

Estancia Primera Community Services Association (EPCSA)
Minutes of the Meeting of the Board of Directors
Friday, January 12, 2018

Call to Order: Jim Fassett, Board Vice-President (presiding in the absence of President Shears who was involved in family business), called the meeting to order at 9:07 a.m. at the Clubhouse Conference Room.

Board members in attendance: Jim Fassett (Vice-President), Scott Bunton (Treasurer), Jill McIntosh, William Schiller, Barbara Chamberlin, Terry Schultz and Leslie Walker-Hirsch.

Others present: Errol Levine (Secretary)

Approval of Minutes of Previous Board Meeting: A motion duly made and seconded to approve the final draft of the minutes of the December 8, 2017 Board meeting as submitted was approved unanimously.

Reports

Treasurer's Report: Treasurer Bunton had previously distributed to the Board members a "Profit and Loss Budget vs Actual" statement for the period January through December 2017 and a Balance Sheet as of December 31, 2017. The Association ended the year with a net income of \$25,106. This is about \$18,000 over the budgeted net income for the year. A motion duly made and seconded to transfer \$25,000 into the Association's Reserve Account was then passed unanimously.

Treasurer Bunton then presented several Association expenses for the Board's consideration:

- Greg Klos, our bookkeeper, had submitted a bill for his services for October (\$150) and November (\$183). This is lower than usual since Greg Klos is no longer coming to Santa Fe to collect bills and checks from the Association's post office box and also did not handle the assessment procedure for 2018 which was done by Treasurer Bunton, President Shears and Secretary Levine;
- The annual fee for the Association's post office box is \$76;
- Secretary Levine had filed online the EPCSA's Annual Corporate report for 2017 with the New Mexico Secretary of State and in doing so had incurred a registration fee of \$11.25 that he had charged to his credit card.

The Board decided that since these are recurring budgeted expenses that are less than \$500 in amount they did not require Board approval and should not in the future be referred to the Board for approval.

Treasurer Bunton reported that he had received a bill for the last six months of maintenance of the EPCSA website from Jon Weaver for \$731.12. A motion duly made and seconded to pay this amount was passed unanimously.

Real Estate Report:

a. ***Real Estate Activity:*** Jill McIntosh presented a summary of current real estate activity in EP through the end of December 2017. There are currently three homes that are active, one home that is under contract and eight homes that have recently been sold. An active listing for a vacant lot has now expired and two vacant lots have been sold. There is a private home sale pending in Los Nidos that is not included in the report but that will be included in future reports when more information regarding it is available. Information regarding private sales becomes known to the Association because sellers have to apply for Disclosure Certificates from both the neighborhood subdivision Homeowners Association and from the EPCSA. The contact information for new owners has been provided to the secretary for updating the EP address list.

b. ***Estancias del Norte Development:*** Ms. McIntosh reported that she and Mr. Bunton had attended the January 4 preliminary Planning Commission hearing regarding the development. The Commission decided to table further consideration of the proposed development pending a hydrology report being obtained. The report will be prepared at the owners' expense by an independent hydrologist selected by the City. Mr. Bunton had made a verbal presentation to the Commission during the meeting. In line with the letter President Shears sent to the Commission in December 2017, he had urged the Commission to (1) require the addition to eastbound Hyde Park Road of (a) a left turn lane into the new developments and (b) a deceleration/right turn lane onto Avenida Primera South; (2) prohibit rentals shorter than one month of homes or casitas/guesthouses in the new development; and (3) prohibit commercial activity in the development.

It appears likely the Hyde Park Road alterations and the prohibition of commercial activity will be conditions of City approval. The Board will seek City Councilor Signe Lindell's assistance in prohibiting rentals of less than one month. President Shears' letter also stated EPCSA's desire to lower the speed limit on Hyde Park Road between Gonzales Road (to the east) and Prince Avenue (west down the hill) from 45 MPH to 35 MPH, something that is in the purview of the New Mexico Department of Transportation (NMDOT) rather than the City. In December, the Board asked the City to request that NMDOT conduct a speed study of that stretch since such a study is a prerequisite for changing the speed limit; the City made that request, and NMDOT has tentatively indicated it plans to conduct the speed study later in January or in early February. There will be a second preliminary Planning Commission Hearing approximately 60 days after the January 4 meeting for the Commission to consider the hydrologist's report.

Architectural Review Board (ARB) Report: ARB Chairman Dr. William Schiller reported that the ARB is currently dealing with an application to pave a fairly long driveway for a home in Aspen Compound. The materials proposed for the driveway will be significantly less permeable than the

current driveway raising concerns about increased water drainage from the paved driveway into an adjacent arroyo. Chairman Schiller has therefore asked the applicants to obtain a permit from the City's Water Drainage Department prior to further consideration of the application by the ARB. He thinks a possible solution that could allow the application to succeed would be the installation of an additional ponding structure on the arroyo side of the driveway.

Chairman Schiller indicated that he will resign as ARB Chair, after eight years in the position, at the February Board meeting via a written communication. His resignation will be effective April 30, 2018. He had not yet decided whether to stay on as an ARB member however. It will be necessary for President Shears to start the recruitment process for a replacement Chair as soon as possible.

Clubhouse Manager's Report: Connie Burke had been unable to attend the meeting. She reported via email that the clubhouse was used several times over the holidays for private parties. Everyone took good care of the facility. Reyes Morales had put up and taken down the exterior holiday lights in a timely fashion. She will take down the Christmas tree next Tuesday at the EP Women's Group meeting. Doing this requires the help of several people. Manager Burke had made no progress on finding a replacement for her as clubhouse manager but she had not tried to do this over the holidays.

Unfinished Business

Book of Resolutions Update: Mr. Bunton indicated Part I of the EPCSA's Book of Resolutions (Rules and Regulations) had been approved by the Board at its December meeting. He had since then distributed drafts of Parts III and IV of the Book of Resolutions to the Board members (both attached).

Mr. Bunton then made a motion regarding Part III that

- a) the proposed text, dated and circulated to members of the Board of Directors on January 8, 2018, of "Board and Board Meeting Policies and Procedures," that constitute Part III of the "Estancia Primera Community Services Association's Book of Resolutions," be approved; and
- b) the approved policies and procedures be effective immediately, provided that the specific provisions of all rules, policies, procedures, or motions previously duly approved by the Board that are in conflict to any extent with any provision of this document are repealed and revoked with regard to future actions and circumstances, and provided that those provisions thus repealed and revoked shall continue to be effective without change with respect to pertinent situations involving and actions taken by EPCSA members, EPCSA, and the Board that occurred subsequent to the Board's approval of said rules, policies, procedures, or motions but prior to the approval of these "Board and Board Meeting Policies and Procedures."

After the motion was seconded, a discussion ensued and the Board voted unanimously to approve the draft document without changes. (Motion # 2018-01-1)

Mr. Bunton then made a motion regarding Part IV that

- a) the proposed text, dated and circulated to members of the Board of Directors on January 8, 2018, of “Board of Directors Resolutions and Policies Not Including General Rules and Regulations for EPCSA and its Homeowners, Residents, and Visitors; Rules and Regulations for Culpin Recreation center Facilities; and Board and Board Meeting Policies and Procedures,” that constitute Part IV of the “Estancia Primera Community Services Association’s Book of Resolutions,” be approved; and
- b) the approved policies and procedures be effective immediately, provided that the specific provisions of all rules, policies, procedures, or motions previously duly approved by the Board that are in conflict to any extent with any provision of this document are repealed and revoked with regard to future actions and circumstances, and provided that those provisions thus repealed and revoked shall continue to be effective without change with respect to pertinent situations involving and actions taken by EPCSA members, EPCSA, and the Board that occurred subsequent to the Board’s approval of said rules, policies, procedures, or motions but prior to the approval of these “Board of Directors Resolutions and Policies Not Including General Rules and Regulations for EPCSA and its Homeowners, Residents, and Visitors; Rules and Regulations for Culpin Recreation center Facilities; and Board and Board Meeting Policies and Procedures,” that constitute Part IV of the “Estancia Primera Community Services Association’s Book of Resolutions.”

After the motion was seconded, a discussion ensued and the Board voted unanimously to approve the draft document without changes. (Motion # 2018-01-2)

Consideration of a Set of Recreation Center Rules (Part II of the Book of Resolutions): A document entitled “EPCSA Culpin Recreation Center Rules and Regulations” was distributed to the Board members at the beginning of the meeting. Dr. Schiller explained that a Board Committee consisting of himself, Terry Schultz and Leslie Walker-Hirsh had met recently to consider proposed recreation center rules as contained in a draft document that had been prepared by Mr. Bunton and circulated to Board members prior to the December Board meeting. President Shears, who is also a Committee member, had been out of town and therefore was unable to attend the meeting. Dr. Schiller then outlined various changes to Mr. Bunton’s draft that the Committee was proposing. After a brief discussion, it was decided that further consideration of the document be deferred until President Shears had had an opportunity to scrutinize the document and suggest changes that she thought it was important for the Committee to consider. A motion duly made and seconded to table the matter until the February

Board meeting was approved unanimously. The Committee will distribute the document with any further proposed changes to Board members no later than one week prior to the next Board meeting.

Recreation Center Access Card for New Owners: Dr. Schiller reported that the Committee appointed by the Board to consider recreation center rules and regulations had proposed the following language to deal with recreation center access cards and their replacement: *“Each EPCSA member has been given one (1) recreation center gate access key card, and only one such card is permitted for each member. The key card is to be transferred from the seller of a home to the home purchaser. Lost or stolen cards should be reported to the recreation center Manager so the missing key card can be cancelled. Regardless of the circumstances, if a member needs a replacement card, EPCSA will issue one only after payment of a fee of \$50.”*

After a discussion, it was agreed that the proposed revised rule continued and properly formalized the longstanding Board rule regarding this matter. However, it was deemed appropriate to defer further consideration of the revised rule until the next Board meeting at which time the recreation center Rules and Regulations document could be considered as a whole by the Board. A motion duly made and seconded to table this matter until the February Board meeting was then approved unanimously. Mr. Bunton will prepare draft language for consideration at the February Board meeting for addition to the email that is currently sent to owners who are selling their homes or to their agents that reflects the language in the recreation center rules proposed by the Committee. The email is sent with the Disclosure Certificates and other EPCSA documents and is for the attention of both sellers and buyers. The intention of the addition to the email will be to make both aware that there is a need for the recreation center access card to be transferred from the seller to the buyer at closing, and that if this does not occur, the buyer will have to obtain a clubhouse access card from the EPCSA if he/she desires one, at a cost of \$50.

Recreation Center Manager Search Update: President Shears had reported via email that to date she had not been successful in reaching an earlier applicant who is moving to Estancia Primera soon. She will try again to reach this person on her return to Santa Fe. Dr. Schiller recommended that the EPCSA should as soon as possible begin a search for companies that can manage the recreation center professionally on behalf of the EPCSA. Mr. Bunton will pass this suggestion on to President Shears.

New Business

Request for an EPCSA Certification of Compliance of a Home with the Architectural Guidelines. Mr. Bunton reported that President Shears had received a request from a realtor representing a potential buyer of a home in the Cumbre Vista subdivision that the EPCSA provide the buyer with a certificate indicating that the home was in full compliance with the Architectural Guidelines for the EPCSA. The document that had been presented for signing by the EPCSA had been prepared by an attorney representing the buyers in the sale. The Board discussed the requested document in detail and the following were noted:

- The EPCSA has never previously been asked to provide a Certification of Compliance with the Architectural Guidelines of a home in EP prior to a home sale and there was therefore no protocol in place for the EPCSA to do that;
- There is no requirement in the Amended Declaration for the EPCSA to provide Certificates of Compliance and the EPCSA therefore has no obligation to owners/sellers to do this; and
- There is no requirement in the Homeowners Association Act of 2013 that homeowner associations provide such certificates.

After further discussion a motion duly made and seconded that the EPCSA decline to provide a signed Certificate of Compliance in connection with the Cumbre Vista home sale was approved unanimously. President Shears will be asked to notify the realtor involved about this decision.

Homeowner comments

A representative of a new home owner asked how she might obtain a replacement clubhouse access card since the card had not been transferred to her by the seller of the home. The representative was informed that the new owner should contact the Recreation Center Manager who would provide a new card on receipt of a payment to the EPCSA of \$50. The \$50 payment for a replacement access card has been a Board requirement since at least 2008.

Adjournment

A motion was made, seconded, and approved unanimously to adjourn the meeting, and Vice-President Fassett adjourned it at 10:35 a.m.

Minutes prepared and submitted by: Errol Levine Date: 2-8-2018
(Secretary)

ERROL LEVINE
(Print name)

Signed on behalf of Board by: Brenda Shears Date: 2-9-2018
(Board President/Alternate)

BRENDA SHEARS
(Print name)

**BOOK OF RESOLUTIONS, PART III:
BOARD AND BOARD MEETING POLICIES AND PROCEDURES**

1. Frequency and scheduling of meetings of the Board. In accord with “Section 9.A – Meetings” of “Article VI – Board of Directors” of the *Amended Bylaws of Estancia Primera Community Services Association*, the Board will conduct a regular monthly meeting in the Clubhouse at 9:00 a.m. on the second Friday of every month except the month during which EPCSA holds its annual meeting. The EPCSA President or acting president may cancel or reschedule a meeting only if a quorum will not be available or is not present at the scheduled time for a meeting, or if he/she concludes that inclement weather makes driving dangerous on the date of a meeting.

Approved January 12, 2018; earlier version approved by Board on October 16, 2015.

2. Approval of the minutes of the previous Board meeting when a meeting is canceled or rescheduled. In the event that a scheduled Board meeting is cancelled, Board members will be asked to approve the minutes of the prior Board meeting by email so that the minutes can be posted on the EP website in a timely manner.

Approved January 12, 2018; earlier version approved by Board on October 16, 2015.

3. General procedures for meetings of the Board and the Architectural Review Board.

3.A. *Who may conduct business and speak at Board and Architectural Review Board meetings.* All business at Board meetings will be conducted by EPCSA officers, Board members, and EPCSA committee chairs or members appointed by the Board. A comment or statement may be made, or a question asked, at a Board meeting by an EP homeowner who does not fall into any of these categories only if/when the presiding officer recognizes the homeowner to make a comment or statement or ask a question. At Board meetings, this usually will occur in a “Homeowner Comments” section of the meetings. When a homeowner is recognized to speak, he/she may speak for a maximum of five minutes unless a request for a specified extension of time is requested and is approved by a vote of the Board. Any owner who is not a Board member, EPCSA Officer, or an appointed EPCSA Committee member who violates this rule by persisting despite being declared “out of order” by the presiding officer has committed a rule infraction and the Board may declare that owner “not in good standing” under the pertinent provisions of EPCSA’s Governing Documents. A homeowner who wishes to place an issue on the agenda of a Board meeting should convey that request through the Board member who represents the neighborhood in which the homeowner’s home is located. Homeowners’ attorneys or other representatives are allowed to speak at Owners’, Board, or EPCSA Architectural Review Board (ARB) meetings only by prior invitation from the Board.

Approved January 12, 2018; earlier versions approved by Board on January 10, 2014, on April 12, 2011, on May 27, 1012 (as correspondence unanimously approved), and as part of the General Rules and Regulations approved on December 8, 2017.

3.B. *Audio recordings of Board meetings.* An audio recording of each Board meeting will be made and will be made available to any EP homeowner upon his/her request.

Approved January 12, 2018; earlier versions approved by Board on April 12, 2011 and on May 27, 1012 (as correspondence unanimously approved).

3.B. *Board meetings will be conducted according to Robert’s Rules of Order.* Meetings of the Board will be conducted in accordance with the current edition of *Robert’s Rules of Order*.

Approved January 12, 2018, 2018; earlier versions approved by Board on April 12, 2011 and on May 27, 2012 (as correspondence unanimously approved).

3.C. *An agenda for each Board meeting will be emailed in advance to all EP homeowners.* The EPCSA President or acting president will send via email to the latest email addresses provided by all EP homeowners the agenda for each Board meeting between 14 days and 7 days in advance of each meeting.

Approved January 12, 2018; earlier versions approved by Board on April 12, 2011 and on May 27, 2012 (as correspondence unanimously approved).

3.D. *New business raised at any Board meeting may be discussed but action must be deferred.* New business may be introduced by a Board member at the appropriate point in the agenda of any Board meeting and may be discussed at that meeting, but no formal action may be taken on it by the Board at the meeting at which it is first introduced; the matter will be added to the agenda for the next meeting under “Unfinished Business,” and the Board may take action on the matter at that or subsequent meetings. If the Board deems an item of new business urgent, it may waive the prohibition on action at the meeting at which the matter is first introduced by suspending the rules as provided in *Robert’s Rules of Order*. This does not apply to new business placed on the agenda of a Board meeting by the President or acting president if that agenda has been circulated in advance to all Board members, and in that case the Board may act on the new business that appears on that meeting’s agenda.

Approved January 12, 2018; earlier versions approved by Board on April 12, 2011 and on May 27, 2012 (as correspondence unanimously approved).

4. *EPCSA and Board financial procedures.*

4.A. *Maintenance of a Capital Reserve Fund.* A Capital Reserve Fund shall be maintained and replenished from homeowner assessments and annual operating budget surpluses. The amount to be maintained in the fund shall be reviewed by the Board annually and adjusted as needed. The funds in the Fund shall be kept in investment vehicles with maturities timed to anticipated needs for expenditures from the Fund.

Approved January 12, 2018; earlier version approved by Board on June 15, 2012

4.B. *Providing EPCSA financial information to homeowners.* At each Owners’ Annual Meeting, the Treasurer shall provide to all Owners: (1) a forecast of adherence to the current year’s operating budget; (2) a forecast of the amounts and timing of expenditures to be made from the Capital Reserve Fund; and (3) a report on the status and income attributable to investments of funds in the Capital Reserve Fund.

Approved January 12, 2018; earlier version approved by Board on June 15, 2012

4.C. *Advance approval by the Board of all expenditures is required, with certain exceptions.* Any expenditure of any amount of EPCSA funds must be approved *in advance* by a vote of the Board (which approval is to be in the form of a “not to exceed” amount in the case of expenditures for which the precise amount cannot be known in advance and must be estimated), with the following exceptions:

(i) The Treasurer may make payment to the Clubhouse Manager without explicit Board approval for worktime certified by the President as long as the total amount of payments to the Clubhouse Manager during any year does not exceed the amount in that year’s EPCSA budget line item for “General Management.”

(ii) The Treasurer may make payment to the bookkeeper/accountant without explicit Board approval for worktime certified by the Treasurer as long as the total amount of payments to the bookkeeper/accountant during any year does not exceed the total of the amounts in that year’s EPCSA budget line items for “Accountant” and “Bookkeeper.”

(iii) The EPCSA President may make written authorization to the Clubhouse Manager to expend funds for routine maintenance of and supplies for the Clubhouse, its grounds, the pool and pool area, and the tennis court without advance Board approval so long as no separate expenditure for any one purpose exceeds \$1,500 and all expenditures in a year that fall under any pertinent EPCSA budget line item do not exceed the amount provided in that year’s budget for that line item. With the written or emailed concurrence of the President, the Treasurer may make payment for expenditures that comport with the stated requirements without seeking specific or advance approval for the expenditures from the Board. For all other expenditures falling within his/her responsibilities, notably including new/unprecedented expenditures or any separate expenditure for any one purpose that will or may exceed \$1,500, the Clubhouse Manager shall seek advance approval of the Board, channeling the requests through the President.

(iv) The Treasurer may pay invoices, or arrange for automatic deduction from EPCSA’s checking account to pay invoices, from the City of Santa Fe for water, sewer service, and refuse collection; from PNM for electricity; from New Mexico Gas for gas; from CenturyLink for telephone service; and from the U.S.

Postal Service for rental of EPCSA's post office box without obtaining specific or advance approval for the expenditures from the Board.

(v) If a Board member concludes that a situation exists that poses a risk to the integrity, stability, or value of an EPCSA asset or to the life or safety of EP residents or visitors on EPCSA property (such as a significant plumbing or roof leak, Clubhouse heating system failure during winter months, imminent collapse of a wall or ceiling, etc.), that Board member may, without obtaining specific or advance approval from the Board, authorize expenditure of funds, or performance of services for which payment later will be sought, required to achieve stability, prevent further damage to EPCSA assets or their damage to the assets of others, and/or prevent injury or death to persons on EPCSA property. Such emergency action should be as limited as possible while accomplishing these emergency objectives so that the full Board, with the least possible constraint or foreclosure of its options, can determine the best way to fully rectify the problematic situation that developed. In any case where a Board member takes any action under the terms of this exception to paragraph 4.C., he/she shall notify all other Board members as soon as possible.

Approved January 12, 2018; earlier versions approved by Board on March 10, 2009 and October 14, 2016.

4.D. Countersignature required for checks or withdrawals exceeding \$2,000. All checks written on EPCSA accounts, or withdrawals from EPCSA accounts, in amounts exceeding \$2,000 except those payable to the Clubhouse Manager must be signed by the President or Vice President in addition to the Treasurer.

Approved January 12, 2018; earlier version approved by Board on June 15, 2012.

5. Legal Counsel to and legal assistance for the Association and the Board.

5.A. Consultation with EPCSA Legal Counsel or other attorneys. No attorneys shall be employed by or on behalf of the EPCSA without the prior approval of the Board, and no legal fees shall be paid by the EPCSA without the express approval of the Board.

Approved January 12, 2018; earlier version approved by Board on March 16, 2012.

5.B. Communications with the EPCSA Legal Counsel or other attorneys. Only the Board President (or the acting president in the President's absence or incapacity) may communicate on behalf of EPCSA or the Board directly with any attorney retained or employed by EPCSA or the Board. In all other cases, individual EP homeowners or Board members may only consult or request the services of any attorney retained or employed by EPCSA or the Board at their own expense and the attorney must explicitly confirm to the EPCSA President that the consultation or services have been sought by the homeowner or individual Board member and that the attorney's response does not create or constitute a conflict of interest. At the time any attorney is retained or employed by EPCSA or the Board, he/she is to be informed of this policy by the President.

Approved January 12, 2018; earlier version approved by Board on March 24, 2011.

5.C. An EP homeowner or resident may not serve as EPCSA's Legal Counsel. In order to avoid the appearance of a conflict of interest, the EPCSA and the Board shall not retain or employ an EP homeowner or resident on a remunerated basis to provide legal counsel or representation.

Approved January 12, 2018; earlier version approved by Board on January 24, 2011.

6. Preparation, approval, and posting of minutes of meetings of the Board.

a. The EPCSA Secretary, or the person temporarily substituting in the Secretary's place in his/her absence, shall prepare a draft of the minutes of each Board meeting and circulate it by email to all Board members for review within seven calendar days of the meeting.

b. Each Board member shall review each set of draft minutes and send by email to the Secretary any suggestion or request for revision within seven calendar days of receiving the draft.

c. The Secretary shall prepare a final draft of the minutes, revised if appropriate based on requests for revisions by Board members; and shall circulate that final draft by email to all Board members no later than seven calendar days prior to the Board's next regular monthly meeting.

d. The Secretary shall bring to the Board's next regular meeting a signed and dated hard copy of the final draft minutes of the previous regular monthly meeting, and of any special meetings of the Board, for which

the steps set forth in paragraphs 1 through 3 have been completed, and the Board shall consider and approve those minutes.

e. After the Board has formally approved the minutes of any meeting, the hard copy as approved shall be signed and dated by the President or his/her alternate, attesting to their formal approval by the Board.

f. Following the meeting at which the minutes of any meeting were approved by the Board and signed by the President, the Secretary shall convert those approved and signed minutes plus referenced attachments/appendices into a single Portable Document Format (PDF) document (a separate PDF document for the minutes of each meeting) and arrange for the document to be posted on the EPCSA web site.

