

**No Board Meeting  
in January 2019**

**Estancia Primera Community Services Association (EPCSA)**  
**Minutes of the Meeting of the Board of Directors**  
**Friday, February 8, 2019**

**Call to Order:** President Shears called the meeting to order at 9:00 a.m. at the Recreation Center Conference Room. Ms. Shears indicated that the agenda sequence had been changed so that the Executive Session would be the last agenda item prior to the meeting adjournment. The homeowner comments section and the announcements would therefore precede the Executive Session.

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

**Others Present:** Greg Casey (Recreation Center Manager)

**Approval of Minutes of Previous Board Meeting:** Since there was no January Board meeting, the minutes of the Board meeting of December 14, 2018 were approved unanimously by the Board members via email and telephone and were posted on the EPCSA website on December 19, 2019.

## **Reports**

### **Treasurer's Report:**

EPCSA Finances as of November 30, 2018 and Proposed 2019 Budget: Treasurer Bunton had distributed a Balance Sheet and a Profit and Loss Budget versus Actual statement as of January 31, 2019 to the Board members via email prior to the meeting.

Mr. Bunton reported that the Association's net profit for 2018 was \$24,134.15. He indicated also that the 2019 budget called for a transfer of \$26,277 to the Reserve Account. A motion duly made and seconded that both amounts be transferred to the Reserve Account was passed unanimously. These additions will increase the funds in the Reserve Account from \$58,592.93 at the end of 2018 to \$109,004.08 during February 2019.

During the past six months Mr. Bunton had incurred personal expenses of \$59.86 in connection with his work as the Association's Treasurer. A motion duly made and seconded that Mr. Bunton be reimbursed for this amount was passed unanimously.

Mr. Bunton indicated also that as of February 8, 2019, 170 of 190 annual assessments owed to the EPCSA had been paid. All twenty lot owners with unpaid assessments had been sent payment reminders both via regular mail and via email on February 3 and 4 respectively and some had received personal telephone calls from Board members. Ten had responded that they would submit their assessments soon. The Association has not to date heard from the remaining ten owners and they will need to be contacted by telephone. Payments not received by February 15 are subject to a \$50 delinquency fee and a 10% per annum interest charge.

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

Approved applications but Work not Completed or Given Final ARB approval:

Three solar panel installation projects in Altamira, Cumbre Vista and Los Altos respectively have received provisional ARB approval, but the projects are still in progress.

Illegal Wire Fence Removed:

A wire fence that had been installed at 416 Calle Kokopelli without ARB approval has been removed.

Completed Projects with Final ARB Approval and Due for Refunds of Performance Deposits:

- a driveway revision in Los Altos;
- a backyard coyote fence installation in Los Nidos;
- installation of an air-conditioning unit and of portal shades at a home in Kachina Hills; and
- a home addition in Cumbre Vista.

Home and Lot Modifications made by Management Companies: President Shears will 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 (see ARB report in Board minutes of December 14, 2018). Ms. Shears will prepare a draft communication of this nature and will distribute the draft to the Board members for their comments.

Real Estate Report: Jill McIntosh presented a summary of year-to-date real estate activity in EP. There are currently three homes and one vacant lot that are active. One home has been sold and three homes are under contract. Ten EP homes were sold during 2018.

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 has contacted Summit electric to get a price for these. However, they require a special order since the company does not stock the bulbs. Mr. Casey will obtain a price for the bulbs. The installation will require a tall ladder since the bulbs are located about twenty to twenty-five feet above floor level.
- Mr. Casey had spoken to the ADT salesman about getting an updated alarm system at the clubhouse at little or no cost. However, the cost estimate submitted had been much higher than expected. Mr. Casey has contacted two other companies to obtain estimates for this proposed project.
- Four lights have been installed at the south EP entry to replace the two lights that had been there for many years. The illumination of the entry sign is now greatly improved. Small remaining details of the project will be completed soon.
- Mr. Casey reported that the water leak at the Recreation Center had been located by the American Leak Company. The leak was found in a plastic pipe seven feet underground on the east side of the parking lot near the meter and the dog waste station. There was a crack in a pipe elbow that goes to the main water supply. The defective plastic pipe has been replaced and the new pipe is being monitored to ensure that there is no further leak in the area. The excavation cannot be filled in yet because the ground is frozen. Mr. Casey will seek a credit from the City

for the additional water use caused by the leak. This, however, can only be done after thirty days has elapsed following the repair to ensure that the leak has been stopped completely.

- Mr. Casey indicated that Mr. Bunton had asked him to get cost estimates on three possible 2019 capital expenditures. These included replacement of the concrete sidewalk outside the Recreation Center, replacement of one or both clubhouse furnaces and tile replacement at the clubhouse entry. Further consideration of the replacement of the furnaces has been deferred until later in the year. Mr. Casey is working on obtaining cost estimates for the other projects.
- Mr. Casey will obtain bids from different pest control companies for the pest control contract at the clubhouse. This will include the current vendor Critter Control.
- Mr. Casey had been asked by an owner whether it would be possible to install a traffic mirror at the intersection of Aspen Compound Drive with Avenida Primera. There is a blind spot at this location due to a curve in the road. The Board agreed that installation of a mirror was not a responsibility of the EPCSA except that the final location will need ARB approval. Mr. Casey will inform Holly Bradshaw-Eakes, Treasurer of the Aspen Compound HOA, that their Association should address the matter in the first instance.
  - 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 required a signature acknowledging that the EPCSA is aware of the requirement. Carver Bush of Kokopelli pools confirmed that the EPCSA has complied for several years. Ms. Shears has therefore signed and mailed a letter to the New Mexico Environmental Department confirming that the EPCSA is aware of the requirement and that our equipment meets the code.

## **Unfinished Business**

### **Board Actions Taken During Executive Sessions held during the October 12 and December 14, 2018 Board Meetings Regarding the Vacant Lot Sale at 775 Paseo Cresta**

A motion duly made and seconded to make public retrospectively the Board discussions and decisions during the above Executive Sessions regarding the Quiet Title litigation surrounding the vacant lot sale at 775 Paseo Cresta was passed unanimously. President Shears indicated that she had delegated authority to Mr. Bunton for dealing with this matter since she had been travelling when the matter first arose.

Mr. Bunton explained that during the Executive Sessions, the Board had considered a proposal to resolve EPCSA's involvement in Quiet Title litigation (see attachment) filed by the new owners of the vacant lot at 775 Paseo Cresta on which the EPCSA had placed a lien because of its previous owner's failure to pay annual assessments since 2011 (see attachment). The new owners had proposed that they be permitted to pay \$800 as fully satisfying all existing financial liabilities on the property in exchange for the EPCSA releasing them from all existing financial liability on that property.

Mr. Bunton indicated that the EPCSA's legal counsel had approved of the proposed settlement, and, had recommended, subject to Board's approval, executing a document releasing the new owners of financial liability once the payment to EPCSA was received. He also noted that the proposed payment amount had been more than the total of unpaid assessments but included a waiver of a portion of the interest that has accrued and some of the associated fees. During the Executive Sessions the Board approved

accepting the \$800 payment as payment in full, and authorized President Shears to execute the release document (see attachment). The Board had also approved unanimously reimbursing the EPCSA's legal counsel in the amount of \$373 for the November 8, 2018 invoice for her services related to this matter.

On January 10, 2019 the Plaintiffs' attorney had filed a Stipulation of Dismissal with the First District Court dismissing all their claims against the EPCSA. This ends the matter as far as the EPCSA is concerned.

Arroyo Saiz Fire Prevention Project: Errol Levine reported that after the EPCSA Board had approved the expenditure of \$2,400 and after the Los Nidos Board of Directors had approved the expenditure of \$1,600 for the combined EPCSA/Los Nidos project, Reyes Morales had begun clearing the arroyo of overgrown vegetation on December 17, 2018 and had completed the job within five days prior to the first snowfall of 2018. The area cleared extended between the Los Nidos entry sign and the Recreation Center property and as far north as the arroyo separating Los Nidos from La Viveza.

Mr. Morales had done a superb job. Additionally, Porfirio Chavarria, the City's Wildland Urban Interface Specialist Wildland Urban Interface Specialist had arranged for the City to provide five 30-yard dumpsters for storage of green waste. A full dumpster was removed by the City each day of the project and replaced by an empty one. This and the removal of the green waste to the dump had been done by the City at no cost to the EPCSA or to the Los Nidos HOA. It had been estimated that this assistance from the City had saved about \$1,000 on the project.

After completion of the project President Shears and Dr. Levine had written to Mayor Webber to commend the help received from the City employees both regarding the arroyo cleanup project and an asphalt repair in the Los Nidos Neighborhood. President Shears in her email to all EP owners of February 1 had urged all owners of property in and adjacent to the Saiz arroyo to undertake similar fire prevention measures to those undertaken by the EPCSA and the Los Nidos HOA in their parts of the arroyo.

#### Revision of the EPCSA Website

President Shears reported that the website had been converted from HTML to Word Press and the design had been updated. The Board noted that information on the EPCSA website regarding Board and Architectural Review Committee (ARC) memberships for neighborhood subdivisions was often incomplete and sometimes out of date. This was because the neighborhood Associations frequently did not notify the EPCSA regarding changes in the membership of their Boards of Directors and Architectural Review Committees. Also, Board and Architectural Review Committee members often did not have their contact information posted on the website. Errol Levine volunteered, as Secretary, to write to the different neighborhood HOAs from time to time to give them an opportunity to update their information.

#### Pool Water Aerobics Class

The Board has received a request from some owners that they be allowed to hold a water aerobics class at the pool under the supervision of a paid instructor. A Board Subcommittee consisting of Brenda Shears, Barbara Chamberlin, Connie Burke, Scott Bunton and Greg Casey will investigate the matter and report back to the Board at a future meeting. Barbara Chamberlin has agreed to coordinate the meetings of the Subcommittee.

#### **Homeowner Comments**

Karla Harby (417 Kachina Court) informed the Board that she wished to address two issues:

- She informed the Board that she had submitted a document dated January 14, 2019 on behalf of her husband (Raymond Greenwell) and herself to the registered agent for the EPCSA and to some Board members. She then distributed the document to the Board members who had not received a copy of it. The document contains two requests from Ms. Harby and Mr. Greenwell: 1) that the Board repeal Rule I.14 in the Book of Resolutions (“Limitations on Rentals of EP Homes”) and 2) that the Board seek legal advice from a qualified New Mexico attorney with expertise in real estate law “on the wording and lawful implementation of any concerns the board may have regarding property rental [in Estancia Primera].”
- Ms. Harby also informed the Board that she was inquiring about the provisions of Rule III.J in the Book of Resolutions (“The Quorum Required for Meetings of EPCSA Members”). She stated that while the rule establishes a quorum of ten per cent of EP lot owners, she believes that the quorum should be 75 per cent of lot owners because Definition 1.42 of the Amended Declaration defines a Quorum of Owners as meaning the representation by presence or proxy of Members who hold seventy-five percent (75%) of the vote. She also disagreed with the part of the rule that establishes a quorum as 19 owners (ten percent of a total of 190 lot owners) because if some owners are not in good standing at the time of an annual Members meeting, they would not be entitled to vote, and the Quorum requirement would then be lower.

President Shears thanked Ms. Harby for her comments.

## **Announcements**

The next Board meeting will be held on Friday, March 8 at 9:00 a.m. President Shears will be out of town on that date and Vice-President Bunton will preside at the meeting.

## **New Business**

- ***New Mexico Senate Bill 150***

The Board noted that New Mexico Senate Bill 150 that amends the Homeowners Association Act of 2013 had been signed into law by Governor Michelle Lujan-Grisham on February 4, 2019 and becomes effective on July 1, 2019. Errol Levine offered to analyze the Senate Bill to determine what changes the EPCSA needs to make in its operating procedures to bring the EPCSA into full compliance with the Bill. He will report back to the Board regarding this at a future meeting.

- ***Rental Requests***

Upon a motion duly made, seconded and approved unanimously the Board went into Executive Session at 10:25 a.m. No minutes were taken during the session which ended at 10:45 a.m. The Board returned to open session at 10:45 a.m. President Shears then announced that the Board had taken the Harby/Greenwell requests contained in their document of January 14, 2019 under advisement and considered Ms. Harby’s objection to Rule III.J made during Homeowner Comments.

## **Adjournment**

A motion was made, seconded and approved unanimously to adjourn the meeting, and President Shears adjourned it at 10:50 a.m.

Minutes prepared and submitted by: Errol Levine Date: 3/6/2019

(Errol Levine - Secretary)

Signed on behalf of Board by: Scott Bunton Date: 3/8/2019

(Scott Bunton - Vice President)

**Estancia Primera Community Services Association (EPCSA)**  
**Minutes of the Meeting of the Board of Directors**  
**Friday, March 8, 2019**

**Call to Order:** In the absence of President Shears, Vice President Scott Bunton called the meeting to order at 9:00 a.m. at the Recreation Center Conference Room.

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

**Others Present:** Greg Casey (Recreation Center Manager)

**Approval of Minutes of Previous Board Meeting:** The minutes of the Board meeting of February 8, 2019 were approved unanimously as submitted.

**Reports**

**Treasurer's Report:**

*EPCSA Finances as of February 28, 2019:* Treasurer Bunton had distributed a Balance Sheet and a Profit and Loss Budget versus Actual statement as of February 28, 2019 to the Board members via email prior to the meeting. He reported that payment of the 2019 assessments has been received from the owners of all 190 EP lots. This represents the first time there has not been at least one delinquency since 2011. The operating checking account currently contains \$115,409.20, as anticipated by the 2019 budget. The capital reserves savings account contains \$109,009.05. In accordance with the Board's long-term capital improvement plan the Board will consider for 2019 replacing the cracked exterior tiles at the clubhouse entry and replacing the spalled and cracked concrete sidewalk adjacent to the Recreation Center property and the concrete walkways within the parking lot area. The costs of this work, if approved by the Board, will be paid from the reserves savings account. The total cost for the two projects is likely to be in the \$30,000 to \$40,000 range.

Mr. Bunton reported that there had been recent instances in which EP homeowners reserving the clubhouse conference room for meetings of outside organizations had submitted the required \$75 reservation payments as checks from these outside organizations. The Association's bookkeeper, Greg Klos, had reported that checks for this purpose from non-EPCSA owners or renters are taxable to the EPCSA and require him to invest additional time in preparing the EPCSA tax return every year. Mr. Klos had therefore recommended that for future clubhouse reservations we accept only personal checks from EPCSA owners and renters. Mr. Casey has been informed about this requirement. Mr. Klos had also recommended that we indicate on the EPCSA website that only personal checks from EP owners and renters will be accepted for clubhouse reservations. President Shears will arrange with the EPCSA's website manager for this additional information to be posted on the EPCSA website.

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

- Three solar panel installation projects in Altamira, Cumbre Vista and Los Altos respectively have received provisional ARB approval, but the projects are either in progress or awaiting ARB approval.
- The ARB has approved a home addition in Cumbre Vista (705 Avenida Primera)
- The ARB has received an application for construction of a new residence at 782 Paseo Cresta. The plans are currently under review by the EPCSA's architect.

*Home and Lot Modifications made by Management Companies:* President Shears in an email of March 2, 2019 sent to all EP owners had advised them as follows: *"If your EP property is managed by a management company, the management company may not make any exterior modifications to the property without ARB approval, and applications for ARB approval must be submitted by the actual property owners and not by management companies. In the event any 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."*

**Real Estate Report:** Jill McIntosh presented a summary of year-to-date real estate activity in EP. There are currently three homes and one vacant lot that are active. One home has been sold and three homes are under contract. The closings for the latter will all occur during March at which time the contact information for the new owners will be obtained for the EP address list.

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

- The leak at the clubhouse has been located and repaired and the excavation at the leak site has been filled. As soon as the City confirms the leak has been repaired based on water consumption, Mr. Casey will seek an adjustment from the City of EPCSA's water bill during the period of the leak.
- The installation of new lighting that illuminates the south EP entry sign has been completed. The new installation uses LED bulbs.
- Mr. Casey had obtained an estimate from an ADT salesman for installing an updated alarm system at the clubhouse. However, he believes that the ADT estimate for the proposed project is too high. He has therefore sought bids from two other companies for the proposed project and is waiting to hear from them.
- Two mercury vapor bulbs at the racquetball court need replacement. Mr. Casey had contacted Summit Electric to get a price for these. However, bulbs of this type are no longer available. He is currently investigating replacing the bulbs with halogen bulbs or getting new light fixtures installed that will work with LED bulbs.
- Mr. Casey indicated that at the request of Mr. Bunton, he is investigating replacing the cracked tile at the clubhouse entry and the cracked and spalled concrete on the sidewalk adjacent to the Recreation Center property and on the walkways leading to the clubhouse entry. He has met with six contractors regarding these issues and has received pricing from five of them to date. He

reported that there are a variety of options available for both the concrete and tile replacement. The Board again agreed that it would be helpful to consult with the architect who had evaluated the bids for replacement of the clubhouse roof and who had monitored the roof installation on behalf of the EPCSA. The architect is Tom Easterson-Bond. Mr. Casey will contact him to discuss his possible involvement in the two projects and how much it would cost the EPCSA.

- Mr. Casey is obtaining bids from three different pest control companies for the pest control contract at the clubhouse. This includes the current vendor Critter Control. The latter company had indicated that their current pricing is firm. However, they did offer to change from bimonthly visits to quarterly visits at \$82 per trip. Critter Control owns the rodent bait stations currently at the Recreation Center. Critter Control provides coverage for rodents only and not for termites, ants and other insects. Mr. Casey had also spoken with John Rouk who is with another Albuquerque Pest Control company. Mr. Rouk had submitted a quote for the same number of stations as we currently have that is \$24 less than our current contract with Critter Control.

However, if we change companies, the EPCSA will have to purchase new bait stations at a cost of \$126 plus tax. Mr. Casey has also obtained a quote from Truly Nolen Pest Control in Albuquerque. Connie Burke, who is the EPCSA's former Recreation Center manager, recommended that the Association stay with bimonthly visits by whatever Pest Control company is ultimately awarded the contract because the mouse and rodent problem needs frequent attention. The Board agreed with this. Mr. Casey will prepare a document summarizing the costs for the Association based on the estimates provided by the three companies and will present it at the April Board meeting.

- Mr. Casey had been asked by an owner whether it would be possible to install a traffic mirror at the intersection of Aspen Compound Drive with Avenida Primera. He had discussed the matter with the City Traffic Department who had informed him that Federal guidelines prohibit this type of installation on right of ways.
- Mr. Casey reported that the pool house doors are in bad shape and should be replaced before the start of the season preferably with metal doors. He was asked by the Board to obtain cost estimates for replacement of the doors and present those at the April Board meeting.

**Amendments to the HOA Act of 2013 by New Mexico Senate Bill 150:** Errol Levine summarized various new requirements contained in Senate Bill 150 that will become effective on July 1, 2019 and that will be applicable to the EPCSA. These include but are not limited to the following:

- *Section 47-16-10 (Financial Audit):* EPCSA will be required to arrange and pay for an independent audit of its accounts at least once every three years;
- *Section 47-7E-14 (Attorney Fees and Costs):* Should the EPCSA sue an EP lot owner based on any provision of the Amended Declaration and Bylaws and should the owner prevail in court, the court may award legal costs to the owner;

- *Sections 47-16-2 and 47-16-7 (Definitions and Board Members and Officers):* The Bill requires that Board members shall not have conflicts of interest. After discussion the Board agreed that it would be wise for the EPCSA to adopt a Conflict of Interest Policy that would apply to Board members and officers and that Board members and Officers should in the future sign a Conflict of Interest Statement each year that would be retained as part of the EPCSA's records. Errol Levine will draft a policy and form for consideration at a future Board meeting;
- *Section 47-16-5 (Record Disclosure to Members):* If an EP lot owner requests access to financial and other records of the EPCSA and the Association fails to provide such records within ten business days, the owner may be entitled to monetary damages as defined in the Bill;
- *Section 47-16-7 (Board Members and Officers):* After July 1, 2019 all newly-elected and appointed Board members will be required to complete a Certification Statement that the EPCSA will retain as part of its records for a period of five years after the date of each election or appointment. The Board approved a Board Member Certification document drafted by Errol Levine (attached). It was agreed that the EPCSA Secretary will send the form to each newly elected or appointed Board member after July 1, 2019;
- *Section 47-16-9 (Proxy and Absentee Voting and Ballot Counting):* The Board will abide by the provisions of the bill in organizing and holding annual and special meetings of EPCSA Members;
- *Section 47-16-12 (Sale of Lots – Disclosure Certificate):* The Board is already in compliance with the Bill's requirements;
- *Section 9 (Meetings of the Association):* The Board is already in compliance with the Bill's requirements;
- *Section 10 (Enforcement of Covenants- Dispute Resolution):* The Board will comply with the due process requirements of Section 10 and may use processes other than litigation, e.g. mediation, to resolve disputes between the Association and individual lot owners.

