seconded a motion to accept the Treasurer's Report as presented. The motion passed.

ARCHITECTURAL REVIEW BOARD:

Bob Lockwood indicated that the ARB had no activities on which to report.

RECREATION CENTER:

Peter Gonzalez stated that both the oven and ice maker need repairs, the work is scheduled for the coming Monday. He further stated that the card-entry system has been re-programmed. There are about 75 active cards and about 125 open card slots available. Pete Stanton suggested that the Center needs a coat rack, the Board agreed. Peter Gonzalez will investigate.

OLD BUSINESS:

1. Snow plowing; Rex Wilmore reported that La Viveza does not want to be plowed. Peter Gonzalez indicated that there may be some mis-understanding, he will speak to the La Viveza Board. Al Davis suggested that we have the streets plowed at the plow operator's discretion rather than guessing if 6 inches will accumulate before calling the service. Peter Gonzalez agreed.
2. Los Vecinos; Peter Gonzalez reported that the issue was tabled by the City Council until January.
3. Alexander property - post and cable; Al Davis informed them that we will pay them our contribution when the work is completed.
4. NENA; Paula Hutchison is a member of the Board.
5. City General Plan; Al Davis has a copy of the plan available to any Association member.
6. Changes to EPCSA documents; Pete Stanton stated that they are with Mary Walta. We can not proceed until she has reviewed them.

NEW BUSINESS;

1. The Christmas Party will be held on Friday, December 13th, at 6:30 PM.

The meeting was adjourned at 9:45 AM.

Respectfully submitted Jane K. Buchsbaum

Secretary