Approved January 12, 2018; previously approved by Board (as motion #2017-10-1) on October 20, 2017

7. Preparation, approval, and posting of minutes of EPCSA Members' meetings.

a. The EPCSA secretary or the person temporarily substituting in the Secretary's place in his/her absence, shall prepare a draft of the minutes of each meeting of EPCSA Members and circulate it by email to all Board members for review within seven calendar days of the meeting.

b. Each Board member shall review the draft minutes and send by email to the Secretary any suggestion or request for revision within seven calendar days of receiving the draft.

c. The Secretary shall prepare a final draft of the minutes, revised if appropriate based on requests for revisions by Board members; and shall circulate that final draft by email to all Board members no later than seven calendar days prior to the Board's next regular monthly meeting.

d. The Secretary shall bring to that next Board meeting a signed and dated hard copy of the final draft minutes, for which the steps set forth in paragraphs 1 through 3 have been completed, and the Board shall consider and check those minutes for errors.

e. The Secretary then shall arrange for the minutes to be posted on the EPCSA web site in draft form so that EPCSA Members can read them prior to the next EPCSA Members' meeting. The draft minutes will be posted under the Board of Directors tab as a separate item from the Board minutes and will be clearly designated as draft minutes pending final approval at the next Members' meeting.

f. At that next EPCSA Members' meeting at which a quorum is present, the President shall entertain a motion to approve the minutes of the previous Members' meeting that had been posted on the web site, and permit the Members present and voting to take action on that motion.

g. After the Members have formally approved the minutes of any Members' meeting, the hard copy as approved shall be signed and dated by the President or his/her alternate, attesting to their formal approval by the Members.

h. Following the meeting at which the minutes of any Members' meeting were approved by the Members and signed by the President, the Secretary shall convert those approved and signed minutes plus referenced attachments/appendices into a single Portable Document Format (PDF) document. He/she will then arrange for the draft minutes to be replaced on the EPCSA web site by the approved and signed final version of the minutes, which shall be placed in the web site section of Board meeting minutes following the minutes of the most recent Board meeting that preceded the Members' meeting.

Approved January 12, 2018; previously approved by Board (as motion #2017-11-2) on November 10, 2017. Earlier version approved by Board on September 9, 2016.

8. Reporting of Board resolutions, policies, or motions approved outside regular Board meetings.

Resolutions, policies, or motions approved by the Board outside regular meetings (e.g., by email) shall be reported and included in the minutes of the Board's next regular meeting.

Approved January 12, 2018; earlier version approved by Board on May 4, 2012.

9. Setting and collecting the EPCSA's annual assessment.

a. Each year at the November or December monthly meeting of the Board, the Board shall review EPCSA's financial situation for the current year. The Board shall then approve motions to establish a final budget for the following year and to set the amount of the following year's annual assessment (as provided in Article 5.6 (a) of the *Amended Declaration of Covenants and Restrictions for the Estancia Primera Community* – hereinafter the "*Amended Declaration*").

b. Each year following the December meeting of the Board, the President shall inform EP owners via email what the assessment will be for the following year; in years where a dues increase has been passed,

briefly provide the Board's rationale for the increase; indicate that the formal notice of the assessment will be sent immediately after the first of the year; and encourage owners who expect to be away from Santa Fe in January and February to remit their assessment payments prior to their departures.

c. On or about January 2, the EPCSA President shall send to all EPCSA members -- via email (or via regular U.S. Postal Service mail to any EPCSA member for whom no email address is on record) a letter that shall—

- (i) Notify the member of the EPCSA annual assessment amount for the next year;
- (ii) State that the annual assessment is due from each owner on or before January 31, and must be paid to the EPCSA on or before February 15 in order to not be delinquent;
- (iii) Provide the mailing address to which annual assessment payments should be sent.

d. On February 1, the Treasurer shall provide the President with a list of all EPCSA members from whom payment in full of the annual assessment for that year has not been received. The President shall, on or before February 5, send a letter via the U.S. Postal Service to each EPCSA member on that list at his/her address on record. The letter shall notify the member (a) that payment of his/her annual assessment has not yet been received and (b) that the member will become formally delinquent if the full assessment payment is not received by EPCSA on or before February 15.

e. On February 16, the Treasurer shall provide the President with a list of delinquent EPCSA members. On or before the last day of February, the President shall send a certified letter via the U.S. Postal Service, return receipt requested, to each delinquent EPCSA member on that list at his/her address on record. The letter shall—

- (i) notify the member that payment of his/her annual assessment has not yet been received and therefore the member's assessment account is delinquent;
- (ii) identify the assessment and its amount, the date it was due, the date it became delinquent, and the fact that, per the terms of Article 5.1 of the "Amended Declaration of Covenants and Restrictions for the Estancia Primera Community," the assessment amount was increased when it became delinquent (at midnight on February 15) by imposition of interest and the delinquency administrative costs fee established by paragraph f;
- (iii) demand immediate payment of the full delinquent amount including the assessment, the interest due, and the delinquency administrative costs fee;
- (iv) indicate that if the full delinquent amount is not paid within ten days after the date of delivery of the letter, the Board will be requested to consider filing, and may elect to file, a Notice of Claim of Lien against the lot or living unit of the delinquent member; and
- (v) provide notice that, if a lien is filed, curing the lien will require payment of the full delinquent amount including the assessment, the interest due, the delinquency administrative costs fee, and the itemized direct costs to or government fees paid by EPCSA for preparing and filing the lien and for curing the lien, including any attorneys' fees incurred by EPCSA for these actions.

f. The Board has determined that the administrative costs it will incur for determining an EPCSA member is delinquent, preparing notification to the member of his/her delinquency, sending such notification to the member by certified mail return receipt requested, determining the interest due from the member, and processing and recording the payment of the delinquent amounts due to EPCSA will be fifty dollars (\$50.00) per delinquent account, and establishes a "delinquency administrative costs fee" in that amount that will be added automatically to the assessment account of each EPCSA member at the time his/her account becomes delinquent.

g. At its regular monthly meeting in April, the Treasurer shall present to the Board the list of delinquent EPCSA members and shall, with respect to each of them, make a separate motion that the Board file a Notice of Claim of Lien against the EPCSA lot or living unit of that EPCSA member. After approval of such motion, the Board expeditiously shall take such steps as are necessary to file a Notice of Claim of Lien against the delinquent EPCSA member's lot or living unit and record that Notice of Claim in the Office of the Clerk of Santa Fe County, New Mexico.

h. Upon the curing of any delinquency or default for failure to timely pay an annual assessment that resulted in EPCSA's filing and recording a Notice of Claim of Lien, the Board shall take steps to cure the lien as provided in Article 5.10 (d) of the "Amended Declaration."

i. When the Board approves this policy, the specific provisions of all rules, policies, procedures, or motions duly approved by the Board that are in conflict to any extent with any provision of this policy are repealed and revoked with regard to future actions and circumstances – provided that those provisions thus repealed and revoked shall continue to be effective without change with respect to pertinent situations involving and actions taken by EPCSA members, EPCSA, and the Board that occurred subsequent to the Board's approval of said rules, policies, procedures, or motions but prior to the approval of this policy. *Approved January 12, 2018; previously approved by Board (as motion #2017-11-3) on November 10, 2017.*

10. Tracking sales of EP properties, providing Disclosure Certificates as required by law, and obtaining contact information for new EP property owners. The Board shall in September of each year assign to one or more Board members for the period of the subsequent twelve months the following responsibilities:

- a. Ascertaining when any EP property goes on the market;
- b. Contacting the listing agent for any such property and conveying to the agent the contact information for the persons responsible for completing Disclosure Certificates for the property for both the EPCSA and the relevant neighborhood subdivision homeowners association;
- c. Completing and providing the EPCSA Disclosure Certificate per the requirements of law when the property goes under contract;
- d. Determining when the property has been sold and obtaining the new owner's preferred mailing address, email address(es), and telephone numbers;
- e. Reporting at each regular monthly Board meeting regarding (i) status changes with respect to EP property sales since the prior Board meeting and (ii) the contact information for new owners after sales have been completed; and
- f. Sending copies to the President and Secretary of all communications with realtors, owners, and title companies regarding both preparation and provision of Disclosure Certificates and contact information for new EP property owners so that the communications may be preserved as permanent EPCSA records. The names of the Board member(s) assigned to prepare Disclosure Certificates for EPCSA, and the names of those with authority to prepare Disclosure Certificates for the neighborhood homeowners associations that comprise EP, shall be posted (and updated as necessary) on the EPCSA website.

Approved January 12, 2018; previously approved by Board (as motion #2017-10-2) on October 20, 2017; an earlier version was approved by Board on May 4, 2012.

10.A. Text of email to transmit completed Disclosure Certificates for home sales in EP. The following text shall be used for the email transmitting a requested and completed Disclosure Certificate to the requester:

Dear _____ *[Insert name of homeowner/ realtor/ title company agent]*

On behalf of the Estancia Primera Community Services Association (EPCSA) I have attached a completed Disclosure Certificate (Form 4700) and various other documents that you requested with respect to the pending home/property sale at _____ *[Insert home/property street address]*

Please also note the following:

1. The Architectural Guidelines for the EPCSA are an extension of the *Amended Declaration of Covenants and Restrictions for the EPCSA (2005)*. I have attached them for your buyers' information. We recommend that they peruse and become familiar with them and with the process Estancia Primera property owners must use in order to obtain approval to make exterior modifications to homes, construct new or expanded structures, or make landscaping or fencing modifications. Frequently asked questions about the Architectural Application and Review process can be found at www.estanciaprimer.org by clicking on the ARB (Architectural Review Board) tab at the top of the page under the title;

2. If you have not already done so, you need to request a separate Disclosure Certificate from the _____ HOA. *[Insert name of EP neighborhood subdivision HOA]*. As you may be aware, all homes and properties in Estancia Primera also are a part of a neighborhood subdivision HOA, each of which has its own CC&Rs and Bylaws. The contact person for that neighborhood subdivision also may be found at www.estanciaprimer.org under "Realtor Information" on the right side of that web page.

Please contact me if you have any questions about these documents or any additional concerns. We have received the required payment of \$50 for preparation of the EPCSA documents. The neighborhood subdivision HOA may impose its own fee for the preparation of its documents.

Sincerely,

[Insert name of EP Board representative or alternate]
[Insert telephone number]

For the Board of Directors, Estancia Primera Community Services Association (EPCSA)

Attachments:

1. Notice of HOA for the EPCSA;
2. Amended Bylaws of the EPCSA (2005);
3. Bylaw Amendment (9/12/2016);
4. Rules and Regulations of the EPCSA;
5. Amended Declaration of Covenants and Restrictions for the EPCSA (2005);
6. Amendment of the Declaration (4/27/2011);
7. Projected Capital Expenditure document for 2017 - 2025;
8. Balance sheet statement for the EPCSA (year-to-date);
9. Profit and Loss Budget versus Actual statement for the EPCSA (year-to-date);
10. EPCSA Insurance Policies information.
11. Architectural Guidelines for the EPCSA as amended.

Approved January 12, 2018; previously approved by Board on November 10, 2017.

10.B. Fees for preparing Disclosure Certificates. EPCSA shall charge a fee of \$50 for preparation of the home sale Disclosure Certificate that is required by the New Mexico Homeowners Association Act of 2013, as amended. If EPCSA is requested by the settlement agent for a home sale (usually a title company) to complete and provide additional documents, a separate fee of \$15 per page shall be charged. These fees must be received by EPCSA before the requested documents are provided to the requesters.

Approved January 12, 2018; earlier version approved by Board on October 16, 2015.

11. Committee members must be EP property owners. Every individual appointed by the Board to serve on any EPCSA committee must be a property owner in EP and should be listed on his/her home's title as such. Residency in EP without ownership does not entitle an individual to serve on a Board-appointed committee; non-owner spouses are not permitted to serve on EPCSA committees.

Approved January 12, 2018; earlier versions approved by Board on June 14, 2013 and October 14, 2011.

12. Viewing by EP homeowners of EPCSA documents stored at the Clubhouse. EP homeowners may examine in the presence of a Board member EPCSA records that are in secure storage at the Clubhouse unless such records are already available on the EPCSA web site. A homeowner wishing to do this should contact the Board member representing his/her neighborhood to request that an inspection time be arranged. When a Board member receives such a request from a homeowner in his/her neighborhood, the Board member shall arrange with the EPCSA President to obtain access to the EPCSA records, and shall be present, or arrange for another Board member to be present, at the time of the homeowner's examination. The Board member present for the examination shall ensure that (a) no records leave the Clubhouse area unless the examining homeowner requests a photocopy of one or more documents, in which case the accompanying Board member shall arrange for the photocopies to be made upon receiving assurance from the homeowner that he/she will pay the cost of the requested photocopies; and (b) at the conclusion of the examination and any requested photocopying, all records are returned carefully to precisely their locations at the beginning of the examination.

Approved January 12, 2018; earlier version approved by Board on May 4, 2012.

**BOOK OF RESOLUTIONS, PART IV:
BOARD OF DIRECTORS RESOLUTIONS AND POLICIES NOT INCLUDING
GENERAL RULES AND REGULATIONS FOR EPCSA AND
ITS HOMEOWNERS, RESIDENTS, AND VISITORS;
RULES AND REGULATIONS FOR CULPIN RECREATION CENTER FACILITIES; AND
BOARD AND BOARD MEETING POLICIES AND PROCEDURES**

1. Regarding a private settlement agreement between two EP lot owners. The First District Court dismissed with prejudice on January 23, 2014, EP homeowner Mary Lawton's lawsuit against EP homeowners Barbara and the late James Johnstone for "interference" with the views from her home allegedly caused by trees on the Johnstone property. On December 10, 2013, Ms. Johnstone filed with the Santa Fe County Clerk a "Declaration of Restrictive Covenants" against her property at 416 Kachina Court as part of a settlement agreement with Ms. Lawton. The Declaration limits the heights, planting, and maintenance of trees and other vegetation on the Johnstone property now and in the future and affects all successor owners of the property. The language of the covenant imposes on the EPCSA a responsibility to enforce the covenant should a violation by either party to it be alleged. The EPCSA President at that time consulted the EPCSA Legal Counsel regarding this matter, who advised the Board that the "Declaration of Restrictive Covenants" is a private agreement or contract between two parties (Ms. Johnstone and Ms. Lawton) and that the EPCSA has no responsibility for its enforcement.

Approved January 12, 2018; earlier version approved by Board on February 14 and March 14, 2014.

2. Maintenance of Paseo Cresta. The Board consulted a real estate attorney regarding the claim of the President of the Cresta Homeowners Association (CHA) that Paseo Cresta was owned in part by the EPCSA and that the EPCSA therefore should pay in part for the repair of Paseo Cresta and its continuing maintenance and for the construction of drainage structures that would limit future damage to the road from storm water runoff. The Board, after considering the attorney's opinion, resolved as follows:

a. The Board accepts the attorney's opinion that EPCSA has no ownership interest in Paseo Cresta as was claimed by the CHA;

b. The Board accepts the attorney's opinion that Paseo Cresta belongs to Jo Ann Hoover, the CHA, or the owners of all the lots in Tract J;

c. The Board therefore will not participate in or pay for any road work, repairs, drainage structure construction, or maintenance of the involved area; and

d. If CHA continues to believe that the land in question is owned by EPCSA, it must prove such ownership by providing the EP Board with a detailed legal trace of ownership and records of transfer.

Approved January 12, 2018; earlier version approved by Board on October 14, 2008.

3. Status of the Women's Group in the EP community. The EP Women's Group for many years received an annual stipend from the EPCSA to cover expenses for its monthly social functions. In return, the group organized the EP Memorial Day party at the Clubhouse. The Board discontinued the annual stipend several years prior to 2016 because the EPCSA Legal Counsel advised that Board subsidization of social groups, particularly those not open to all EPCSA owners, was not a proper use of Association funds according to the Governing Documents, and that if the EPCSA were to subsidize social groups that conduct activities outside EP (as the Women's Group does), the EPCSA might be exposed to legal liability for which coverage is not provided by the EPCSA's Directors and Officers Liability insurance (because social group members are not Board members, Association officers, or EPCSA employees as defined in the Declaration). The Board resolved that the annual stipend to the Women's Group should not be reinstituted and that the group would no longer be expected to organize the Memorial Day party. Whenever a decision is made to have such a party, Board members and individual community volunteers will organize the event.

Approved January 12, 2018; earlier version approved by Board on March 11, 2016.

4. Recording in county land records an amendment of the amended EP Declaration of Covenants and Restrictions reducing restrictions on shrubs, hedges, trees, and landscaping. The Board resolved to accept

the vote of a majority of EP lot owners in favor of an amendment (“the Sommer Amendment”) to Section 6.18 of the *Amended Declaration* that removed the ability of EP homeowners to complain to the EP Architectural Review Board (ARB) about shrubs, hedges, trees, and landscaping on other properties allegedly blocking their views, and removed the authority of the ARB to arrange for removal of vegetation alleged to be blocking a homeowner’s view. The President and Vice President were authorized by the Board to record the amended version of Section 6.18 (“Sommer Amendment”) with the Santa Fe County Clerk. [A copy of the amended version of Section 6.18 of the *Amended Declaration* as recorded by the Clerk is attached below.]

Approved January 12, 2018; earlier version approved by Board on April 12, 2011.

5. Reappointment of members of the EPCSA Architectural Review Board. The following current members of the EPCSA Architectural Review Board are reappointed for three-year terms beginning September 2017: William Schiller (Aspen Compound), Rita Meek (La Viveza), Kurt Sommer (Altamira), Elsie Hartog-Gobey (La Viveza), Charles Bailus (Cumbre Vista), Richard Czoski (Cresta), Jim Hays (Kachina Hills), Jerry Ward (Los Altos), and Carolyn McCollum (Los Altos Norte).

Approved January 12, 2018; originally approved September 15, 2017, as motion #2017-09-1.

ATTACHMENT (per #4 above):

The “Sommer Amendment” as filed in Santa Fe County Land Records. Section 6.18 of the *Declaration of Covenants and Restrictions for the Estancia Primera Community* was amended, by an affirmative vote of a majority of owners of lots in Estancia Primera, to read as follows:

6.18 Height of Shrubs, Hedges, Trees and Landscaping. No shrub, hedge, tree or other landscaping which interferes with the solar access and/or privacy of any Lot or Living Unit (except as reasonably determined by the ARB) shall be planted, permitted or maintained on any Lot or Living Unit or upon any Common Area. If the Owner of a Lot or Living Unit or any Neighborhood Association (as to a Common Area maintained by it) allows a shrub, hedge, tree or other landscaping on their respective property to violate the provisions of this Section, then the ARB shall have the right (but not the obligation) upon ten (10) days’ prior notice to the offending Owner or Neighborhood Association, to: (a) request that the offending Lot Owner remove the obstruction, and seek judicial enforcement of the obstruction; or (b) enter upon the offending Lot or Living Unit or Common Area, and cut back or otherwise trim the offending shrub, hedge, or tree or other landscaping so that the same does not interfere with the solar access and/or privacy of any Lot or Living Unit. The ARB may assess the Owner(s) (as to the offending Lot or Living Unit) or the Neighborhood Association (as to the offending Common Area) for the cost of such activities.

Estancia Primera Community Services Association (EPCSA)
Minutes of the Meeting of the Board of Directors
Friday, February 9, 2018

Call to Order: President Shears called the meeting to order at 9:03 a.m. at the Recreation Center Conference Room.

Board members in attendance: Brenda Shears (President), Jim Fassett (Vice-President), Scott Bunton (Treasurer), Jill McIntosh, William Schiller, Barbara Chamberlin and Terry Schultz.

Others present: Errol Levine (Secretary)

Approval of Minutes of Previous Board Meeting: A motion duly made and seconded to approve the final draft of the minutes of the Friday January 12, 2018 Board meeting as submitted was approved unanimously.

Reports

Treasurer's Report: Treasurer Bunton reported that we have about \$90,000 in the Association's Operating Account and \$30,000 in the Reserve Account. There are currently 23 unpaid annual assessments for 2018. Those owners who have not paid have been sent reminders by both ordinary mail and email recently. The Association has received responses from 8 of the 23 owners indicating that they would soon submit their payments. Some owners who use AOL as their email provider had not received any emails about the annual assessments for unknown technical reasons. President Shears will investigate how best to communicate in the future with AOL users. Mr. Bunton requested that various Board members contact owners with unpaid annual assessments from their subdivisions to encourage them to make their payments and the Board members agreed to do so. President Shears will contact the owners with unpaid annual assessments in Altamira.

Mr. Bunton requested that the Board approve the transfer of \$28,488 to the Association's Reserve Account as had been budgeted for 2018. A motion duly made and seconded to make the transfer was then passed unanimously. The money will be deposited in the Association's saving account at Century Bank where the remainder of the Reserve Account has already been deposited. Mr. Bunton will eventually seek Board approval to invest some of the Reserve Account funds in 3-month or 6-month certificates of deposit.

Real Estate Report:

a. ***Real Estate Activity:*** Jill McIntosh presented a summary of current real estate activity in EP through the end of January 2018. There is currently one home that is active, three homes that are under contract and nine homes that have recently been sold. An active listing for a vacant lot has now expired and two vacant lots have been sold. A home on Los Altos Way will be officially listed for sale in the coming week. The contact information for new owners has been provided to the secretary for updating the EP address list.

b. ***Estancias del Norte Development:*** Ms. McIntosh reported that there had been no further developments. However, the report from the City-appointed hydrologist will soon be completed and it is

expected that the Planning Commission will revisit the application at its March 1 meeting. Ms. McIntosh will confirm this and inform the members of the EPCSA Committee who are monitoring the development regarding the exact details.

c. Architectural Review Board (ARB) Report: ARB Chairman Dr. William Schiller reported that there had been no new activity since the last Board meeting. He indicated that he intended to resign his office as ARB Chairman as of April 30, 2018 after an eight-year tenure in the position and he handed a resignation letter to President Shears. Chairman Schiller further indicated that he will retain his seat on the ARB for as long as his Aspen Compound neighbors wish to have him represent them. He will make a presentation concerning the transition to a new chairperson at the April Board meeting. President Shears thanked Chairman Schiller on behalf of the Board for his outstanding work as ARB Chair.

President Shears indicated that there had been some problems with new EP property owners making exterior home changes without obtaining prior ARB approval. She therefore planned to add a recurring reminder to owners regarding ARB requirements in some of her monthly mass emails. She will indicate that all exterior changes to homes in Estancia Primera (other than minor repairs) require prior ARB approval. She will also direct owners to the ARB tab of the EPCSA website where the process for filing an ARB application is outlined. The Board members including ARB Chairman Schiller felt that this would constitute a helpful reminder to new and existing owners of their responsibilities in this regard.

Recreation Center Manager's Report: Manager Connie Burke reported that things had been quiet. She feels that the area in front of the clubhouse building and in the parking lot is too dark at night. LED lights cannot be used since the existing light fixtures are outdated. An improvement of the lighting can only be achieved if new light fixtures are eventually obtained.

Unfinished Business

Recreation Center Manager Search Update: President Shears reported that the Association now has an excellent candidate and distributed a brief resume for him. He is Greg Casey and he will be moving full-time to Estancia Primera in May 2018. Mr. Casey was interviewed by several Board members all of whom were favorably impressed by him. President Shears has also received excellent references regarding him. Mr. Casey has recently retired and plans to do designing, building and remodeling during his retirement. He also has landscape design and installation experience. The following motion was then made and seconded regarding Mr. Casey: *"I move to hire Gregory M. Casey as an independent contractor, dependent on strong references and a clear background check, to serve in the role of Recreation Center Manager for the Estancia Primera Community Services Association, beginning in May 2018 at a date to be mutually arranged and based on the position description of 11-9-17 (a copy is attached to these minutes), at the rate of \$30/hour as budgeted in the 2018 EPCSA Budget, including the ability to invoice for up to 6 hours of time during the transition period with Connie Burke this spring."* After the motion was seconded, a discussion ensued and the motion was passed unanimously.

Consideration of a Set of Recreation Center Rules: Mr. Bunton had previously distributed to the Board members via email a set of Recreation Center rules that he had assembled from the existing Recreation Center rules as posted on the EPCSA website, as posted at the Recreation Center and as contained in various minutes of prior Board meetings. Most of the rules had not obtained Board approval but had been added by successive Recreation Center managers. Mr.