## **Unfinished Business**

**Quiet Title Litigation Update:** Mr. Bunton reported that the Plaintiffs in *Schneider v. Hoover et al.* (see Board meeting minutes of February 8, 2019) had on March 4, 2019 filed a motion in the First District Court entitled "*Plaintiffs' Motion for Judgment Upon Complaint to Quiet Title*" (attached) in which they ask that the Court enter an order establishing title in fee simple for the property located at 775 Paseo Cresta. Mr. Bunton indicated that the EPCSA has already been dismissed from the lawsuit and that therefore no further action on this matter is needed.

**EPCSA Website Updates:** Dr. Levine reported that he had written to the Presidents of the neighborhood subdivisions asking them whether they required any updates for their respective EPCA website pages as regards the composition of their Boards of Directors, their Architectural Review Committee membership, contact information for Board and ARC members, and annual assessment information. Dr. Levine indicated

that he had received replies from all of them requesting some changes. He had then arranged for the changes to be posted on the EPCSA website. It was noted further that there had been very recent changes for the Cumbre Vista HOA, and Connie Burke agreed to provide Dr. Levine with updated information for her neighborhood.

Mr. Bunton indicated that he had sent President Shears a list of suggested updates and changes for the EPCSA website and that she had agreed to forward those to the EPCSA's website manager. The changes will include under the Recreation Center tab that only personal checks from EP owners and renters will, in the future, be accepted for clubhouse reservations.

**Proposed Recreation Center Pool Water Aerobics Class:**

The Board received a request in August 2018 from some EP owners that they be allowed to hold a water aerobics class at the pool under the supervision of a paid instructor. After a discussion of the request at the October 2018 Board meeting, the Board appointed a Subcommittee consisting of Brenda Shears, Barbara Chamberlin, Connie Burke, Scott Bunton, Leslie Walker Hirsch and Greg Casey (*ex officio*) to investigate the matter and to report back to the Board at a future meeting. The Subcommittee met twice and decided to recommend to the Board that there should be a one-summer trial of the class subject to the following considerations and limitations:

- The proposed class would be held about twice a week in the EP pool with an instructor paid by participants;
- The EPCSA's Insurance agent, Jay Winter of Blue Chip Insurance Agency, had recommended that for liability reasons, the instructor should have a liability insurance policy with at least \$1 million dollars of coverage and that he/she should include the EPCSA as an "Additional Insured" under the policy. Accordingly, if an adverse event occurred in connection with the class and that resulted in a lawsuit, the instructor's liability policy would provide coverage. The EPCSA's liability policy with CIC would be triggered if both the Instructor and the EPCSA were sued and damages were awarded that exceeded the limits of the Instructor's policy;
- There would be no more than ten participants in any class;
- Only those now permitted by EPCSA's pool rules to use the pool could participate in the classes;
- All class participants would be required to sign liability waivers in advance, and these would be retained as part of the EPCSA's records;
- The pool could not be reserved for the class and therefore others permitted to use the pool could do so while the class was underway;
- No EP owner/resident could receive compensation as a class instructor;
- Subsection II.A.2. of Part II of the EPCSA's *Book of Resolutions* stating that no commercial activity is allowed in the Recreation Center facilities would be waived for the purposes of and applicable to the trial to the extent that the Subsection is or may be in conflict with permission to compensate an instructor;

- At an appropriate time after the last session of the trial class, the EPCSA President shall solicit comments from the class's participants and from all other EPCSA members regarding their experiences with the trial, whether they recommend that comparable use of the pool be permitted on a permanent (non-trial) basis, and, if not, why they oppose such permission. The President shall then provide the comments received to all Board members for their consideration.

The Board then discussed the Subcommittee's recommendations and members expressed various concerns about them that were applicable both to the trial class and to a permanent class if a permanent class were eventually permitted:

- Waiving of Rule Against Commercial Activities: EPCSA Rule II.A.2. states that "*No commercial activity of any kind is permitted on the Recreation Center's premises.*" Some Board members felt that waiving the rule would create an undesirable precedent that could open the door to similar applications to the Board and could also weaken the Board's ability to enforce other rules;
- Administrative Burdens: Some Board members believe that allowing this class would impose a significant organizational burden on the EPCSA that included obtaining and archiving documents such as liability waiver forms, a Certificate of Insurance from the Instructor's Insurer each year, and sign-in sheets for each class and monitoring of the class to ensure that it only includes permitted pool users and does not exceed the maximum class size of ten participants. It is not clear how all of this would be accomplished;
- Waiver of Liability Forms Signed by Participants: Some Board members noted that waiver forms even when prepared by an attorney might not serve any real purpose if someone is injured and are unlikely to prevent a lawsuit;
- Medical and Other Emergencies: Board members noted that the Recreation Center does not have any provisions for medical and other emergencies such as might be required by the Department of Health;
- Availability of Other Facilities: Some Board members noted that Fort Marcy Park Recreation Center offers water aerobic classes throughout the year at an affordable rate and that there is therefore no need for the EPCSA to become involved in a matter of this nature.

After further discussion Carol Genebach made a motion to postpone further consideration of the proposed water aerobics class indefinitely and her motion was seconded. The Board then approved the motion by four members voting in favor (Genebach, Levine, McIntosh and Schiller) and two members opposed (Burke and Chamberlin). The chair (Bunton) did not vote.

## **New Business**

There was none.

### **Homeowner Comments**

There were none.

### **Announcements**

EPCSA will sponsor the traditional Memorial Day gathering for EP owners and renters at the Clubhouse and Connie Burke will make the necessary arrangements. As usual, EPCSA will provide chicken and meat and ask those attending to bring a salad, side dish, or dessert and their own beverages. More detailed information will be emailed to all owners in early April. The next Board meeting will be held on Friday, April 12 at 9:00 a.m.

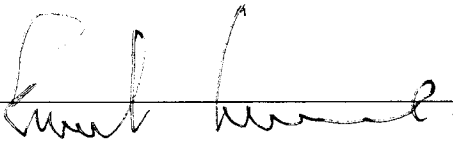
### **Executive Session**

Upon a motion duly made, seconded and approved unanimously the Board went into Executive Session at 10:30 a.m. No minutes were taken during the session which ended at 10:45 a.m. The Board returned to open session at 10:45 a.m. without any announcements being made.

### **Adjournment**

A motion was made, seconded and approved unanimously to adjourn the meeting, and Vice President Bunton adjourned it at 10:50 a.m.

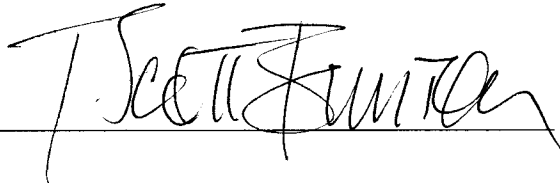
Minutes prepared and submitted by:

A handwritten signature in cursive script, appearing to read "Errol Levine", written over a horizontal line.

Date: 4/10/2019

(Errol Levine - Secretary)

Signed on behalf of Board by:

A handwritten signature in cursive script, appearing to read "Scott Bunton", written over a horizontal line.

Date: 4/12/2019

(Scott Bunton- Vice President)

**ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION (EPCSA)**

**BOARD OF DIRECTORS**

**CERTIFICATION OF NEWLY-ELECTED/APPOINTED BOARD MEMBERS**

I, \_\_\_\_\_ (*print full name*) of \_\_\_\_\_

\_\_\_\_\_ (*print Estancia Primera address*), having been duly  
elected

or appointed (*circle appropriate choice*) as a member of the EPCSA Board of Directors

on \_\_\_\_\_ (*state date of election or appointment*), hereby certify that—

1. I have read the EPCSA community governing documents including the *Amended Declaration of Covenants and Restrictions for the Estancia Primera Community (2005)*, the *Amended Bylaws of Estancia Primera Community Services Association (2005)*, the *Amended Architectural Guidelines*, and the current version of the *Book of Resolutions*;
2. I will work to uphold the community documents and policies to the best of my ability;  
and
3. I will faithfully discharge my duties to the EPCSA as a member of its Board of Directors.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Please submit your signed and dated form to the EPCSA Secretary as soon as possible and no later than ninety (90) days after your election or appointment to the Board of Directors

(Adopted By Board of Directors at Board meeting on March 8, 2019)

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT

STEVE I. SCHNEIDER AND  
EDWARD H. PLATTE, JR.,

Plaintiffs,

v.

Case No. D-101-CV-2018-02441

JO ANN HOOVER a/k/a JOE ANN HOOVER  
a/k/a JOANNE HOOVER a/k/a JOANNE HOOVER  
MCGUIRE a/k/a JOANNA MCGUIRE, CRESTA  
HOMEOWNERS ASSOCIATION, ESTANCIA  
PRIMERA COMMUNITY SERVICES  
ASSOCIATION and UNKNOWN  
CLAIMANTS OF INTEREST IN THE PREMISES  
ADVERSE TO THE PLAINTIFFS,

Defendants.

**PLAINTIFFS' MOTION FOR JUDGMENT**  
**UPON COMPLAINT TO QUIET TITLE**

COMES NOW plaintiffs Steve I. Schneider and Edward H. Platte, Jr. (together, "Plaintiffs"), by and through their attorneys, Hays & Friedman, P.A. (John P. Hays and Thomas W. Banner), and for this, their Motion for Judgment Upon Complaint To Quiet Title, state as follows:

1. Plaintiffs commenced this action on August 17, 2018 by filing their Complaint to Quiet Title (the "Complaint").

2. The real property (the "Property") that is the subject matter of this cause of action is located in Santa Fe County, New Mexico and is more particularly described as follows:

Lot 9, Tract J of Estancia Primera, Phase 1A, as shown on plat filed in Santa Fe County Clerk's Office on October 21, 1981, Plat Book 107, Page 22, Doc. No. 486,756; but

Less and excepting that portion of Tract 9, Lot J of Estancia Primera, Phase 1A, which was condemned and appropriated to the City of Santa Fe by a Stipulated Judgment entered in City of Santa Fe v. Joanna McGuire, et al., Case No. D-101-CV-1991-02520,<sup>1</sup> described as follows:

Beginning at the Northwest corner of Lot 9, thence N 53° 43' 32" E 154.91 feet; thence S 48° 21' 17" E 8.64 feet; thence S 52° 28' 31" W 76.92 feet; thence S 36° 33' 05" W 12.07 feet; thence S 26° 34' 56" W 66.10 feet; thence N 48° 27' 45" W 44.85 feet to the point and place of beginning. Containing 2,743 square feet, more or less, of which 1,972 square feet, more or less are contained in the existing drainage easement. Net area is 771 square feet, more or less.

3. The following Defendants named herein (referred to herein, collectively, as the "Defaulted Defendants") were duly and properly served by personal service, as evidenced by the Return of Service filed herein on October 22, 2018: JO ANN HOOVER a/k/a JOE ANN HOOVER a/k/a JOANNE HOOVER a/k/a JOANNE HOOVER MCGUIRE a/k/a JOANNA MCGUIRE; and UNKNOWN CLAIMANTS OF INTEREST IN THE PREMISES ADVERSE TO THE PLAINTIFFS.

4. Each and all of the Defaulted Defendants have failed to file any answer or other responsive pleading, the respective deadlines for each to so file have all elapsed, and they are all therefore in default, as verified by the Certificate as to the State of the Record filed herein.

5. In addition, JOANNA MCGUIRE a/k/a JO ANN HOOVER a/k/a JOE ANN HOOVER a/k/a JOANNE HOOVER a/k/a JOANNE HOOVER MCGUIRE has executed a Quitclaim Deed in favor of the Plaintiffs concerning the Property. The

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<sup>1</sup> A copy of the Stipulated Judgment entered in City of Santa Fe v. Joanna McGuire, et al., Case No. D-101-CV-1991-02520 was filed in Santa Fe County Clerk's Office at Book 988, Page 287 on November 9, 1993.

Quitclaim Deed was recorded in the records of the Clerk of Santa Fe County, State of New Mexico, as Instrument Number 1872673 on November 14, 2018.

6. Defendant CRESTA HOMEOWNERS ASSOCIATION filed a Disclaimer of Interest in this action with regard to the Property on October 2, 2018.

7. Defendant ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION recorded a Notice of Satisfaction and Release of Claim of Lien in the records of the Clerk of Santa Fe County, State of New Mexico, as Instrument Number 1875158 on December 17, 2018. Thereafter, a Stipulation of Dismissal was filed by Plaintiffs and Defendant ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION in this action on January 10, 2019.

8. Plaintiffs acquired fee simple title to the Property upon accepting delivery of a tax deed recorded in the real property records of the County Clerk of Santa Fe County, New Mexico on August 7, 2018, as Instrument No. 1864394.

9. Plaintiffs are entitled to judgment for the relief prayed for in the Complaint to Quiet Title and in this motion, against all the Defendants named in this action, and each of them, as Defendants have either failed to plead or otherwise defend, or Defendants have disclaimed any interest in the Property.

WHEREFORE, Plaintiffs pray for an order as follows:

A. That the Court enter an order establishing title in fee simple in and to the Property against the adverse claims of the Defendants, and each of them, and everyone claiming by, through, or under them be barred and forever estopped from having or claiming any lien upon, or any right, title, or interest in or to the Property or to the estate

of Plaintiffs, subject only to those valid secured interests in the Property, and that the title of Plaintiffs in and to the Property in fee simple be forever quieted and set at rest; and

B. That the Court grant Plaintiffs such supplemental, other and further relief as the Court deems just and proper.

Respectfully submitted,

HAYS & FRIEDMAN, P.A.

By: /s/ Thomas W. Banner

John P. Hays, Esq.

Thomas W. Banner, Esq.

530-B Harkle Road

Santa Fe, New Mexico 87505

Tel: 505-989-1434

Email: [jphays@haysfriedmanlaw.com](mailto:jphays@haysfriedmanlaw.com)

[twbanner@haysfriedmanlaw.com](mailto:twbanner@haysfriedmanlaw.com)

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on March 4, 2019, I filed the foregoing electronically through the Odyssey File & Serve system, which caused the parties or counsel reflected on the Notice of Electronic Filing to be served by electronic means.

/s/ Thomas W. Banner

Thomas W. Banner

**Estancia Primera Community Services Association (EPCSA)**  
**Minutes of the Meeting of the Board of Directors**  
**Friday, April 12, 2019**

**Call to Order:** In the absence of President Shears, Vice President Scott Bunton called the meeting to order at 9:00 a.m. at the Recreation Center Conference Room.

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

**Others Present:** Greg Casey (Recreation Center Manager)

**Approval of Minutes of Previous Board Meeting:** The minutes of the Board meeting of March 8, 2019 were approved unanimously as submitted.

**Reports**

**Treasurer's Report:**

Treasurer Bunton reported that the operating checking account contained \$116,251.73 and the capital reserves savings account contained \$109,014.10 as of March 31, 2019.

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

- Construction of a new home has begun at 408 Calle Kokopelli;
- Rooftop solar panel installation at 642 Cumbre Vista. The contractor submitted a request for approval of the project, but the Estancia Primera ARB did not receive an approval from the Cumbre Vista Architectural Review Committee without which the project cannot move forward. Kurt Sommer has notified the contractor. He is still waiting to hear from the contractor and receive approval from the Cumbre Vista ARC;
  - The ARB received a performance deposit for work at 400 Calle Kokopelli without an application for any work. The ARB is waiting for an application from the owner or her builder;
- A solar installation at 774 Calle Altamira has been completed and an ARB inspection will be scheduled;
- The ARB has approved a home addition in Cumbre Vista (705 Avenida Primera);
- The ARB has received an application for construction of a new residence at 782 Paseo Cresta. The plans have been reviewed and approved by the EPCSA's architect and an ARB meeting will be scheduled soon to consider the plans;
- A new home is under construction at 425 Los Altos Way. An ARB inspection will be scheduled when construction is complete;
- Installation of an air conditioning unit has been approved at 746 Calle Altamira and is in progress;
- A re-landscaping project has been approved at the residence at 504 Los Nidos Drive.

**Real Estate Report:** Jill McIntosh presented a summary of year-to-date real estate activity in EP. There are currently five homes and one vacant lot that are active. Three home have been sold.

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

- He had submitted information to the City regarding the water leak at the Recreation Center. He expects that the EPCSA will receive a credit for about \$340 on its next water bill;
- He is still working on obtaining estimates for an upgrade of the alarm system at the clubhouse;
- He had contacted Summit Electric to get a price for the replacement of the nonfunctioning mercury light bulbs at the racquetball court. There are six lights in the area all of which will need to be replaced. If these are replaced with LED lights, the cost per light is \$225 plus tax. Mr. Casey estimates that removal of the old lights and installation of the new ones will cost about \$600 although he has not yet obtained a final estimate for this work. He believes though that the total cost for the project will likely not exceed \$2,300 - \$2,500. The new bulbs should last for about 20 years, and their electricity costs will be notably lower than those for the current fixtures. A motion made by William Schiller and duly seconded that Mr. Casey arrange for the installation of six LED lights at a cost not to exceed \$2,500 passed by a vote of seven Board members in favor of the project (Bunton, Levine, Burke, Chamberlin, Genebach, McIntosh and Schiller) and one opposed (Walker-Hirsch);
- He had obtained all necessary estimates for the replacement of the cracked tile at the clubhouse entry and for replacement or resurfacing of the concrete sidewalk outside the parking area. The proposed repairs and the various bids await the scrutiny and recommendations of Tom Easterson-Bond, an architect that the Board will hire to assist with the two projects;
- He had obtained bids from three different companies for pest control (rodents and insects) at the clubhouse as described at the March Board meeting. The Truly Nolen Company's services would be the least costly. In addition, should the Board conclude at any point that insect control work is also needed, Truly Nolen can provide that service, unlike the company EPCSA has been using for rodent control (Critter Control). A motion made by Errol Levine and duly seconded that EPCSA switch from using Critter Control for rodent control to using Truly Nolen was passed unanimously. It was agreed that the company should conduct inspections every two months. It was noted also that there is no actual contract. Should there be any problems the arrangement with Truly Nolen may be terminated by mutual agreement at any time;
- Mr. Casey had obtained estimates for new pool house doors and a lock. The existing doors are vulnerable to rodent infiltration and to being ripped off their hinges by wind gusts. Mr. Casey has not yet obtained an installation cost for the doors, but it is likely that the total cost for the project will not exceed \$1,000 including installation, using the same type of aluminum-clad wood doors that we have currently. After a motion made by Connie Burke that the Board approve the project at a cost not to exceed \$1,500 was duly seconded and discussed, the Board passed the motion unanimously;

- Mr. Casey had obtained estimates to replace the locks on the lockers in the men's and ladies' change rooms. He recommends that we not use key locks in the future but that we replace the key locks with steel devices that can be padlocked. Under this scenario, locker users would have to furnish their own padlocks. The Board decided to defer further consideration of this matter until the May Board meeting at which time Mr. Casey will provide a cost estimate;
- A deep cleaning of the clubhouse will be performed in early May.

Mr. Bunton reported that he had worked closely with Mr. Casey and President Shears regarding the proposed replacement of cracked tile at the clubhouse entry and the concrete replacement or resurfacing of the sidewalk adjacent to the clubhouse parking lot. He indicated that various options exist. To date it appears that Colorado red stone (of the same kind and color as we currently have on the clubhouse steps) would be the most durable replacement for the existing tile and sand-tinted high-density concrete would be most suitable for the sidewalk replacement. The costs would be paid from the reserves savings account, and their total is anticipated to be in the \$50,000 range. Mr. Bunton had discussed these and other options with consultant architect Tom Easterson-Bond and Mr. Bunton will meet with the latter on April 12.

Mr. Bunton then made a motion (see attachment) as to how to proceed in these two matters. The motion was duly seconded, and a discussion ensued. An amendment was proposed to schedule the work after September 15 at which time there is less use of the pool and clubhouse by owners, for which several Board members expressed a preference. Mr. Bunton indicated that he was amenable to discussing such timing with the contractors, but due deference would have to be paid to their recommendations as to the optimal time of the year for performing such weather-sensitive exterior work and their availability to do the work after September 15. Mr. Bunton accepted as a friendly amendment to his motion that it would be an objective in the negotiation of the contracts for the work to be performed between September 15 and October 31, 2019. The Board approved the motion with seven members voting in favor of it (Bunton, Levine, Burke, Chamberlin, Genebach, McIntosh and Schiller) and one member (Walker-Hirsch) voting against the motion. Mr. Bunton will report back to the Board in accordance with the provisions of the last paragraph of Section III of the motion.

## **Unfinished Business**

### **EPCSA Website Updates:**

Mr. Bunton indicated that President Shears had arranged for our website manager to make several improvements and updates on the website.

**Conflict of Interest Policy and Statement:** In accordance with a Board decision made at the March 8, 2019 Board meeting, Dr. Levine had drafted a Conflict of Interest Policy and Statement that would be applicable to EPCSA Board members, Officers and employees (see attachment). The latter under our current arrangements would include only our Recreation Center Manager and our Bookkeeper. Dr. Levine had distributed the two documents to all Board members via email and had revised the documents based on comments received. Dr. Schiller then made the following multipart motion:

1. The Board should accept the two documents as written;
2. Board members should under ordinary circumstances be required to sign the statement each January;
3. However, any new Board members elected at the annual August Members' meeting or any newly-appointed Board members would be required to sign the statement after their election or appointment.

After the motion was seconded, a brief discussion ensued, and the motion was passed unanimously. The Board agreed also that for 2019 the current Board members, officers and employees should sign the statements prior to the May Board meeting. Dr. Levine will distribute the statement to the affected individuals prior to the May Board meeting and the completed forms should be returned to him via email or fax so that the minutes of the May Board meeting may indicate that all current Board members and our bookkeeper and Recreation Center Manager have signed the statement.

**Memorial Day Gathering:** This will be held on May 27 between 5:00 p.m. and 7:00 p.m. Connie Burke will arrange for meat and poultry to be prepared by Cowgirl BBQ of Santa Fe and for the delivery to occur around 6:00 p.m. A line item in the 2019 budget allows for an expenditure of \$375 for social activities including this one. Ms. Burke will provide the Board with further details at the May Board meeting.

### **New Business**

There was none.

### **Homeowner Comments**

A.L. Bontrager (501 Camino Los Altos) had made comments earlier in the meeting at the invitation of the Chair and had no comments to offer during this section of the meeting.

### **Announcements**

The next Board meeting will be held on Friday, May 10 at 9:00 a.m.

### **Adjournment**

A motion was made, seconded and approved unanimously to adjourn the meeting, and Vice President Bunton adjourned it at 10:15 a.m.

Minutes prepared and submitted by: Errol Levine Date: 5/8/2019

(Errol Levine - Secretary)

Signed on behalf of Board by: Brenda L Shears Date: 5/10/2019

(Brenda Shears - President)

## **Motion made by Scott Bunton regarding Recreation Center concrete sidewalk and tile replacement**

### **Board of Directors meeting – April 12, 2019**

I move that the Board—

#### **I. Approve in principle—**

- a) replacing the exterior tile between the front steps to the Clubhouse and the interior doorway with Colorado Red Stone;
- b) replacing the exterior tile on the southwest side of the Clubhouse where the trash and recycle carts are kept with self-leveling concrete tinted to match the Red Stone; and
- c) replacing the surface of the ramp from the other side of the front walkway to the sidewalk along the parking lot with the same self-leveling concrete tinted to match the Red Stone; and
- d) either—
  - 1) replacing the entirety of the concrete sidewalk abutting the parking lot curb from the northwest end of the parking lot to the southeast end (by the tennis court) by removing the existing concrete and pouring new concrete; or
  - 2) removing all deteriorated/deteriorating concrete from that sidewalk and coating the walk in a tinted, textured epoxy; or
  - 3) replacing the portion of the concrete sidewalk closest to the Clubhouse entrance with new concrete and applying the epoxy coating in areas more distant from the entrance.

#### **II. Approve contracting with architect Tom Easterson-Bond to provide the following services with respect to this work:**

- (a) Provide expert advice to confirm the proposed problem solutions are feasible/suitable, or whether better options are available (in which case the Board will be asked to approve any significantly different direction);
- (b) Examine proposed contracts when formal contracts are received from the selected contractors and indicate if they are suitable and sufficient or should be revised, and specifically if they address in an acceptable manner guarantees/warranties and performance windows;
- (c) Spot-check the work being performed under each contract while it is underway to be sure the work is being performed in accord with contractual terms and industry standards;
- (d) Inspect the completed work, advise if the contractors need to make adjustments to their work, and notify EPCSA when the work is satisfactorily completed, and it is appropriate for EPCSA to make payment.

#### **III. Approve the President and Vice President/Treasurer, with the assistance of the Recreation Center Manager and with the guidance and advice of Mr. Easterson-Bond, negotiating for the best contractual terms attainable, so long as the total project cost does not exceed \$50,000, for the work described in I. and II. above, with categorical estimates as follows:**

- (a) Remove tile and replace with Colorado Red Stone: \$12,500
- (b) Remove tile and ramp surface and replace with tinted, self-leveling concrete: \$10,000
- (c) Remove existing sidewalk and pour new concrete sidewalk: \$25,000 (with the understanding that, if some or all the sidewalk, instead, is saved and coated with epoxy, this cost will be reduced)
- (d) Obtain expert advice and counsel from Tom Easterson-Bond as indicated in II. above: \$2,500.

and with the understandings that (i) the actual negotiated contracts for the replacement/repair work will be submitted to the Board for its approval or disapproval by means of either an email or written vote, or a vote taken at a Special or Regular (Monthly) Meeting of the Board; and (ii) the objective in the negotiation of the contracts will be for the work to be performed between September 15 and October 31, 2019.

**Estancia Primera Community Services Association (EPCSA)**  
**Minutes of the Meeting of the Board of Directors**  
**Friday, May 10, 2019**

**Call to Order:** President Brenda 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.

**Others Present:** Greg Casey (Recreation Center Manager)

**Approval of Minutes of Previous Board Meeting:** The minutes of the Board meeting of April 12, 2019 were approved unanimously as submitted.

**Reports**

**Treasurer's Report:**

Treasurer Bunton reported that the operating checking account contained \$115,884 and the capital reserves savings account contained \$109,032 as of April 30, 2019. The Association is currently on track with the budget and expenditures.

**ARB Report:** Bill Schiller reported as follows on behalf of ARB Chair Kurt Sommer:

**New Projects:**

- 504 Los Nidos Drive - application for landscaping of front yard - project approved to proceed;
- 782 Paseo Cresta - application to construct new home - plans sent to architect for review.

**Completed Projects:**

- 746 Calle Altamira - installation of air conditioning unit - approved;
- 744 Calle Altamira - expanded brick patio - approved.

**Ongoing Projects:**

- 425 Los Altos Way - there is concern regarding roadway surface damage during construction - the Los Altos Homeowners Association has written to the lot owner regarding this;
- 705 Avenida Primera South - addition to home.

**Real Estate Report:** Jill McIntosh presented a summary of year-to-date real estate activity in EP. There are currently five homes and one vacant lot that are active. Three home have been sold.

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

- He has been working with a company that has a plan to replace the clubhouse security system at a fair price. He will present a report on this matter at the June Board meeting;
- The pool is being made ready for the Memorial Day opening and the annual inspection is planned for May 10, 2019;
- He had contacted Summit Electric to get a price for the replacement of the mercury light bulbs at the racquetball court with LED lights;
- Critter Control did their last Recreation Center inspection in the first week of May. He will notify them regarding the change of service and will arrange for Truly Nolen to perform their first inspection in July 2019;
- The pool house doors and lock have been changed at an installed cost of approximately \$905;
- Mr. Casey has obtained steel devices to be added to the doors of the lockers in the men's and ladies' locker rooms that will enable the doors to be padlocked while in use. Locker users will have to provide their own padlocks. The Board agreed that lockers will be for daily use only. Any lock left in place at closing time will be removed using bolt cutters. Owners will be notified about this policy by appropriately placed signs. However, if users have their names on the locks, they will be given an opportunity to remove them at closing time *provided they can be reached in a timely manner*. The Board approved the expenditure of an amount not to exceed \$350 for the steel devices. Mr. Casey will install the devices and will bill the Association for the labor costs at his usual hourly rate. Ms. Shears will notify owners of this change in her usual monthly emails.
- A deep cleaning of the clubhouse will be performed in early May.
- The Board noted that of the two shrubs on the island at the south EP entry, only one had recovered fully from the adverse effects of the 2018 drought. The shrub closer to the entry sign has only partially recovered and looks somewhat ugly. The Board agreed that the latter shrub should be given a little more time to determine whether it will recover. If it does not recover fully, it should be removed and the Board authorized Mr. Casey to organize that. It is likely that the remaining shrub will grow to fill in the resulting gap. The Board is reluctant to consider planting a new shrub to replace the one that might be removed because there is no water supply on the island and hand watering is both laborious and costly.
- Reyes Morales will perform a spring cleanup of the Recreation Center property and of the Avenida Primera entry islands prior to Memorial Day.

### **Unfinished Business**

**Recreation Center Sidewalk and Tile Replacement:** Mr. Bunton reported that he will meet with our architect, Tom Easterson-Bond, on May 10 to discuss the latter's compensation for assisting with the proposed replacement of cracked tile at the clubhouse entry and the concrete replacement or resurfacing of

the sidewalk adjacent to the clubhouse parking lot. They will also discuss the scope of the work. The proposed contracts for the work will become available within the next two weeks. Mr. Bunton will report to the Board regarding progress in this matter at the June Board meeting. There is no urgency since the Board had decided to defer both projects until after the pool closing in September and before the first freeze occurs.

**Memorial Day Gathering:** This will be held on May 27 between 5:00 p.m. and 7:00 p.m. Connie Burke will arrange for meat and poultry to be prepared by Cowgirl BBQ of Santa Fe and for the delivery to occur around 6:00 p.m. The set up for the gathering will be at 10:00 am and Ms. Burke would appreciate any help she can obtain for this purpose.

**Water Aerobics Class Request Status:** The Board had received an application from a small group of owners in September 2018 to hold a water aerobics class at the Recreation Center pool and to hire a person who is not an EP owner or resident to be the instructor for the class, whom they would pay themselves. The Board had discussed this matter at its meeting of March 8, 2019 and had postponed further consideration because of various concerns about the proposed class. The Board noted that such a class is not prohibited by the current Recreation Center rules (see Culpin Recreation Center Use Privilege and Rules) provided that all participants are EP owners and tenants, and their family members and guests. In discussion, Board members agreed unanimously that Rule II.A.2. of the Book of Resolutions that reads “*No commercial activity of any kind is permitted on the Recreation Center's premises*” does not preclude payment of compensation by authorized users of Recreation Center facilities to caterers, entertainers, or instructors who do not reside in EP. Accordingly, while the Board does not in any way endorse, supervise or have any involvement in such activities (provided that all Recreation center rules are fully observed during such activities) they do not require Board authorization. Ms. Shears was asked to notify the applicants accordingly.

## **New Business**

President Shears reported that she had received an email from an Aspen Compound resident, Aleta Pippin, inquiring how to place on a Board meeting agenda her request on behalf of herself and a couple of other owners (Jeffrey Haas – Los Altos Norte and Martha Wasserman – Cumbre Vista) to use the Recreation Center tennis court for playing pickleball. After a brief discussion the Board noted as follows:

- Ms. Pippin should prepare a detailed proposal and submit it to the Board through Dr. Schiller who is the Aspen Compound representative. Her proposal should include but not be limited to a description of what modifications would need to be made to the court, whether there might be a noise problem that might affect adjacent homeowners, how many pickleball payers would be involved and how often they would anticipate wanting to use the court;
- Pickleball involves using a court that is smaller in size than a tennis court. Additional markings would therefore have to be placed on the tennis court surface for games to be feasible. Ms. Pippin therefore needs to indicate what types of markings she would propose;

- Any proposal from Ms. Pippin should include a description of what kind of net would be used. The Board noted that pickleball requires a net height lower than a tennis court net. If the existing net can be lowered for pickleball playing, Ms. Pippin would need to indicate who would assume responsibility for returning the net to its original position and securing it in that position after each game;
- The Board noted that an existing rule in the Book of Resolutions reads as follows: **II.D.1.** *The tennis court is to be used only for playing tennis. No other use is allowed.* Accordingly, if Ms. Pippin's request were to be granted the Board would need to revise the Recreation Center rules;
- Because rule **II.D.1** limits the use of the court to the playing of tennis the Board and/or Ms. Pippin would need to consult regular tennis court users to determine whether they have any objections to the modifications that might have to be made to the court and whether they have any concerns about owners reserving the court for pickleball thereby using available tennis time slots;
- Because pickleball apparently requires the use of a plastic ball and wooden paddles there is the potential for a noise nuisance to nearby EP homeowners. The Board would therefore likely need to involve EP owners with homes near the tennis court in any discussion about this proposal.

President Shears will report to the Board when she receives Ms. Pippin's proposal from Dr. Schiller.

### **Homeowner Comments**

There were none.

### **Announcements**

- The next Board meeting will be held on Friday, June 14 at 9:00 a.m.
- The annual EPCSA Members' meeting has been scheduled for Wednesday, August 14 at 7:00 pm. It was noted in this regard that the Board memberships of six current Board members will expire in August 2019 and the Board positions for Los Altos, Los Altos Norte, Kachina Hills, Altamira, Cresta and La Viveza will therefore become vacant. Secretary Levine will send reminders to the six Board members asking them to submit their completed Petitions of Candidacy to him no later than June 14, 2019 should they wish to run for re-election. It was noted also that Ms. Shears will need to send out a meeting announcement around July 1, 2019 advising EP owners that if they wish to run for election for any of the Board vacancies that they need to submit their Petitions of Candidacy to the Secretary no later than July 15, 2019. President Shears will email or mail the meeting agenda, the year-to-date financial report, the proposed 2020 budget and the draft minutes of the August 2018 annual meeting to all EP owners about one week prior to the date of the meeting.

### **Adjournment**

A motion was made, seconded and approved unanimously to adjourn the meeting, and President Shears adjourned it at 9:40 a.m.

Minutes prepared and submitted by: Errol Levine Date: 6/12/2019

(Errol Levine - Secretary)

Signed on behalf of Board by: Brenda Shears Date: 6/14/2019

(Brenda Shears - President)

**Estancia Primera Community Services Association (EPCSA)**  
**Minutes of the Meeting of the Board of Directors**  
**Friday, June 14, 2019**

**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 (Vice-President/Treasurer), Errol Levine (Secretary), Barbara Chamberlin, Carol Genebach, Jill McIntosh, William Schiller and Leslie Walker-Hirsch.

**Others Present:** Greg Casey (Recreation Center Manager)

**Approval of Minutes of Previous Board Meeting:** The minutes of the Board meeting of May 10, 2019 were approved unanimously as submitted.

**Reports**

**Treasurer's Report:**

Treasurer Bunton had previously distributed the EPCSA Balance Sheet and the Profit and Loss Budget v. Actual statement as of May 31, 2019 to all Board members via email. He reported that the EPCSA's operating checking account contained \$113,696.38 and the capital reserves savings account contained \$109,032.32 as of May 31, 2019. The Association is currently on track with the budget and expenditures.

**ARB Report:** Bill Schiller reported as follows on behalf of ARB Chair Kurt Sommer:

**New Projects:**

- 782 Paseo Cresta - application to construct new home - plans approved at ARB meeting subject to some revisions requested by ARB for driveway;
- 504 Los Nidos Drive - application for landscaping of front yard - project completed – awaiting ARB inspection;
- 746 Calle Altamira - installation of air conditioning unit completed - awaiting ARB inspection;
- 744 Calle Altamira - expanded brick patio installation - completed – awaiting ARB inspection.

**Ongoing Projects:**

- 425 Los Altos Way - there is concern regarding roadway surface damage during construction - the Los Altos Homeowners Association has written to the lot owner regarding this;

- 705 Avenida Primera South - addition to home.

Mr. Sommer reported that he had received several inquiries about re-roofing and had advised owners that re-roofing does not require ARB approval provided that the new roof is not white or consists of a replacement that uses the same material as the existing roof. He had also received several inquiries about re-stuccoing and had advised owners that re-stuccoing does not require ARB approval provided that the new stucco is the same color as the one being replaced. Dr. Schiller expressed concern regarding how such information is communicated to owners. He believes that any EP owner wishing to install a new roof or to re-stucco a home should send a courtesy notification to the ARB indicating that a roof replacement or a re-stucco project will not alter the appearance of the home and will conform with the Architectural Guidelines. In some cases, sample materials will need to be submitted to the ARB. The Frequently Asked Questions section of the ARB page on the EPCSA website contains the following information:

*“..... if you wish to replace your roof or stucco, you generally do not need to obtain ARB approval if the new roof or stucco will have the same colors as the replaced ones. However, when in doubt ask. An incorrect decision on your part could be costly to you since, if the EP ARB or Board of Directors determines that work you have had done without approval has altered your property’s appearance in a way that violates community standards, they might require you to correct the problems at your own expense.”*

Dr. Schiller believes that the ARB needs to maintain records of any correspondence between owners and the ARB about roof replacements and re-stucco projects. Should any problem arise in connection with such projects after they are completed the ARB would then have evidence that the owners committed in their courtesy notifications to complete the projects without making any changes to the external appearances of their homes. This would be especially important in instances where the ARB required that the project be redone. President Shears agreed to discuss this matter with Mr. Sommer. After such consultation, she would consider including advisory information about roof replacements and re-stucco projects in her monthly emails to owners.

The Board also discussed briefly the installation of rooftop solar panels. Although it was noted that New Mexico law does not allow homeowner associations to prohibit rooftop solar panel installations, such installations still require formal ARB applications and approval because they change the external appearances of homes. The ARB has a responsibility to work with owners to ensure that solar panel installations are of such a nature that they have only a minimal impact on adjacent and distant homes. Ms. Shears will also discuss this matter with Mr. Sommer.

**Real Estate Report:** Jill McIntosh presented a summary of year-to-date real estate activity in EP. There are currently five homes and one vacant lot that are active. Four homes have been sold and one is under contract.

Ms. McIntosh reported that Section 12 of New Mexico Senate Bill 150 that amends the New Mexico Homeowners Association Act of 2013 and that becomes effective on July 1, 2019 requires that any Disclosure Certificate preparation fee imposed by a homeowners association needs to be collected at the time of closing and only if the transaction closes. The EPCSA has up to now required under Rule III.G.3. in the

Book of Resolutions that the EPCSA collect a fee of \$50 for Disclosure Certificate preparation and an additional fee of \$15 per page for any additional documents required by the settlement agent *before* any documents are transmitted to the sellers, their realtors, and the settlement agents. Accordingly, Ms. McIntosh recommended that Rule III.G.3 be revised so that the EPCSA would comply with State law. She indicated also that rule III.G.2 that contains the text of the cover email used to transmit completed Disclosure Certificates for home sales in EP needs to be revised to make it consistent with the requirements in Rule III. G.3. She therefore made the following motion:

*“I move that the Board approve the revisions of Rules III.G.2 and III.G.3 in the EPCSA Book of Resolutions, as shown in the proposed text below, to consolidate the two fees currently charged for the preparation of home sale Disclosure documents into a single fee and to permit the preparation fee to be collected by the settlement agent in a sales transaction at the time of closing after which the fee would be mailed to the EPCSA.”*

**III.G.3. Fee for preparing Disclosure Certificates and settlement agent forms for EP homes being sold.** Effective as of July 1, 2019 EPCSA shall charge one fee of \$75 for preparation of both (i) the home sale Disclosure Certificate required by the New Mexico Homeowners Association Act of 2013, as amended; and (ii) additional documents requested by the settlement agent for a home sale (usually a title company). Both on the Disclosure Certificate and on the appropriate settlement agent form(s) (or other forms) that are completed and submitted by EPCSA, it will be noted that the fee of \$75 is owed to the EPCSA, and that payment is to be made by the settlement agent when the sale closes and mailed to the EPCSA's post office box address.

*Approved by Board June 14, 2019; earlier versions approved by Board on January 12, 2018 and October 16, 2015.*

**III.G.2. Text of email to transmit completed Disclosure Certificates for home sales in EP.** (See attachment)

After the motion was seconded, a brief discussion ensued, and the Board approved the motion and the two rules without changes unanimously. Both revised rules will become effective on July 1, 2019. Ms. Shears will arrange for the two revised rules to be inserted in the Book of Resolutions and for a revised Book of Resolutions to be posted on the EPCSA website.