Bunton had edited the rules to eliminate duplications and contradictions. A committee was appointed by President Shears to consider and refine the rules, consisting of Dr. Schiller, Chairman, herself and Board members Terry Schultz and Leslie Walker-Hirsch. Dr. Schiller's committee had then proposed various changes that Mr. Bunton incorporated. Additionally, Mr. Bunton had inserted various policy questions into the draft document for the Board's consideration. He also distributed at the meeting a separate summary document containing fifteen issues in the draft Recreation Center rules that he and other Board members had identified as needing resolution and further discussion. The Board discussed all fifteen issues and agreed on a resolution for each of them by consensus. However, some Board members felt that it would be prudent for a clean copy of the full set of rules, as they had been revised by the Board's decisions, to be prepared and distributed to the Board members so the text they were being asked to approve would be clear.

President Shears offered to reformat the draft document's contents and to adjust the numbering of the contents so that the rules would more closely align with the formatting and numbering of the other three parts of the Book of Resolutions the Board had previously approved, and so that the entire Book of Resolutions could be published both electronically and in hard copy as one seamless document. The Recreation Center rules would then appear as Part II of the complete Book of Resolutions. The Board members agreed that the complete set of formatted Recreation Center rules would be sent to the Board members via email for an up or down vote on the document as a whole.

The Board agreed also that the policy issues that had been decided would not be open for further discussion at the current time and that no further revisions of the document would be entertained unless significant and substantive errors were identified that needed to be corrected. President Shears requested that all Board members respond with their vote at their earliest convenience after receiving the document via email since any Board action taken by email requires unanimous Board approval. President Shears agreed at the request of a Board member to ask the EPCSA's insurance agent if our Insurer would want to review the Recreation Center rules.

Addressing Transfer from Seller to Purchaser of the Recreation Center Access Key Card and Inclusion of Book of Resolutions in the Standard Email that Will Accompany Disclosure

Certificates for Home Sales: Mr. Bunton moved that the following two alterations be made to the text of the transmittal email by which the completed Disclosure Certificate for a property being offered for sale is sent to the requester by the designated EPCSA official, and that these alterations be made to the text of the email set forth in Section 10.A. (*"Text of email to transmit completed Disclosure Certificates for home sales in EP."*) of Part III of the Book of Resolutions (*"Board and Board Meeting Policies and Procedures"*), which section was approved by the Board on January 12, 2018:

1. A new paragraph number 2 be added to the email text that reads as follows, and the existing paragraph number 2 be renumbered as paragraph number 3: *"EPCSA has provided one Recreation Center/Clubhouse key card for each Estancia Primera (EP) property to the property owner. When the property is sold, the seller is responsible for transferring that key card to the buyer and the buyer is responsible for obtaining it from the seller. If the seller fails to transfer this property's key card to the buyer, or an EP property owner wishes to replace his/her key card*

that has been lost or stolen, EPCSA will provide a duplicate key card upon payment of its cost plus an administrative fee, a total of \$50.”

2. Under “Attachments” at the bottom of the email text, the description of item number 4 that currently reads “Rules and Regulations of the EPCSA” be revised to read as follows: *“EPCSA’s “Book of Resolutions” – the rules, regulations, policies, and procedures approved by EPCSA’s Board of Directors for the Association, the Board, and EP property owners and residents.”*

After the motion was seconded a brief discussion ensued and the motion was then passed unanimously.

Cutting Back of Vegetation that Grows Over Street Curbs: Mr. Bunton moved that Section 5 of “Part I: Rules and Regulations” of the EPCSA Book of Resolutions, which section is titled “Contiguous property owners are responsible for keeping sidewalks free of snow, ice, and obstructing vegetation,” be amended to read as follows: “Contiguous property owners are responsible for keeping sidewalks free of snow and ice and keeping sidewalks and streets free of obstructing vegetation. All Estancia Primera property owners are required to comply with the Code for the City of Santa Fe regarding keeping sidewalks free of snow and ice (Article 23-1.8 A - Removal of Snow and Ice from Sidewalks). The Code assigns the responsibility for clearing snow and ice from a sidewalk, and keeping it free from snow and ice, to the owner or owners of the property/properties contiguous to the sidewalk. Likewise, the Code (City Code 14-9.2 H - Maintenance of Public Parkway) assigns the responsibility for cutting back vegetation along a sidewalk and along a street curb, and keeping the sidewalk and street free from and unobstructed by vegetation, to the owner or owners of the property/properties contiguous to the sidewalk and the area between the sidewalk and the curb. In EP, the owner of a property contiguous to a sidewalk may be an individual(s), a neighborhood subdivision homeowners association (where the sidewalk adjoins its common areas), and the EPCSA (where the sidewalk adjoins its common areas).”

After the motion was seconded a brief discussion ensued and the motion was then passed unanimously.

New Business

March Board Meeting: The next Board meeting will be held on March 9 provided a quorum is available. President Shears will check on the availability of Board members and will decide whether a meeting can be held based on her survey.

Garage Sale: Connie Burke reported that the annual community-wide garage sale will be held in the Recreation Center Parking lot on Saturday, May 19.

Adjournment

A motion was made, seconded, and approved unanimously to adjourn the meeting, and President Shears adjourned it at 10:44 a.m.

Minutes prepared and submitted by: Paul Hine Date: 4/5/2018

(Secretary)

Errol Levine

Signed on behalf of Board by: William R. Schiller Date: 4/13/2018

(Board President/Alternate)

William Schiller

Estancia Primera Recreation Center/Facilities Manager

The Manager for the Estancia Primera Recreation Center Facilities works closely with the Estancia Primera Community Services Association (EPCSA) President and Treasurer to operate and maintain the facilities and grounds of the Recreation Center according to the guidelines and regulations approved by the Board of Directors and within the parameters of the annual budget. Typical tasks include Clubhouse access, reservations, security, and maintenance; seasonal and daily opening/closing of the swimming pool and related tasks; scheduling and oversight for grounds maintenance; contacting of snow removal contractor as required; and maintaining the trash and dog waste stations. The manager reports to the EPCSA Board through the President, provides monthly reports to the Board, and an Annual Summary Report to EPCSA.

Clubhouse/Tennis & Racquetball Courts

- Reservations for use
 - Respond to and confirm requests for reservations for use of Clubhouse facilities.
 - Confirm that users are approved (i.e. they are E.P. residents, their Association dues are current, etc.)
 - Post Clubhouse reservations to website events calendar at (www.estanciaprimera.org).
 - Provide keys and/or clubhouse access information for scheduled users.
 - Check Clubhouse after events to make sure premises have been left in order.
- Collect trash for weekly pickup, and move bins to the curb before pickup and return to patio after pickup.
- Arrange for periodic cleaning of clubhouse by janitorial service in accord with policy established by the Board of Directors (BoD).
- Purchase supplies (e.g. paper products, light bulbs, etc.) as needed.
- Distribute new/replacement access cards for the front gate and tennis court as requested by approved users. Collect fees if applicable.
- Maintain an access card distribution list, as well as an inventory of access cards.
- Distribute clubhouse keys to authorized users (e.g. BOD members, racquetball players).
- Maintain a key distribution list and an inventory of spare keys.
- Monitor security and condition of tennis and racquetball courts.

Swimming Pool

- Contract with a qualified pool service contractor to prepare the pool for the annual inspection by the City of Santa Fe Environmental Department and for the bi-annual opening and closing of the pool, as well as to care for day-to-day pool maintenance.
- During swimming season, make necessary arrangements to have pool and the clubhouse bathrooms opened and closed at appropriate times.
- Keep pool area free of trash and straighten umbrellas and lounge chairs daily.
- Maintain a pool sign-in list for daily users.
- Maintain an inventory of umbrellas to replace those damaged by the wind in accord with the BoD's policy. Purchase replacements as necessary.
- Check the restrooms daily, replacing paper products and cleaning if necessary.

Building and Grounds

- Oversee regular maintenance and inspection work of independent contractors in accord with policies of the BoD, reviewing and approving invoices for payment by the acting Treasurer. This work includes pest control, fire and safety inspections, security and alarm system maintenance, roof and building inspections and minor repairs, exterior lighting repairs, etc.
- Schedule and oversee the work performed by the landscaping contractor.
- For major projects as determined by the BoD, assist with obtaining competitive bids, submit to the BoD for review and approval, schedule the work, and oversee the projects to ensure they are satisfactorily completed.
- Make arrangements to have the clubhouse exterior decorated for the Christmas holidays.
- Contact the snow removal contractor, when six inches or more has fallen or is expected to fall, for plowing of Avenida Primera and the clubhouse parking lot.
- Pick up and dispose of contents from the dog waste stations along Avenida Primera. Replace the dog-waste bags in the receptacles. Order replacement bags as necessary.

General

- Submit monthly time sheets to BoD president for approval.
- For each BoD monthly meeting, prepare activity reports. Introduce any pertinent issues, project requests, etc. that may require action by the Board.
- Prepare an Annual Summary Activity Report for the annual meeting.

March 2018
No Board Meeting

Estancia Primera Community Services Association (EPCSA)
Minutes of the Meeting of the Board of Directors
Friday, April 13, 2018

Call to Order: William Schiller (Presiding Officer) called the meeting to order at 9:00 a.m. at the Recreation Center Conference Room.

Directors in attendance: Brenda Shears (President) (present by telephone), Scott Bunton (Treasurer), Jill McIntosh, William Schiller, Barbara Chamberlin, Terry Schultz (present by telephone) and Leslie Walker-Hirsch.

Others present: Errol Levine (Secretary)

Approval of Minutes of Previous Board Meeting: A motion duly made and seconded to approve the final draft of the minutes of the February 9, 2018 Board meeting as submitted was approved unanimously.

Reports

Treasurer's Report: Treasurer Bunton reported that as of March 1, the Association had \$94,206.14 in its Operating Account and \$58,505.80 in its Reserve Account. These amounts are consistent with what had been anticipated in the 2018 budget. The improvement in the EPCSA's financial situation had resulted from the collection of the annual assessments.

Mr. Bunton reported that only one of 190 Estancia Primera lot owners had not paid the 2018 assessments. The lot owner is Joanna McGuire at 775 Paseo Cresta. She also did not pay her annual assessments between 2011 and 2017. EPCSA has filed a lien against her property for the unpaid 2011 assessment only and this is not applicable to subsequent years of nonpayment. A motion duly made and seconded to file additional liens against the property for unpaid annual assessments plus any interest charges and where applicable the delinquency administrative fee for the period 2012 through 2018 was passed unanimously.

Mr. Bunton also raised the issue of a lien that had been filed against the property of Dr. Norman Kaplan (759 Paseo Cresta) by the previous EPCSA Board of Directors for nonpayment of his 2017 annual assessment. Secretary Levine during updating of the EPCSA owner address list in late 2017 had found that Dr. Kaplan had changed his Dallas, Texas mailing address in early 2017. The annual assessment notice for 2018 was therefore sent to Dr. Kaplan at his new address and he had paid the full 2018 annual assessment promptly. Treasurer Bunton then contacted Dr. Kaplan at his new address regarding his unpaid 2017 annual assessment. Dr. Kaplan responded by immediately submitting a check for \$525 to cover the amount owed for the 2017 annual assessment. However, he declined to pay the interest charge applied for nonpayment of the assessment for 2017 or to pay the costs involved for filing and lifting the lien on his Cresta home. Dr. Kaplan indicated that he had never received any kind of invoice or notice from the EPCSA regarding the 2017 annual assessment; nor had he received any notice from the EPCSA that his 2017 payment was delinquent or that, if payment were not received, a lien might be filed against his property or that one had eventually been filed.

The Board members noted that the EPCSA policy is that owners have an obligation to notify the Association if they change their street mailing or email addresses so that the Association may contact them annually regarding the need to pay their annual assessments. The EPCSA has no indication that Dr. Kaplan made any attempt to do that. However, it was noted also that Dr. Kaplan has been an EPCSA lot owner for many years during which he had always paid his annual assessments in a timely manner. The Board noted further that the amount Dr. Kaplan would owe the EPCSA for 2017 interest charges and for filing and lifting of the lien would be about \$110. A motion was then made and duly seconded that as a goodwill gesture the EPCSA should waive any outstanding charges owed by Dr. Kaplan and should lift the lien on his property. The motion was passed unanimously. Treasurer Bunton will write to Dr. Kaplan notifying him regarding the Board's decision and will take steps to remove the lien on his property.

Mr. Bunton requested that he be reimbursed for \$116.67 in expenses he incurred during the September 2017 to March 2018 period for photocopying and paper related to notices pertaining to the 2018 assessment process and preparation of the contents of the Book of Resolutions, and for postage for mailing EPCSA payments to vendors and notices to EP owners related to the 2018 assessment. A copy of each of the pertinent receipts was provided to the Secretary. A motion was made, seconded, and approved unanimously to approve the reimbursement.

ARB Report: ARB Chair William Schiller requested that Mr. Bunton assume the duties of the meeting Chair while he gave his report and Mr. Bunton agreed to do so. Chairman Schiller reported that the ARB had met recently and had provided conditional approval for an Appendix IV application for construction of a new home in Kachina Hills. There had also been an Appendix III application from an owner in Kachina Hills for a landscaping project. This is still being dealt with.

Chairman Schiller reported also that he had informed the ARB members at the meeting of his intention to retire as ARB Chair effective April 30, 2018 and of his intention to retain his seat on the ARB as the representative for Aspen Compound. The ARB members at the meeting accepted the nomination of ARB member Kurt Sommer as the new ARB Chair effective April 30, 2018.

Dr. Schiller indicated also that he had been working on updating the ARB section of the EPCSA website in conjunction with a couple of other Board members. He had updated the introductory paragraph about the ARB and the ARB Frequently Asked Questions (FAQs) and had also updated the ARB membership list. These documents had all been distributed to the Board members via email by Secretary Levine on April 9 so that Board members could peruse them prior to the meeting. The Board members did not suggest any revisions of the documents. The revised documents as distributed by email on April 9 will therefore be posted on the EPCSA website.

Dr. Schiller resumed his position as meeting Chair at the end of his report. A motion that the Board express its profound appreciation to Chairman Schiller for his long and distinguished tenure as ARB Chair was approved by acclamation.

Real Estate Report:

a. ***Real Estate Activity:*** Jill McIntosh presented a summary of current real estate activity in EP through March/April 2018. There are currently two homes and two vacant lots that are active, two homes that are under contract and five homes that have recently been sold. The contact information for

new owners has been provided to the secretary for updating the EP address list. Ms. McIntosh will in the future include “days on the market” for each property in her report.

b. *Estancias del Norte Development:* Ms. McIntosh reported that the proposed new subdivision across Hyde Park Road from Estancia Primera received preliminary approval from the Planning Commission. However, the owner/developer has to satisfy a large number of conditions that will be acceptable to the Planning Commission before final plat approval will be granted. The proposed road changes at the intersection of Avenida Primera South and Hyde Park Road still need to be approved by the New Mexico Department of Transportation and it is still reviewing the proposed changes.

Recreation Center Manager’s Report: Manager Connie Burke reported that she had met with the new Recreation Center Manager, Greg Casey, and is making arrangements for the transfer of her duties to him when he moves to Estancia Primera in May 2018. She has arranged for Mr. Casey to meet with the various vendors who provide services at the Recreation Center such as pool maintenance and landscaping. Ms. Burke reported also that the annual community garage sale will be held at the Recreation Center on May 19 and that she is making arrangements to advertise it.

Ms. Burke indicated that some EP owners who live out of state install holiday lights at their Santa Fe homes and fail to take them down after they leave town. In some instances these lights cause an unacceptable glare to adjoining homeowners and she had been personally affected by this. Ms. Burke will ask President Shears to mention this problem to owners in her monthly emails after the holiday season. Since exposed exterior lighting is also prohibited by the EPCSA Declaration, Ms. Burke was advised by ARB Chair Schiller that she might make a formal complaint about a lighting problem of this kind to the ARB if the owners are unresponsive to her requests to remove the lights.

Unfinished Business

Discussion with Insurance Agent Regarding Revised Recreation Center rules: Dr. Schiller reported that President Shears had contacted the EPCSA’s insurance agent, John Bennett, about submitting the revised Recreation Center rules to the EPCSA’s insurance underwriter for its scrutiny and suggestions. Mr. Bennett indicated he would be pleased to receive the approved copy for review and, if appropriate, would forward it to the underwriter. He would follow up if they see any areas of concern.

Recreation Center Rules: Mr. Bunton reminded Board members that he had distributed to Board members by email in mid-February a clean copy of the proposed Recreation Center rules incorporating the changes the Board made at its February meeting (see attachment). As the Board had instructed at its February meeting, email approval of that revised version of the rules was sought, but since unanimous written approval of the revised rules by the Board members could not be obtained (as is required by the EPCSA Bylaws for Board decisions made between formal meetings), the revised rules had not been approved.

Mr. Bunton then presented the following motion: *I move that—*

- 1) *the proposed text, as attached to the email sent to members of the Board of Directors on February 12, 2018, of the pdf document titled “Part II: Culpin Recreation Center Use Privileges and Rules,” be approved;*

- 2) *the rules and policies contained in the document be effective immediately upon Board approval, provided that the specific provisions of all rules, policies, procedures, or motions previously duly approved by the Board that are in conflict to any extent with any provision of this policy are repealed and revoked with regard to future actions and circumstances – but that those provisions thus repealed and revoked shall continue to be effective without change with respect to pertinent situations involving and actions taken by EPCSA members, EPCSA, and the Board that occurred subsequent to the Board’s approval of said previously-approved rules, policies, procedures, or motions but prior to the approval of the contents of the “Part II: Culpin Recreation Center Use Privileges and Rules” document; and*
- 3) *in preparing these rules and policies for publication and for posting on the EPCSA website and in the facilities of the Recreation Center, alterations may be made in their formatting, numbering, and headings without making any change to the wording of any one or more of the component rules or policies, in order to integrate them in the clearest and most understandable manner in the EPCSA “Book of Resolutions” and to most clearly present them to users of Recreation Center facilities, and the Board shall arrange for that integration and for appropriate posting and publication.*

After the motion was seconded, a brief discussion ensued following which the motion was adopted unanimously. The Board agreed that no further editing of the rules was needed.

Mr. Bunton and President Shears will work on combining the Recreation Center Rules and the other rules and procedures documents previously approved by the Board in the “Book of Resolutions” required by the EPCSA Governing Documents and Mr. Bunton will as soon as that work has been completed arrange for it to be posted on the EPCSA website under the Board of Directors tab. President Shears will also convert the Book of Resolutions into a small-file PDF document suitable for sending out via email to all EP homeowners, and as an enclosure with all Disclosure Certificates for home sales. President Shears will also work with the new Recreation Center manager to ensure that a current set of rules is posted at various sites in the facility and is provided to owners who reserve the Clubhouse for private events.

New Business

Renewal of the Domain and Hosting for the Estancia Primera website: Mr. Bunton reported that the EPCSA website manager, Jon Weaver, has notified the Association that he needs to be reimbursed for the costs of renewing the domain and hosting for the coming year. The Board decided that since these costs are regularly recurring and are budgeted, formal Board approval is not required and the Treasurer could make the payment to Mr. Weaver.

Fire Hazard Abatement Presentation: A homeowner had suggested that the Board host a presentation regarding the upcoming fire season for interested residents. It was thought that the Fire Department could discuss ways to minimize the risk of homes being damaged in the event of a wildfire. Most Board members thought it more appropriate that such an event be organized on a more personal basis by and for interested residents or neighbors.

Annual Memorial Day Gathering: The Board agreed that EPCSA will host this gathering as the sole community event for 2018. However, there is a need to provide meat and poultry and supplies such as napkins and plastic utensils for the event. Jill McIntosh therefore made the following motion:

"I move that the Board authorize the expenditure of an amount not to exceed \$250 to purchase barbeque meats or other food items and supplies for the Memorial Day/Pool Opening Community Gathering at the Clubhouse that EPCSA is sponsoring, and that the Clubhouse Manager be asked, working with the President, to make appropriate arrangements for this."

After the motion was seconded, a brief discussion ensued and the motion was passed unanimously. The gathering will likely be held on Monday, May 28 at a time to be announced.

Homeowner Comments

Karla Harby (417 Kachina Court) informed the Board that she had submitted an ARB landscaping application to replace some shrubs at the front of her property. The application is currently under consideration by the Kachina Hills Architectural Board.

Announcements

Next Board meeting: Friday, May 11, 2018 at 9:00 a.m.

Adjournment: A motion was made, seconded, and approved unanimously to adjourn the meeting, and Dr. Schiller adjourned it at 10:05 a.m.

Minutes prepared and submitted by: Errol Levine Date: 5/8/2018

(Secretary)

Errol Levine

Signed on behalf of Board by: Brenda L Shears Date: 5/11/2018

(Board President)

Brenda Shears

PART II: CULPIN RECREATION CENTER USE PRIVILEGES AND RULES

A. GENERAL RECREATION CENTER USE PRIVILEGES AND RULES

- 1. Recreation Center.** EP's Culpin Recreation Center, which consists of the Clubhouse, Swimming Pool, Tennis Court, Racquetball Court, and parking lot, and adjacent common areas is owned by EPCSA and is operated and insured solely for the use and enjoyment of its members, their tenants, members' and tenants' resident family members, and guests at their own risk.
- 2. No commercial activity.** No commercial activity of any kind is permitted on the Recreation Center's premises.
- 3. Failure to abide by rules.** Failure of an EPCSA member, the member's tenant, a member's or tenant's family members, and/or their guests to abide by the following rules of the Recreation Center and its component facilities, and any disruptive behavior or damage/abuse of the facilities, may result in cancellation of Recreation Center privileges for that member by the EPCSA Board of Directors and revocation of the member's access key card. Should a member lend the card to anyone and that person violates these rules, the member to whom the access key card was issued is responsible for their behavior and any consequent cost to EPCSA. Written complaints will be addressed by the Board.
- 4. Key cards.** EPCSA members may not lend their access key cards to anyone but an immediate family member who lives in the home with them. If a member provides the access key card to his/her tenant, the tenant may not lend the access key card to anyone but an immediate family member who lives in the home with the tenant.
- 5. Access.** An EPCSA member, the member's tenant, or a member's or tenant's resident family members or houseguests may use the Recreation Center facilities unaccompanied. The EPCSA member or member's tenant must accompany all other guests when they are using any of the Recreation Center facilities.
- 6. Children.** Notwithstanding the provisions of #5 above, all children age 14 or under must be supervised at all times by an adult resident family member or houseguest of an EPCSA member or the member's tenant when using any of the Recreation Center facilities.
- 7. Alcoholic beverages.** EPCSA will not purchase or provide alcoholic beverages for consumption in Recreation Center facilities. Members, tenants, and adult family members may not provide alcoholic beverages to underage persons on the premises of Recreation Center facilities.
- 8. Unauthorized use.** Unauthorized use of the Recreation Center and its component facilities constitutes trespassing and will be dealt with by law enforcement. EPCSA is not responsible for any adverse consequences of unauthorized use.

9. Use Privileges

a. *EPCSA Members*

- (i) The privileges of Recreation Center membership and use are automatically extended to all EPCSA members – defined in the *Amended Declaration of Covenants and Restrictions for the Estancia Primera Community* as all Owners of homes or unbuilt lots in EP – who are in good standing (i.e., when the member’s assessment payments are current and the member is not currently in violation of any provision of EPCSA’s “Governing Documents”).
- (ii) Recreation Center membership and use privileges cannot be transferred or donated to a third party. They are strictly limited as provided in these rules.
- (iii) The Board reserves the right as provided by Article VI, Section 7 (b) of the *Amended Bylaws of Estancia Primera Community Services Association* to cancel the Recreation Center membership and use privileges of any member or member’s tenant who misuses or damages the facilities or disregards these rules or the specific rules for the Recreation Center’s component facilities.
- (iv) One (1) Recreation Center gate access key card for each EP property has been provided by EPCSA to the property’s owner, and only one such card is permitted for each property. When a property is sold, the key card is to be transferred from the seller to the purchaser. Lost or stolen cards should be reported to the Recreation Center Manager so the missing key card can be cancelled. Regardless of the circumstances, if a member needs a replacement card, EPCSA will issue one after payment of the fee of \$50.00.

b. *Tenants of EPCSA homes*

If an EPCSA member wishes to permit a tenant to use the facilities, the member should provide the access key card to the tenant. The member remains responsible for the access key card issued to that member.

c. *Family Members and Guests of EPCSA Members or Members’ Tenants*

Complimentary use of the facilities is extended to the member or member’s tenant’s family members and guests. The member is responsible for the behavior of the card users and any family members and guests of that user as stated in II.A.3.

d. *Pets prohibited*

Only properly registered and certified service animals are allowed in the Recreation Center facilities. All other pets and animals are prohibited at all times.