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

- Mr. Casey has contacted Summit Electric to get a price for the replacement of the mercury light bulbs at the racquetball court with LED lights. He believes that the cost for the LED lights would be about \$1,500 and there would be extra labor costs involved for him to erect scaffolding to reach the lights that are about eighteen feet above ground level. The Board at its April 2019 meeting had approved an amount not to exceed \$2,500 for the purchase of the new lights and their installation. Ms. Shears will further discuss this matter with Mr. Casey so that the project can proceed;

- Critter Control did their last Recreation Center inspection in the first week of May. Nothing is owed to them and Truly Nolen will perform their first inspection in July 2019;
- Mr. Casey discussed several problems he had encountered in trying to replace the locks on the lockers in the men's and ladies' locker rooms with steel devices that can be added to the doors of the lockers that will enable the doors to be padlocked while in use. The Board discussed the matter at length. It was decided eventually to seek opinions and estimates from locksmiths regarding this proposed work. Ms. Shears, Mr. Bunton and Mr. Casey will confer further on this matter before any action is taken;
- Mr. Casey reported that there had been a recent problem with the pool on May 31 and June 1. He had found the pool to be half empty on the night of May 31 (it had been full on the morning of May 31) and he had had to refill the pool using eleven to twelve thousand gallons of water. He was not sure what the cause of this mishap was. However, the pool house doors had been left unlocked possibly by our pool maintenance company (Kokopelli Pool and Spa, Inc.) and someone had turned the skimmer handle the wrong way resulting in partial emptying of the pool. He had not yet contacted Carver Busch, the owner of Kokopelli Pool and Spa, regarding this matter. Ms. Shears will contact Mr. Busch to try to determine what had happened and to establish a policy whereby the pool house doors will be kept locked at all times in the future and whereby only employees with knowledge of the pool controls will be allowed to work on the pool. She would also try to obtain reimbursement from Kokopelli Pools for the additional water use needed should it appear that they were responsible for the problem;
- Mr. Casey reported that the recently installed new pool house doors had been irreparably damaged by recent high winds. This had resulted from their being left unlocked possibly by Kokopelli Pool and Spa. Ms. Shears will also discuss this matter with Carver Busch. However, the Board authorized Mr. Casey to proceed with an urgent replacement of the pool house doors at a cost not to exceed \$750;
- Reyes Morales performed a spring cleanup of the Recreation Center property and of the Avenida Primera entry islands prior to Memorial Day. There are some trees on the Recreation Center property that require trimming and removal of dead branches. Reyes Morales will perform this work later in the season subject to Board approval. Some Board members expressed concern about the untrimmed natural grass that has been planted several years ago in the strip between the Recreation Center parking lot and the concrete sidewalk. It was noted that the grass cannot be mowed because of several rocks under the grass. However, Reyes Morales has previously successfully managed the grass by using a weed trimmer. The Board agreed that the grass should continue to be managed this way and that the work should be done once per month.
- The Board requested that Mr. Casey obtain contracts from companies that are being considered for replacing the concrete sidewalk and the cracked tile in the clubhouse entry. Mr. Bunton needs to deliver the contracts to our architect, Tom Easterson-Bond, for his advice and

recommendations in this matter. Mr. Bunton will distribute the contracts to the Board when they become available.

## **Unfinished Business**

### **Updates to Book of Resolutions:**

The Board noted that as a result of two amendments to the New Mexico Homeowners Association Act by Senate Bill 150 of 2019 and as a result of decisions made at the March and April Board meetings, the Board needed to adopt two new rules for incorporation into the Book of Resolutions.

#### **a. Conflict of Interest Policy and Statement and Rule:**

Mr. Bunton made the following motion:

*"I move that the Board approve, first, the proposed text before you [see below] as the Book of Resolutions entry pertaining to the Conflict of Interest Policy and Statement approved by the Board at its meeting on April 12, 2019, and, second, the text of the Conflict of Interest Policy [attached], as it was approved at that meeting, as amended in paragraph 4 by providing a time frame for those subject to the policy to be given and for them to sign and return the Conflict of Interest statement, plus the addition of paragraph 5 requiring the Secretary to retain the signed statements in EPCSA records, and that the Policy as amended supersede and replace the Policy approved on April 12."*

#### **III.K.1. EPCSA Board Members, Officers, and employees are required to sign a Conflict of Interest Statement.**

The EPCSA Secretary shall provide to all EPCSA Board members, officers, and employees in January of each year the EPCSA's Conflict of Interest Policy and Conflict of Interest Statement. The Policy and the Statement follow this rule and are available online at

(<http://estanciaprimeria.org/wp-content/uploads/2019/04/EPCSA-Conflict-of-Interest-Policy-2019.pdf>).

Within 30 days of receiving these, each Board member, Officer, and employee shall read the Policy and complete, sign, and date the Statement and return it to the Secretary. The Secretary shall provide the Policy and Statement to all new Board members elected at the annual Members' meeting and any newly appointed Board members, Officers, or employees as soon as practicable after their election or appointment and, within 30 days of receiving these, each shall read the Policy and complete, sign, and date the Statement and return it to the Secretary. The Secretary shall retain all signed Statements in the EPCSA's records.

*Approved by Board June 14, 2019; earlier version of Conflict of Interest Policy and Statement approved by Board on April 12, 2019.*

Board members were provided with copies of the revised Conflict of Interest Policy and Statement (attached). The motion was seconded and after a brief discussion was passed unanimously.

#### **b. Certification Statements:**

Errol Levine made the following motion:

*"I move that the Board approve the proposed text [see below] as the Book of Resolutions policy entry pertaining to the Certification Statement [attached] approved by the Board at its meeting on March 8,*

2019 in response to the enactment of a requirement for such a statement placed on every homeowners association by an amendment to the New Mexico Homeowners Association Act of 2013."

**III.K.2. Board members are required to complete a Certification Statement.** *In accordance with the New Mexico Homeowners Association Act of 2013 as amended (specifically by Section 3 of Senate Bill 150 of 2019) each newly-elected and appointed Board member is required after July 1, 2019 to sign a Certification Statement attesting that the member has read the EP governing documents; will "work to uphold the ... documents and policies to the best of the member's ability"; and will faithfully discharge the member's duties to the EPCSA. The Certification Statement for EPCSA Board members follows this rule and is available on-line at (<http://estanciaprimer.org/wp-content/uploads/2019/03/EPCSA-Board-Member-Certification.pdf>). The EPCSA will retain the signed Certification Statements as part of its records for a period of five years after the date of each election or appointment. The EPCSA Secretary shall send the Certification Statement to each newly elected or appointed Board member who shall be responsible for returning the signed form to the Secretary within ninety days after being elected or appointed. As required by the law, a Board member who fails to file the signed certification shall be suspended from the Board until the member complies.*

*Approved by Board June 14, 2019; Certification Statement approved by Board on March 8, 2019.*

After the motion was seconded, a brief discussion ensued after which the motion was passed unanimously.

Ms. Shears indicated that she would update the Book of Resolutions to include both new rules and that the updated Book of Resolutions would be posted on the EPCSA website and would be sent out with future Disclosure Certificates for home sales.

**Update on Quiet Title resolution:** Dr. Levine provided an update on the Quiet Title issue for the vacant lot at 775 Paseo Cresta that was purchased by Steve Schneider and Ed Platte (777 Paseo Cresta) at a County Tax Sale. The Board last dealt with this matter at the March Board meeting after it received a First District Court filing by Steve Schneider and Ed Platte entitled "*Plaintiffs' Motion for Judgment upon Complaint to Quiet Title*" that was filed with the Court on March 4, 2019. On March 19, 2019, the First District Court issued a Final Judgment in this matter (attached) granting Quiet Title to the plaintiffs regarding the vacant lot at 775 Paseo Cresta. The matter has therefore been finalized both for Steve Schneider and Ed Platte as plaintiffs in the matter and for the EPCSA as a defendant. The Board agreed unanimously that the Final Judgment should be included as an attachment to the June Board meeting minutes to provide a permanent record of the resolution of this matter.

**Memorial Day Pool Opening Report:** Connie Burke, who had organized the party, sent a letter to the Board via Ms. Shears indicating that the party had been a great success. At least 67 people attended. The total cost to the EPCSA was \$389.94 consisting of \$275.47 spent on food (brisket, chicken and rolls) and \$114.47 on paper goods. She recommended that another community-wide event be held on Labor Day. The Board discussed a possible Labor Day party which would consist of a potluck without any food being provided by the Association. None of the Board members is available to organize the

proposed party. However, volunteers will be sought in the community who would be willing to undertake the organization of the proposed party.

## **New Business**

**Arrangements for Annual Meeting:** Upon a motion duly made and seconded and approved unanimously, the Board decided to adopt the following arrangements for the annual Members' meeting:

- The meeting will be held on Wednesday, August 14 at 7:00 pm at the Clubhouse conference room;
- The method of voting will be "At Large by Neighborhood";
- The Board positions for Los Altos, Los Altos Norte, Kachina Hills, Altamira, Cresta and La Viveza become vacant in August 2019. Secretary Levine indicated that he had received Petitions of Candidacy in good order for the vacant positions from incumbents Scott Bunton (Los Altos), Leslie Walker-Hirsch (Los Altos Norte), Brenda Shears (Kachina Hills), Carol Genebach (Altamira), Barbara Chamberlin (Cresta) and Jill McIntosh (La Viveza). The election of Directors will be by acclamation if none of the vacancies is contested;
- The Board established a committee without objection consisting of Dr. Levine, Ms. Shears and Mr. Bunton to organize the election if any of the vacancies is contested and an election by secret ballot is required;
- The Quorum requirement for the meeting will be the representation by presence or proxy of EP members who hold ten (10) percent of the votes (the owners of 19 lots) that may be cast on any business before the meeting per the ruling on this matter provided by the then-EPCSA Legal Counsel in 2010, in accordance with Section 53-8-16 of the New Mexico Nonprofit Corporation Act, and in consonance with provision III.J. of the Book of Resolutions;
- Ms. Shears will send a letter on or about July 1 to all EP lot owners covering the following information:
  - Date, time and location of the meeting;
  - Deadline for submission of Petitions of Candidacy (July 15, 2019) for anyone wishing to run for a Board position that will become vacant in August;
  - The method of voting for Board members;
  - Their right to submit proxy forms should they be unable to attend the meeting;
  - The draft minutes of the Annual Meeting of August 15, 2018 for approval at the August 2019 meeting;
  - The fact that the meeting agenda, the 2019 Year-To-Date Financial documents, and the provisional budget for 2019 will be sent to them via email about seven days prior to the meeting date.

Ms. Shears will send a draft of her letter to the Board members via email prior to sending it to the owners;

- Ms. Shears will draw up two sets of sign-in sheets for the meeting. Barbara Chamberlin and Leslie Walker-Hirsch will set up a table near the clubhouse entry to sign owners in for the meeting and to collect proxy forms.

### **Homeowner Comments**

There were none.

### **Announcements**

- The next Board meeting will be held on Friday, July 12 at 9:00 a.m.
- The annual EPCSA Members' meeting has been scheduled for Wednesday, August 14 at 7:00 pm.
- Barbara Chamberlin and Jill McIntosh will arrange the annual neighborhood food drive in September and will try to coordinate that with the annual garage sale that will be organized by Connie Burke.
- Ms. Shears indicated that she had written to the Presidents of all nine neighborhood subdivisions asking them to remind their owners about the need to maintain concrete sidewalks and curbs adjacent to their homes free of overhanging vegetation that might impede pedestrian and vehicular traffic.

### **Adjournment**

A motion was made, seconded and approved unanimously to adjourn the meeting, and President Shears adjourned it at 10:33 a.m.

**EPCSA BOARD OF DIRECTORS MEETING, JUNE 14, 2019**

**REVISION OF RULE III.G.2. FOR EPCSA BOOK OF RESOLUTIONS**

**III.G.2. 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 effective as of July 1, 2019:

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](http://www.estanciaprimer.org) by clicking on the ARB (Architectural Review Board) tab at the top of the page under the title;
2. 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.
3. Section 6.21 of the Amended Declaration of Covenants and Restrictions for the EPCSA (2005) 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.
4. 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 <http://estanciaprimer.org/for-realtors/>.

5. EPCSA's fee is \$75 for preparation of the Disclosure Certificate and other documents pertaining to the property sale that are required by law, or requested by the seller or seller's agent, by the title insurance company, or by the settlement agent. That fee is to be deducted at settlement by the settlement agent and mailed to EPCSA at P.O. Box 8424, Santa Fe, NM 87504-8424. The neighborhood subdivision HOA may impose its own fee for the preparation of its documents.

Please contact me if you have any questions about these documents or any additional concerns.

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. Bylaws Amendment (9/12/2016);
4. 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;
5. Amended Declaration of Covenants and Restrictions for the EPCSA (2005);
6. Amendment of the Declaration (4/27/2011);
7. Projected Capital Expenditure document;
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 by Board June 14, 2019; previously approved by Board on November 10, 2017 and later revised January 12, 2018; February 9, 2018; and October 12, 2018.*

## **ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION (EPCSA)**

### **CONFLICT OF INTEREST POLICY AND STATEMENT APPLICABLE TO**

#### **EPCSA BOARD MEMBERS, OFFICERS AND EMPLOYEES**

An amendment to the New Mexico Homeowners Association Act signed into law in 2019 (Senate Bill 150) requires that in the performance of their duties, “officers and members of the Board shall exercise ... ordinary and reasonable care *free from any undisclosed conflict of interest.*” Section 1 H. of the Bill defines a conflict of interest as follows:

*“conflict of interest” means that a person accepts or is a beneficiary of a fee, brokerage, gift or other thing of value, other than a fixed salary or compensation, as consideration for an investment, loan, deposit, purchase, sale, exchange, insurance, reinsurance or other transaction made by or for the association, an officer of the Board or the Board; or that a person is financially interested in any capacity in a transaction for the association, except on behalf of the association, an officer of the board or the board”*

Although this definition applies mainly to financial considerations, there are other situations in which Board members, officers and employees might have a conflict of interest. Believing it is important that Estancia Primera owners have confidence in the management and administration of EPCSA, the Board establishes the following conflict of interest policy:

1. Each Board member, officer, and employee shall exercise good faith and honesty in all dealings and transactions related to his or her duties to the EPCSA. Such individuals shall not use their positions or knowledge gained from the organization in such a way as to permit a conflict or the appearance of a conflict to arise between the interest of the organization and their own individual interest.
2. If a matter arises in which a Board member, officer, or employee might have a conflict of interest or the appearance of a conflict of interest, that person shall promptly disclose the situation to the Board.
3. Any Board member, officer, or employee having a possible conflict of interest or the appearance of a conflict of interest on any matter before the Board may not use his or her personal influence with the Board to secure a particular outcome or result, he or she favors. A Board member who, as required by Section 2, has acknowledged to the Board a possible conflict of interest or the appearance of a conflict of interest on a matter before the Board shall recuse him- or herself and refrain from voting on associated motions placed before the Board. The minutes of the meeting will reflect that the interested Board member abstained from voting.
4. All Board members, officers, and employees shall complete and submit to the Board secretary the attached disclosure statement for each calendar year during which they are associated with the EPCSA and its administration. The EPCSA Secretary shall provide a copy of this Policy and attached Statement to all Board members, officers, and employees in January of each year, and each Board member, officer, and employee shall sign the statement and return it to the Secretary within 30 days of receiving it. The Secretary shall provide a copy of this Policy and attached Statement to any new Board members elected at the annual Members’ meeting and any newly appointed Board members, officers, and employees as soon as practicable after their election or appointment. Each shall sign the statement and return it to the Secretary within 30 days of receiving it.
5. The EPCSA secretary shall ensure that all signed Statements are retained as part of the EPCSA’s records.

### **Conflict of Interest Disclosure Statement**

I have read and am fully familiar with the EPCSA's conflict of interest policy and agree to comply with the policy. Except for the matters listed below, I know of no situation in which I am involved in which my decision on behalf of the EPCSA may be influenced by my own personal gain or advantage, financial or otherwise. (If you need more room, please attach an additional sheet.)

1. Please describe any existing or potential conflict of interest, or appearance of a conflict of interest you have or may have as a result of your duties to the EPCSA that is associated with any particular contract, financial transaction, or other action that is or may be under consideration by EPCSA or its Board of directors, or that is in effect. If "none," please so state.

2. Briefly summarize your employment history for the past five (5) years.

3. If you serve as a board member, director, trustee, or officer or in any fiduciary capacity for one or more corporations, partnerships, business entities, or organizations (excluding EPCSA or an EPCSA neighborhood subdivision HOA), please list such positions.

4. If there is any other information regarding either actual or potential conflicts of interest or the appearance of conflicts of interest that might affect you in the context of your service to EPCSA, please provide details.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Role with EPCSA: \_\_\_\_\_

(Approved by EPCSA Board of Directors at Board meeting of April 12, 2019; revised by Board June 14, 2019)

**ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION (EPCSA)**

**BOARD OF DIRECTORS**

**CERTIFICATION OF NEWLY-ELECTED/APPOINTED BOARD MEMBERS**

I, \_\_\_\_\_ (*print full name*) of \_\_\_\_\_

\_\_\_\_\_ (*print Estancia Primera address*), having been duly  
elected

or appointed (*circle appropriate choice*) as a member of the EPCSA Board of Directors

on \_\_\_\_\_ (*state date of election or appointment*), hereby certify that—

1. I have read the EPCSA community governing documents including the *Amended Declaration of Covenants and Restrictions for the Estancia Primera Community (2005)*, the *Amended Bylaws of Estancia Primera Community Services Association (2005)*, the *Amended Architectural Guidelines*, and the current version of the *Book of Resolutions*;
2. I will work to uphold the community documents and policies to the best of my ability;  
and
3. I will faithfully discharge my duties to the EPCSA as a member of its Board of Directors.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Please submit your signed and dated form to the EPCSA Secretary as soon as possible and no later than ninety (90) days after your election or appointment to the Board of Directors

(Adopted By Board of Directors at Board meeting on March 8, 2019)

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT

FILED  
1st JUDICIAL DISTRICT COURT  
Santa Fe County  
3/19/2019 11:36 AM  
STEPHEN T. PACHECO  
CLERK OF THE COURT  
Jessica Garcia

STEVE I. SCHNEIDER AND  
EDWARD H. PLATTE, JR.,

Plaintiffs,

v.

Case No. D-101-CV-2018-02441

JO ANN HOOVER a/k/a JOE ANN HOOVER  
a/k/a JOANNE HOOVER a/k/a JOANNE HOOVER  
MCGUIRE a/k/a JOANNA MCGUIRE, CRESTA  
HOMEOWNERS ASSOCIATION, ESTANCIA  
PRIMERA COMMUNITY SERVICES  
ASSOCIATION and UNKNOWN  
CLAIMANTS OF INTEREST IN THE PREMISES  
ADVERSE TO THE PLAINTIFFS,

Defendants.

~~PROPOSED~~  
**FINAL JUDGMENT**



WHEREAS, the following defendants, JO ANN HOOVER a/k/a JOE ANN HOOVER  
a/k/a JOANNE HOOVER a/k/a JOANNE HOOVER MCGUIRE a/k/a JOANNA MCGUIRE; and  
UNKNOWN CLAIMANTS OF INTEREST IN THE PREMISES ADVERSE TO THE  
PLAINTIFFS (referred to herein as the "Defaulted Defendants"), and each of them, have failed to  
plead or defend, and defaults were entered by the Clerk of this Court against the Defaulted  
Defendants on February 11, 2019;

WHEREAS JOANNA MCGUIRE a/k/a JO ANN HOOVER a/k/a JOE ANN HOOVER  
a/k/a JOANNE HOOVER a/k/a JOANNE HOOVER MCGUIRE executed a Quitclaim Deed in  
favor of the Plaintiffs concerning the real property which is the subject of this litigation, which  
Quitclaim Deed was recorded in the records of the Clerk of Santa Fe County, State of New

Mexico, as Instrument Number 1872673 on November 14, 2018;

WHEREAS Defendant CRESTA HOMEOWNERS ASSOCIATION filed a Disclaimer of Interest in this action with regard to the real property which is the subject of this action on October 2, 2018;

WHEREAS a Stipulation of Dismissal was filed by Plaintiffs and Defendant ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION in this action on January 10, 2019;

WHEREAS, neither the Defaulted Defendants named in this action, nor the party who filed a disclaimer of interest herein, and each of them, are not entitled to notice of Plaintiffs' Motion for Judgment upon Complaint for Quiet Title under Rule 1-055(B) NMRA; and

WHEREAS, Plaintiffs' Complaint to Quiet Title does not set forth a prayer for monetary damages which would require a hearing before this Court; and

WHEREAS, upon application of Plaintiffs and upon the affidavit of Plaintiffs' counsel that the Defaulted Defendants against whom judgment is sought are not in the military service of the United States and have not been called for induction into such service as shown by that Attorney's Statement Pursuant to the Service Members' Civil Relief Act filed herein on November 28, 2018.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Plaintiffs are each the owner in fee simple and in possession, free and clear of all liens and encumbrances, of the following real property (the "Property") situated in Santa Fe County, New Mexico which is more particularly described as follows:

Lot 9, Tract J of Estancia Primera, Phase 1A, as shown on plat filed in Santa Fe County Clerk's Office on October 21, 1981, Plat Book 107, Page 22, Doc. No. 486,756; but

Less and excepting that portion of Tract 9, Lot J of Estancia Primera, Phase 1A, which was condemned and appropriated to the City of Santa Fe by a Stipulated

Judgment entered in City of Santa Fe v. Joanna McGuire, et al., Case No. D-101-CV-1991-02520,<sup>1</sup> described as follows:

Beginning at the Northwest corner of Lot 9, thence N 53° 43' 32" E 154.91 feet; thence S 48° 21' 17" E 8.64 feet; thence S 52° 28' 31" W 76.92 feet; thence S 36° 33' 05" W 12.07 feet; thence S 26° 34' 56" W 66.10 feet; thence N 48° 27' 45" W 44.85 feet to the point and place of beginning. Containing 2,743 square feet, more or less, of which 1,972 square feet, more or less are contained in the existing drainage easement. Net area is 771 square feet, more or less

against the adverse claims of the Defaulted Defendants:

JO ANN HOOVER a/k/a JOE ANN HOOVER a/k/a JOANNE HOOVER a/k/a JOANNE HOOVER MCGUIRE a/k/a JOANNA MCGUIRE; and

UNKNOWN CLAIMANTS OF INTEREST IN THE PREMISES ADVERSE TO THE PLAINTIFFS.

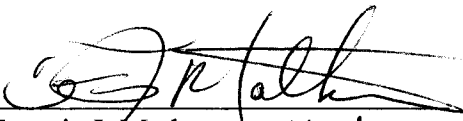
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<sup>1</sup> A copy of the Stipulated Judgment entered in City of Santa Fe v. Joanna McGuire, et al., Case No. D-101-CV-1991-02520 was filed in Santa Fe County Clerk's Office at Book 988, Page 287 on November 9, 1993.

2. The Defaulted Defendants listed in paragraph 1 above, and each of them, be, and hereby are, barred and forever estopped from having or claiming any right, title or interest in or to, or any lien or claim upon, the Property or any part thereof adverse to the aforesaid title and estate of Plaintiffs in and to the Property.

3. The aforesaid title and estate of the Plaintiffs in and to the Property be, and hereby is, forever quieted and set to rest as against the defendants listed in paragraph 1 above.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

  
Francis J. Mathews MATHEWS  
District Court Judge

Respectfully submitted by:

HAYS & FRIEDMAN, P.A.

By: /s/ Thomas W. Banner  
John P. Hays, Esq.  
Thomas W. Banner, Esq.  
Attorneys for Plaintiffs  
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Minutes prepared and submitted by: Errol Levine Date: 7/10/2019

(Errol Levine - Secretary)

Signed on behalf of Board by: Brenda L Shears Date: 7/12/2019

(Brenda Shears - President)

**Estancia Primera Community Services Association (EPCSA)**  
**Minutes of the Meeting of the Board of Directors**  
**Friday, July 12, 2019**

**Call to Order:** President Brenda Shears called the meeting to order at 9:04 a.m. at the Recreation Center Conference Room.

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

**Others Present:** Greg Casey (Recreation Center Manager).

**Approval of Minutes of Previous Board Meeting:** The minutes of the Board meeting of June 14, 2019 were approved unanimously as submitted.

**Reports**

**Treasurer's Report:**

Treasurer Bunton had previously distributed the EPCSA Balance Sheet and the Profit and Loss Budget v. Actual statement as of June 30, 2019 to all Board members via email. He reported that the financial affairs of the Association remain in good order as the Association passed the half-way mark of the calendar year and EPCSA fiscal year on June 30. The operating checking account contained \$106,930.66 on June 28, and the capital reserves savings account contained \$109,041.58.

**ARB Report:** Bill Schiller reported as follows on behalf of ARB Chair Kurt Sommer:

- **New Projects:**
  - a. 682 La Viveza Court — request to install a fence and air conditioning unit – approved subject to air conditioning unit and any conduits related to it being painted the same color as the home's stucco;
  - b. 653 Cumbre Vista Drive — application to install air conditioning unit — approved subject to air conditioner unit and any conduits related to it being painted the same color as the home's stucco;
  - c. 794 Calle Altamira — application to install front gate — approved;
  - d. 680 La Viveza Court — application to install air conditioning unit — approved subject to air conditioner unit and any conduit related to it being painted the same color as the home's stucco.
- **Completed Projects:**
  - a. 504 Los Nidos Drive — re-landscaping of front yard — final inspection and approval pending;

- b. 740 Calle Altamira — air conditioning unit installed — final inspection and approval pending;
- c. 744 Calle Altamira — brick patio expanded — final inspection and approval pending;
- Ongoing Projects:
  - a. 425 Los Altos Way — there are concerns and issues regarding roadway surface damage that occurred during construction — the Los Altos HOA has written to the owner about this;
  - b. 705 Avenida Primera South — home addition;
  - c. 782 Paseo Cresta — application to construct new home — ARB met and approved the plans subject to some requested changes being made to driveway;
  - d. 642 Cumbre Vista – home addition under construction and due for an interim inspection by Mr. Sommer and Mr. Hays.

Dr. Schiller indicated that he had received the annual ARB report from Mr. Sommer and that will be presented at the annual meeting either by Mr. Sommer or by himself should Mr. Sommer be unable to attend. He reported also that after the discussion of home reroofing, re-stucco projects and rooftop solar installations at the June 14 Board meeting, he had contacted Mr. Sommer regarding these matters. Mr. Sommer had agreed that the current ARB policies regarding these matters needed to be formalized by the addition of two new paragraphs to Appendix II of the EPCSA Architectural Guidelines. One paragraph would indicate that owners undertaking reroofing and re-stucco projects that will not change the existing roof and stucco colors may proceed without ARB approval.

However, the paragraph would further indicate that owners would be required to send courtesy notifications to the local neighborhood Architectural Review Committee (ARC) chair and to the ARB chair stating their intent to proceed with such projects without color changes. Owners wishing to change their roof or stucco colors would be required to submit formal ARB applications and cannot proceed with their projects until they receive formal written ARB approval. Regarding rooftop solar installations, Mr. Sommer had agreed that a second paragraph needed to be added to Appendix II indicating that all proposed rooftop solar installations required a formal ARB application and formal ARB approval before they could proceed.

Dr. Schiller and Dr. Levine had therefore prepared two draft paragraphs regarding these matters that Dr. Schiller had sent to Mr. Sommer. Mr. Sommer will then discuss the proposed additions to Appendix II with the ARB members. When and if the ARB approves the proposed additions, Mr. Sommer will submit the proposed additional paragraphs to Ms. Shears for consideration and approval by the EPCSA Board probably at the September Board meeting in accordance with the provisions of Section 3.7 (b) of the Amended Declaration. After Board approval is obtained the proposed two new paragraphs will be added to Appendix II of the Architectural Guidelines.

**Real Estate Report:** Jill McIntosh presented a summary of year-to-date real estate activity in EP. There are currently five homes and one vacant lot that are active. Four homes have been sold and one is under contract.

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

- He had developed a plan for the replacement of the mercury light bulbs at the racquetball court with LED lights. The cost for six new LED lights will be \$1,500. The installation cost using scaffolding would be \$1,300 if he does the installation for a total cost of \$2,800. The Board requested that Mr. Casey get installation bids from electricians before proceeding with the project;
- He had contacted Critter Control and requested that they collect their old boxes. Truly Nolen have installed new boxes;
- He had contacted a couple of locksmiths about removing the old locks on the lockers in the men's and ladies' locker rooms. The total cost including labor for removing the old locks and installing new locks on thirteen lockers will be about \$1,535. The Board authorized Mr. Casey to proceed with the project;
- The new doors on the pool house were installed on July 1;
- Ms. Shears discussed the recent unintentional partial emptying of the pool on May 31 and June 1 and the pool equipment house doors being left unlocked with Carver Busch, the owner of Kokopelli Pool and Spa, Inc. Mr. Busch is investigating the matter further and will report back to Ms. Shears. Mr. Busch had also informed Mr. Casey that all his personnel who maintain the Recreation Center pool equipment now have keys to the pool equipment house and there should therefore never be a need to leave the pool house doors unlocked in the future;
- He had discussed the overgrown grass in the bed that separates the Recreation Center parking lot from the concrete sidewalk with landscape maintenance contractor Reyes Morales. Mr. Morales had indicated that the grass cannot be mowed because of the rocks present in the bed. The grass may be trimmed using a weed trimmer, but even trimming cannot be done every month because if the grass is not given time to reseed itself it will die. The grass cannot be trimmed more frequently than once every three months. The next trimming will occur during July. There was a Board consensus that the bed has a somewhat unkempt appearance. The Board agreed that Jill McIntosh and Leslie Walker-Hirsch could proceed with obtaining no-cost consultations regarding possible re-landscaping of the bed from landscape architects with whom they are acquainted. They will report back to the Board regarding the recommendations that they obtain.
- The Board agreed that Mr. Casey should ask Mr. Morales to proceed as soon as possible with the following projects:
  - Trim and remove dead branches from some trees on the Recreation Center property;
  - Eradicate weeds that have grown in asphalt cracks in the Recreation Center parking lot, in cracks between the asphalt and concrete curbs outside the clubhouse and in the street islands at the south and north EP entries;

- Cut back overgrown vegetation in the part of the Saiz arroyo that extends from the Los Nidos entry to the beginning of La Viveza as part of the continuing maintenance of the Saiz arroyo started in 2018.

## **Unfinished Business**

### **Updates to Book of Resolutions:**

Ms. Shears indicated that she would update the Book of Resolutions to include the following new rules that were recently adopted by the Board:

- III.G.2 – Fee for Preparing Disclosure Certificates and Settlement Agent Forms for EP Homes being Sold;
- III.G.3 – Text of Email to Transmit Completed Disclosure Certificates for Home Sales in EP;
- III.K.1 – EPCSA Board Members, Officers and Employees are Required to Sign a Conflict of Interest Statement;
- III.K.2 – Board Members are Required to Complete a Certification Statement.

The updated Book of Resolutions will be included with all future Disclosure Certificates for EP home sales and will be posted on the EPCSA website.

### **Additional Arrangements for EPCSA August 2019 Annual Members' Meeting**

The Board agreed on the following arrangements in addition to those agreed to at the June Board meeting:

- Two Board members (Barbara Chamberlin and Leslie Walker-Hirsch) will staff the sign-in table that will be placed close to the clubhouse entry *before* the glass *side* doors to the conference room to ensure that all attendees sign in. The table should be staffed for about 15 minutes after the projected meeting start at 7:00 pm so that latecomers can be signed in.
- The names of owners who submit proxy forms should be checked off on the sign-in sheet with the word “proxy” in parentheses and the name of the owner to whom the proxy has been assigned should be noted in the same location on the sign-in sheet. All proxy forms should be handed to the Secretary after the sign-in process is complete. The completed sign-in sheets should be handed to the President.
- The Board members who staff the sign-in table should inform the President of the number of *lot* owners present in person and by proxy immediately prior to the start of the meeting.
- After each portion of the meeting’s agenda is presented by the President and/or other responsible Board member(s), owners may be recognized to make comments about that portion. The President will invite owner comments on other topics during the Additional Homeowner Comments portion of the agenda. As provided in Section I.11 of the Book of Resolutions, each owner’s comments are limited to a maximum of five minutes unless the owner requests additional time and the Board approves the request. When the President recognizes an owner to

make comments, the owner will be asked to state his/her name and neighborhood for the minutes.

- Because the annual meeting is not a Board meeting, the Board will not conduct Board business there. The Board may at its discretion consider and act on matters raised by owners at subsequent Board meetings or may request that owners submit written proposals to have such matters placed on the agenda of a future Board meeting conveying their proposals through their neighborhood subdivision Board representative in accordance with rule I.12 in the Book of Resolutions.
- As provided in the Amended Declaration and Amended Bylaws for the EPCSA, the Association's business is to be cared for by the Board of Directors, and the role of owners is to vote on any of seven specific actions listed in Article 3.3 (a) of the Declaration if those are proposed. Of these seven, the only matter pertinent to the 2019 annual Members' meeting is item 7, namely the election of the Board of Directors. Accordingly, the only motions that may be made by owners and that are subject to a vote by owners (other than motions regarding routine meeting business or pertaining to the conduct of the meeting, such as the disposition of the minutes of the 2018 annual Members' meeting and adjournment of the 2019 annual meeting) are those that pertain to election of the duly nominated EP owners to fill Board positions that become vacant in August 2019. Owner comments, questions and suggestions on matters relevant to EP and to the EPCSA are welcome, but comments and discussion of specific issues between owners and the ARB, or between owners and neighborhood subdivision HOAs, are not appropriate or relevant topics for EP owners' meetings and thus will be ruled out of order.

**Update on Recreation Center Sidewalk and Entry Tile Replacement Projects:** Mr. Bunton reported that he had not yet heard from Tom Easterson-Bond regarding the concrete sidewalk and clubhouse entry tile replacements although he had left several messages for him. Mr. Casey indicated that he had not yet received all estimates for these projects from companies that he had approached. Mr. Bunton and Mr. Casey will inform the Board as soon as more information is available regarding these matters.

**Communication Sent to all EP Owners:** Ms. Shears reported that she had recently sent a newsletter to all EP owners addressing the following topics:

- "Neighbor to Neighbor Standing Together" Food Drive – September 21, 2019;
- Website locations to obtain tips on saving water, detecting and fixing leaks, and water conservation rules and regulations;
- Information regarding how to sign up for "Alert Santa Fe" which is the official emergency alert system for the City and County of Santa Fe;
- Information about Article 6.8 of the EPCSA Amended Declaration relating to restrictions on the presence of house trailers, motor homes, campers, recreational vehicles, boats, or trailers anywhere within Estancia Primera.

## **New Business**

Ms. Chamberlin described the arrangement for the Neighbor to Neighbor Food Drive to be held on Saturday, September 21, 2019. She and Ms. McIntosh will be present at the Clubhouse to accept donations of food or money and coffee and cookies may be available. Ms. Shears will remind owners of the event in one of her monthly newsletters.

### **Homeowner Comments**

There were none.

### **Announcements**

- The next Board meeting will be held on Friday, September 13 at 9:00 am.
- The annual EPCSA Members' will be held on Wednesday, August 14 at 7:00 pm.
- There will be no Community Garage Sale this year.
- Unless a volunteer can be recruited by Connie Burke to organize a Labor Day Community pool party, no party will be held.

### **Adjournment**

A motion was made, seconded and approved unanimously to adjourn the meeting, and President Shears adjourned it at 10:07 a.m.

Minutes prepared and submitted by: Errol Levine Date: 9/11/2019

(Errol Levine - Secretary)

Signed on behalf of Board by: Brenda Shears Date: 9/13/2019

(Brenda Shears - President)

**No Board Meeting  
in August 2019**

**Minutes of the Annual Meeting of the  
Estancia Primera Community Services Association (EPCSA)  
Wednesday, August 14, 2019**

**Board Members Present:** Brenda Shears (President), Scott Bunton (Vice-President and Treasurer), Errol Levine (Secretary), Connie Burke, Barbara Chamberlin, Carol Genebach, Jill McIntosh, William Schiller and Leslie Walker-Hirsch.

**Call to Order:** President Shears called the meeting to order at 7:07 pm. The owners of 44 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 15, 2018 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, 2019 by Ms. Shears. The motion was approved unanimously.

**Election of Board Members:** President Shears reported that the two-year terms of six members of the Board of Directors had ended on the date of the current Annual Meeting. Board vacancies for six EP neighborhood subdivisions namely Altamira, Cresta, Kachina Hills, La Viveza, Los Altos and Los Altos Norte had therefore arisen. For each of these neighborhood subdivisions, a homeowner had submitted a Petition of Candidacy in good order signed by five EP Members in good standing by the due date of July 15, 2019. The nominees are Scott Bunton (Los Altos), Barbara Chamberlin (Cresta), Carol Genebach (Altamira), Jill McIntosh (La Viveza), Brenda Shears (Kachina Hills) and Leslie Walker-Hirsch (Los Altos Norte). Ms. Shears indicated that since none of the six positions were contested, it would be permissible, in accordance with past procedure, for the owners in attendance to elect the six candidates by acclamation. A motion duly made and seconded that the six candidates be elected by acclamation was then passed unanimously.

**President's Report:** President Shears indicated that the 2018-2019 Board was comprised of herself as President, Vice President and Treasurer Scott Bunton, Secretary Errol Levine, and Directors Connie Burke, Barbara Chamberlain, Carol Genebach, Jill McIntosh, Bill Schiller, and Leslie Walker-Hirsch. She highlighted the following accomplishments:

- The EPCSA Web Site EstanciaPrimera.org was migrated to a WordPress platform and received a facelift by our Webmaster Jon Weaver; contact information for the EPCSA and neighborhood homeowner association boards and committees was updated. The site is now accessible via smartphone as well as computer.
- The signup calendars for tennis and racquetball are now available online.
- A process was established in 2018 in collaboration with the Santa Fe Police Department for EP owners to have access to Hyde Park Road via Gonzales Road during the Zozobra fiesta road closure. Estancia Primera part-time residents who do not have New Mexico Driver licenses for

address confirmation were able to show a letter from Ms. Shears confirming their resident status. Ms. Shears is currently confirming that the same process will be available in 2019 and residents will be notified as soon as that information is known.

- A Fire Prevention Project was conducted in the Arroyo Saiz through a collaboration between the EPCSA and the Los Nidos Homeowners Association and with the cooperation of Porfirio Chavarria, the City's Wildland Urban Interface Specialist. Overgrown vegetation was cleared prior to the first snowfall last December. The area cleared extended between the Los Nidos entry sign and the Recreation Center property and as far north as the arroyo separating the Los Nidos neighborhood from La Viveza. The Board has urged all owners of property in and adjacent to the Arroyo Saiz to undertake similar fire prevention measures in their parts of the arroyo.
- A Community Garage Sale and Neighbor to Neighbor Food Drive were held in September. The EPCSA received a Certificate of Recognition from the Food Depot for contributing the equivalent of 5,696 pounds of food through donations of cash and actual food.
- A Social Committee was established to work toward adding additional community-wide social events to the annual calendar.
- New Mexico Senate Bill 150 became effective on July 1, 2019 amending the Homeowners Association Act of 2013. The Board reviewed the bill to determine what changes the EPCSA needed to make in its operating procedures to be in full compliance with the amended Act. Some of the more important effects on the EPCSA include:
  - All newly elected or newly appointed Board members will be required to sign within 90 days of their appointment/election a Certification Statement attesting that the member has read the EP governing documents and will faithfully discharge the member's duties to the EPCSA. That Certification Statement is now in place and will be signed by each newly elected Board member following the Annual Meeting.
  - A Conflict of Interest Statement, which will be provided to all Board members, officers, and employees in January of each year, along with a copy of EPCSA's Conflict of Interest Policy. Signed originals of both statements will be retained by the EPCSA Secretary. These procedures and statements are now specified in the Book of Resolutions.
  - Full financial audits of the EPCSA by an independent certified public accountant will be necessary every three years with the first audit due no later than July 2022.
- Several updates have been made in the Book of Resolutions as appropriate.
- A digital archive is being compiled and will contain copies of the Board minutes, financial reports, newsletter emails and agendas for EPCSA since September 2017.

### **Treasurer's Report:**

Treasurer Bunton reported that in accordance with the requirements of Article VII, Section 8 (d) of the Amended Bylaws and of Rule III.C.2. of the Book of Resolutions, he had sent an email to all EP owners on August 11, 2019 to which he had attached the following documents (see attachments to minutes):

- *A Report on Financial Matters to the Membership of the EPCSA;*
- *The Profit & Loss Budget vs. Actual Statement for the EPCSA as of July 31, 2019;*
- *Projected Capital Reserve Fund Expenditures between 2019 and 2031, and highlighting those anticipated to be needed in 2019, 2020, and 2021; and*
- *A Notional 2020 Budget.*

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

*Forecast of Adherence to the Current Year's Operating Budget:* He reported that based on expenditures to date in 2019 (see attached table), every indication is that the EPCSA will end the current operating year (calendar 2019) with operating expenditures within the 2019 budget approved by the Board in December

2018 (on which the 2019 assessment level was based). Mr. Bunton will recommend that unexpended funds from the 2019 budget, if there are any at the end of 2019, be transferred to the Capital Reserve Fund once the 2020 assessments have been received.