B. CLUBHOUSE USE PRIVILEGES AND RULES

1. Clubhouse Use Privileges

a. *Who Can Use the Clubhouse*

An EPCSA member or a member’s tenant may reserve the Clubhouse facility of the Recreation Center for exclusive personal use, or for the exclusive use of a noncommercial organization or entity in which the EPCSA member or tenant, or an adult family member who lives in the EPCSA member’s or tenant’s home, is a member. That member of the organization must be present for the entirety of the event in the Clubhouse and the event must not be a profit-making or revenue-generating activity. This does not preclude use by a nonprofit organization that has

membership dues, or that charges a modest fee for attending the event to defray the event's costs.

b. *Reservations and Fee for Clubhouse Use*

- (i) Reservation of the Clubhouse is on a "first-come, first-served" basis
- (ii) A nonrefundable use fee of \$75 must be paid in advance by check payable to "EPCSA" presented to the Recreation Center Manager by the EPCSA member or tenant reserving the Clubhouse for personal use regardless of the nature of the event for which it is being reserved. A separate \$75 fee must be paid for each calendar date on which an EPCSA member wishes to reserve the Clubhouse. Reservations are tentative until the \$75 fee is presented to and accepted by the Recreation Center Manager.
- (iii) Reservations are posted on the EPCSA calendar, located on the EPCSA website.
- (iv) The following groups, entities, and meetings *are not subject to the use fee* as prescribed in II.B.1.b.(ii):
 - (a) EPCSA Board of Directors and its committees and subcommittees
 - (b) EPCSA Architectural Review Board
 - (c) Meetings of EPCSA, including its Annual Meeting
 - (d) Official meetings of EP neighborhood/subdivision homeowners associations and their committees and subcommittees and architectural committees
 - (e) EP Women's Group (EPWG)

c. *Occupancy Limit.* As provided in a ruling by a Santa Fe Fire Department inspector, the occupancy limit for the Clubhouse is 100 persons.

d. *Hours of Availability.* The Clubhouse is available for use and reservation between the hours of 9:00 a.m. and 10:00 p.m. every day of the year. By special prior arrangement with the Recreation Center Manager, evening use may be extended after 10:00 p.m. but not beyond midnight.

e. *Extent of Reservation.* A reservation of the Clubhouse for exclusive use does NOT include the swimming pool or pool area, the tennis court, or the racquetball court. It includes the conference/meeting area, the kitchen, and the Clubhouse restroom facilities.

2. Rules for Clubhouse Use

- a. SMOKING OR OPEN FLAMES ARE NOT PERMITTED IN THE CLUBHOUSE, except that candles and a fire in the fireplace are permitted. In any event, the decorative candles provided by EPCSA may not be used.
- b. If any alcoholic beverages are served, the reserving EPCSA member accepts all responsibility and liability pertaining to the use or abuse of those beverages, and the responsibility to ensure that—
 - (i) None is served to any person not of age to legally consume such beverages;
 - (ii) Any guest who appears to be intoxicated is denied the ability to consume additional alcoholic beverages; and

- (iii) Any guest who appears to be possibly intoxicated is dissuaded from driving upon his/her departure and alternative transportation is provided to him/her.
- c. When an event has concluded, it is the user's responsibility to ensure that the following procedures are completed before departure:
 - (i) All floors have been swept. (Brooms and other supplies are in the closet at the end of the hallway near the men's room and/or in the chair closet.)
 - (ii) All dirty/used dishes and utensils have been washed and returned to the cabinets or drawers from which they were originally taken, and all countertops have been cleaned.
 - (iii) All items brought into the Clubhouse, including any placed in the refrigerator, have been removed from both the refrigerator and the Clubhouse.
 - (iv) All kitchen and other Clubhouse trash/garbage cans have been emptied, and the contents (all must be in trash bags that have been tied closed) have been placed in the City of Santa Fe trash bins on the Clubhouse's northwest patio.
 - (v) A clean/empty trash bag (boxes of trash bags are located under the kitchen sink or in the hallway closet) has been placed in the kitchen and each other Clubhouse trash/garbage can.
 - (vi) All chairs and card tables have been returned to the same place where they were found. (This includes placing six card tables – two rows of three tables side-by-side – surrounded by 10 chairs in the center of the meeting room.)
 - (vii) All lights have been turned out.
 - (viii) The thermostat, if adjusted up for the event to 70 degrees during cold weather (the Clubhouse has no air conditioning), is reset to 62 degrees.
 - (ix) The Clubhouse doors have been locked, and the building alarm reset if/as directed by the Recreation Center Manager.
- d. Failure to fully comply with all aspects of II.B.2.c. will result in the EPCSA member or tenant who reserved the Clubhouse being assessed the full cost for all necessary cleaning.
- e. The EPCSA member or tenant who reserved the Clubhouse will be assessed the full cost of any repairs that are required as a result of damage caused during the period of his/her reservation.
- f. Please contact the Recreation Center Manager – [name] ([email address] or [phone number]) – to advise if any problems or issues were encountered during Clubhouse use, or if any kitchen or bathroom supplies are needed.

C. SWIMMING POOL USE PRIVILEGES AND RULES

1. Pool Use Privileges

- a. Pool hours are 9:00 a.m. to 9:00 p.m. between Memorial Day and Labor Day.
- b. The Recreation Center Manager or other person authorized by the Board may close the pool during usual operating hours or days because of inclement weather, for maintenance, or for other necessary reasons.

- c. Restrooms and showers are open during pool hours.
- d. The pool cannot be reserved for exclusive use by any EPCSA member or his/her tenant.

2. Rules for Swimming Pool Use

- a. *No Lifeguard – All Swimmers Swim at Their Own Risk.* All persons swimming in or entering the pool acknowledge that no lifeguard is present and accept the responsibility and liability for use of the pool and for any accident or injury that occurs to him/her during that use. Any adult responsible for the care of a minor who permits the minor to swim or enter the pool acknowledges that no lifeguard is present and accepts all responsibility and liability for use of the pool by the minor and for any accident or injury that occurs to the minor during use.
- b. Call 911 in the event of any emergency or threatening situation. There is an outside phone for emergency use only near the shower/restroom door.
- c. Each member, member's tenant, or member's or tenant's resident family member or houseguest who uses the pool is required to enter his/her name, access key card number, and number of guests (if applicable) in the sign-in book located on the table under the entry portal.
- d. Every person who swims must shower before entering the pool.
- e. Swimmers must always wear appropriate swimming attire. Long hair must be securely tied or placed in a swimming cap.
- f. It is MANDATORY that any child under two (2) years of age entering the pool wear a watertight disposable diaper.
- g. NO glassware of any kind and NO glass bottles are permitted in the pool area. Food and drinks may be served and consumed only on the raised patio area.
- h. NO loud music may be played in the pool area by means of any device or instrument.
- i. NO diving into the pool is allowed – the pool is only five feet deep.
- j. Do not sit, stand, or walk on the pool cover or its frame.
- k. Climbing on pool fences is prohibited.
- l. NO large flotation devices are permitted in the pool.
- m. A towel must be placed over the pool furniture at all times when a person is sitting or lying on the furniture to prevent stains from sunscreen.
- n. Whenever a person in the pool area has opened an umbrella or used one already open, he/she must carefully close it when departing the pool area.

- o. When a person departs the pool area, he/she **MUST** either remove everything (including containers and wrappers of food and beverages consumed/used on the raised patio area) that he/she and any guests brought into the area or place it in a trash receptacle.
- p. **NO PETS OF ANY KIND, INCLUDING SERVICE ANIMALS, ARE PERMITTED IN THE SWIMMING POOL**

D. TENNIS COURT USE PRIVILEGES AND RULES

1. The tennis court is to be used only for playing tennis. No other use is allowed.
2. In order to reserve the tennis court, an EPCSA member, a member's tenant, or a member's or tenant's resident family member must sign up and provide his/her phone number on the reservation/sign-up sheet located in the case attached to the court fence. Anyone using the court without a reservation must relinquish it to a person who reserved it at the reserved time.
 - a. Reservations can be made in 1-1/2-hour increments, beginning on the hour or half hour. Two contiguous increments may not be reserved by the same person or group.
 - b. When others are waiting to play, court time is limited to one increment of 1-1/2 hours.
 - c. Advance reservations may be made in available time slots for up to four consecutive weeks, but only on one day per seven-day calendar week.
3. Only tennis shoes may be worn on the court. Street shoes and dark-soled athletic shoes are not permitted.
4. When a person departs the tennis court, he/she **MUST** either remove everything (including food and beverage containers and wrappers) he/she and any guests brought into the area or place it in a trash receptacle.
5. When playing on the court before 9:00 a.m., players must be respectful of those who live close to the court and avoid loud noise.
6. Do not prop the gate open before, during, or after using the court.

E. RACQUETBALL COURT USE PRIVILEGES AND RULES

1. The racquetball court is to be used only for playing racquetball. No other use is allowed unless the EPCSA Board of Directors approves an exception.
2. In order to reserve the court for use, an EPCSA member, a member's tenant, or a member's or tenant's resident family member must sign up and provide his/her phone number on the reservation/sign-up sheet located outside the door to the racquetball court.

Anyone using the court without a reservation must relinquish it to a person who reserved it at the reserved time.

- a. Reservations can be made in 1-1/2 hour increments, beginning on the hour or half hour. Two contiguous increments may not be reserved by the same person or group.
 - b. When others are waiting to play, court time is limited to one increment of 1-1/2 hours.
 - c. Advance reservations may be made in available time slots for up to four consecutive weeks, but only on one day per seven-day calendar week.
3. Only tennis shoes may be worn on the court. Street shoes and dark-soled athletic shoes are not permitted.
4. When a person departs the racquetball court, he/she MUST—
- a. either remove everything (including food and beverage containers and wrappings) he/she and any guests brought into the area or place it in a trash receptacle;
 - b. turn off the court's lights and the lights in the court access hallway; and
 - c. set the building alarm if/as so directed by the Recreation Center Manager.

Estancia Primera Community Services Association (EPCSA)
Minutes of the Meeting of the Board of Directors
Friday, May 11, 2018

Call to Order: President Brenda Shears called the meeting to order at 9:03 a.m. at the Recreation Center Conference Room.

Directors in attendance: Brenda Shears (President), Jim Fassett (Vice-President), Scott Bunton (Treasurer), Jill McIntosh, William Schiller, Barbara Chamberlin, Terry Schultz, Carol Genebach and Leslie Walker-Hirsch.

Others present: Errol Levine (Secretary)

Approval of Minutes of Previous Board Meeting: A motion duly made and seconded to approve the final draft of the minutes of the April 13, 2018 Board meeting as submitted was approved unanimously.

Reports

Treasurer's Report:

EPCSA Finances as of April 30, 2018: Treasurer Bunton had distributed a Balance Sheet and a Profit and Loss Budget versus Actual statement as of April 30, 2018 to the Board members via email prior to the meeting. He indicated that he and EPCSA's bookkeeper, Greg Klos, had made a change in the format of the latter statement so that it shows our variance in expenditures each month from the prorated portion of the annual budget based on the number of months in the year that have elapsed, making it easier to discern potentially troublesome budget trajectories. Mr. Bunton also reported that as of April 30, 2018 the Association had \$93,697.04 in its Checking Account and \$58,510.61 in its Reserve Account, and that expenditures to date are fully in alignment with the annual budget.

Availability of EPCSA Monthly Financial Statements to Owners: Mr. Bunton reported that he had received an email from Jim Fassett that had been sent to all Board members in which Mr. Fassett expressed concern about the monthly financial statements for Estancia Primera no longer being posted on the EPCSA website. Mr. Bunton indicated that subsequent to President Shears assigning him the responsibility for communicating directly with our web master, Jon Weaver, about financial documents posted on the EPCSA web site, he had decided in November 2017 for security reasons to stop posting the monthly financial statements on the website and then in January 2018 to remove those previously posted. He suspected that most Board members and EP owners did not actually read those documents on the website, and noted that no one had inquired about their absence until Mr. Fassett's recent inquiry. Mr. Bunton indicated that in his opinion making our financial information available on a publicly accessible website exposes the EPCSA to fraud attempts. He therefore believes access to these documents should be confined to the 190 EP lot owners. President Shears reported that there have been incidents in which bogus emails purportedly from her had been sent to the Board Treasurer and Secretary about Association financial matters and she believed that these had their origin in information posted on the EPCSA website.

The Board noted that Article XI, Section 4 of the Amended Bylaws of the EPCSA requires that all Association records and documents be made available to any member who requires them. There was general agreement though that compliance with this Bylaw provision could be achieved by placing a notice on the

website indicating that any owner who wishes to obtain copies of the EPCSA's monthly financial statements could email Mr. Bunton who would then forward the statements directly to the owner. The Board noted also that current EPCSA financial statements had to be provided to EP owners and their agents as attachments to Disclosure Certificates for home sales. However, Barbara Chamberlin, who is the Board member responsible for preparing Disclosure Certificates for the EPCSA, reported that she uses the monthly statements sent to all Board members by Mr. Bunton via email for this purpose.

Investment of Reserve Account Funds in a Certificate of Deposit: Mr. Bunton reported that now that the EPCSA's Reserve Account amounts to about \$58,000, he wished to obtain the Board's approval to invest \$33,000 of that amount in a six-month Certificate of Deposit. The interest rate on such a CD would be about three times higher than the interest rate paid on funds in our current savings account. A motion duly made and seconded that \$33,000 be invested in a six-month CD and that the necessary Corporate Authorization Resolution be signed by the responsible Board members was passed unanimously.

EPCSA Liens: Mr. Bunton reported that a lien had been filed against Dr. Norman Kaplan's Cresta residence in 2017 for nonpayment of the 2017 annual assessment. The Board had, however, decided to lift the lien at its April 13 meeting because Dr. Kaplan had later paid the full assessment amount for 2017 in 2018. However, it had recently become apparent that the lien had been filed erroneously against a property in the Cresta neighborhood subdivision belonging to different owners who had paid their 2017 assessment. Mr. Bunton had visited the County Clerk's office and in reviewing the records had found that the lien could be called up either under Dr. Kaplan's name or by the property street address in which case the lien is shown as being applied against the incorrect owners. The Board authorized Mr. Bunton to lift the lien in which case it would no longer apply to Dr. Kaplan or to the Cresta owners against whose property the lien had been incorrectly filed.

Mr. Bunton reported that even though Joanna McGuire (775 Paseo Cresta) had not paid her annual assessments for her lot for many years, the EPCSA has filed a lien against her property for the unpaid 2011 assessment only and this is not applicable to subsequent years of nonpayment. He therefore proposed that a composite lien be filed against the lot for the period 2012 through 2018 at a cost to the EPCSA of \$25. Our bookkeeper, Greg Klos, will calculate the accrued interest charges and penalties owed for each of the years in which the assessments were unpaid. The Board approved the filing of a composite lien as recommended. It was further decided that if future annual assessments are not paid on this property the EPCSA should accumulate those and file a composite lien a few years later to minimize lien-filing costs to the Association.

ARB Report: Dr. Schiller indicated that he was presenting the report on behalf of Kurt Sommer who is now the ARB Chair. Since the last Board meeting there had been another meeting of the EP ARB. Dr. Schiller reported as follows:

- A Kachina Hills owner had submitted an Appendix III ARB application to restore the landscaping on her property after vegetation there had been allegedly damaged or removed by a neighbor during a construction project on his driveway. The ARB had approved the application with the proviso that no vegetation be planted in any drainage areas. However, the owner had subsequently withdrawn the ARB application. The lot owners are apparently involved in a lawsuit over the matter.
- Two owners in Altamira have "bricked" their driveway without submitting an ARB application or obtaining any prior approval for the project. They subsequently submitted an ARB application and the ARB approved the project retroactively. It then became apparent that the bricked driveway encroached on

Altamira common property for which the owners are now seeking an easement. The project is currently being dealt with by the Altamira Homeowners Association, but will ultimately require final approval by the EP ARB.

- Owners have constructed a new home in Cumbre Vista with ARB approval and subsequently submitted a supplemental ARB application for landscaping of the property. This application is currently passing through the usual approval procedures.
- An owner in Kachina Hills re-stuccoed his home without submitting an ARB application. This has resulted in a stucco color which is significantly different from the original. Therefore, an ARB application is required if the owner wishes to retain the changed stucco color. The matter is currently being evaluated by the Kachina Hills Architectural Board and will eventually be referred to the EP ARB for further action.

Real Estate Report: Jill McIntosh presented a summary of current real estate activity in EP through April/May 2018. There are currently three homes and three vacant lots that are active, one home that is under contract and six homes that have recently been sold. The contact information for new owners has been provided to the Secretary for updating the EP address list.

Recreation Center Manager's Report: Manager Connie Burke reported that the Recreation Center irrigation system had been turned on. The pool has been cleaned and the chemical infusion system is working properly. The pool cover has also been cleaned. The heater will be turned on and the pool cover will be opened in time for the Memorial Day weekend. All the pool furniture and umbrellas will be cleaned on May 25. Ms. Burke, Ms. Chamberlin and President Shears have been working on the arrangements for the Memorial Day community party. Only six owners have responded to the notice about the community garage sale originally scheduled for May 19. Ms. Burke therefore recommended that the event be postponed until September 2018 and the Board accepted this recommendation.

Unfinished Business

Book of Resolutions: Mr. Bunton reported that he had conferred with President Shears. He expected that the Book of Resolutions would soon be formatted so that he could post it on the Board of Directors page of the EPCSA website and so that it could be sent to all EP owners via email within the next couple of weeks.

Recreation Center Rules: President Shears reported that she had sent the rules to our Insurance agent.

New Business

Homeowners' Annual Meeting: Acting in accordance with past practice, the Board agreed to hold the annual Members' meeting at 7:00 p.m. on the Wednesday of Indian Market week (August 15). Arrangements for the meeting will be finalized at the June and July Board meetings.

Homeowners' Concerns about Dogs walked Off Leash: President Shears indicated that several owners had contacted her about this matter and that she had addressed the matter in her recent mass email to the owners. The EP Amended Declaration of Covenants and Restrictions (Article 6.10) prohibits dogs running unrestrained throughout the property and the City of Santa Fe Code clearly prohibits dogs running off leash, including in the Estancia Primera arroyos (Article 5-5.4.C).

Home Renters in Estancia Primera: President Shears indicated that she wished to contact owners who lease their homes to obtain the names and contact information of long-term renters. This would enable her to

keep a separate email list of renters so that they can receive important information about Estancia Primera and so that invitations can be extended to them to attend community events.

Access to Walking Path through the Arroyo Saiz: President Shears indicated that she had received some complaints about EP owners accessing and leaving the walking path through private properties in Aspen Compound and Altamira rather than their using established public access points. One owner had suggested that the EPCSA erect signs requesting walkers to stay on the main path of the arroyo. She noted also that some owners affected by others taking short cuts through their properties had erected “Private Property” signs; other Board members mentioned that such signs represent a violation of the Declaration which prohibits signs of this type. President Shears will investigate neighborhood subdivision plats stored at the Recreation Center to determine where walking easements through neighborhood subdivisions actually exist. The Board did not take any action on whether or not signs should be posted in the arroyo by the EPCSA at this time.

EPCSA Website: Mr. Fassett asked whether the Board will no longer place the monthly EPCSA financial statements on the website or whether the Board would resume doing so. Most Board members felt that it would suffice to place a notice on the website indicating that any owner who wishes to obtain the statements could do so by emailing the Treasurer. Mr. Fassett indicated that he would like to see the financial statements be put back on the website in the interests of total transparency. After a brief discussion, Dr. Schiller made a motion that was seconded that further discussion of the management and content of the EP website be deferred until the September 2018 Board meeting. After a brief discussion, the motion was passed with eight votes in favor (Shears, Bunton, McIntosh, Chamberlin, Genebach, Schiller, Schultz and Walker-Hirsch) and one abstention (Fassett).

Homeowner Comments

Lucille Kissock (764 Aspen Compound) mentioned that there is a dog in an unknown location in the neighborhood that yelps early in the morning and at night. Dr. Levine informed Ms. Kissock that she first needed to determine at which address the offending dog was located and that she should then try to resolve the problem by speaking to the owners. If attempts to resolve the problem were unsuccessful, Ms. Kissock should contact the City of Santa Fe Animal Services Division. President Shears indicated that she will also refer to the problem of barking dogs in a future mass email to EP owners.

Jim Kissock (764 Aspen Compound) asked the Board whether there are any Association limitations on home exchanges. Dr. Levine pointed Mr. Kissock to the following EPCSA rule adopted in December 2017 and supported by an earlier opinion from the EPCSA’s Legal Counsel: *“Contractual home exchanges involving EP homes are permitted only if the initial period of the exchange is not less than one month.”*

Announcements

Next Board meeting: Friday, June 8, 2018 at 9:00 a.m.

Adjournment: A motion was made, seconded, and approved unanimously to adjourn the meeting, and President Shears adjourned it at 10:05 a.m.

Minutes prepared and submitted by: Errol Levine Date: 6/6/2018

(Secretary)

Errol Levine

Signed on behalf of Board by: Brenda Shears Date: 6/8/2018

(Board President)

Brenda Shears

Estancia Primera Community Services Association (EPCSA)
Minutes of the Meeting of the Board of Directors
Friday, June 8, 2018

Call to Order: President Brenda Shears called the meeting to order at 9:01 a.m. at the Recreation Center Conference Room.

Directors in attendance: Brenda Shears (President), Scott Bunton (Treasurer), Jill McIntosh, William Schiller, Barbara Chamberlin, Carol Genebach and Terry Schultz (by telephone).

Others present: Errol Levine (Secretary)

Welcome to Greg Casey as Recreation Center Manager: President Shears welcomed and introduced Greg Casey.

Approval of Minutes of Previous Board Meeting: A motion duly made and seconded to approve the final draft of the minutes of the May 11, 2018 Board meeting as submitted was approved unanimously.

Reports

Treasurer's Report:

EPCSA Finances as of May 31, 2018: Treasurer Bunton had distributed a Balance Sheet and a Profit and Loss Budget versus Actual statement as of May 31, 2018 to the Board members via email prior to the meeting. He indicated that he and EPCSA's bookkeeper, Greg Klos, had made a change in the format of the latter statement. It now shows our variance in expenditures each month from the prorated portion of the annual budget based on the number of months in the year that have elapsed, making it easier to discern potentially troublesome budget trajectories. He reported that website hosting and domain name registration, web support and our phone bill are line items for which we are not on a trajectory to be in balance at the end of 2018. None of these items involves a high dollar amount. However, a higher amount will need to be allowed for these items in the 2019 budget.

President Shears reported that she had learned in conversations with our web master, Jon Weaver, that the Association will need to rebuild its website using more current software. She and Jon Weaver will work together to initiate these changes beginning in September 2018. This will involve additional costs for web support.

Mr. Bunton reported that the Capital Reserve fund is unchanged from last month and contains \$58,500. Of that amount, \$33,000 was moved from a savings account into a six-month CD in order to obtain an interest rate three times that of the savings account rate. The EP operating checking account has \$93,192. Expenditures to date in 2018 are in line with the 2018 budget. He indicated that more financial information will be forthcoming at the July 2018 Board meeting when he will present to the Board the financial documents that are required by the Bylaws to be presented to the owners at the annual meeting with respect to a provisional projected budget for 2019 and projected capital expenditure costs for 2019.

Mr. Bunton reported that our bookkeeper Greg Klos had not for some time submitted any invoices for his services to the EPCSA because he had been busy with his move to Durango. However, he had recently

submitted an invoice for \$1,141.50 for the first five months of 2018 which Mr. Bunton had approved and paid.

Mr. Bunton reported that the Santa Fe County Assessor had scheduled a tax auction on the McGuire lot (775 Paseo Cresta) for the end of June 2018. He had therefore calculated the total amount owed (\$986.36) to the EPCSA by Ms. McGuire between 2011 and now for unpaid annual assessments, interest charges, lien filing and removal fees and the delinquency fee for 2018. President Shears will sign a composite lien document for \$986.36 against the McGuire property on behalf of the EPCSA and will have it notarized and filed with the County Clerk next week. Mr. Bunton indicated that he would arrange for the removal of the lien on the Kaplan property.