*Forecast of the Amounts and Timing of Expenditures to be Made from the Capital Reserve Fund:* No expenditures from the Capital Reserve Fund have been made to date in 2019. The Board of Directors currently anticipates expenditures from that Fund during the remainder of 2019 totaling approximately \$60,000 for replacement of the deteriorated exterior tile at the clubhouse entry and the deteriorated concrete sidewalk between the parking lot, tennis court and swimming pool and the concrete curb along Avenida Primera. The Board hopes to get this work completed no later than in October 2019, but it is possible that one or both projects might be delayed into 2020. The Board anticipates some additional capital expenditures may be needed during 2020, but it has not finally concluded that those expenditures will be required, nor has it approved any future expenditures from the Capital Reserve Fund. The attached table shows estimates of when Capital Reserve Fund expenditures may be needed between 2019 and 2031 as well as estimates of those expenditures.

*Investments of and Anticipated Income from the EP Capital Reserve Fund:* Mr. Bunton reported that the \$109,041.58 in the Capital Reserve Fund as of July 31, 2019 is in a business high performance money market savings account. That account, with an Annual Percentage Rate of 0.1 percent, yields approximately \$100 per year of interest income. That is typical of low-risk, high liquidity accounts in the current low-interest environment. Other investments that would ensure that the EPCSA has access to the funds in this account when it needs access and that would provide an acceptably low level of risk do not pay appreciably higher interest rates, and moving funds to those investments would make a very small difference in earnings. If interest rates increase significantly, Mr. Bunton expects to propose to the Board for 2020 a mix of instruments to maximize interest income while ensuring both safety of principal and advisable liquidity, but current Federal Reserve forecasts suggest rate reductions are more likely in the foreseeable future than increases.

*Notional 2020 Budget:* Mr. Bunton reported that Article 5.6 (a) of the Amended Declaration charges the EPCSA Board of Directors with approving each year's budget, and the Board does this for the next calendar year every November or December with the benefit of knowing the expenditures for nearly the entire current year rather than just over half the year that has elapsed to date. The Notional 2020 budget that he had distributed to the owners could therefore change between August and December because of changing circumstances. He reported, however, that based on our experience year-to-date, he did not anticipate increases for 2020 over 2019 budgeted amounts that in aggregate would require increasing the annual assessment amounts above the current \$656 for developed lots and \$66 for unbuilt lots.

**Architectural Review Board (ARB) Report:** William Schiller (an ARB member) gave the report on behalf of ARB Chair Kurt Sommer. He reported that the ARB had met twice in person since the last annual EPCSA meeting. The purpose of the first meeting was to discuss solar panels and installations and the purpose of the second meeting was to review an application for construction of a new home in the Cresta neighborhood subdivision. All other submissions to the ARB were for minor exterior projects including landscaping, minor home additions, installation of air conditioning units, wall and fence installations and other general projects. The ARB members review applications for minor exterior projects via email and grant final approval for such projects after they have reached agreement via email on the suitability of such projects. In most instances, some ARB members also visit the sites for which applications have been received.

Dr. Schiller indicated that there are two new homes nearing completion in Los Altos and Kachina Hills respectively. There was an issue about wear and tear on the road (Los Altos Way) due to heavy traffic from construction workers and vehicles for the Los Altos home construction. The Los Altos Homeowners Association is currently addressing this matter with the property owner.

Dr. Schiller reminded owners that any projects that might alter the exterior appearances of homes, including landscaping changes and rooftop additions, require formal ARB approval. He indicated

also that all proposed rooftop solar panel installations require a formal ARB application and final ARB approval before any work on the projects may begin. The ARB will work closely with applicants to ensure that the solar installations have minimal impact on nearby and distant neighbors.

ARB action/approval is not required for maintenance and repairs that do not alter exterior appearances of homes and lots. For example, re-roofing and re-stucco projects in which the new roof and stucco will have the same colors as those they replace do not require ARB approval. Dr. Schiller asked, however, that owners send a courtesy email to Mr. Sommer and to the chair of the neighborhood subdivision Architectural Review Committee (ARC) regarding such projects 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 need to be filed first with the applicable neighborhood subdivision ARC. However, the latter committees cannot give final approval for 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 reported that there were a few exterior projects that were undertaken without ARB approval, but the ARB had subsequently discussed these projects with the homeowners involved and had obtained ARB applications from them after which retroactive ARB approval was given.

**Real Estate Report:** Jill McIntosh reported that for the last 2 and one-half years, 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, as amended in July 2019, requires that the EPCSA and all neighborhood subdivisions within it provide Disclosure Certificates for all home sales when the homes go under contract. Ms. McIntosh indicated that since January 1, 2019 six EP homes have sold and two of these have realized a price of over one million dollars. EP therefore remains a very popular neighborhood. She further indicated that there are currently two homes under contract and that two homes and one vacant lot are listed for sale.

**Recreation Center Report:** Ms. Shears gave the report on behalf of the Recreation Center Manager Greg Casey who was unable to attend for family reasons. She reported as follows:

- Clubhouse use from August 2018 to July 2019 has averaged about five events per month with about fifty percent paid activities and 50% non-paid activities (such as EPCSA and Neighborhood HOA meetings).
- This year has also seen a slightly higher use of the pool. There have been about four visits per day this season.
- An online reservation system was created for the tennis and racquetball courts. The use for the tennis and racquetball courts court is about the same as last year.
- Mr. Casey is in the process of changing the locks on the fourteen lockers in the men's and women's locker rooms from a key lock system (where keys have broken in most of the locks) to a hasp system in which residents will furnish their own locks. The use of individual personal locks will be allowed only for the day of use. At the end of each day the lock must be removed. Any remaining locks will be subject to being cut to keep the lockers free for others to use.
- Mr. Casey will repair the kitchen faucet handle.

**Grounds Report:** Ms. Shears gave the report on behalf of Mr. Casey. She reported as follows:

Culpin Recreation Center Landscaping:

- The Board is working on grounds improvement at the Recreation Center Facility. Reyes Morales, the Association's landscape maintenance contractor, has at Mr. Casey's direction been cutting back trees, removing dead tree branches and cutting back chamisas and other shrubs. The project is ongoing.
- The Board has been concerned about the overgrown natural grass in the bed that separates the Recreation Center parking lot from the concrete sidewalk along Avenida Primera and Mr. Casey has discussed this with Mr. Morales. The latter had indicated that the grass cannot be mowed because of the rocks present in the bed. The grass can be trimmed but this cannot be done more frequently than once every three months because if the grass is unable to reseed itself it will die. Some Board members wish to preserve the natural appearance of the grass in the bed. The Board has decided, however, to seek two no-cost consultations with landscape architects to determine what they would recommend.
- In January 2019 a cleanup of the Saiz arroyo between the Recreation Center property and Los Nidos was done in collaboration with the Los Nidos homeowners Association and in cooperation with the City of Santa Fe to mitigate the possibility of fire. The Board has encouraged other neighborhoods and owners to clean up shrubs and dead wood in their parts of the arroyo to expand the area protected. Mr. Morales will do an annual cutback of vegetation to keep the area in check.

Sidewalk and tile replacement: The Board has obtained some estimates to replace the concrete sidewalk in front of the clubhouse parking lot, pool and tennis court and adjacent to Avenida Primera and to replace the exterior tile at the clubhouse entry. The goal is to have the work performed in the fall after the pool closure, but the projects may be deferred until the spring of 2020. Jon Orovecz (512 Los Nidos Drive) asked how he could obtain access to bids being considered by the Board for individual capital reserve-funded projects. Mr. Bunton responding on behalf of the Board indicated that any owner could approach him, and he would arrange for the owner to look at bids that have been presented to the Board.

Accessible parking: Mr. Casey has begun to update the two accessible parking spaces one on each side of the stairs leading to the clubhouse. The work will be done in accordance with the 2015 NM Accessible Parking Checklist and Guidelines prepared by the Governor's Commission on Disability. Each parking space will have an access aisle and there will continue to be one parking space for a conventional vehicle and one for a van with a wheelchair on the passenger side. The current spaces will, however, be swapped with the space for the van being located on the east side of the stairs.

Tennis Court Surface: Anne Anderson (796 Aspen Compound) indicated that the tennis court surface is deteriorating and recommended that the Board hire a company to inspect the surface and consider a possible resurfacing.

Estancia Primera North and South Entries – Re-landscaping Suggestion: Jon Orovecz (512 Los Nidos Drive) complained to the Board about what he regards as the "tired" and "neglected" appearance of the landscaping at the north and south EP entry areas. Mr. Bunton responding for the Board indicated that the Board was aware of his concerns, but that a major obstacle to a landscaping project in the two locations was the absence of a source of water. Mr. Orovecz responded that he knew landscape architects who could suggest xeric plants that would require no supplemental water. Mr. Bunton replied that, if he wished to do so, Mr. Orovecz could submit a proposed landscape plan and cost estimate from one of those landscape architects to the Board and that the Board would be happy to consider it.

**Social Report:** Connie Burke reported that the Memorial Day party had been a success with about 57 attendees. The total cost was \$275. No Labor Day party has been scheduled since she will be out of town. However, she indicated that any community members could undertake to organize such a party after consultation with the Board.

**Unfinished Business:** There was none.

**New Business:** There was none.

**Additional Homeowner Comments:**

*Requested Reconfiguration of Recreation Center Tennis Court for Pickleball:* Mary Walta (769 Paseo Cresta) suggested that the tennis court could be reconfigured by using colored tape on the court surface to demarcate the boundaries for pickleball. She asked for input on the idea from those at the Annual Meeting. She has presented a formal proposal to that effect to the Board for consideration at a future Board meeting. She stated that pickleball is becoming increasingly popular around the country and that there are several EP owners who wish to play the game. She believes that the tennis court is currently underutilized and that the introduction of pickleball would provide another way for EP owners to socialize. Ms. Walta acknowledged that pickleball is a noisy game because of the use of wooden bats and a plastic ball. She introduced Cindy Lawton (408 Calle Kokopelli). Ms. Lawton, who is a physical therapist, emphasized that pickleball is a healthy activity for older individuals and is much less strenuous than tennis. Ms. Lawton is also a pickleball instructor and offered to provide private lessons on the court if pickleball were allowed in EP.

Several owners spoke in opposition to Ms. Walta's proposal on the following grounds:

- Pickleball is a noisy game and would likely disturb owners living adjacent to the Recreation Center. Many owners had bought their properties in that location on the understanding, based on the rule for use of the Recreation Center tennis court, that only tennis would be allowed on the court. They noted that the noise problem could result both from the game itself and from the social nature of the game that often results in the attendance of groups.
- Some owners are concerned that the noise factor associated with pickleball would result in a decrease in their property values.
- Some owners noted that pickleball is available at both the Fort Marcy and Genoveva Chavez Community Centers and at other places in Santa Fe. They felt that pickleball players could use these convenient locations without disturbing other EP owners.
- Some tennis players complained that the painting of additional lines on the court is likely to be distracting especially for older players.
- It was noted also that pickleball has been a source of friction and dissension among owners in many communities around the country and these owners wished to avoid similar unpleasantness in EP.

Owners who spoke in opposition to Ms. Walta's proposal included Anita Caldwell, Anna Hargreaves, A.L. Bontrager, Julia Rose, Anne Anderson and Russ and Joyce Trimble. Martha Wasserman, who is a pickleball player, spoke in favor of the game being allowed.

Ms. Shears indicated that she had agreed to include Ms. Walta's proposal as an agenda item for the September 13 Board of Directors meeting at which time the Board would discuss the proposal and owners could again express their views regarding the proposal.

*Proposed Reduction or Elimination of Clubhouse Use Fee:* Benita Vassallo (533 Avenida Primera South) stated that she thought that the Clubhouse is not used as frequently as it should be because of the \$75 use fee and proposed that the fee either be reduced or eliminated.

**Announcements:**

*Next Board meeting:* Friday, September 13, 2019 at 9:00 am. The Board officers for 2019 through August 2020 will be elected at that meeting.

*Neighbor to Neighbor Food Drive:* This will occur at the clubhouse on Saturday, September 21, 2019. Barbara Chamberlin and Jill McIntosh will be present from 8:00 am to noon to receive food donations and checks.

**Adjournment:** A motion was made and seconded to adjourn the meeting, and President Shears adjourned it at 8:30 pm.

Minutes prepared and submitted by: Errol Levine Date: 9/12/2019

Errol Levine (Secretary)

Signed on behalf of Board by: Brenda L Shears Date: 8/12/2020

Brenda Shears (Board President)

**REPORT BY SCOTT BUNTON (TREASURER) ON FINANCIAL MATTERS TO  
THE MEMBERSHIP OF THE  
ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION**

**August 10, 2019**

**I. Forecast of Adherence to the Current Year's Operating Budget**

Based on expenditures to date in 2019, every indication is that EPCSA will end the current operating year (calendar 2019) with operating expenditures within the 2019 budget approved by the Board in December 2018 (on which the 2019 assessment level was based). The Treasurer will recommend that unexpended funds from the 2019 budget, if those materialize as now expected at the conclusion of the year, be transferred to the Capital Reserve Fund once 2020 assessments have been received.

**II. Forecast of the Amounts and Timing of Expenditures To Be Made from the Capital Reserve Fund**

No expenditures from the Capital Reserve Fund have been made to date in 2019. The Board of Directors currently anticipates expenditures from that Fund during the remainder of 2019 totaling approximately \$60,000 for replacement of the deteriorated exterior tile outside the Clubhouse entrance and the deteriorated concrete sidewalk between the parking lot and the Clubhouse, pool, and tennis court. The Board anticipates some capital expenditures may be needed during 2020, but it has not finally concluded that those expenditures will be required, nor has it approved any future expenditures from that Fund. See the attached table for estimates of when Capital Reserve Fund expenditures may be needed, and estimates of the amounts of those expenditures.

**III. Investments of and Anticipated Income from the EP Capital Reserve Fund**

The \$109,041.58 in the Capital Reserve Fund as of July 31, 2019 is in a business high performance money market savings account. That account, with an Annual Percentage Rate of .1 percent, yields approximately \$100 a year of interest income. That is typical of low-risk, high liquidity accounts in the current low-interest environment. Other investments that would ensure EPCSA has access to the funds in this account when it needs access and would provide an acceptably low level of risk do not pay appreciably higher interest rates, and moving funds to those investments would make a very small difference in earnings. If interest rates increase significantly, the Treasurer expects to propose to the Board a mix of instruments to maximize interest income while ensuring both safety of principal and advisable liquidity, but current Federal Reserve forecasts suggest rate reductions are more likely in the foreseeable future than increases.

Cash Basis

Estancia Primera Community Services Association  
**Profit & Loss Budget vs. Actual**  
 As of July 31, 2019

Ordinary Income/Expense	Through July 2019	Budget YTD	\$ Over Budget YTD	Budget	\$ Over Budget
Income					
4000 · Assessment Income	117,560.00	68,920.83	48,639.17	118,150.00	-590.00
4018 · Assessment Late Fee	0.00	0.00	0.00	0.00	0.00
4025 · Interest	43.33	58.33	-15.00	100.00	-56.67
4030 · Pool Card Fee	50.00	58.33	-8.33	100.00	-50.00
4290 · Other Income					
4292 · Clubhouse Usage	825.00	350.00	475.00	600.00	225.00
4295 · HOA Disclosure Fees	350.00	291.67	58.33	500.00	-150.00
Total 4290 · Other Income	<u>1,175.00</u>	<u>641.67</u>	<u>533.33</u>	<u>1,100.00</u>	<u>75.00</u>
Total Income	<u>118,828.33</u>	<u>69,679.17</u>	<u>49,149.16</u>	<u>119,450.00</u>	<u>-621.67</u>
Gross Profit	118,828.33	69,679.17	49,149.16	119,450.00	-621.67
Expense					
6010 · Admin & Office					
6012 · Admin & Office - ARB	0.00	14.58	-14.58	25.00	-25.00
6045 · Insurance-Property/D & O	0.00	6,358.33	-6,358.33	10,900.00	-10,900.00
6060 · Licenses and Permits	10.00	87.50	-77.50	150.00	-140.00
6010 · Admin & Office - Other	25.00	0.00	25.00	25.00	0.00
Total 6010 · Admin & Office	<u>35.00</u>	<u>6,460.42</u>	<u>-6,425.42</u>	<u>11,100.00</u>	<u>-11,065.00</u>
6011 · General Expense					
6000 · Accountant	0.00	320.83	-320.83	550.00	-550.00
6066 · Web Site Hosting/Domain Name	406.64	131.25	275.39	225.00	181.64
7110 · Taxes	0.00	17.50	-17.50	30.00	-30.00
7125 · Mileage and Parking	0.00	17.50	-17.50	30.00	-30.00
7201 · Legal General	30.39	583.33	-552.94	1,000.00	-969.61
7203 · Web Support	1,541.49	1,166.67	374.82	2,000.00	-458.51
7204 · Bookkeeper	1,450.05	1,341.67	108.38	2,300.00	-849.95
7206 · General Management	1,821.68	4,025.00	-2,203.32	6,900.00	-5,078.32
7210 · Office Supplies	136.00	189.58	-53.58	325.00	-189.00
6011 · General Expense - Other	0.00	29.17	-29.17	50.00	-50.00
Total 6011 · General Expense	<u>5,386.25</u>	<u>7,822.50</u>	<u>-2,436.25</u>	<u>13,410.00</u>	<u>-8,023.75</u>

Estancia Primera Community Services Association  
**Profit & Loss Budget vs. Actual**  
 As of July 31, 2019

Ordinary Income/Expense	Through July 2019	Budget YTD	\$ Over Budget YTD	Budget	\$ Over Budget
6029 · Social Events					
6030 · EPCSA Functions	275.47	218.75	56.72	375.00	-99.53
7020 · Exterior Decorations	114.47	233.33	-118.86	400.00	-285.53
Total 6029 · Social Events	389.94	452.08	-62.14	775.00	-385.06
6039 · Grounds Expense					
6040 · Grounds Maintenance	156.16	2,916.67	-2,760.51	5,000.00	-4,843.84
6091 · Grounds Supplies	0.00	233.33	-233.33	400.00	-400.00
6092 · Sign Maintenance	522.00	87.50	434.50	150.00	372.00
7100 · Snow Removal	0.00	1,750.00	-1,750.00	3,000.00	-3,000.00
7115 · Electricity Entry Signs	265.54	291.67	-26.13	500.00	-234.46
Total 6039 · Grounds Expense	943.70	5,279.17	-4,335.47	9,050.00	-8,106.30
7000 · Rec Center Expenses					
7005 · Utilities					
7070 · Refuse	337.69	408.33	-70.64	700.00	-362.31
7010 · Electricity	1,194.11	1,954.17	-760.06	3,350.00	-2,155.89
7015 · Gas	836.81	1,458.33	-621.52	2,500.00	-1,663.19
7035 · Phone	281.38	306.25	-24.87	525.00	-243.62
7060 · Water	977.55	2,916.67	-1,939.12	5,000.00	-4,022.45
Total 7005 · Utilities	3,627.54	7,043.75	-3,416.21	12,075.00	-8,447.46
7029 · Maintenance Rec Center					
7031 · Cleaning Service	150.00	933.33	-783.33	1,600.00	-1,450.00
7032 · Maintenance Supplies	125.85	583.33	-457.48	1,000.00	-874.15
7033 · Maintenance Labor	1,744.50	1,750.00	-5.50	3,000.00	-1,255.50
7037 · Roof Maintenance	0.00	116.67	-116.67	200.00	-200.00
7050 · Security	553.60	641.67	-88.07	1,100.00	-546.40
7095 · Furnishings Equipment	371.82	350.00	21.82	600.00	-228.18
7029 · Maint - Other	0.00	29.17	-29.17	50.00	-50.00
Total 7029 · Maintenance Rec Center	2,945.77	4,404.17	-1,458.40	7,550.00	-4,604.23

Cash Basis

Estancia Primera Community Services Association  
**Profit & Loss Budget vs. Actual**  
 As of July 31, 2019

Ordinary Income/Expense	Through July 2019	Budget YTD	\$ Over Budget YTD	Budget	\$ Over Budget
7096 · Pool/ Tennis Court					
7040 · Pool Maintenance	0.00	466.67	-466.67	800.00	-800.00
7042 · Pool Supplies	774.15	1,575.00	-800.85	2,700.00	-1,925.85
7043 · Pool Furniture	0.00	291.67	-291.67	500.00	-500.00
7045 · Pool Management Service	1,398.94	3,500.00	-2,101.06	6,000.00	-4,601.06
7055 · Tennis Court Maintenance	0.00	700.00	-700.00	1,200.00	-1,200.00
Total 7096 · Pool/ Tennis Court	<u>2,173.09</u>	<u>6,533.33</u>	<u>-4,360.24</u>	<u>11,200.00</u>	<u>-9,026.91</u>
Total 7000 · Rec Center Expenses	8,746.40	23,260.42	-13,570.32	30,825.00	-22,078.60
8050 · Contingency	0.00	3,040.92	-3,040.92	5,213.00	-5,213.00
Total Expense	<u>15,501.29</u>	<u>41,050.92</u>	<u>-25,549.63</u>	<u>70,373.00</u>	<u>-54,871.71</u>
Net Operating Income	103,327.04	28,628.25	74,698.79	49,077.00	54,250.04
· (Before Depreciation & Reserve)					
8200 · Capital Equip/Assets Reserves	0.00	15,328.25	-15,328.25	26,277.00	-26,277.00
9010 · Depreciation Expense	13,300.00	13,300.00	0.00	22,800.00	-9,500.00
Net Income	<u><u>90,027.04</u></u>	<u><u>0.00</u></u>	<u><u>90,027.04</u></u>	<u><u>0.00</u></u>	<u><u>90,027.04</u></u>