Ms. Shears indicated that as a follow-up to the decision made by the Board at the May meeting to no longer post the Association's financial reports on the EPCSA website, she will arrange with the web master to create a sidebar on the right-hand side of the Board of Directors page. This will direct owners or realtors seeking to obtain EPCSA financial reports to contact Mr. Bunton directly via email. He will then provide the requested information via email.

ARB Report: Dr. Schiller gave the following report on behalf of ARB Chair Kurt Sommer:

- Owners in Altamira recently began “bricking” their driveway without submitting an ARB application and were required to stop construction until they had submitted an Appendix III application. The application was subsequently approved by the ARB. The owners completed their driveway, but the final driveway differed from the plan that they had submitted with their ARB application inasmuch as the driveway extended outside their property on to Altamira common property. They have therefore sought an easement from the Altamira HOA for the encroachment. This matter is still under discussion between the owners and the Altamira HOA, but final ARB approval will not be granted until the easement issue with the HOA has been resolved.
- Owners who had constructed a new home in Cumbre Vista with ARB approval subsequently submitted a supplemental ARB application for landscaping of the property and for construction of a driveway wall. The application has received ARB approval and the changes to the property are in progress.
- An Altamira owner has sought and obtained ARB approval for construction of a deck.
- Owners in Los Altos submitted an ARB application to install earth-tone pavers in place of their gravel driveway, to widen the driveway, to improve drainage associated with the driveway and to construct a “pull-out” area with a low stone wall and landscaping to provide additional onsite parking. The project was approved by the ARB in the spring pending review and approval by the City of Santa Fe. The City has recently issued the necessary permit.

Real Estate Report: Jill McIntosh presented a summary of current real estate activity in EP through June 2018. There are currently four homes and two vacant lots that are active, one home and one lot that are under contract and seven homes that have been sold during 2018. The contact information for new owners has been provided to the Secretary for updating the EP address list.

President Shears reported that she had received inquiries regarding whether Board approval is required for estate sales and garage sales that are sometimes held when homes have been sold. Ms. Shears suggested that

it would be useful to have a policy to share with homeowners and will pull together any existing information from Association records to present to the Board as a basis for developing such a policy.

Recreation Center Manager's Report: Recreation Center Manager Casey presented an update on the use of the Clubhouse and pool. Mr. Casey and the previous manager, Connie Burke were able to spend some time together to transition the responsibilities from Ms. Burke to Mr. Casey. Mr. Casey and Ms. Shears will be getting together to go over the clubhouse reservation process and the process for approving routine Recreation Center expenses.

Unfinished Business

Book of Resolutions: Mr. Bunton reported that President Shears had formatted and renumbered the contents of the Book of Resolutions without changing the content. The Book will therefore soon be made available to our web master for posting on the EPCSA website. It will also be sent to all owners via email and will in the future be provided with Disclosure Certificates for home sales.

Annual EPCSA Members' Meeting: The Board agreed on the following arrangements for the meeting:

- *Quorum Requirement:*
As in the past, a quorum will consist of nineteen (19) owners present in person or by proxy. It was noted that there is no quorum requirement stated for the annual meeting in the amended EPCSA Bylaws or Declaration. Accordingly, the default quorum of ten per cent of owners specified in section 53-8-16 of the New Mexico Nonprofit Corporation Act will apply.
- *Refreshments:* Ms. Shears indicated that she will provide refreshments for the meeting.
- *Conference Room Layout:* Greg Casey will arrange the room so that Board members will be seated at a head table on the south side of the room. Chairs for members attending the meeting will be arranged in rows in front of the table. Sufficient chairs will be provided for 30-40 attendees. An additional table will be provided at the main entry at which owners will sign in.
- *Sign-In sheets:* Ms. Shears will provide sign-in sheets for the meeting.
- *Petitions of Candidacy:* Secretary Levine indicated that he had received petitions of candidacy for three upcoming Board vacancies from Constance Burke (Cumbre Vista), William Schiller (Aspen Compound) and himself (Los Nidos). All three petitions are in good order.
- *Letter of Announcement for the Meeting:* President Shears indicated that she will send a letter announcing the meeting via email to all owners on or about July 1. As is required by the Bylaws, the letter will specify the time, date and location of the meeting, the method of voting, the Board vacancies that will need to be filled by election and the names of candidates for the vacancies. Ms. Shears will also send the agenda for the meeting, the provisional EP budget for 2019 and projected 2019 capital expenditure documents to the Members via a separate email about seven days prior to the date of the meeting.

- *Method of Voting:*
The election to fill the three upcoming Board vacancies will be based on an “at large by neighborhood” voting method. If the elections are uncontested, those Members running will be elected by acclamation. A secret ballot will be used if any of the elections is contested.

New Business

EPCSA Board Meeting Recordings: President Shears indicated that concern had been expressed recently about the issue of obtaining digital audio recordings of Board meetings and the length of time for which such recordings should be preserved by the Association. She noted that the Book of Resolutions currently states:

Audio Recordings of Board Meetings: *An audio recording of each Board meeting will be made and will be made available to any EP homeowner upon his/her request. Approved January 12, 2018; earlier versions approved by Board on April 12, 2011 and on May 27, 2012 (as correspondence unanimously approved).*

Ms. Shears also noted that the original resolution addressing this topic was approved at the September 20, 2010 EPCSA Board of Directors meeting. However, the May 27, 2012 version (which went into effect on June 15, 2012) is essentially the same as the January 12, 2018 version.

Ms. Shears indicated that between 2010 and recently Jim Fassett had made recordings of most Board meetings, had maintained these on his personal computer and had provided them to owners on request. Mr. Fassett had indicated to her that he would transfer the recordings to her as official EPCSA records. She asked Board members for their thoughts regarding audio recordings of meetings.

Comments made during the ensuing discussion included the following:

- Board members believe that the approved written minutes of each Board meeting should constitute the *only* official legal record of each Board meeting;
- Board members expressed concerns that maintaining an archive of recordings could place the EPCSA in legal jeopardy if the EPCSA were ever sued and the audio recordings were subpoenaed. Despite careful scrutiny of the minutes inadvertent inconsistencies could always exist between digital audio recordings and the written approved minutes;
- Any Board member or Estancia Primera owner may make recordings of meetings as a private matter. However, such recordings do not constitute official records of the EPCSA;
- The Board Secretary is required by Section 8 c of the Amended Bylaws “*to keep the minutes of all meetings and proceedings of the Board of Directors.*” However, the Secretary may prepare the minutes as he/she prefers and methods of preparation might include taking written notes or making a recording. However, the Secretary has no obligation under the current rules to make a recording of any Board meetings. Moreover, any recordings made or any notes taken by the Secretary are for his/her personal use.

Mr. Bunton then made the following motion which was duly seconded:

"I move that the provision of the Book of Resolutions, Part III (Board of Directors and Board Meeting Policies and Procedures), subsection B.2. (that reads "An audio recording of each Board meeting will be made and will be made available to any EP homeowner upon his/her request"), be repealed in its entirety effective immediately and that there be no requirement henceforth for any official audio recording of any Board meeting to be made or retained by the Board."

After further discussion, the motion was passed unanimously.

The Board then discussed how the recordings obtained between 2010 and 2018 by Mr. Fassett should be handled after Ms. Shears formally receives them as Board property. These recordings have not been formally archived as a part of the Association's records. It was decided to postpone further discussion of this matter until a later Board meeting.

Homeowner Comments

No homeowners (other than Board members) were present.

Announcements

Next Board meeting: Friday, July 13, 2018 at 9:00 a.m.

Community-Wide Garage Sale: This has been scheduled for Saturday, September 15, 2018.

Neighborhood to Neighborhood Food Drive: This will occur on Saturday, September 15, 2018.

Ban on Fireworks: No fireworks of any type may be used in Estancia Primera. President Shears will send an email to all owners reminding them about this prior to the July 4 celebrations.

Adjournment: A motion was made, seconded, and approved unanimously to adjourn the meeting, and President Shears adjourned it at 10:01 a.m.

Minutes prepared and submitted by: Errol Levine Date: 7/12/2018
(Secretary)

Errol Levine

Signed on behalf of Board by: Brenda Shears Date: 7/13/2018
(Board President)

Brenda Shears

Estancia Primera Community Services Association (EPCSA)
Minutes of the Meeting of the Board of Directors
Friday, July 13, 2018

Call to Order: President Brenda Shears called the meeting to order at 9:03 a.m. at the Recreation Center Conference Room.

Directors in Attendance: Brenda Shears (President), Scott Bunton (Treasurer), Jim Fassett (Vice-President), Jill McIntosh, William Schiller, Barbara Chamberlin, Carol Genebach and Leslie Walker-Hirsch.

Others present: Errol Levine (Secretary)

Approval of Minutes of Previous Board Meeting: A motion duly made and seconded to approve the final draft of the minutes of the June 8, 2018 Board meeting as submitted was approved unanimously.

Reports

Treasurer's Report:

EPCSA Finances as of June 30, 2018: Treasurer Bunton had distributed a Balance Sheet and a Profit and Loss Budget versus Actual statement as of June 30, 2018 to the Board members via email prior to the meeting. He indicated that the capital reserve fund is unchanged from last month and contains \$58,500. The EP operating checking account has \$91,226. Expenditures to date in 2018 are in line with the 2018 budget.

Mr. Bunton reported further that the only EP property (a vacant lot at 775 Paseo Cresta) for which the 2018 annual assessment was not paid (along with all assessments since 2011) was sold by the County at a tax sale to an adjacent EP property owner. Because of the lien the EPCSA's Board filed on the property, the Association now anticipates receiving the amount of the unpaid assessments and accrued interest for the unpaid years. This should amount to just under \$1,000.

Mr. Bunton presented for the Board's information three draft documents that he will present in his financial report to the EPCSA Members at the August 15 annual meeting to comply with the requirements of the EPCSA's Bylaws and Book of Resolutions. These are a general report on financial matters, an estimated 2019 budget and projected capital reserve fund expenditures between now and 2028. He indicated that the items on the list of projected capital expenditures were derived from data developed by the EPCSA's previous treasurer, A.L. Bontrager several years ago. However, the document will be updated after the new Board convenes in September to reflect current costs and conditions. Mr. Bunton indicated that, based on the EPCSA's current financial situation and estimated expenditures for the remainder of the year, he anticipates recommending to the Board in November that in December it set the annual assessments for 2019 at the same levels as those for the current year: \$656 for developed lots and \$66 for vacant lots.

ARB Report: Dr. Schiller gave the following report on behalf of ARB Chair Kurt Sommer:

- Owners in Altamira recently began "bricking" their driveway without submitting an ARB application and were required to stop construction until they had submitted an Appendix III application. The application was subsequently approved by the ARB. The owners completed their driveway, but the final driveway differed from the plan that they had submitted with their ARB application inasmuch as the driveway

extended outside their property on to Altamira common property. They therefore sought an easement from the Altamira HOA for the encroachment. Dr. Schiller indicated that the easement had recently been approved by the Altamira HOA and the matter has therefore been resolved.

- Owners who had constructed a new home in Cumbre Vista with ARB approval subsequently submitted a supplemental ARB application for landscaping of the property and for construction of a driveway wall. The project has been completed and final approval is pending.
- An Altamira owner has sought and obtained ARB approval for construction of a deck. The deck has been completed and final ARB approval is pending.
- Owners in Los Altos submitted an ARB application to install earth-tone pavers in place of their gravel driveway, to widen the driveway, to improve drainage associated with the driveway and to construct a “pull-out” area with a low stone wall and landscaping to provide additional onsite parking. The project was approved by the ARB in the spring pending review and approval by the City of Santa Fe. The City has recently issued the necessary permit. The work is currently in progress.
- An owner in Kachina hills has installed a fence without obtaining ARB approval. The matter is currently being reviewed by the Kachina Hills Architectural Board. It is likely, however, that the owner will be required to remove the fence.
- A new house is under construction in Los Altos. The owner submitted an additional request for a change in window trim color and that has been approved by the ARB.
- An owner in Aspen Compound had applied for approval for paving of a driveway. They had also rebuilt a stone wall at the end of their driveway without ARB approval. The ARB is considering the best course of action to take in resolving this problem.

Real Estate Report: Jill McIntosh presented a summary of current real estate activity in EP through July 2018. There are currently four homes and three vacant lots that are active, no homes or lots that are under contract and eight homes that were sold during 2018. The contact information for new owners has been provided to the Secretary for updating the EP address list.

Recreation Center Manager’s Report: Recreation Center Manager Casey could not attend the meeting. President Shears presented the following information:

- When Greg Casey is out of town his duties including opening and closing the pool will be undertaken by EP residents Jo Bouldin and Katie Reitman.
- There is a question as to whether it is appropriate to place the garbage containers for the Clubhouse on the same side of the street as the Recreation Center rather than across Avenida Primera as was done in the past in view of the route taken by the garbage vehicle. Ms. Shears will investigate this.
- Greg Casey has done some initial investigation as to what would be involved in upgrading the Clubhouse alarm system. This would include the possibility to arm and disarm the alarm system remotely. Consideration will also be given to including a couple of video cameras for security reasons. President Shears will ask Mr. Casey to compile additional information and present options with appropriate budgetary implications for future Board review.

- There have been recent instances of unauthorized use of the pool after normal pool hours by unknown persons. The Board agrees that in such cases anyone observing such illegal pool use should call the Police Department or report it to President Shears who will then call the Police Department. President Shears will also investigate whether the pool cover can in the future be deployed routinely after pool closure each evening to deter illegal pool usage.

Estancias del Norte (EDN) Update: Jim Siebert, the planning consultant for the developers of EDN, attended the meeting by invitation along with the property owners, Ernie and Ryan Romero, and Eric Cornelius, a planner. Mr. Siebert indicated that the preliminary plat for the development has been approved by the City of Santa Fe Planning Commission, but that the approval has been appealed to the Santa Fe City Council by a group of downhill property owners. The appeal will be heard by the Council in August.

Mr. Cornelius presented plans for reconstruction of the intersection of Avenida Primera South, Hyde Park Road, and Camino Mirasol. These plans have been approved by both the New Mexico Highway Department and the City of Santa Fe which have joint jurisdiction. The Hyde Park Road improvements will be done concurrently with the construction of the development.

The plan includes installation of curb and gutter and a dedicated bicycle lane on the Estancia Primera (south) side of Hyde Park Road for the full distance between Avenida Primera South and Prince Avenue, along with some regrading and placement of berms in the immediately adjoining natural area to reduce erosion. All the work will be limited to the existing State right-of-way. The plan continues to call for a deceleration lane for those turning right into EP at Avenida Primera South as well as a left turn lane to Camino Mirasol and a third lane for east-bound through traffic on Hyde Park Road. The plans are based on the current speed limit of 45 miles per hour. The existing paved trail on the north side of Hyde Park Road will be extended to the eastern boundary of the new development.

Mr. Siebert indicated that the declaration for the new development's Homeowners association will prohibit rentals of primary homes and any guest houses or casitas for less than 30 days.

Unfinished Business

Book of Resolutions: President Shears indicated that the Book had been sent to all EP owners via email and had been posted on the EPCSA website.

Annual EPCSA Members' Meeting: The Board agreed on the following additional arrangements for the meeting:

- *Sign-In sheets:*
President Shears will provide sign-in sheets for the meeting. Barbara Chamberlin and Carol Genebach will staff the desk where owners will sign in for the meeting.

- *Petitions of Candidacy:* The closing date for the submission of petitions is July 15.

New Business

Avenida Primera Street and Curb Cleaning: Barbara Chamberlin indicated that she had approached the City of Santa Fe about getting Avenida Primera and its concrete curbs cleaned. Since the City has only two street-cleaning vehicles available for this purpose advance appointments need to be made for this work to be accomplished. Also, adequate street cleaning cannot be performed if Estancia Primera neighborhoods that back on to Avenida Primera do not cut back vegetation that extends beyond the concrete curb and therefore overhangs the asphalt on Avenida Primera. Also, weeds that grow in cracks between the asphalt and the concrete gutters along Avenida Primera need to be removed prior to cleaning. Otherwise the cleaning vehicles cannot get close enough to the concrete curb to get the job done adequately.

A City of Santa Fe Ordinance places the responsibility for performing such maintenance work on the owner of each property that abuts a City street. The EPCSA is responsible only for sidewalk and curb maintenance adjacent to the Recreation Center property. The neighborhood subdivision HOAs' responsibility in this regard is usually limited to doing such cleanup work where *common* areas adjoin Avenida Primera. Accordingly, if the street cleaning is scheduled presidents of neighborhood HOAs and individual residents will need to be asked to perform the necessary maintenance work. It will also be necessary to ensure that no vehicles are parked on Avenida Primera on the day that street cleaning has been scheduled. The cleaning will most likely be scheduled during July or August.

Ms. Chamberlin will draft an email that President Shears can send out about this matter.

Reduction of Fire Hazard in the Saiz Arroyo: Merritt Ayad, Vice-President of the Altamira Homeowners Association, made a presentation regarding this matter. He indicated that the fire hazard in the arroyo was high because of overgrown brush, large numbers of trees and the occasional dumping of refuse and dead plant material in the arroyo. He felt that the EPCSA should oversee an arroyo cleanup to reduce the existing fire hazard. It was pointed out the areas in question involved private property of individual homeowners, common areas of neighborhood subdivisions and EPCSA property. Mr. Ayad invited the Board to join him in a survey of the arroyo along with the City fire abatement inspector. It was agreed that he would provide the Board members with possible dates for such a walk-through of the arroyo for those interested, who would then report back to the Board. Scott Bunton, Barbara Chamberlin, Jill McIntosh and Brenda Shears indicated an interest in participating.

Announcements

Annual EPCSA Members' Meeting: Wednesday, August 15 at 7:00 p.m.

Next Board meeting: Friday, September 14, 2018 at 9:00 a.m.

Community-Wide Garage Sale: This has been scheduled for Saturday, September 15, 2018.

Neighborhood to Neighborhood Food Drive: This will occur on Saturday, September 15, 2018.

Adjournment: A motion was made, seconded, and approved unanimously to adjourn the meeting, and President Shears adjourned it at 10:23 a.m.

Minutes prepared and submitted by: Errol Levine Date: 9/12/2018

(Secretary - Errol Levine)

Signed on behalf of Board by: Scott Bunton Date: 9/14/2018

(Alternate for Board President - Scott Bunton)

**Minutes of the Annual Meeting of the
Estancia Primera Community Services Association (EPCSA)
Wednesday, August 15, 2018**

Call to Order: President Shears called the meeting to order at 7:05 p.m. The owners of 34 Estancia Primera lots were present in person or via proxy and a quorum was accordingly deemed to be present.

Approval of Minutes of Previous Annual Meeting: A motion was made and seconded to approve without changes the Minutes of the August 16, 2017 Annual Members' Meeting of the EPCSA that previously had been checked for accuracy by the Board of Directors, posted on the EPCSA web site as a draft, and distributed to all Members via email on July 1, 2018 by President Shears. The motion was approved unanimously.

Election of Board Members: President Shears reported that the two-year terms of three members of the Board of Directors had ended on the date of the current Annual Meeting. Board vacancies for three EP neighborhood subdivisions had therefore arisen. These are Los Nidos, Aspen Compound and Cumbre Vista. For each of these neighborhood subdivisions, a homeowner had, as required by the Bylaws, submitted a Petition of Candidacy in good order signed by five EP Members in good standing by the due date of July 15, 2018. The candidates are Errol Levine (Los Nidos), William Schiller (Aspen Compound) and Constance Burke (Cumbre Vista). President Shears indicated that since none of the three positions were contested, it would be permissible, in accordance with past procedure, for the owners in attendance to elect the three candidates by acclamation. A motion duly made and seconded that the three candidates be elected by acclamation was then passed unanimously.

President's Report: President Shears indicated that the 2017-2018 Board was comprised of herself as President, Vice President Jim Fassett, Treasurer Scott Bunton, Secretary Errol Levine, Directors Barbara Chamberlain, Carol Genebach, Jill McIntosh, Bill Schiller, Terry Schultz, and Leslie Walker-Hirsch. She highlighted the following accomplishments:

- A Book of Resolutions was created in 2017 and accepted by the Board in 2018. It was distributed to all Members via email in June 2018 and is also available on the EPCSA web site. The Amended Declaration requires that the Board maintain a Book of Resolutions containing the rules, regulations, and policies of the EPCSA. However, a Book of Resolutions had apparently never been maintained by the EPCSA. Secretary Errol Levine extracted old Board decisions, policies, and regulations that had lasting impact from the old Board meeting minutes for the period 1991 through 2017 and had sent these to Scott Bunton. Mr. Bunton then assembled a provisional Book of Resolutions which was reviewed, edited and eventually accepted by the Board members. While all Board members invested significant time and energy in finalizing the Book of Resolutions, she especially thanked Dr. Levine and Mr. Bunton for their significant contributions to this important project. She also thanked Mr. Fassett for facilitating the posting of the archival minutes on the EPCSA website, which enhanced the Board's ability to access past Board decisions for the Book of Resolutions.
- Significant inroads have been made in the replenishment of the Capital Reserve Fund.
- The new Culpin Recreation Center Manager Greg Casey came on board in May 2018.
- A Real Estate Report was established as a new monthly report to the Board and includes data regarding houses/lots for sale or sold within Estancia Primera along with updates on other relevant

real estate issues such as the Haciendas del Mirasol and Estancias del Norte developments across Hyde Park Road.

Ms. Shears then went on to recognize the services to the Board by outgoing Directors Jim Fassett and Terry Schultz and she read the contents of framed certificates of appreciation for them as follows:

- *The Estancia Primera Community Services Association acknowledges the Board service of James Fassett from 2010 to 2018 and extends its gratitude for his commitment and contributions to the Estancia Primera Community.*
- *The Estancia Primera Community Services Association acknowledges the Board service of Teresa Schultz from 2014 to 2018 and extends its gratitude for her commitment and contributions to the Estancia Primera Community.*

Ms. Shears also recognized the past services of former Recreation Center Manager Connie Burke. She indicated that a certificate was presented to Ms. Burke at the EP Memorial Day Gathering, which read: *The Estancia Primera Community Services Association acknowledges the extended service of Constance Burke as Manager of the Culpin Recreation Center and extends its gratitude for her dedication and exceptional contributions to the Estancia Primera Community during the last five years.*

Treasurer's Report:

A package of three financial documents prepared by Treasurer Bunton was distributed to all Members via email on August 15, 2018 in accordance with the requirements of the EPCSA Bylaws. Hard copies of the documents were also made available to owners attending the meeting. The documents consisted of

- "Profit & Loss Budget vs. Actual Statement" for the period January through July 2018
- "Projected Estancia Primera Capital Reserve Fund Expenditures" for the period 2019 through 2028
- "Estimated Estancia Primera Budget for 2019"

Treasurer Bunton reviewed the most significant aspects of each of those documents.

Forecast of Adherence to the Current Year's Operating Budget

Based on expenditures to date in 2018, every indication is that EPCSA will end the current operating year (calendar 2018) with operating expenditures within the 2018 budget established in December 2017 (on which the 2018 assessment level was based). Mr. Bunton will recommend that unexpended funds from the 2018 budget, if there are any at the end of 2018, be transferred to the Capital Reserve Fund once 2019 assessments have been received.

Forecast of the Amounts and Timing of Expenditures to be Made from the Capital Reserve Fund

The Board of Directors currently anticipates no expenditures from the Capital Reserve Fund for the remainder of 2018 (and none has been made to date in 2018). It anticipates there may need to be some expenditures during 2019, but it has not finally concluded that those expenditures will be required, nor has it approved any future expenditures from that Fund.

Investments of and Anticipated Income from the EP Capital Reserve Fund

Of the \$58,519.75 currently in the Capital Reserve Fund, \$33,000 is in a six-month (maturity November 13, 2018) Certificate of Deposit with an Annual Percentage Rate of .35 percent. That CD

will yield approximately \$58 of interest income. The remainder of the Fund is in a Business High Performance Money Market account with an Annual Percentage Rate of .15 percent. That account will yield approximately \$38 of interest income during 2018. If interest rates continue to increase, (1) the amount of Money Market account interest will increase; and (2) Mr. Bunton may propose to the Board a different mix of instruments to maximize interest income while ensuring both safety of principal and advisable liquidity.

Projected Capital Reserve Fund Expenditures

The document shows a list of 14 Capital Reserve Fund expenditures anticipated to be needed in the period between 2019 and 2028. The cost for the replacement of these items is about \$264,000. Mr. Bunton believes that the \$58,000 that we currently have in our Capital Reserve account is insufficient to meet these needs without the use of special assessments.

Estimated Budget for 2019

Mr. Bunton emphasized that the budget provided is a notional budget and could change between now and the end of 2018. This is because the EPCSA governing documents assign to the Board the responsibility for developing a budget for the next fiscal year at its December meeting based on known expenses and income for almost the entire year. The Board also has the responsibility for setting the annual assessments for the following fiscal year at its December meeting. Mr. Bunton emphasized that the notional budget for 2019 is very similar to the actual budget for 2018. In the absence of any unexpected expenses occurring between now and December, Mr. Bunton will recommend to the Board that it adopt the notional budget with a few changes in line items based on actual costs and income for 2018. He will also likely therefore recommend to the Board that the annual assessments for 2019 will remain the same as they were in 2018.

Size of Capital Reserve Fund

Mr. Bunton indicated that the Board is aiming at an amount of about \$110,000. This was the amount recommended by the EPCSA's accountant/tax preparer in 2012 based on the known capital assets and history of the Association. The Board will, however, review all the items in the Capital Reserve Fund expenditure list to determine whether the 2012 recommended amounts are still valid in the light of increasing costs and current inflation. Mr. Bunton stated if in 2019 we were to spend \$24,000 from the Capital Reserve Fund for capital expenditures (concrete sidewalk repair outside the recreation center and tile replacement at the clubhouse entry) and nothing else, and if we only invest in Capital Reserves the amount shown in line item 39 of the 2019 notional budget (\$48,847), the Capital Reserve Fund at the end of 2019 should contain about \$75,000. The amount could be higher though if the total operating expenses for 2019 are lower than projected. The optimal amount in the Capital Reserve Account might be reached in 2020 or 2021 based on current projections of capital expenditures and assuming annual assessment amounts remain at their current levels until then.

Architectural Review Board (ARB) Report: Dr. William Schiller (an Estancia Primera ARB member) presented the report on behalf of ARB Chair, Kurt Sommer, who was unable to be present. Dr. Schiller reported that during the past year the ARB had given provisional approval for three Appendix IV (major exterior project) applications and for a revision to a fourth Appendix IV application that had previously received provisional ARB approval. The ARB had also given provisional approval for 8 Appendix III (minor exterior projects) applications during the same period. Also, during the past year, the ARB had given Final Approvals (with refunds of the Performance Deposits) for one Appendix IV project and 10 Appendix III projects. The ARB had also received four Courtesy Notifications regarding exterior repairs and maintenance during the past year.

Dr. Schiller reminded owners that ARB action/approval is not required for maintenance and repairs that do not alter exterior appearances of homes and lots, but that anything altering exterior appearances,

including landscaping changes, does require formal ARB approval. He asked that owners send Kurt Sommer a courtesy email to let him know about any maintenance/repair work they anticipate doing to their homes' exteriors so that any questions or concerns from neighbors addressed to the ARB can be answered by the ARB or resolved in advance. Courtesy notifications are helpful also because sometimes it becomes apparent that the proposed work requires a formal ARB application. Dr. Schiller reminded owners that all ARB applications have to be filed first with the applicable neighborhood subdivision Architectural Review Committee. However, the latter committees cannot give final approval to any project that requires formal approval; those neighborhood review committees only make recommendations to the EP ARB, and its written approval is required before any exterior project can commence. Dr. Schiller indicated also that installation of rooftop air conditioning units requires ARB approval and that all rooftop structures need to be painted in a beige or tan color that closely matches that of the home's stucco.

Real Estate Report: Jill McIntosh reported that for the last 18 months, she had presented a report to the Board at its monthly meetings regarding all real estate activity in Estancia Primera. This is necessary so that the EPCSA can keep track of changes of home/lot ownership in EP so that the EP address list can be kept updated and so that owners can be billed properly for their annual assessments. Also, the HOA Act of 2013 requires that the EPCSA and all neighborhood subdivisions within it provide Disclosure Certificates for all home sales when the homes go under contract. Private home sales that are not available in the Multiple Listing Service (MLS) are more difficult to keep track of and Ms. McIntosh requested that if anyone becomes aware of a private home sale in their neighborhood in which a realtor is not involved, they should notify her accordingly. This will enable the EPCSA to provide a Disclosure Statement to the buyers and obtain the contact information for the buyers. Ms. McIntosh further reported as follows:

Home/Lot sales in Estancia Primera Through August 2018: There are currently six homes and two vacant lots that are actively listed for sale, one vacant lot that is under contract and eight homes that have been sold recently.

Recreation Center Access Key Cards: Ms. McIntosh emphasized that such cards need to be passed from the sellers of EP properties to the buyers at closing. If such transfers do not take place and the buyers require a card, they then will have to pay the EPCSA \$50 to obtain a new access card.

Estancias del Norte Development: The development received preliminary approval from the Santa Fe Planning Commission but the downhill homeowners, who oppose the project, have filed an appeal of the Commission's decision with the City Council. The Council will consider the matter at its August or September meetings. Owners will be notified of the date, so they can attend if they wish to do so.

Recreation Center Manager's Report: Recreation Center Manager Greg Casey reported as follows:

- The pool has been open 81 days since May 26. To date 283 entries have been made in the sign-in book representing an average of 3.5 families per day using the pool.
- There have been eight clubhouse reservations since May.
- The pool is in excellent condition. The pool company currently services it about three times a week.
- Some umbrellas are still being left up at night exposing them to damage from wind gusts.
- There have been a couple of incidents with late-night swimmers. The Board had decided that anyone observing this should report it to the Police Department.

- Some mercury vapor lights seem to be going bad in the racquetball court and might need to be replaced.
- There has been no requirement for snow removal so far during 2018.
- Mr. Casey is investigating the possible use of solar lights and LED lights in the recreation center grounds.
- The clubhouse itself is in good condition but needs a few minor repairs. A crack has developed at the back of the clubhouse on a stairwell and will need monitoring and an eventual repair.
- The keys for the lockers in the men's and women's restrooms have been lost. Mr. Casey requested that anyone who has the keys should return them to him. Otherwise, new keys will need to be ordered using the numbers on the locks.
- Mr. Casey indicated that the clubhouse security system is very old. He is investigating updating it to allow such uses as remote arming and disarming and will report back to the Board on his findings.
- Mr. Casey will discuss with the Board the possibility of maintaining a comment box near the clubhouse entry so that Members can make suggestions as to anything they think needs attention.

Unfinished Business:

Street Cleaning – Avenida Primera: Barbara Chamberlin reported that she was trying to arrange for the City to clean Avenida Primera. The street contains a significant amount of dirt from the recent storms. The City has only two dedicated street cleaning vehicles and appointments for street cleaning must be made a few weeks in advance. She indicated that for adequate cleaning to occur the cleaning vehicles need to get as close to the concrete curbs as possible. Therefore, vegetation overhanging the curbs needs to be cut back and weeds growing in cracks between the asphalt and the concrete curbs need to be removed. President Shears had written to all the neighborhood subdivision HOA Presidents asking that they have vegetation cut back and remove weeds where their common areas and privately-owned lots abut Avenida Primera. Ms. Chamberlin reported that so far all but two neighborhoods had responded positively to the email from Ms. Shears. All owners will be notified via email regarding the day when the street cleaning is scheduled so that they can ensure that no personal or workers' vehicles will be parked on Avenida Primera on that day.

Avenida Primera – Street Repairs: Ms. Chamberlin indicated that she will contact the Streets and Drainage Maintenance Division of the City of Santa Fe in connection with getting cracks along Avenida Primera sealed to limit weed growth in the cracks and to get potholes repaired.

New Business: The issue of access to Estancia Primera during the Zozobra fiesta was discussed. Access to the neighborhood from Gonzales Road and from Artist Road is not possible for part-time residents who don't have New Mexico Driver licenses for address confirmation since the officers manning the barriers will not allow them through. President Shears will investigate whether identification cards can be provided for part-time EP residents.

Announcements:

Next Board meeting: Friday, September 14, 2018 at 9:00 a.m. The Board officers for 2018 through August 2019 will be elected at that meeting.

Community-Wide Garage Sale: This has been scheduled for Saturday, September 15, 2018.

Neighborhood to Neighborhood Food Drive: This will occur on Saturday, September 15, 2018.

Adjournment: A motion was made and seconded to adjourn the meeting, and President Shears adjourned it at 8:05 p.m.

Minutes prepared and submitted by: Errol Levine Date: 8/12/2019

Errol Levine (Secretary)

Signed on behalf of Board by: Brenda Shears Date: 8/14/2019

Brenda Shears (Board President)

Estancia Primera Community Services Association (EPCSA)
Minutes of the Meeting of the Board of Directors
Friday, September 14, 2018

Call to Order: In the absence of President Brenda Shears, Scott Bunton, as Presiding Officer, called the meeting to order at 9:01 a.m. at the Recreation Center Conference Room.

Directors in Attendance: Scott Bunton (Treasurer), Errol Levine (Secretary), Jill McIntosh, William Schiller, Carol Genebach and Connie Burke.

Others present: Greg Casey (Recreation Center Manager)

Approval of Minutes of Previous Board Meeting: A motion duly made and seconded to approve the final draft of the minutes of the July 13, 2018 Board meeting as submitted was approved unanimously.

Minutes of Annual Members' Meeting of August 15, 2018: A motion duly made and seconded that the draft minutes be certified as accurate and be posted on the EPCSA web site was passed unanimously.

Election of Board Officers: After each was nominated for election to the indicated position, a motion duly made and seconded to elect by acclamation the following directors as Board officers for the period September 2018 through August 2019 was passed unanimously:

President - Brenda Shears

Vice-President - Scott Bunton

Secretary - Errol Levine

Treasurer - Scott Bunton

Designation of Board Members to Deal with EP Home Sales:

The following motion having been duly made by Dr. Schiller and seconded was passed unanimously:

"I move that Barbara Chamberlin and Jill McIntosh be designated by the Board of Directors to fulfill the responsibilities pertaining to property sales in Estancia Primera as those responsibilities are set forth in, and in accordance with the terms, of Subsection G. 1. Of Part III of the EPCSA Book of Resolutions, dividing those enumerated responsibilities between them in that manner they deem most efficient and effective, and that Errol Levine be designated as the alternate for these purposes, during the period from September 2018 through August 2019."

Reports

Treasurer's Report:

EPCSA Finances as of June 30, 2018: Treasurer Bunton had distributed a Balance Sheet as of August 31, 2018 and a Profit and Loss Budget versus Actual statement as of August 31, 2018 to the Board members via email prior to the meeting. He indicated that our year-to-date expenditures are in line with the 2018 budget.

The Capital Reserve Account currently contains \$58,521.92, of which \$33,000 has been invested in a six-month Certificate of Deposit. The EP operating account contains \$84,371.86. Mr. Bunton further indicated that while the size of the Capital Reserve Account is currently not optimal for an Association with our capital assets, he expects that our position in 2019 in this regard will improve further provided that the annual dues remain unchanged at \$656 per developed lot.

Miscellaneous Expenditures:

- The Association has been notified by Protection One, which provides our entry security at the clubhouse, that their rates will increase slightly by \$3.54 per month.
- Upon motions duly made and seconded, the Board unanimously approved reimbursements to Board members for the following:

President Shears - \$49.20 - for two new sets of clubhouse keys and photocopying expenses for the annual meeting.

Treasurer Bunton - \$44.57 - expenses incurred during filing and removal of liens and postage expenses for vendor payments.

The Board questioned whether minor expenses of this kind needed Board approval. One suggestion offered was to include all these items in a "Consent Calendar" when the agenda is prepared so that they can be voted on in a block rather than individually. President Shears will be asked to consider this proposal as an agenda item for the October Board meeting.

- Mr. Bunton indicated that he had received an invoice for \$425 from our bookkeeper, Greg Klos, for his preparation of the Association's 2017 tax return. A motion duly made and seconded to pay Greg Klos for this work was passed unanimously. Greg Klos had also submitted three months of invoices for bookkeeping work. This payment does not require Board approval.

EPCSA Insurance Policy

Mr. Bunton indicated that the Association has received its renewal Insurance Policy from CIC for which we have been invoiced \$8,698.00. This represents an 11% increase over what the Association had paid in each of the past three years. This policy covers general liability and property insurance. The EPCSA has a separate policy for Directors and Officers Liability Insurance and the Board had approved payment of the premium for that at its July meeting. Mr. Bunton wrote to John Bennett at Blue Chip company to inquire about the reasons for the premium increase. He had replied that the renewal policy is another three-year rate guaranteed policy. Unless the Association's exposures change the premium will remain the same for the three-year term. The increase is attributable to the current insurance market place where most Insurance companies are making some cost changes due to overall loss/claims experiences. Upon a motion duly made and seconded, the Board unanimously approved payment of \$8,698 for the current year.

Mr. Bunton reported that at the request of CIC before this policy renewal was received he had reassessed the valuations that had been in place on the property insurance with the help of the previous Treasurer, A.L. Bontrager. They had determined that some of the valuations were low and had submitted revised valuations to our Insurer. However, those new valuations were not received before the premium was determined by the Insurer for the current three-year policy. The new valuations might result in an increase in the annual

premium for the next three years in which case the Board will need to approve an augmentation payment to CIC to cover the difference. Additionally, there is considerable thought, including from Blue Chip Insurance Agency, that the current face amount of our Umbrella Liability Policy (\$1 million dollars) is too low and should be increased to \$2 million dollars. Mr. Bunton has requested a quote from CIC as to what it will cost to raise the umbrella liability to \$2 million dollars. This information will be communicated to the Board later.

ARB Report: Dr. Schiller gave the following report on behalf of ARB Chair Kurt Sommer:

- A Cumbre Vista owner has sought permission for installation of rooftop solar panels. However, ARB deferred approval of the project because a recommendation regarding it had not yet been received from the neighborhood Architectural Review Committee.
- The ARB had retroactively approved a repaved driveway in Aspen compound.
- An owner in Kachina Hills had installed a wire fence without obtaining ARB approval. The owner has agreed to remove the fence and has submitted an ARB application to replace it with a coyote fence.
- A Kachina Hills owner has sought ARB approval for installation of an air-conditioning system and replacement portal shades.
- The ARB has approved the installation of a coyote fence at a home in Los Nidos.
- The installation of a brick driveway in Altamira has been approved by the ARB, but the work has not yet been completed.
- An Altamira owner had sought and obtained ARB approval for construction of a deck. The deck has been completed and a refund of the ARB deposit has been approved.
- Owners who had constructed a new home in Cumbre Vista with ARB approval subsequently submitted a supplemental ARB application for landscaping of the property and for construction of a driveway wall. At present the owner is working with the subcontractor towards a satisfactory completion of the project.

Real Estate Report: Jill McIntosh presented a summary of current real estate activity in EP through August 2018. There are currently three homes and two vacant lots that are active, one home that is under contract and 10 homes that were sold recently. The contact information for new owners has been provided to the Secretary for updating the EP address list.

Recreation Center Manager's Report: Recreation Center Manager Casey reported as follows:

- From July 1 to August 1 there were 238 family visits to the pool.
- A problem has arisen regarding tennis court reservations. Mr. Casey has discussed the matter with President Shears. Although no final decision has been taken, the likely outcome will be that tennis court reservations will be made in the future by Mr. Casey and might be reflected in a calendar on the EPCSA web site.

- There have been problems of various kinds with street lights. Mr. Casey will take up this matter with the City of Santa Fe.
- The pool maintenance company left a faucet running at the pool after a service resulting in an increased water bill for the EPCSA. President Shears is working with the company to obtain a credit to EPCSA for the additional cost after the amount of unnecessary water use and its cost has been determined.
- The water suction drains at the pool have convex plastic covers to prevent small children being sucked into the pool drains. A letter will be obtained from the pool service company that can be provided to our Insurer to show that this additional precaution has been taken.
- Upon a motion made and duly seconded, the Board agreed unanimously that from Monday, September 17 the pool will be closed on week days but will be kept open on weekends between 9:00 a.m. and 8:00 p.m. through September 30. After that the pool will be closed for winterization.
- The Board noted that probably only 50 – 60% of pool users were signing in. The entry door also is often left open thereby allowing possible access to the pool by users who are not from the neighborhood. The Board agreed that if such illegal users were noted, the person noting them should call the police to have them ejected. It was suggested that President Shears should remind owners in her monthly emails to sign in when using the pool, to close the umbrellas and to keep the entry door closed.
- The mercury vapor bulbs at the racquetball court need replacement. Treasurer Bunton indicated that replacing the bulbs would be considered “normal maintenance” under the EPCSA budget and the Board does not need to authorize their replacement.
- All bathroom faucets are leaking. The Board authorized Mr. Casey to call out a plumber to make the necessary repairs.
- Some exterior boards at the clubhouse need repainting. Mr. Casey will take care of this.
- Mr. Casey believes that some additional exterior lights are needed at the clubhouse on the decking. He was asked to obtain a quote for the work and to present it to the Board at a later meeting.
- Several owners had expressed concern about the poor condition of two shrubs on the street island at the south Estancia Primera entry. Mr. Casey believes that they are not dead and will likely come back next year. Their bad condition is probably due to lack of water and there is no water supply to the island. He has adopted as a temporary measure hauling containers of water to the island for the shrubs each visit taking 15-30 minutes to complete and providing about 40 gallons of water. The Board agreed that if Mr. Casey does this once each month until the ground freezes that that will likely provide the simplest solution to the problem.
- The Board rejected Mr. Casey’s recommendation that a suggestion box be placed on the table at the pool entry. It was agreed that owners with complaints, concerns or suggestions about the Recreation Center should preferably notify him or President Shears via email.
- The Board agreed with a recommendation from former Recreation Center Manager, Connie Burke, that a deep clubhouse cleaning be done quarterly. However, sometimes an additional cleaning will be needed after parties at the clubhouse.

Unfinished Business

Avenida Primera Street and Curb Cleaning: Mr. Bunton reported Barbara Chamberlin had approached the City of Santa Fe about getting Avenida Primera and its concrete curbs cleaned and getting asphalt crack sealing done on Avenida Primera. He will ask her to follow up with the City regarding this on her return from abroad.

Access to Estancia Primera during the Zozobra Fiesta: During the fiesta access to Estancia Primera from either Artist Road and Gonzales road is closed except to residents who can show the officers manning the barriers a NM Driver's License with an Estancia Primera street address. In the past, part-time EP homeowners without a NM Driver's License had been denied access. Mr. Bunton reported that the Santa Fe Police Department had agreed that to solve this problem President Shears could provide official letters for part-time EP residents affirming that they were Estancia Primera residents. Twenty-two such letters had been provided this year and the practice will be continued in 2019.

New Business

Quorum for EPCSA Members' Meetings: Upon a motion duly made and seconded, the Board voted unanimously to adopt the following rule for inclusion in the Book of Resolutions:

"Since the Amended Declaration of Covenants and Restrictions for the Estancia Primera Community does not provide quorum requirements pertaining to Members' meetings, and the Amended Bylaws of the EPCSA contain no indication a quorum is required for these meetings, Section 53-8-16 of the New Mexico Nonprofit Corporation Act, which is quoted as follows, applies to EPCSA Members' meetings: *"The bylaws may provide the number or percentage of members entitled to vote represented in person or by proxy, or the number or percentage of votes represented in person or by proxy, which shall constitute a quorum at a meeting of members. In the absence of any such provision members holding one-tenth of the votes entitled to be cast on the matter to be voted upon represented in person or by proxy shall constitute a quorum."* Since there are 190 lots in Estancia Primera and since one vote is allowed for each lot, a quorum for any Members' meeting shall mean the representation by presence or proxy of Members who hold nineteen (19) votes."

The motion is based on a recommendation obtained from the EPCSA's Legal counsel in 2010 regarding this matter. Mr. Bunton will discuss with President Shears the need for the rule to be included in an updated version of the Book of Resolutions and to be posted in the online version of the Book on the EPCSA web site.

EPCSA Web Site Maintenance and Updates:

Mr. Bunton summarized the following arrangements pertaining to the web site:

- President Shears has assumed overall responsibility for the layout and design of the web site. She will liaise with the web site manager about a renovation/update of the web site later this year.
- Dr. Levine is responsible for communicating with the web site manager regarding the posting of minutes and any updates needed to the neighborhood subdivision and realtors' information web pages.

- Mr. Bunton is responsible for communicating with the web site manager regarding the posting of financial documents.
- Board members were asked to notify Dr. Levine after their neighborhood subdivision annual meetings to provide him with updates regarding the names and contact information of new Board members, officers and Architectural Review Committee members. Dr. Levine had recently arranged for all the neighborhood subdivision pages to be updated but would prefer to make less extensive changes at regular intervals.

Homeowner Comments

Peter Meek (684 La Viveza Court) complained about untrimmed vegetation and weeds that encroached on the concrete sidewalk along Avenida Primera and that impeded pedestrians. He singled out Aspen Compound as a particularly dangerous area in this regard and felt that pedestrians could be injured in such areas. He requested that the EPCSA hire a landscaper to perform maintenance along the full length of the sidewalk. The Board noted as follows:

- Article 14-9.2 H of the Land Development Code for the City of Santa Fe states as follows: *Maintenance of Public Parkways: Maintenance of the public parkway, generally comprised of the sidewalk setback and the sidewalk itself, is the responsibility of the person owning or in charge or control of the lot or property contiguous to the parkway, exclusive of controlled access arterials. Maintenance shall be to eliminate public nuisances and ensure pedestrian and vehicular safety and visibility and shall include the eradication of weeds and the trimming of trees and shrubs. Maintenance shall comply with Sections 10.3 SFCC 1987 (Weeds) and 23-3 SFCC 1987 (Construction and Maintenance of Curbs, Gutters and Sidewalks).*
- The area between the inner edge of the concrete sidewalk and yard walls is considered private property. However, the City of Santa Fe considers a violation to exist if vegetation growing either in the sidewalk setback or the adjacent private property grows over the concrete sidewalk and impedes pedestrian traffic.
- Individual lot owners are therefore responsible for cutting back vegetation that projects over the concrete sidewalk where it abuts their lots whether it originates in the sidewalk setback or yard sides of their properties.
- Neighborhood subdivision homeowner associations are responsible for cutting back vegetation that projects over the concrete sidewalk adjacent to common areas.
- The EPCSA is responsible only for cutting back vegetation that projects over the concrete sidewalk adjacent to the Recreation Center property.
- The Board advised Mr. Meek to contact neighborhood subdivision homeowner associations if he encountered problems of this sort. If he was unable to resolve the matter, he could also report violations of Article 14-9.2 H to the City.
- Dr. Schiller informed the Board that the Aspen Compound Homeowner Association had approached the offending property owners about this matter and that the owners were addressing the problem.
- The Board agreed that President Shears should from time to time use her monthly emails to all owners to remind them of their responsibilities in this regard.
- The Board concluded that it had no legal responsibility to undertake, or authority to expend EPCSA funds for, cutting back overgrown vegetation or removing weeds along the concrete sidewalk along Avenida Primera except adjacent to the Recreation Center property.

Executive Session: Upon a motion duly made, seconded and approved unanimously the Board went into Executive Session to consider a legal matter at 10:32 a.m. Homeowners present, who were not Board members, were asked to leave the meeting. No minutes of the Executive Session were made. The Executive Session ended at 10:38 a.m.

Announcements

Next Board meeting: Friday, October 12, 2018 at 9:00 a.m.

Adjournment: A motion was made, seconded, and approved unanimously to adjourn the meeting, and Presiding Officer Bunton adjourned it at 10:43 a.m.