Increases from 2019 to 2020

8/10/2019

## Estancia Primera Community Services Association

### NOTIONAL 2020 BUDGET FOR DISTRIBUTION TO EP OWNERS AT ANNUAL MEETING

		2019 Budget	Notional 2019 Budget
<b>I. ADMIN &amp; OFFICE</b>			
1.	ARB Admin & Office (6012)	25	25
2.	Insurance (Prop, Liabil, D&O) (6045)	10,900	11,300
3.	Licenses & Permits (6060)	150	150
4.	Admin & Office (6010)	25	25
<b>II. GENERAL EXPENSE</b>			
5.	Accountant (6000)	550	550
6.	Website Hosting/Domain Name (6066)	225	225
7.	Taxes (7110)	30	30
8.	Mileage and Parking (7125)	30	30
9.	Legal, General (7201)	1,000	1,000
10.	Web Support (7203)	2,000	2,500
11.	Bookkeeper (7204)	2,300	2,500
12.	General Management (7206)	6,900	6,900
13.	Office Supplies (7210)	325	325
14.	General Expense - Other (6011)	50	50
<b>IV. SOCIAL EVENTS AND DECORATIONS</b>			
15.	Social Events (6030)	375	375
16.	Exterior Decorations (7020)	400	400
<b>V. GROUNDS/EXTERIOR</b>			
17.	Grounds Maintenance (6040)	5,000	5,000
18.	Grounds Supplies (6091)	400	400
19.	Entry Sign Maintenance (6092)	150	150
20.	Snow Removal (7100)	3,000	3,000
21.	Electricity for Entry Signs (7115)	500	500
<b>VI. REC CENTER UTILITIES</b>			
22.	Refuse (7070)	700	700
23.	Electricity (7010)	3,350	3,350
24.	Gas (7015)	2,500	2,500
25.	Phone (7035)	525	550
26.	Water (7060)	5,000	5,000
<b>VII. CLUBHOUSE MAINTENANCE</b>			
27.	Cleaning Service (7031)	1,600	1,600
28.	Maintenance Supplies (7032)	1,000	1,000
29.	Maintenance Labor (7033)	3,000	3,500
30.	Roof Maintenance (7037)	200	200
31.	Security (7050)	1,100	1,100
32.	Furnishings/Equipment Repair/Replace (7095)	600	600
33.	Other Maintenance ( )	50	50
<b>VIII. POOL/TENNIS COURT MAINTENANCE</b>			
34.	Pool Maintenance (7040)	800	800

		2019 Budget	Notional 2019 Budget
35.	Pool Supplies (7042)	2,700	2,700
36.	Pool Furniture Repair/Replace (7043)	500	500
37.	Pool Management Service (7045)	6,000	6,000
38.	Tennis Court Maintenance (7055)	1,200	1,200
	<b>Subtotal, Operating Expenses</b>	<b>65,160</b>	<b>66,785</b>
	IX. CONTINGENCY FUND		
39.	8% Contingency Fund for Unexpected Costs (not including Estim. Depreciation) (8050)	5,213	5,343
	<b>TOTAL, OPERATING EXPENSES &amp; CONTINGENCY FUND</b>	<b>70,373</b>	<b>72,128</b>
40.	X. RESERVES FOR REPLACEMENT OF CAPITAL EQUIPMENT/ASSETS	26,277	24,747
	<b>GRAND TOTAL (not including depreciation)</b>	<b>96,650</b>	<b>96,875</b>
	<b>DEPRECIATION (6023)</b>	22,800	22,800
	<b>GRAND TOTAL INCLUDING DEPRECIATION</b>	119,450	119,675
	INCOME		
A.	Assessment Income (\$656 homes; \$66 lots) (4000)	118,150	118,150
B.	Delinquent Assess. Interest/Fees (4018)	0	0
C.	Interest (4025)	100	100
D.	Rec Center Card Replacement Fees (4030)	100	100
E.	Clubhouse Use Fees (4290)	600	800
F.	Property Sale Disclosure Fees (4295)	500	525
	<b>TOTAL INCOME</b>	119,450	119,675

## PROJECTED EPCSA CAPITAL RESERVE FUND EXPENDITURES

**NOTE:** None of these expenditures except those for the current year has been approved to date by the Board of Directors; they will be made only at the time the Board determines they are needed. The projected amounts for the expenditures are estimates that may be higher or lower than the actual costs will be at the time the expenditures must be made.

	A	B	C	D	E	F	G	H
	Date when this or similar work last done, or, if never done, when originally placed in service	Estimated Service Life (Years) at time of last major work	Estimated <b>Remaining</b> Service Life (Years) Beyond 2019	Year in which Replacement Estimated to be Required	Total Estimated CURRENT (2019) Cost for Replacement	Total Estimated CURRENT (2019) Cost for Possible Replacement in 2019	Total Estimated CURRENT (2019) Cost for Possible Replacement in 2020	Total Estimated CURRENT (2019) Cost for Possible Replacement in 2021
<b>Capital Assets Covered By Schedule</b>								
1. Sidewalk between park lot & Clubhouse/pool: <i>Replace</i> Sidewalk b	unkn/orig?	30	0	*	2019	\$35,000		
2. Tile in Clubhouse Entryway (Exterior): <i>Replace</i> Tile in Clubhouse E	unkn/orig?	15	0	*	2019	\$25,000		
3. Clubhouse Exterior Wood: <i>Restain/Refinish</i> Clubhouse Exterior Wd	unknown	5	1	*	2020	\$4,500	\$4,500	
4. Clubhouse Heating System #1 (Upstairs): <i>Replace</i> Clubhouse Heat	1999	12	1	*	2020	\$8,000	\$8,000	
5. Clubhouse Heating System #2 (Racquetball): <i>Replace</i> Clubhouse H	1999	12	1	*	2020	\$8,000	\$8,000	
6. Clubhouse Hot Water Heater: <i>Replace</i> Clubhouse Hot Water Heat	unknown	12	1	*	2020	\$1,000	\$1,000	
7. Recreation Center Parking Lot: <i>Repave</i> Recreation Center Parking	unkn/orig?	30	2	*	2021	\$50,000		\$50,000
8. Pool Cover: <i>Replace</i> Pool Cover: <i>Replace</i>	2016	6	3		2022	\$10,000		
9. Interior Finishing (paint, floor, etc.) of Clubhouse	2010	12	3		2022	\$15,000		
<i>Repaint/retile, repair, replace</i> <i>Repaint/retile, repair, replace</i>								
10. Clubhouse Range: <i>Replace</i> Clubhouse Range: <i>Replace</i>	unknown	15	4	*	2023	\$800		
11. Clubhouse Refrigerator: <i>Replace</i> Clubhouse Refrigerator: <i>Replace</i>	unknown	15	4	*	2023	\$800		
12. Pool Heater and Pump: <i>Replace</i> Pool Heater and Pump: <i>Replace</i>	2014	10	5		2024	\$7,500		
14. Clubhouse Stucco: <i>Restucco</i> Clubhouse Stucco: <i>Restucco</i>	2010	15	6		2025	\$40,000		
15. Tennis Court: <i>Resurface</i> (bid 2012 to mill, replace asphalt \$66,250)	2013	12	6		2025	\$13,500		
16. Clubhouse Exterior Doors: <i>Replace</i>	unkn/orig?	40	6	*	2025	\$7,000		
17. Clubhouse Windows: <i>Replace</i>	unkn/orig?	40	6	*	2025	\$24,000		
13. Curbs of Recreation Center Parking Lot: <i>Replace</i>	unkn/orig?	30	7	*	2026	\$35,000		
18. Pool Commercial Chemical Automatic Release: <i>Replace</i>	2016	10	7		2026	\$5,000		
19. Clubhouse Grounds Irrigation System: <i>Replace</i>	2013	15	9		2028	\$17,000		
20. Clubhouse Grounds Low Exterior Lighting: <i>Replace</i>	2013	15	9		2028	\$6,200		
21. Clubhouse Roof: <i>Replace</i>	2017	12	10		2029	\$65,000		
22. Pool Interior surface tile & plaster: <i>Replace</i>	2016	15	12		2031	\$58,000		
23. Pool Concrete Apron/Decking: <i>Replace</i>	2016	15	12		2031	\$25,000		

**TOTALS**

\$461,300

\$60,000

\$21,500

\$50,000

\* replacement observation, not time since last known



Estimated costs based on actual expenses or quotes

**Estancia Primera Community Services Association (EPCSA)**  
**Minutes of the Meeting of the Board of Directors**  
**Friday, September 13, 2019**

**Call to Order:** President Brenda 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.

**Others Present:** Greg Casey (Recreation Center Manager).

**Approval of Minutes of Previous Board Meeting:** The minutes of the Board meeting of July 12, 2019 were approved as submitted.

**Draft Minutes of Annual Members' Meeting of August 14, 2019:** The draft minutes were provisionally approved without changes. They will be posted in draft form on the EPCSA website pending approval at the August 2020 annual Members' meeting.

**Election of Officers for New Board Beginning September 2019:** A motion duly made and seconded to re-elect the previous year's EPCSA officers by acclamation was then passed unanimously. The officers for the period August 2019 through September 2020 will therefore be Brenda Shears (President), Scott Bunton (Vice President and Treasurer) and Errol Levine (Secretary).

**Designation of Board Members Responsible for Duties Pertaining to Sales of EP Homes for New Board Year Beginning September 2019:** Ms. Shears indicated that in accordance with subsection III.G.1 of the Book of Resolutions the members of this group need to be appointed or re-appointed in September of each year. She indicated also that the same Board members who had been performing these duties during the prior Board year had agreed to continue in this role. A motion duly made and seconded that Errol Levine, Jill McIntosh and Barbara Chamberlin be designated as Board members responsible for duties pertaining to EP home sales for the Board year beginning September 2019 was then passed unanimously.

## **Reports**

### **Treasurer's Report:**

Treasurer Bunton had previously distributed the EPCSA Balance Sheet and the Profit and Loss Budget v. Actual statement as of August 31, 2019 to all Board members via email. He reported that the operating checking account contained \$92,356.09 on August 31, and the capital reserves savings account contained

\$109,059.81. Mr. Bunton does not expect any changes in the Association's expenditures for the remainder of 2019 that would result in a requirement for an assessment increase for 2020.

Mr. Bunton reported that time factors and difficulties in obtaining three satisfactory bids for each of the clubhouse entry tile replacement and the sidewalk replacement projects made it unlikely that either of these projects could be done this year. Instead, he, A.L. Bontrager (501 Camino Los Altos) and Architect Tom Easterson-Bond (who assisted with the Clubhouse re-roofing project) will work on obtaining additional bids/proposals for these projects before the holidays. The aim will be for them to be able to recommend a contract and contractor for each project for the Board to approve at its January or February meeting. This should enable both projects to be completed in the spring before the pool is scheduled to open.

#### **ARB Report:**

New ARB member: President Shears reported that she had received a note from the Los Altos Homeowners Association indicating that their Estancia Primera ARB representative, Jerry Ward, had resigned and that they nominated Sean Krispinsky (540 Camino Los Altos) to serve on the Estancia Primera ARB for the unexpired portion of Jerry Ward's term ending in September 2020. A motion duly made and seconded to appoint Mr. Krispinsky to the ARB was passed unanimously. Ms. Shears indicated that she would arrange for rule IV.5 in the EP Book of Resolutions to be revised to show that Sean Krispinsky has replaced Jerry Ward as the Los Altos ARB member.

ARB Applications and Projects: Dr. William Schiller reported as follows on behalf of ARB Chair Kurt Sommer:

#### **New Projects:**

- a. 653 Cumbre Vista Drive. An application to install an air conditioning unit was approved subject to the unit and any conduits related to it being painted the same color as the stucco. This project is awaiting a final inspection.
- b. 794 Calle Altamira. An application to install a front gate was approved.
- c. 762 Calle Altamira. An application to install a new fence was not approved. The application will be reconsidered when a property survey has been obtained and submitted to the ARB.
- d. 759 Paseo Cresta. An application to construct an exterior deck has been approved.
- e. 609 Cumbre Vista Drive. An ARB application to install an air conditioning unit was submitted with a deposit. However, the neighborhood Architectural Review Committee (ARC) was not consulted. The application has been placed on hold pending consideration of the project by the neighborhood ARC.

#### **Completed Projects:**

- a. 682 La Viveza Court. The installation of an air conditioning unit and fence have been completed.
- b. 504 Los Nidos Drive. Re-landscaping of the front yard has been inspected and approved.
- c. 740 Calle Altamira. A newly installed air conditioning unit has been inspected and approved.
- d. 744 Calle Altamira. The installation of an expanded brick patio has been inspected and approved.
- e. 762 Calle Altamira. A newly installed brick driveway has been inspected and approved.
- f. 680 La Viveza Court. A newly installed air conditioning unit has been approved and the performance deposit will be refunded;
- g. 642 Cumbre Vista Drive. A home addition has been inspected and approved and the performance deposit will be refunded.

**Ongoing Projects:**

- a. 425 Los Altos Way. A new home is under construction and is close to completion.
- b. 705 Avenida Primera South. A home addition is in progress.
- c. 782 Paseo Cresta. An application to construct a new home was approved subject to some driveway modifications being requested.
- d. 408 Calle Kokopelli. A new home is under construction and due for an interim inspection. The Kachina Hills Architectural Review Committee has issues with the roof and stucco colors.

**Real Estate Report:** Jill McIntosh presented a summary of year-to-date real estate activity in EP. There are currently three homes and one vacant lot that are active. Seven homes have been sold and two are under contract. Ms. McIntosh pointed out that EP homes remain highly desirable, often selling quickly after going on the market and achieving sale prices close to the listing prices.

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

- Mr. Casey had discussed two instances in which there was unnecessary water loss at the pool with Carver Busch, the owner of Kokopelli Pool and Spa, LLC. In one instance the pool had been partially drained and in another instance the pool had overflowed. Mr. Busch had agreed to remove \$205 from the EPCA's next invoice to compensate the Association for the additional cost for water use that had been incurred.
- Reyes Morales will soon do the last trimming for the year of the grass in the bed between the parking lot and the sidewalk. Mr. Morales will also inspect the drip irrigation system on the Recreation Center property to determine if it is working properly and is adequately watering all the plants on the property.
- A deep cleaning of the clubhouse has been scheduled for early October.
- Mr. Casey has obtained a quote to repair some loose pool tiles.

- Three quotes will be obtained for a new alarm and video camera system for the clubhouse.
- Three quotes will be obtained for replacing the existing lights at the racquetball court with LED lights.
- The installation of new locks on the lockers in the men's and women's locker rooms has been deferred until after the pool has closed for the season.
- The update of the accessible parking spaces near the clubhouse entries has been completed.
- The hot water faucet in the clubhouse kitchen has been investigated. It takes time to get hot water because of the slow response from the hot water heater. The faucet appears to be working properly.

Connie Burke indicated that she had ordered and obtained seven new Sunbrella cushions for the pool chairs and was able to buy them at a deeply discounted price from Wayfair. She will be reimbursed for the purchase price, including tax, of \$242.82.

Ms. Shears reported that she had received emails from some owners expressing concern about cracks in the tennis court surface. She has contacted three companies that do tennis court resurfacing and repairs to get their input on whether the court needs to be resurfaced. One of them, D.M.L. Inc., is a New Mexico Company that had done the last court resurfacing in 2013. The owner will soon do an inspection of the tennis court. If the court needs to be resurfaced three bids will be obtained for the work.

### **Grounds Report:**

- Grounds Maintenance Committee: Ms. Shears referred to a recent email that she had sent to the Board members proposing the establishment of a Grounds Maintenance Committee to manage more holistically the various parts of the grounds that constitute EP common property at a standard acceptable to the Association and its membership. These include the unbuilt common areas adjacent to the clubhouse, tennis court and swimming pool, the sidewalk and curb adjacent to the Recreation Center property, the north and south Estancia Primera entry islands and the EP common area within the Saiz arroyo that is shared with the Los Nidos neighborhood subdivision. Ms. Shears had also provided the Board members with a mission statement for the proposed Grounds Maintenance Committee and had proposed that the initial members consist of Jo Beth Speyer (Chair) and members Barbara Chamberlin and Erik Speyer with Greg Casey as an *ex officio* member. After a discussion, a motion duly made and seconded to approve the creation of a Grounds Maintenance Committee with the mission and membership suggested by Ms. Shears was passed unanimously. The Committee will provide a monthly report at the Board meetings. A copy of the Committee's mission statement is attached.
- Update on Landscaping of Recreation Center Median: At the Board's direction, Leslie Walker-Hirsch met with Mary Ann Scanlon, a horticulturist and landscape designer and a Los Altos resident, about the aesthetics and condition of the landscaped area in front of the clubhouse parking lot. Ms. Scanlon has agreed to provide her services to EPCSA as a volunteer and was present at the Board meeting to answer questions. Ms. Scanlon has suggested the following interim steps to improve the appearance of the bed:

- a. She will draw a scale version of the bed for the Board's information.
- b. She will tie an identifying ribbon around the trees and shrubs that are in distress because of insufficient deep watering and will identify any trees or plants that should be removed because they are interfering with the wellbeing of more important trees or plants. She envisions eventually removing the junipers and adding some swaths of one or two plant varieties that would neaten up the area and make it a pleasing oasis.
- c. She will meet with Reyes Morales and instruct him as to what pruning, cutting and weeding can be accomplished immediately during the fall cleanup scheduled for November in readiness for winter.
- d. She advises that the grass ground cover should be retained because it provides a green oasis. Additionally, it keeps plant and tree roots cool, chokes out weeds, and can be maintained by trimming two or three times each season.
- e. She has suggested using a limited color palette of purple and dark red with some some white and silvery leaf plants.
- f. She has suggested an assessment of the efficiency of the irrigation system so that updates can be made in the spring as needed.

After discussion, the Board agreed that Ms. Scanlon's report be accepted and be referred to the Grounds Maintenance Committee for review and action in collaboration with her.

**Report on Annual EPCSA Members' Meeting:** Ms. Shears reported that the annual meeting on August 14 had been well attended. There had been good input from owners.

### **Unfinished Business**

Regarding access to Estancia Primera during the Zozobra Fiesta, Ms. Shears reported that the Santa Fe Police Department had agreed that she could again provide official letters confirming that part-time EP residents without a local ID actually lived in Estancia Primera so that they would be allowed through the barriers to reach their homes. Ms. Shears had provided fourteen letters to part-time EP residents.

### **New Business**

**Proposal to Permit Pickleball to be Played on the EP Tennis Court:** In mid-July the Board received a proposal from Mary Walta (769 Paseo Cresta) to allow pickleball to be played on the EP tennis court. According to the proposal separate lines differentiated by color would need to be applied to the court to designate the pickleball play area and the net would need to be lowered by about one inch at its midpoint whenever it was used for pickleball. The Board had earlier received an email inquiry about pickleball from Aleta Pippin (761 Aspen Compound) regarding the possibility of allowing pickleball on the EP tennis court and had noted at its meeting of May 10, 2019 that an existing rule in the Book of Resolutions read as follows:

**II.D.1.** The tennis court is to be used only for playing tennis. No other use is allowed.

The Board had accordingly noted that if the proposal to allow pickleball were to be granted, it would need to revise the Recreation Center rules. Although multiple provisions of the Amended Declaration convey to the Board the sole right and obligation to make and revise rules regarding the use of EP common property and facilities, the Board had decided to take various steps to obtain community input regarding the matter. To this end Ms. Walta was invited to make a verbal proposal at the EPCSA annual Members' meeting on August 14, 2019 and she had outlined the potential benefits of pickleball to the EPCSA community. These are summarized in the minutes of the annual meeting. Additionally, with the consent of the Board some EP owners organized a pickleball demonstration game on the EP tennis court on August 11. This permitted Board members and interested EP owners to see and hear the game on the court and from different vantage points within EP.