Minutes prepared and submitted by: Errol Levine Date: 10/10/2018

(Errol Levine - Secretary)

Signed on behalf of Board by: Brenda Shears Date: 10/12/2018

(Brenda Shears - President)

Estancia Primera Community Services Association (EPCSA)
Minutes of the Meeting of the Board of Directors
Friday, October 12, 2018

Call to Order: President Shears called the meeting to order at 9:01 a.m. at the Recreation Center Conference Room.

Directors in Attendance: Brenda Shears (President), Scott Bunton (Vice-President/Treasurer), Errol Levine (Secretary), Jill McIntosh, William Schiller, Carol Genebach, Barbara Chamberlin and Leslie Walker-Hirsch.

Others present: Greg Casey (Recreation Center Manager)

Approval of Minutes of Previous Board Meeting: A motion duly made and seconded to approve the final draft of the minutes of the September 14, 2018 Board meeting as submitted was approved unanimously.

Reports

Treasurer's Report:

EPCSA Finances as of June 30, 2018: Treasurer Bunton had distributed a Balance Sheet as of September 31, 2018 and a Profit and Loss Budget versus Actual statement as of September 31, 2018 to the Board members via email prior to the meeting. He indicated that our year-to-date expenditures are in line with the 2018 budget. The Capital Reserve Account currently contains \$58,521.92, of which \$33,000 has been invested in a six-month Certificate of Deposit. The latter will mature in November and will not be renewed until the end of the 2019 annual assessment billing cycle and until there is information on any additional unexpended funds remaining in our Operating Account from the 2018 budget. The EP operating account currently contains \$63,662.

ARB Report: Dr. Schiller provided the following report on behalf of ARB Chair Kurt Sommer:

Pending approvals:

- A Cumbre Vista owner sought permission for installation of rooftop solar panels. However, the ARB deferred approval of the project because a recommendation regarding it had not yet been received from the neighborhood Architectural Review Committee. The project contractor has been notified accordingly.
- A Kachina Hill owner had submitted an ARB deposit without an application for any work. The ARB is awaiting an application from the owner or her contractor.
- An Aspen Compound owner applied for approval for installation of an air-conditioning unit. The ARB is awaiting a recommendation regarding this from the local Architectural Review Committee.

Approved applications but work not completed or given final ARB approval:

- The installation of a coyote fence on a Los Nidos property has been completed. The ARB has not yet inspected the completed project.

- The installation of a brick driveway in Altamira has been completed. However, the driveway encroaches on Altamira common property. A survey of the driveway has been performed and final ARB approval has been deferred until the Altamira Board of Directors approves the encroachment.
- A coyote fence installed on a Kachina Hills property has been approved by the neighborhood Architectural Review Committee. The owner has not yet sought an inspection or final approval from the ARB.
- A Kachina Hills owner had sought and obtained ARB approval for installation of an air-conditioning system and replacement portal shades. The project is currently in progress.

Completed work:

- Installation of a driveway wall and landscaping at a newly constructed home in Cumbre Vista has been completed. The ARB will inspect the work and will authorize a refund of the performance deposit if the work is satisfactory.

Real Estate Report: Jill McIntosh presented a summary of current real estate activity in EP through September 2018. There are currently five homes and two vacant lots that are active. Two of the five homes are for sale by owner and the owners of these homes have requested that the properties should not be identified in the Real Estate Report. One home is under contract and 10 homes were sold recently. The contact information for new owners has been provided to the Secretary for updating the EP address list.

Recreation Center Manager's Report: Recreation Center Manager Greg Casey reported as follows:

- From September 1 to September 30 (30 days) there were 28 visits to the pool (average 2.1 per day).
- The pool has been serviced for the winter and closed. One umbrella was left open last month and was torn in two places because of wind gusts. Mr. Casey will determine whether it can be repaired or will need to be replaced. Some knobs have broken off umbrella stands and need to be replaced.
- When pool service personnel closed the pool this year, they removed all the pool signs and threw them in the trash from which Mr. Casey retrieved them. Mr. Casey will determine the reason for the removal of the signs.
- The street lights that had not been functioning have now been repaired. Some appear to be on motion detectors.
- The pool maintenance company left a faucet running at the pool after a service resulting in an increased water bill for the EPCSA. President Shears is working with the company to obtain a credit to EPCSA for the additional cost after the amount of unnecessary water use and its cost has been determined. She has estimated that there was about \$350 difference from our customary water use. The company is waiting to hear from President Shears at which time it will provide the credit.
- The water suction drains at the pool have convex plastic covers to prevent small children being sucked into the pool drains. The Association's Insurer has requested that the Association provide it with a letter indicating that this precaution has been taken. Mr. Casey has obtained a copy of the pool permit from

the pool service company as well as an invoice that shows that the work on the drains has been done. The Board agreed that these two documents should be adequate to cover the Insurer's request for documentation about the drain covers and Mr. Bunton will forward the documents to them. If that is not adequate for the Insurer Mr. Casey will request a formal letter about the drain covers from the company.

- Two mercury vapor bulbs at the racquetball court need replacement. Mr. Casey will obtain an estimate for this.
- The faucets in the both clubhouse bathrooms leak badly and need to be replaced. Ten roof drains at the clubhouse need sanding, caulking and painting. Mr. Casey can do both projects himself and will provide President Shears with an estimate for the work. She will obtain Board approval via email for the work to proceed.
- Mr. Casey believes that the two shrubs at the south EPCSA entry are not dead and thinks they will develop new foliage next spring. He waters them weekly and will continue doing this until the ground freezes.
- There has been one false alarm at the clubhouse this month. Mr. Casey has spoken to the ADT salesman about getting an updated alarm system at little or no cost. The salesman has also promised to try to get the recent increase in the rate on the current system reversed.
- A deep clubhouse cleaning is planned for November prior to the holiday season.
- President Shears indicated that work is proceeding on providing a mechanism whereby residents would make reservations for use of the tennis court and racquetball court through Mr. Casey. The reservations would then be posted in calendars on the EPCSA web site. She and Mr. Casey will test the process out this winter.

Unfinished Business

Street Cleaning: Barbara Chamberlin reported that the City had cleaned Avenida Primera two days prior to the Board meeting.

Asphalt repairs on Avenida Primera: Ms. Chamberlin reported that the City had informed her that the pavement condition on Avenida Primera was not sufficiently bad to merit consideration for crack sealing by the City currently. There was some concern that the wording on the form requesting the service may have been misinterpreted. She will investigate this matter further and request that the EPCSA be placed on a City waiting list for street repairs.

Garage Sale and Neighbor to Neighbor Food Drive:

Ms. Chamberlin reported that both events had been successful. The food drive had been organized by her and Jill McIntosh and the EPCSA had received a Certificate of Recognition. In terms of cash raised and actual food donated the neighborhood was credited with 5,696 pounds of food.

EPCSA Insurance Policies

Treasurer Bunton reported that when he submitted the Association's payment for the next 12-month premium for our current property and liability insurance, he had asked Blue Chip Insurance Agency to provide quotes for some additional coverages for the Board to consider. These included

- an additional \$1m of liability coverage (by increasing our commercial umbrella face amount), which will apply to both our basic liability and our D&O liability;
- earthquake coverage; and
- flood coverage

Blue Chip supplied those quotes and Mr. Bunton had distributed them to the Board members via email prior to the meeting.

Liability Coverage: The EPCSA currently has \$1million in basic liability insurance coverage and an umbrella policy providing an additional \$1million of coverage. The current premium is \$8,698. The premium for an additional \$1million of liability coverage under the umbrella policy is \$750. The total premium with the extra coverage would be \$9,448. Mr. Bunton noted that because awards in liability suits, when the plaintiffs prevail, have been increasing steadily over recent years, the current total of \$2million in coverage could leave the EPCSA exposed and the Board members agreed with this. A motion duly made and seconded to increase the Association's umbrella policy by \$1million at an annual rate of \$750 was passed unanimously.

Earthquake Coverage: Mr. Bunton noted that there have not been any severe earthquakes in Santa Fe in a long time. However, earthquakes in the U.S., including areas of NM (but not yet Santa Fe), some of which many scientists attribute to increased fracking, are increasing in frequency and causing more damage. Mr. Bunton indicated that a single significant earthquake, although unlikely, could result in significant damage to the Association's facilities, or even total or near destruction of them. If that occurred the Association would be entirely uninsured for that loss. Blue Chip had quoted an annual premium of \$394 for earthquake coverage. The earthquake coverage would be added to our existing policy with the same caps and deductible as apply to our existing policy. After a Board discussion, a motion duly made and seconded to purchase Earthquake coverage at an annual premium of \$394 was passed unanimously. The Board will review the coverage annually.

Flood Coverage: Mr. Bunton indicated that the clubhouse was not flooded or damaged even during the most severe rains of last summer. Also, the Association's facilities are not in the 100-year flood zone established by the Federal Emergency Management Agency (FEMA). The annual premium for the Association to obtain flood insurance, through Hartford Insurance, would be \$3,468 with a \$500,000 limit on the building and a \$1,250 deductible per loss. After a brief Board discussion, a motion duly made and seconded not to purchase flood insurance now was passed unanimously. However, the Board agreed that this matter should be reconsidered annually.

New Business

Request for Pool Use for Water Aerobics Classes

Judy Pelham (413 Calle Kokopelli) addressed the Board regarding this matter and made the following points:

- She and seven other EP owners had written to the Board on August 29, 2018 proposing a water exercise class for the pool starting in 2019.
- An experienced exercise instructor would teach the class and would be retained by and paid by the group as a private instructor without sponsorship by the EPCSA.
- The exercise group would consist usually of 6-8 participants. However, the class would be open to all EP Members, but no non-residents would be allowed to participate.
- The pool would not be reserved for the classes and other EP owners could use the pool during classes.
- Exercise sessions would usually be scheduled during the morning hours on weekdays when there is not usually much use of the pool.

The Board members discussed Ms. Pelham's request and noted the following concerns about it:

- The Recreation Center rules (which had recently been revised) prohibit the use of the facility for commercial purposes of any kind.
- Would organized exercise classes increase the liability exposure of the EPCSA and potentially require either an increase in our liability insurance premium or a special rider to cover the classes? The Insurance Company has a copy of the current Recreation Center rules.
- Does the exercise instructor carry personal liability insurance coverage for this type of activity and would he/she not rely on the EPCSA's liability insurance coverage should there be an adverse event?
- How can the pool remain available for general use by other owners when the classes are in progress?
- Would any such activity impose additional requirements by the New Mexico Department of Health beyond such requirements that already apply?

The Board members noted during the discussion that the EPCSA lacks answers to many of the above questions and that there may be other potential issues to be investigated. It was also noted that an email was received from an EP resident in response to the email announcing the October Board meeting with the accompanying agenda that included the aerobics request under New Business. The concerns in that email should be discussed as appropriate.

The Board noted that since the pool does not reopen until May 2019 there was no need to make a quick decision in this matter a committee would be an effective body to explore the request and related issues more fully. A motion duly made and seconded that President Shears should appoint a Board Committee to investigate the above issues and that the matter be tabled until the Committee has investigated the matter was passed unanimously. President Shears then appointed the following Committee members: Brenda Shears, Scott Bunton, Leslie-Walker Hirsch and Barbara Chamberlin. Greg Casey, as Recreation Center Manager, will be an *ex officio* Committee member.

Process and Proposal to Increase Website Functionality

President Shears reported that she had received a proposal for the redesign of the EPCSA web site from Jon Weaver, our web site manager. She distributed a copy of the proposal to the Board members. She agreed that the website needs to be redesigned in a manner that makes it easier to use and update and available by mobile phone. She indicated that she would like to meet with Jon Weaver regarding this matter. The cost to redesign the web site with its current content would be about \$950 - \$1,050. However, Ms. Shears would also like some latitude to use an additional \$400 to make improvements to the web site. Treasurer Bunton indicated that the EPCSA has already spent more this year than was budgeted for web site support. However, he believes that we have the resources within our current budget to go ahead with the redesign of the web site at a maximum cost of about \$1,500 during this financial year. A motion duly made and seconded that President Shears proceed in implementing the web site redesign project at a cost of up to \$1,500 during 2018 was then passed unanimously.

Limitations on Home Rentals in Estancia Primera

Errol Levine reported that he and Jill McIntosh were concerned about the possibility that with the advent of Airbnbs it was likely there would be an increase in EP home purchases purely as rental properties. This could change the quiet residential character of the neighborhood. They therefore both felt that the Board needed to be more proactive in dealing with home rentals in EP. Section 6.21 of the Declaration pertaining to rentals reads as follows:

Renting. No unit may be rented or leased for an initial period of less than 1 month. The renting of Living Units as a business by Owners shall only be allowed with the permission of the Board of Directors. Any Owner who rents more than two (2) Living Units within the Property or is otherwise actively engaged in the business of renting real estate is required to obtain permission of the Board of Directors. All rentals of Living Units are subject to the requirement that the Property be used solely for single-family residential purposes.

Dr. Levine and Ms. McIntosh believe that Section 6.21 is problematic because it fails to define clearly the circumstances in which home rentals in EP may be construed as a business enterprise and fails to define the term "single-family residential purposes." They had therefore with the help of other Board members devised a proposed rule that clarifies and interprets Section 6.21 for adoption by the Board (see attachment). The rule if adopted could be included in the Book of Resolutions. Additionally, if the Board were to approve such a rule, Dr. Levine and Ms. McIntosh recommended that an additional paragraph (paragraph 4) based on the rule be added to the cover emails sent to sellers and their realtors when Disclosure Certificates for home sales are provided. The proposed additional paragraph would read as follows:

4. Section 6.21 of the Amended Declaration of Covenants and Restrictions for the Estancia Primera Community contains several restrictions on rentals of EP homes, including that "No unit may be rented or leased for an initial period of less than 1 month"; and "All rentals of Living Units are subject to the requirement that the Property be used solely for single-family residential purposes." The Board of Directors defines the latter requirement to mean that a home in EP may only be rented/leased in its entirety to a single family while the owner is not in residence and that no home may be divided into apartments or rooms that are rented or leased to unrelated individuals. EPCSA places great importance on these home rental limitations and advises those purchasing homes in EP to carefully consider them before purchasing. Several of the nine neighborhood HOAs that comprise EP have additional

rental/lease requirements and limitations; it should be determined if any of those limitations apply to this home and, if so, those too should be carefully considered before purchasing.

The Board discussed the proposed new rule and paragraph. A motion duly made and seconded to adopt the rule without modifications was then passed unanimously. A second motion duly made and seconded to adopt without modifications the paragraph to be included in the cover email for Disclosure Certificates was then also passed unanimously. President Shears will arrange for the rule to be added to the Book of Resolutions and will also arrange for the standard cover email that is sent out with Disclosure Certificates and that is already included in the Book of Resolutions to be revised accordingly. The Board agreed that the rule could be applied to both existing long-term home rentals if necessary and should be applied to all new home rentals when the rentals are construed as a business.

Consent Agenda

At the September 14, 2018 Board meeting, some Board members had felt that it might be preferable for the Board to include minor expenditures, including reimbursements paid to Board members for expenses incurred on behalf of the EPCSA, in a "Consent Calendar" so that the expenditures could be voted on in a block rather than individually. The Board re-discussed the matter and concluded that it would prefer to continue with individual approval of such expenditures.

Social Committee Appointments

Ms. Shears indicated that she would like to establish a Social committee to organize the Memorial Day party and perhaps organize one or more additional social events each year. The Board approved Connie Burke as the Board member who would head the Social Committee and get other EP residents to participate.

Homeowner Comments

There were none.

Announcements

The next Board meeting will be held on Friday, November 9 at 9:00 a.m.

Executive Session

Upon a motion duly made, seconded and approved unanimously the Board went into Executive Session to consider a legal matter at 10:35 a.m. Homeowners present, who were not Board members, were asked to leave the meeting. No minutes of the Executive Session were made. The Executive Session ended at 10:45 a.m.

Adjournment

A motion was made, seconded and approved unanimously to adjourn the meeting, and President Shears adjourned it at 10:46 a.m.

Minutes prepared and submitted by: Errol Levine Date: 11/7/2018

(Errol Levine - Secretary)

Signed on behalf of Board by: Brenda L Shears Date: 11/9/2018

(Brenda Shears - President)

I.X. LIMITATIONS ON RENTALS OF EP HOMES. Section 6.21 of the *Amended Declaration* states that—

- "No unit may be rented or leased for an initial period of less than 1 month";
- "All rentals of Living Units are subject to the requirement that the Property be used solely for single-family residential purposes"; and
- "Any Owner who rents more than two (2) Living Units within [EP] ... is required to obtain permission of the Board of Directors [to rent those units]".

The Board of Directors defines the second requirement to mean that a home in EP may only be rented/leased in its entirety to a single family while the owner is not in residence and that no home may be divided into apartments or rooms that are rented or leased to unrelated individuals.

The same section of the *Amended Declaration* also states that "Any Owner who ... is ... actively engaged in the business of renting real estate is required to obtain permission of the Board of Directors" prior to renting a home in EP. The Board defines "actively engaged in the business of renting real estate" to mean renting or making available for rental any Living Unit (Unit) within EP for more than 51 weeks and three days in each of two successive 52-week periods. An owner required to obtain the Board's permission to rent a Unit must send a signed letter to the Board requesting its permission that contains the following information:

- address of the Unit(s) proposed to be rented or be made available for rental;
- a statement of the maximum amount of time the Unit(s) will be available for rental;
- a statement that each Unit will be rented only to a single family when the owner and his/her family are not in residence;
- the mailing address, email address, and phone number of the owner;
- a statement confirming the owner agrees that if problems of any nature are experienced with renters/lessees, the Board will communicate about those directly with the owner and not with any property management company managing the Unit; and—
- a statement committing, if the Board gives to the owner its permission to rent, to provide to the Board within 30 days of its execution a copy of each rental/lease agreement for each Unit, which agreement shall require the renter/lessee and all family members and guests to abide by all EPCSA rules and regulations, and that during the term of the agreement the Unit shall be occupied only by the members of a single family.

The Board shall act on each such request for permission within 30 days of receipt of the letter containing the request, provided that the letter contains all required information and statements. If the Board has not acted during that period on a properly-completed request, the request shall be deemed approved by default. Board approval of a request for permission to rent a Unit is not transferrable to the new owner if the Unit is sold. The Board will not consider requests for permission to rent from prospective owners; it will only consider such requests from current owners.

Adopted EPCSA Board of Directors, Board Meeting held on October 12, 2018

Estancia Primera Community Services Association (EPCSA)
Minutes of the Meeting of the Board of Directors
Friday, November 9, 2018

Call to Order: President Shears called the meeting to order at 9:02 a.m. at the Recreation Center Conference Room.

Directors in Attendance: Brenda Shears (President), Scott Bunton (Vice-President/Treasurer), Errol Levine (Secretary), Connie Burke, Barbara Chamberlin, Carol Genebach, Jill McIntosh, William Schiller, and Leslie Walker-Hirsch.

Approval of Minutes of Previous Board Meeting: A motion duly made and seconded to approve the final draft of the minutes of the October 12, 2018 Board meeting as submitted was approved unanimously.

Reports

Treasurer's Report:

EPCSA Finances as of October 30, 2018: Treasurer Bunton had distributed a Balance Sheet and a Profit and Loss Budget versus Actual statement as of October 31, 2018 to the Board members via email prior to the meeting. The Capital Reserve Account currently contains \$58,524.02. The EP operating account currently contains \$61,568.79. Expenditures to date in 2018 are well within the 2018 budget, and a small operating surplus is anticipated at the end of the year that can be transferred to the Reserve Account.

Mr. Bunton indicated that he will submit a proposed 2019 budget and the consequent recommended annual assessment amounts for 2019 for the Board's approval at the December Board meeting. He will distribute a draft budget to the Board prior to the meeting. By that time, the Association's total expenditures for most of 2018 will be known. Immediately following the December Board meeting, President Shears will send a message to all EP homeowners notifying them of the assessment amount and how to remit it if they wish to do that in December. Formal notices regarding the 2019 assessment will be sent via email by Ms. Shears to all EP owners at the beginning of 2019. The assessments become payable on January 31, 2019.

ARB Report: Dr. Schiller provided the following report on behalf of ARB Chair Kurt Sommer:

Pending approvals:

- A Cumbre Vista owner sought permission for installation of rooftop solar panels. However, the ARB deferred approval of the project because a recommendation regarding it had not yet been received from the neighborhood Architectural Review Committee. The project contractor has been notified accordingly.
- A Kachina Hill owner had submitted an ARB deposit without an application for any work. The ARB is awaiting an application from the owner or her contractor.

Approved applications but work not completed or given final ARB approval:

- The installation of a coyote fence on a Los Nidos property has been completed. The ARB has not yet inspected the completed project.

- The installation of a brick driveway in Altamira has been completed. However, the driveway encroaches on Altamira common property. A survey of the driveway has been performed and final ARB approval has been deferred until the Altamira Board of Directors approves the encroachment.
- A coyote fence to be installed on a Kachina Hills property has been approved by both the neighborhood Architectural Review Committee and the ARB. The fence will replace a wire fence that had been installed on the lot without ARB approval. However, there has been a several month delay in starting the project and the wire fence has not yet been removed. Dr. Schiller will investigate this problem and report back to the Board regarding it at its December meeting.
- A Kachina Hills owner had sought and obtained ARB approval for installation of an air-conditioning system and replacement portal shades. The project is currently in progress.

Completed work:

- Installation of a driveway wall and landscaping at a newly constructed home in Cumbre Vista has been completed. The ARB will inspect the work and will authorize a refund of the performance deposit if the work is satisfactory.
- The installation of an air-conditioning unit at an Aspen Compound home has been completed.

Dr. Schiller indicated that he will check with Kurt Sommer on the status of architectural projects that have received final ARB approval. He or Mr. Sommer will then notify Mr. Bunton regarding the need to refund performance deposits to the owners involved.

Real Estate Report:

Jill McIntosh presented a summary of current real estate activity in EP through October 2018. There are currently six homes and two vacant lots that are active. One home is under contract and 10 homes were sold year to date.

Ms. McIntosh indicated that the Board at its September 2018 meeting had appointed Barbara Chamberlin and her to deal with EP Real Estate sales and the paper work connected with them with Errol Levine as an alternate for them. However, it had become evident that with the improvement in the Santa Fe real estate market, the volume of work had increased, and she therefore recommended that Errol Levine should become an active member of the Real Estate Committee. She therefore made the following motion:

I move that (1) Errol Levine, Barbara Chamberlin, and Jill McIntosh be designated by the Board of Directors to fulfill the responsibilities pertaining to property sales in Estancia Primera as those responsibilities are set forth in, and in accordance with the terms of, Subsection G. 1. of Part III of the EPCSA Book of Resolutions, dividing those enumerated responsibilities among them in that manner they deem most efficient and effective, during the period from September 2018 through August 2019, and (2) this new arrangement for addressing the indicated responsibilities supersedes the arrangement specified in the pertinent motion that was approved by the Board at its meeting of September 14, 2018.

After the motion was duly seconded, a discussion ensued, and the Board voted unanimously to approve the motion.

Recreation Center Manager's Report: Recreation Center Manager Greg Casey was unable to attend, and President Shears gave the report on his behalf:

- The pool maintenance company left a faucet running at the pool after a service resulting in an increased water bill for the EPCSA. The Association has been issued a credit of \$240 by the company for the unnecessary water use during July.
- The Association's Insurer, CIC, had requested confirmation by the Association that it had signs in the pool area indicating that no lifeguard was on duty and that owners therefore used the pool at their own risk and that the water suction drains at the pool have convex plastic covers to prevent small children being sucked into the pool drains. The confirmation of this was sent to the Association's Insurance agent by Mr. Bunton.
- The defective faucets in both bathrooms at the clubhouse have been replaced. The work was done by Mr. Casey and came in under the estimated cost.
- Mr. Casey will complete the needed exterior painting at the clubhouse when the weather is appropriate for that.
- Two mercury vapor bulbs at the racquetball court need replacement. Mr. Casey will obtain an estimate for this.
- Mr. Casey has spoken to the ADT salesman about getting an updated alarm system at the clubhouse at little or no cost. The salesman is working on a proposal that Mr. Casey will present to the Board at its December meeting
- A "deep" clubhouse cleaning is planned for late November or early December.
- An owner had contacted Ms. Shears regarding non-working street lights in EP. He had then contacted the City and got them repaired.

Unfinished Business

EPCSA Insurance Policies: Mr. Bunton reported that the Insurer had accepted the documentation provided by the Association indicating that the pool suction drains are compliant with their requirements and that the necessary pool signs were in place and were sufficient. Following that our Insurance agent has submitted to the Insurer the Association's application to obtain earthquake coverage and to increase our liability coverage by \$1 million. Our agent believes we will have the additional insurance in place before the December Board meeting.

Arroyo Walk Through Regarding Fire Prevention: The Board discussed the recommendations for wildfire prevention made by a Wildland Urban Interface Specialist from City of Santa Fe Fire Department, Porfirio Chavarria, who walked the Arroyo Saiz with several EPCSA Board members and representatives of the neighborhood subdivisions that border the arroyo between the north and south Avenida Primera bridges. These include Los Nidos, La Viveza, Aspen Compound and Altamira. Also,

some Kachina Hills and Los Altos owners have lots that back up to the Saiz Arroyo south of the bridge at Avenida Primera (south entrance), but this part of the arroyo was not included in the walk through. Mr. Chavarria made several recommendations regarding appropriate measures that should be adopted for wildfire prevention. These included:

- Cutting back of chamisas;
- Removal of combustible Russian Olive trees with application of a stump-killing herbicide to the fresh tree stump within 30 minutes of cutting down the trees to prevent regrowth;
- Removal of lower branches of deciduous and evergreen trees to a level of 2-3 feet above ground level;
- Removal of dead branches from evergreen and deciduous trees;
- Removal of some trees and vegetation so that the remaining trees are surrounded by a clear zone of about five feet;
- Removal of dead vegetation material that has been dumped in the arroyo.

Mr. Chavarria will check whether the City can provide a dumpster for vegetation that is removed or whether a chipper can be provided to turn removed vegetation into mulch.

The EPCSA common property in the arroyo accounts for half the arroyo area between the tennis court boundary and the Los Nidos entry sign with the other half being mostly common property owned by Los Nidos. The rest of the arroyo property belongs to La Viveza, Altamira and Aspen Compound and represents either common property belonging to those neighborhoods or property owned by individual owners that extends into the arroyo.

After a discussion the Board reached the following general conclusions:

- The EPCSA's *sole* responsibility in this matter would be implementing Mr. Chavarria's recommendations on its common property in the Saiz Arroyo. The EPCSA might wish to set an example for the neighborhood by implementing the recommendations on its common property and will consider doing that at a later meeting;
- Prevention of wildfires in the Arroyo Saiz as well as in other arroyos in neighborhood subdivisions is an important matter. HOAs and individual owners will need to decide what measures need to be implemented on their properties and will need to pay for any work done on their behalf;
- President Shears should communicate Mr. Chavarria's recommendations to the Presidents of the neighborhood subdivision HOAs and should inform all EP owners of the importance of reducing fire hazards on their lots particularly where such lots have boundaries that extend into arroyos.

Process and Proposal to Increase Website Functionality

President Shears reported that she had met with our website manager, Jon Weaver. Ms. Shears will be providing him with some photographs to make the website more visual. The same website design will be retained. However, the website will be moved into the new WordPress platform. There will be some new options on each web page that might include, for example, drop down menus. Ms. Shears will present a progress report on the website update at the next Board meeting.

Errol Levine raised the matter of the Neighborhood Watch page of the website. He pointed out that the page had not been updated for at least ten years and some of the neighborhood representatives listed on the page had moved away from EP. He also questioned whether the EPCSA should be part of a Neighborhood Watch program and recommended that each of the nine neighborhood subdivisions in EP should decide for themselves whether to have a Neighborhood Watch program. The Board after a discussion agreed that the Neighborhood Watch page of the website should be removed when the website is updated and that the EPCSA should not be part of a Neighborhood Watch program.

Homeowner Comments

There were none.

Announcements

The next Board meeting will be held on Friday, December 14 at 9:00 a.m. No Board meeting will be held during January 2019 since several Board members will be out of town and it may not be possible to obtain a quorum.

Adjournment

A motion was made, seconded and approved unanimously to adjourn the meeting, and President Shears adjourned it at 10:02 a.m.

Minutes prepared and submitted by: Errol Levine Date: 12/12/2018

(Errol Levine - Secretary)

Signed on behalf of Board by: Brenda L Shears Date: 12/14/2018

(Brenda Shears - President)

Estancia Primera Community Services Association (EPCSA)
Minutes of the Meeting of the Board of Directors
Friday, December 14, 2018

Call to Order: President Shears called the meeting to order at 9:03 a.m. at the Recreation Center Conference Room.

Directors in Attendance: Brenda Shears (President), Scott Bunton (Vice-President/Treasurer), Errol Levine (Secretary), Connie Burke, Barbara Chamberlin, Carol Genebach, Jill McIntosh, William Schiller, and Leslie Walker-Hirsch.

Approval of Minutes of Previous Board Meeting: A motion duly made and seconded to approve the final draft of the minutes of the November 9, 2018 Board meeting as submitted was approved unanimously.

Reports

Treasurer's Report:

EPCSA Finances as of November 30, 2018 and Proposed 2019 Budget: Treasurer Bunton had distributed a Balance Sheet, a Profit and Loss Budget versus Actual statement as of November 30, 2018, and a 2019 Proposed Budget to the Board members via email prior to the meeting.

Mr. Bunton discussed the 2019 Proposed Budget (attached). He reported that because the expenditures for 2018 had been slightly below what had been allowed in the Association's Operating Budget, he saw no reason to make any significant changes in the 2019 budget. He therefore recommended leaving the assessments for occupied homes at \$656 and for vacant lots at \$66 and had based the budget on those figures. Mr. Bunton indicated that he had allowed for increased expenditures on insurance and website updates for 2019 and slight increases in a few other line items where expenditures were a little above the 2018 budgeted amounts. Other line items where expenditures were slightly below the 2018 budget were reduced accordingly. Taking all changes into account, the 2019 budget allows for an Operating Expenses subtotal of \$65,160. The bottom line is that the total of budgeted expenditures for 2019, including the eight-percent Contingency Fund and an up-front contribution to Reserves for replacements of capital equipment and assets, will equal our projected total income for 2019.

Mr. Bunton indicated that because of the Board's care in managing EPCSA expenditures during 2018, he anticipates there will be a projected net income for 2018 of about \$15,000. The Capital Reserve Account currently contains \$58,584. He expects to propose to the Board at its February meeting that it approve transferring the 2018 net income amount to the Capital Reserve account. The 2019 budget, as shown on line item 40, provides for \$26,277 to be added to the capital reserves once 2019 assessments have been received. If the Board approves both actions, the result is that by March 2019 the EPCSA should have more than \$90,000 in total Capital Reserves.

After a discussion a motion made by Connie Burke and duly seconded that the Board accept the 2019 budget as proposed was passed unanimously. A second motion made by Mr. Bunton and duly seconded that the 2019 annual assessment be set at \$656 per developed lot and \$66 per vacant lot was also passed unanimously after a brief discussion.

President Shears will send an email to all EP homeowners notifying them of their 2019 assessment amount and how to remit it if they wish to do that in December. Formal notices regarding the 2019 assessment will be sent via email by Ms. Shears to all EP owners at the beginning of 2019. The assessments become payable on January 31, 2019.

ARB Report: Dr. Schiller provided the following report on behalf of ARB Chair Kurt Sommer:

Pending approvals:

- A Kachina Hill owner had submitted an ARB deposit without an application for any work. The ARB is awaiting an application from the owner or her contractor.

Approved applications but work not completed or given final ARB approval:

- An approved coyote fence in Los Nidos requires a final inspection and a final ARB approval.
- A coyote fence to be installed on a Kachina Hills property has been approved by both the neighborhood Architectural Review Committee and the ARB. The fence will replace a wire fence that had been installed on the lot without ARB approval. However, there has been a several month delay in starting the project and the wire fence has not yet been removed.
- A Kachina Hills owner had sought and obtained ARB approval for installation of an air-conditioning system and replacement portal shades. The project is currently in progress.
- A Cumbre Vista owner has received final ARB approval for a home addition. A refund of the ARB performance deposit is pending. The same owner has received provisional ARB approval for installation of rooftop solar panels. These have not yet been installed.

Completed work with final ARB approval and performance deposits refunded:

- 744 Calle Altamira - Brick driveway installation;
- 796 Aspen Compound – Air conditioning unit installation;
- 617 Cumbre Vista - Landscaping and driveway wall installation;
- 760 Aspen Compound - Air conditioning unit installation;
- 780 Aspen Compound – Driveway revision.

Illegal Wire Fence on a Kachina Hills Lot (416 Calle Kokopelli): Dr. Schiller informed the Board that the home (see above) is currently being rented on a long-term basis. The property is managed by a management company. The renter has a small dog and had requested that the management company fence in the back yard so that the dog could be kept there. The management company had then erected a wire fence without the property owner first submitting an ARB application. It is not known to what extent the property owner was complicit in the installation. Neighbors had complained to the EP ARB about the fence and the ARB had required the property owner to remove the fence. The owner had then applied to install a coyote fence in place of the wire fence and the EP ARB had approved the application. However, several months have now passed without the property owner having taken any action in the matter.

The Board discussed the matter and reached the following conclusions:

- a. Dr. Schiller should request that Kurt Sommer write to the property owner and inform her that she must remove the wire fence failing which Mr. Sommer would refer the matter to the Estancia Primera Board of Directors for further action.
- b. Neighbors who are affected by the wire fence may write to Mr. Sommer asking him to enforce the ARB's original decision.

Home and Lot Modifications made by Management Companies: Dr. Schiller informed the Board that there is an increasing and worrisome trend for management companies to make significant modifications to the exteriors of EP homes and to lots on behalf of long-term renters without the property owners first submitting ARB applications. He requested that President Shears write to all owners indicating that the actual lot owner is responsible for any modifications made to rented properties and that they need to apply to the EP ARB before such changes are made. They need also inform management companies of this requirement.

After discussion the Board agreed that President Shears should write to all owners informing them that if their EP properties are managed by a management company, the latter may not make any exterior changes to their properties without first obtaining ARB approval. ARB applications should be submitted to the ARB by the actual property owners and not by management companies. Furthermore, the communication from Ms. Shears should indicate that if changes are made without ARB approval, the Board of Directors acting on a request from the ARB will require that the illegal changes be reversed or that illicit installations be removed at the owners' expense within a time frame to be determined by the Board. Ms. Shears agreed to prepare a draft communication of this nature and to distribute the draft to the Board members for their comments.

Real Estate Report: Jill McIntosh presented a summary of current real estate activity in EP through December 2018. There are currently six homes and two vacant lots that are active. One home is under contract and 10 homes were sold year to date.

Ms. McIntosh indicated that she had attended the December 6 meeting of the Planning Commission at which final plat approval was granted for the Estancias del Norte development. She reported that everything that the EPCSA had requested namely, the modifications to Hyde Park Road west of and at the south EP entry, the limitations on home rentals in the development and the planting of replacement trees after the street modifications had been done, had been agreed to by the developer. The various drainage issues that had been a subject of contention between the developer and the downhill homeowners have been resolved. There will be 49 lots with ten affordable housing units distributed among the lots. Ms. McIntosh further indicated that her attempts to have the speed limit of 45 miles per hour between Gonzales Road and Prince Street had not been successful after a traffic study had shown that such a reduction was not needed. However, she will continue to pursue this matter.

Recreation Center Manager's Report: Recreation Center Manager Greg Casey reported as follows:

- He will complete the needed exterior painting at the clubhouse when the weather is appropriate for that.
- Two mercury vapor bulbs at the racquetball court need replacement. Mr. Casey will obtain an estimate for this.
- Mr. Casey has spoken to the ADT salesman about getting an updated alarm system at the clubhouse at little or no cost. The salesman is working on a proposal that Mr. Casey will present to the Board at its next meeting.

- The clubhouse had been cleaned during the past week. The next cleaning is planned for April or early May.
- Mr. Casey reported that two deciduous shrubs on the street island at the south EP entry had shown signs of severe stress due to the drought. He has watered the shrubs regularly. He and Reyes Morales both believe that the shrubs are still viable and that they will leaf out in the spring. The Board had previously agreed to wait until the spring to determine if any further action was needed regarding the two shrubs.
- The two lights that illuminate the south EP entry sign had failed. Mr. Casey had determined that the transformer was probably defective and recommended that it be replaced and used in conjunction with LED lights. He estimated that the cost for the project including both labor and a new transformer and new lights would be about \$300. He indicated that he would do the work himself. The Board felt that getting the lights working again was somewhat urgent. The Board asked Mr. Casey to get a more precise cost estimate that he should convey to President Shears. If the cost is under \$500 Ms. Shears may allow the work to proceed without Board authorization. If the cost exceeds \$500, Ms. Shears will get Board authorization via email.
- Mr. Casey indicated that Mr. Bunton had asked him to get cost estimates on three possible 2019 capital expenditures. These included concrete repairs on the sidewalk outside the Recreation Center, replacement of one or both clubhouse furnaces and tile replacement at the clubhouse entry. Mr. Casey will call contractors out in early January and will report back to the Board on this at the February Board meeting.

Unfinished Business

EPCSA Insurance Policies: Mr. Bunton indicated that the additions to the EPCSA policies that the Board had approved in October have come through and he had received the expected invoice for the prorated additional premiums of \$1,116. Upon a motion duly made and seconded, the Board voted unanimously to approve the payment to CIC.

Arroyo Saiz Fire Prevention Project: Errol Levine reported that he, Ms. Shears, Mr. Bunton and Dr. Schiller had recently walked through the part of the Saiz arroyo immediately north and east of where it is crossed by Avenida Primera South for a second time with a Wildland Urban Interface Specialist from the City of Santa Fe Fire Department (Porfirio Chavarria). This part of the arroyo includes EPCSA and Los Nidos HOA common property. Reyes Morales, the grounds maintenance person for the EPCSA and for Los Nidos, accompanied the group. Mr. Chavarria provided guidelines as to vegetation trimming and removal that would decrease the fire risk in the arroyo during the summer months.

Mr. Chavarria also indicated that the City would provide a 30-yard dumpster into which the trimmed and removed vegetation from this part of the arroyo could be placed, and that the City would also haul off that green waste at no cost to either Association. This represents a large saving for the proposed project since the cost of hauling green waste to the dump and dumping it there is high. At the end of the walk-through Reyes Morales informed the group that his cost estimate for the arroyo cleanup between the Los Nidos entry sign and the Recreation Center property extending as far east as the arroyo that separates the Los Nidos and La Viveza neighborhoods would be \$4,000 if the City provides a dumpster and hauls off green waste.

Ms. Shears, Mr. Bunton, Dr. Schiller and Dr. Levine had then conferred on the site after the walk-through. They reached the conclusion that it was important to reduce the significant fire risk in the Saiz

arroyo and that it would be good to set an example for similar cleanup work that should be done by the Altamira, La Viveza and Aspen Compound HOAs that own property in the northern part of the arroyo. Because there was much denser vegetation on the EPCSA side of the arroyo, Ms. Shears and Mr. Bunton then suggested it would be fair to share the total cost between the EPCSA and the Los Nidos HOA on a 60:40 basis so that the EPCSA would pay \$2,400 and the Los Nidos HOA would pay \$1,600 for the cleanup subject to the approval of both the EPCSA and Los Nidos HOA Boards of Directors. The Los Nidos Board of Directors had subsequently approved paying \$1,600 towards the cost of the project. Mr. Morales indicated that weather permitting he could start the work on January 17 and would be able to complete it in 5 days with 3-4 assistants.

After a discussion Carol Genebach made a motion that was duly seconded that the Board allocate \$2,400 to pay for its share of the project and that the work be done in accordance with the recommendations of Mr. Chavarria. The motion was passed unanimously.

President Shears will encourage other neighborhood subdivisions that own property in the Saiz arroyo to undertake similar work when our part of the project is complete. Also, in the future the EPCSA will undertake annual maintenance in its common property in the arroyo to prevent future overgrowth of vegetation from occurring.

Process and Proposal to Increase Website Functionality

President Shears reported that she had met with our website manager, Jon Weaver. They are currently experimenting with different formats. This work will continue in 2019 and is accommodated in the 2019 budget the Board approved earlier.

New Business

Mr. Bunton indicated that the Association had received a form letter from the New Mexico Environmental Department about the swimming pool. The letter indicated that as of August 1, 2018 all pools and spas are required to have installed an automated disinfection and pH controller ORP (oxygen reduction potential) per the model aquatic health code. The letter requires a signature acknowledging that the EPCSA is aware of the requirement. Ms. Burke indicated that the EPCSA has already installed the required equipment. Carver Bush of Kokopelli pools has also confirmed that the EPCSA has complied for several years. Ms. Shears will sign and mail the letter and will also send a copy to Carver Busch of Kokopelli Pools and confirm that our equipment meets the code. Ms. Shears will also send a copy of the signed acknowledgement to Carver Busch of Kokopelli Pools and confirm that our equipment meets the code.

Homeowner Comments

- a. Proposed Renovation of South EP entry: Ms. Shears reported that she had received several emails from Jon Orovecz and Cathy Lewis (516 Los Nidos Drive) expressing concern about the EP south entry sign not being illuminated and the visual impact of the entrance island. Mr. Orovecz has requested that the Board consider re-landscaping the entire south EP entry and installing additional lights. The Board (see above) has directed the Recreation Center Manager to further investigate the lighting problem and remedy it as soon as possible. After a discussion regarding the entrance island plantings, the Board decided that the suggestion to change the design will be considered in due course as we evaluate various aspects of our

common facilities that may need to be upgraded or replaced and develop and update our capital improvements plan.

- b. *Request for Home Rental Variance*: Tatiana Andreeva (799 Avenida Primera South) indicated that she had received the Board's recent communication about Rule I.14 in the Book of Resolutions describing limitations on home rentals in EP. She had been particularly concerned about the sentence that indicates that a home in EP may only be rented/leased in its entirety to a single family while the owner is not in residence and that no home may be divided into apartments or rooms that are rented or leased to unrelated individuals. Ms. Andreeva reported that she frequently travels abroad. She has a long-term tenant, a single person, who rents part of her home, but who is present both when she is away and when she is there. She was concerned that her arrangement might therefore result in her being in violation of Rule I.14.

The Board noted that since her current arrangement did not apparently pose a problem for anyone the Board would permit the situation to continue until it could consider the matter in more detail. She was therefore asked to write an application to the Board describing her current arrangement in more detail and requesting that a variance be granted. The Board would consider granting a variance provided it does not create a problematic precedent for the Association. Ms. Andreeva agreed to do this, and her application will be considered at the February Board meeting.

- c. *Snow and Ice Removal in EP*: Laurel Schnitzer (553 Los Nidos Drive) inquired regarding the EPCSA's policies for snow and ice removal. She was informed that the EPCSA only undertakes snow removal on Avenida Primera when there is an accumulation of six inches or more or there are dangerous conditions known where snow removal or ice mitigation would be prudent. The recent snowfall and ice accumulation had not reached that threshold. Also, individual neighborhood subdivisions in EP have different criteria for when they undertake snow removal from their streets.

Announcements

The next Board meeting will be held on Friday, February 8 at 9:00 a.m.

Executive Session

Upon a motion duly made and seconded the Board went into Executive Session at 10:20 a.m. to consider a legal matter. No minutes were taken during the session which ended at 10:29 a.m.

Adjournment

A motion was made, seconded and approved unanimously to adjourn the meeting, and President Shears adjourned it at 10:30 a.m.

Minutes prepared and submitted by: Errol Levine Date: 12/18/2018

(Errol Levine - Secretary)

Signed on behalf of Board by: Brenda Shears Date: 12/19/2018

(Brenda Shears - President)

12/14/2018

Estancia Primera Community Services Association

2019 BUDGET APPROVED THE THE BOARD OF DIRECTORS

	2018 Budget	2018 Expends Jan-Nov	2018 Projected Full-Year Expends	2019 Budget
I. ADMIN & OFFICE				
1. ARB Admin & Office (6012)	25	0	0	25
2. Insurance (Prop, Liabil, D&O) (6045)	8,900	9,627	10,725	10,900
3. Licenses & Permits (6060)	100	136	136	150
4. Admin & Office (6010)	0	25	25	25
II. GENERAL EXPENSE				
5. Accountant (6000)	550	425	425	550
6. Website Hosting/Domain Name (6066)	225	194	194	225
7. Taxes (7110)	50	11	11	30
8. Mileage and Parking (7125)	100	0	0	30
9. Legal, General (7201)	1,000	0	500	1,000
10. Web Support (7203)	800	1,178	1,500	2,000
11. Bookkeeper (7204)	2,800	2,042	2,225	2,300
12. General Management (7206)	6,000	6,664	6,900	6,900
13. Office Supplies (7210)	500	262	300	325
14. General Expense - Other (6011)	100	0	0	50
IV. SOCIAL EVENTS AND DECORATIONS				
15. Social Events (6030)	0	208	208	375
16. Exterior Decorations (7020)	400	0	350	400
V. GROUNDS/EXTERIOR				
17. Grounds Maintenance (6040)	6,000	1,610	4,200	5,000
18. Grounds Supplies (6091)	500	0	0	400
19. Entry Sign Maintenance (6092)	150	0	0	150
20. Snow Removal (7100)	3,000	0	400	3,000
21. Electricity for Entry Signs (7115)	500	422	465	500
VI. REC CENTER UTILITIES				
22. Refuse (7070)	750	495	535	700
23. Electricity (7010)	3,350	2,738	2,850	3,350
24. Gas (7015)	3,000	1,947	2,027	2,500
25. Phone (7035)	450	442	485	525
26. Water (7060)	5,000	3,595	3,650	5,000
VII. CLUBHOUSE MAINTENANCE				
27. Cleaning Service (7031)	1,600	0	300	1,600
28. Maintenance Supplies (7032)	1,200	723	900	1,000
29. Maintenance Labor (7033)	3,500	130	300	3,000
30. Roof Maintenance (7037)	400	0	0	200
31. Security (7050)	1,100	695	750	1,100
32. Furnishings/Equipment Repair/Replace (7095)	600	0	0	600
33. Other Maintenance ()	0	0	0	50
VIII. POOL/TENNIS COURT MAINTENANCE				

		2018 Budget	2018 Expends Jan-Nov	2018 Projected Full-Year Expends	2019 Budget
34.	Pool Maintenance (7040)	1,100	0	0	800
35.	Pool Supplies (7042)	3,000	2,270	2,270	2,700
36.	Pool Furniture Repair/Replace (7043)	600	0	0	500
37.	Pool Management Service (7045)	6,400	4,811	4,811	6,000
38.	Tennis Court Maintenance (7055)	1,500	0	0	1,200
	Subtotal, Operating Expenses	65,250	40,647	47,442	65,160
IX. CONTINGENCY FUND					
39.	8% Contingency Fund for Unexpected Costs (not including Estim. Depreciation) (8050)	5,220	0	0	5,213
	TOTAL, OPERATING EXPENSES & CONTINGENCY FUND	70,470	40,647	47,442	70,373
40.	X. RESERVES FOR REPLACEMENT OF CAPITAL EQUIPMENT/ASSETS	28,488	28,488	28,488	26,277
	GRAND TOTAL (not including depreciation)	98,958	69,135	75,930	96,650
	DEPRECIATION (6023)	22,800	20,900	22,800	22,800
	GRAND TOTAL INCLUDING DEPRECIATION	121,758	90,035	104,418	119,450
INCOME					
A.	Assessment Income (\$656 homes; \$66 lots) (4000)	119,198	118,019	118,019	118,150
B.	Delinquent Assess. Interest/Fees (4018)	60	55	55	0
C.	Interest (4025)	500	96	103	100
D.	Rec Center Card Replacement Fees (4030)	500	100	100	100
E.	Clubhouse Use Fees (4290)	1,000	525	600	600
F.	Property Sale Disclosure Fees (4295)	500	700	750	500
	TOTAL INCOME	121,758	119,495	119,627	119,450
NET OPERATING INCOME AFTER DEPRECIATION AVAILABLE TO MOVE TO CAPITAL RESERVES					
		0		15,209	0