The pickleball proposal was also included as an agenda item for the EPCSA September 13 Board meeting and interested EP owners were invited to attend and express their opinions in the discussion period after the Board members had discussed the proposal. Several owners took the opportunity to address the Board verbally and others had submitted their opinions via email to individual Board members prior to the meeting. Additionally, several Board members had observed pickleball in progress at the Fort Marcy Recreation Center and at other venues in Santa Fe where pickleball is available: The following points emerged from the discussions and correspondence received about this matter:

- There was a consensus that pickleball is much noisier than tennis and that because of this it had become a divisive issue in communities like EP around the USA.
- Several EP owners who live close to the Recreation Center expressed strong opposition to pickleball being allowed because of the noise factor.
- Most of the emails submitted to Board members and most of the verbal opinions expressed by EP owners in attendance at the annual and Board meetings were in opposition to pickleball being allowed.
- Pickleball is available close by at Fort Marcy Recreation Center where it can be played without disturbing EP residents.
- Rule II.D.1 prohibiting the use of the tennis court for any games other than tennis has been posted on the EPCSA website and at the Recreation Center for many years and the tennis court has never been used for anything other than tennis in the approximately 31 years of its existence.
- Article 6.3 of the Amended Declaration for the EP community imposes on the Board a responsibility to protect owners from noise nuisances.
- An EP owner had solicited an opinion about the pickleball proposal from his attorney and had shared the attorney's opinion with the Board. He had advised that revising the EPCSA rules to allow pickleball on the tennis court could potentially expose the EPCSA to litigation and unnecessary legal expense and risk if aggrieved owners were to take legal action against the Association.
- Some EP owners expressed the concern that allowing pickleball to be played could result in a decrease in property values within EP.

- Some tennis players objected to additional lines on the tennis court since they felt that such lines would be distracting.
- The Association has no obligation under the terms of its Governing Documents to allow pickleball.

After a lengthy discussion a motion duly made and seconded that the proposal to allow pickleball on the tennis court be denied was passed unanimously.

#### **Additional Homeowner Comments**

There were none.

#### **Announcements:**

- The Neighbor to Neighbor Food Drive will be held at the clubhouse on Saturday, September 21, 2019;
- The next EPCSA Board meeting will be held on Friday, October 11, 2019.

#### **Adjournment**

A motion was made, seconded and approved unanimously to adjourn the meeting, and President Shears adjourned it at 10:12 a.m.

Minutes prepared and submitted by: Errol Levine Date: 10/7/2019

(Errol Levine - Secretary)

Signed on behalf of Board by: Brenda Shears Date: 10/11/2019

(Brenda Shears - President)

# **ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION (EPCSA)**

## **GROUNDS MAINTENANCE COMMITTEE**

### **Mission Statement**

The EPCSA Ground Maintenance Committee was established by the EPCSA Board of Directors (Board meeting, September 13, 2019) to assist the Board in maintaining the appearance of vegetated or otherwise unbuilt common areas of Estancia Primera (EP) that are under the control of EPCSA at a standard acceptable to the Association and its homeowner members.

### **EPCSA Common Areas in the Committee's purview:**

The areas of Estancia Primera that are in the purview of the Grounds Maintenance Committee are:

1. The unpaved grounds on EPCSA common areas that surround the EPCSA Recreation Center, up to the property lines of the properties of individual EP homeowners or the common areas under the control of one or more of the adjacent neighborhood homeowners' associations.
2. The natural area that is between the sidewalk along Avenida Primera South and the Recreation Center's parking lot and its entrances/exits.
3. The islands on which the Estancia Primera stone signs are located at the north and south entrances to/exits from Estancia Primera from Hyde Park Road.
4. The portion of Arroyo Saiz adjacent to the common area on which the Recreation Center and its parking lot are located that itself is an EPCSA common area.
5. The sidewalk along Avenida Primera South that is located on the EPCSA common area (on which the Recreation Center also is located) that extends from the property line of 420 Avenida Primera South on the west side to the junction with the Los Nidos Homeowners Association common property on the east side.

### **Responsibilities of the Committee:**

1. Periodically assess the condition of vegetation growing in/on or other improvements that have been made to the common areas listed above, and determine if the condition meets standards acceptable to the committee.
2. Consider options for vegetation or other improvements located in the listed common areas.
3. Devise recommendations for the best mixture of vegetation and/or other improvements in and on the listed common areas.
4. When the Committee concludes that alterations to existing vegetation and/or other improvements in/on the listed common areas would be desirable, present the Committee's recommendations to the Board of Directors.
5. If the Board agrees in principle with the Committee's proposal, identify contractors qualified and capable of making the proposed alterations, obtain proposals and bids from

at least three such contractors, and submit those proposals and bids to the EPCSA President so he/she can arrange for their consideration by the Board.

6. Within EPCSA budgetary constraints, arrange with one or more landscaping maintenance contractors approved by the Board of Directors to conduct maintenance determined by the Committee to be needed in the listed common areas, carefully instruct the contractors regarding the work to be done and all applicable conditions, and supervise the contractors' work to ensure the work is done according to the Committee's desires and stated preferences. In addition, the Committee will instruct the contractors as necessary to eliminate weeds and grass growing in pavement cracks that are in or immediately adjacent to the listed common areas, including cracks in the sidewalks, between sidewalks adjacent to curbs and those curbs, between concrete gutters and asphalt pavement, and in asphalt-paved streets and the Recreation Center parking lot.
7. Notify the Board of Directors of any issues or problems pertaining to the appearance and condition of the listed common areas and the vegetation growing in/on or other improvements that have been made to those areas, and provide suggestions and counsel to the Board regarding the best ways to satisfactorily resolve those issues or problems.
8. Notify the Board of Directors when vegetation is observed overgrowing sidewalks or curbs, or grass or weeds are growing in sidewalk, curb, or pavement cracks, in or along any portion of Avenida Primera South that is not included in the listed common areas in the Committee's purview, so that the Board may take appropriate action.

**Estancia Primera Community Services Association (EPCSA)**  
**Minutes of the Meeting of the Board of Directors**  
**Friday, October 11, 2019**

**Call to Order:** President Brenda Shears called the meeting to order at 9:00 a.m. at the Recreation Center Conference Room.

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

**Others Present:** Greg Casey (Recreation Center Manager), Kurt Sommer (ARB Chair), and Jo Beth Speyer, EPCSA Grounds Maintenance Committee Chair.

**Approval of Minutes of Previous Board Meeting:** The minutes of the Board meeting of September 13, 2019 were approved unanimously as submitted.

**Reports**

**Treasurer's Report:**

Treasurer Bunton had previously distributed the EPCSA Balance Sheet and the Profit and Loss Budget v. Actual statement as of September 30, 2019 to all Board members via email. He reported that the Association's financial affairs remain in good order. The operating checking account contained \$84,984.89 on September 30, and the capital reserves savings account contained \$109,069.07.

Mr. Bunton indicated that he will not be present at the December 2019 Board meeting. He will therefore prepare a 2020 budget based on year-to-date data for the period ending October 31, 2019 and on November and December 2018 budget data for presentation at the November 8 Board meeting. The Board will therefore consider and finalize the 2020 budget and annual assessment at the November Board meeting.

**ARB Report:**

**Additions to the EP Architectural Guidelines:** ARB Chair Kurt Sommer presented two proposed new paragraphs for the "Additional Requirements" Section (Appendix II) of the EPCSA Architectural Guidelines. The additional paragraphs (attached) require the following:

- (1) EP owners may re-roof or re-stucco their homes as maintenance projects not requiring ARB applications or approval provided that the projects will not change the existing roof and stucco colors. However, in such instances owners should submit courtesy notifications both to the neighborhood subdivision Architectural Review Committee (ARC) and to the Chair of the EP

ARB indicating their intention to proceed with the projects using the existing roof and stucco colors. On the other hand, if owners wish to change their roof or stucco colors a formal ARB application with the submission of color samples is required and the projects may not proceed without written approval from the ARB Chair; and

- (2) Owners wishing to install rooftop solar panels must submit formal ARB applications and must obtain written ARB approval for such projects before any work may proceed.

Mr. Sommer indicated that the proposed additional paragraphs had been approved by the ARB and he was therefore submitting them for Board approval in accordance with Article 3.7 (b) of the Amended Declaration. A motion duly made and seconded to approve the additional guidelines was then passed unanimously. President Shears indicated that she would arrange for the two paragraphs to be added to Appendix II of the Architectural Guidelines posted on the ARB tab of the EPCSA website. She will also notify all EP owners about the additions in a future email.

ARB Applications and Projects: Mr. Sommer reported as follows:

New Projects:

- a. 653 Cumbre Vista Drive. An application to install a rooftop air conditioning unit was approved subject to the unit and any conduits related to it being painted the same color as the stucco. This project is awaiting a final inspection.
- b. 762 Calle Altamira. An application to install a new fence was not approved. The application will be reconsidered when a property survey has been obtained and submitted to the ARB.
- c. 609 Cumbre Vista Drive. An ARB application to install a rooftop air conditioning unit is under consideration.
- d. 400 Calle Kokopelli. A performance deposit for a project at this home was received without an ARB application. The matter is on hold pending receipt of an application from the owner or her contractor.

Completed Projects:

- a. 794 Calle Altamira. A new front gate has received final approval.
- b. 705 Avenida Primera South. A home addition has been completed and is awaiting an ARB inspection.

Ongoing Projects:

- a. 425 Los Altos Way. A new home is under construction and is close to completion.
- b. 782 Paseo Cresta. An application to construct a new home was approved subject to some driveway modifications being made in the plans for the new home. A City building permit has been issued for the project.

- c. 408 Calle Kokopelli. A new home is under construction and is due for an interim inspection. The Kachina Hills Architectural Review Committee has concerns regarding the roof and stucco colors. Mr. Sommer indicated that the roof is white and therefore not in compliance with the Architectural Guidelines; however, the stucco color appears to be acceptable. Mr. Sommer reported that the white roof is visible from several EP locations and indicated that the ARB would try to resolve the matter.
- d. 759 Paseo Cresta. An application to construct an exterior deck/porch over the front entrance has been approved and construction is proceeding.

**Real Estate Report:** Jill McIntosh presented a summary of year-to-date real estate activity in EP. There are currently four homes and one vacant lot that are active. Eight homes have been sold and one is under contract.

Secretary Levine reported that when he follows the steps for EP property sales outlined in rule III.G. in the Book of Resolutions, he now takes the additional step of obtaining from the title companies a copy of the Disclosure Certificate for each sale as signed by the buyers before the closing. By signing the Disclosure Certificates, the buyers acknowledge that they have received them together with various EPCSA documents. Completed Disclosure Certificates are stored as part of the EPCSA's permanent records.

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

- Kokopelli Pool and Spa, LLC has closed the pool.
- The racquetball court has been cleaned.
- A routine inspection at the Recreation Center by Mr. Casey and Reyes Morales on September 27 revealed that there was no power to the irrigation system controller. A retrospective evaluation of the City's Eye on Water data indicated that the irrigation system had not been functioning between September 14 and October 1. The problem has been provisionally corrected in a way that has left us with no lighting in front of the clubhouse due to a short circuit. An electrician (Frank's Electric and Alarms, LLC) will investigate and correct this problem. The irrigation system has been shut down for the winter, but Mr. Casey will water plantings that appear dry by hand while the weather remains warm.
- A deep cleaning of the clubhouse was performed on October 8.
- Two bids have been obtained for a new alarm and video camera system for the clubhouse. A third bid needs to be obtained.
- Bids have been obtained for replacing the existing mercury lights at the racquetball court with LED lights. The LED bulbs will be obtained from Summit Electric of Santa Fe and will cost approximately \$1,000. The lowest bid for installation was from Frank's Electric and Alarms in Albuquerque. Mr. Casey expects that the total cost for the lights and installation will be about \$3,000. He obtained references for Frank's Electric and Alarms, LLC and President Shears will review them. A motion duly made and seconded that payments for the installation project not to exceed \$3,200 be authorized if the reference checks are suitable was then approved unanimously.
- Now that the pool has been closed for the season, arrangements have been made for removal of the existing locks on the lockers in the men's and women's locker rooms and their replacement with hasps that users will lock with their own locks.

- The update of the accessible parking spaces near the clubhouse entry has been completed.
- The repair of a leaking urinal in the men's locker room has been scheduled in October.
- A door to a storage area in the women's locker room will be trimmed so that the door will open properly.
- Lee-Sure Pools, Inc. in Albuquerque has provided a bid of \$1,830 to re-grout some pool tiles that have become loose. The work will be deferred until the spring of 2020 and will be completed before the pool is scheduled to open.
- Reyes Morales has trimmed shrubs on the Recreation Center property and has mowed the grass in the bed between the parking lot and the sidewalk.
- The wood under the portico at the Clubhouse entry has not been treated for several years and has become dry. It will be treated within the next couple of weeks. Two bids were obtained for this routine maintenance work and Ms. Shears has approved an expenditure of \$450 plus tax to cover the cost of the lower bid.

**Grounds Report:** Jo Beth Speyer reported on behalf of the Grounds Maintenance Committee.

**Saiz Arroyo Maintenance and Fire Suppression Project:** Reyes Morales provided an estimate of \$1,500 to cut back overgrown vegetation in the part of the arroyo between Los Nidos and the Recreation Center property. The cost for the work will be shared on a 60:40 basis between the EPCSA and the Los Nidos Homeowners Association. Porfirio Chavarria, a Wildland-Urban Interface Specialist for the City of Santa Fe Fire Department, has obtained agreement from the City to provide dumpsters for the project. The work has been scheduled for early November. Ms. Shears had approved an expenditure of \$900 for the EPCSA part of the combined project.

**Update on Landscaping of Recreation Center Grounds:** Ms. Speyer reported that she had met with horticulturalist and landscape designer Mary Ann Scanlon (a Los Altos resident who is providing *pro bono* services), Scott Bunton, Erik Speyer, Greg Casey, and Reyes Morales who provides the landscape maintenance for EPCSA. They had reviewed the vegetation within the median and adjacent to the clubhouse and tennis court with the goal of recommending steps to accomplish the first phase of the landscape refurbishing project that the Board had agreed to at its September 13 meeting. This phase will involve removal of several large, overgrown shrubs; various trees and plants that are out of character with those around them; and a large cottonwood tree limb that overhangs Avenida Primera and that could become a hazard.

Some plantings that are not faring well were given as memorial gifts by EP owners. The donors will be contacted about possible removal and replacement (at EPCSA expense) prior to any decision to remove them. Ms. Speyer indicated that vegetation recommended for removal has been tagged for the Board's inspection. The preliminary estimate for the cleanup work is \$800 - \$1,000. The Board members then walked the grounds with Ms. Speyer to evaluate the recommended plant removals. After that a motion duly made and seconded to approve an expenditure for the project's first phase not to exceed \$1,200 was passed unanimously. A revision of the irrigation system will be investigated during the winter.

## **Unfinished Business**

**Neighbor to Neighbor Food Drive:** Barbara Chamberlin and Jill McIntosh reported that the EPCSA's participation had been highly successful and had resulted in the collection of canned goods and cash donations that were equivalent to 23,544 pounds of food. The EPCSA came in third in the City after the Las Campanas and Las Lomas neighborhoods in the category for neighborhoods of similar size. The Board thanked Ms. Chamberlin and Ms. McIntosh for organizing this activity.

**Condition of Tennis Court:** Ms. Shears reported that David Laing of D.M.L. Inc., had at her request examined the cracks in the tennis court surface. He had indicated that there was no need currently for the Association to consider resurfacing the tennis court. He also stated that the repairs that had been performed to date (by Dick Anderson) had been satisfactory. He recommended that the cracks be sealed again before the winter to prevent further damage to the tennis court surface due to freeze-thaw cycles. Ms. Shears will contact Dick Anderson regarding this.

## **New Business**

**Rule Revisions:** Dr. Levine and Mr. Bunton reported that three existing rules in the Book of Resolutions required revisions.

Dr. Levine indicated that Rule IV.5 needed to be amended because Jerry Ward, the Los Altos representative on the EP ARB, had resigned. The Los Altos Board of Directors had then nominated Sean Krispinsky (540 Camino Los Altos) to fill the vacant position and the EP Board of Directors had approved the appointment of Mr. Krispinsky as an ARB member at its September meeting. After a motion was duly made and seconded the Board voted unanimously to approve the following revision of Rule IV.5:

**IV.5. Reappointment of members of the EP ARB.** The following current members of the EP ARB are reappointed for three-year terms beginning September 2017: William Schiller (Aspen Compound), Rita Meek (La Viveza), Kurt Sommer (Altamira), Elsie Hartog-Gobey (Los Nidos), Charles Bailus (Cumbre Vista), Richard Czoski (Cresta), Jim Hays (Kachina Hills), Jerry Ward (Los Altos), and Carolyn McCollum (Los Altos Norte). Following the resignation of Jerry Ward, Sean Krispinsky (Los Altos) is appointed to fill the unexpired portion of Jerry Ward's term.

*Approved January 12, 2018; revised October 11, 2019. Originally approved September 15, 2017, as motion #2017-09-1.*

Dr. Levine indicated that Rule I.5 needed to be revised because EP owners not infrequently contact the EP President drawing attention to cracked and spalled concrete on the sidewalk along Avenida Primera South with the request that the EPCSA make repairs. He pointed out that Article 14-9.2 (H) of the City Code placed the responsibility for sidewalk maintenance on the owner of the adjacent property. Accordingly, as far as the sidewalk along Avenida Primera is concerned, the EPCSA's sole responsibility is to maintain the part of the sidewalk that is coextensive with the Recreation Center property. After a motion was duly made and seconded the Board voted unanimously to approve the following revision of Rule I.5:

**I.5. Contiguous property owners are legally responsible for keeping concrete sidewalks free of snow and ice, for repairing or replacing damaged sidewalks, and for keeping sidewalks and streets free of obstructing vegetation.** All EP property owners are required to comply with the Code of 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); and maintaining, repairing, or replacing damaged concrete sidewalks to ensure pedestrian safety, and cutting back vegetation along sidewalks and street curbs to keep them free from and unobstructed by vegetation (both addressed in Article 14-9.2 H - Maintenance of Public Pathways). The Code assigns both responsibilities to the owner or owners of the property/properties contiguous to the sidewalk. 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).

*Approved December 8, 2017; amended February 9, 2018; amended October 11, 2019). Earlier version approved on February 12, 2016.*

Mr. Bunton reported that Rule III.C.3 needed to be amended to reflect that, since the Board has shifted from the Recreation Center Manager to the EPCSA Grounds Maintenance Committee responsibility for maintenance of the Recreation Center grounds, the portion of Arroyo Saiz that is an EPCSA common area, and the two entry islands at the intersections of Avenida Primera South with Hyde Park Road, the Board President can authorize the Committee's chair (in lieu of the Recreation Center Manager) to obligate a maximum amount of \$2,000 for any routine grounds maintenance activity without first consulting or obtaining explicit Board approval. (The Recreation Center Manager retains responsibility for the proper operation, and necessary maintenance work to ensure that operation, of the irrigation system and exterior lighting.)

The revised rule is attached to the minutes. A motion duly made and seconded to approve the revised rule was then passed unanimously.

Ms. Shears will arrange for the revised rules to be included in the Book of Resolutions and for the revised Book of Resolutions to be placed on the EPCSA website.

**Estate Sales:** The Board noted that a request had been received from the son of a deceased owner for approval to hold a weekend Estate Sale on the property. The Board noted the following in this regard:

- There are no provisions in the Amended Declaration for the EPCSA or in the EPCSA rules that deal with Estate Sales. Accordingly, the EPCSA has no authority to approve or disapprove of Estate Sales, and owners or their families have no obligation to inform the EPCSA if they wish to hold Estate Sales;
- There has been a longstanding informal recognition in the EPCSA that each property is entitled to hold an Estate Sale when an owner is moving out of the neighborhood. However, repetitive Estate Sales at a single residence would constitute a business and would therefore be prohibited

by Article 6.11 of the Declaration that prohibits use of the property for nonresidential or business purposes;

- Estate Sales are really an issue that needs to be addressed by neighborhood subdivision Homeowner Associations that might have their own rules regarding them;
- The Board is aware that Estate Sales might cause parking problems on streets in neighborhood subdivisions in EP. In neighborhoods with private streets (Altamira, La Viveza, Aspen Compound, Cresta and Cumbre Vista) an owner wishing to hold an Estate Sale might need to arrange with the local Board of Directors where potential buyers will be allowed to park. However, in neighborhoods with City Streets (Los Nidos, Kachina Hills, Los Altos and Los Altos Norte) the local HOA lacks authority to prohibit or limit parking on the street. In such situations the Board recommends that cooperation between the owner and the HOA should be established to mitigate parking problems;
- Owners holding Estate Sales need to ensure that buyers do not obstruct private driveways.

### **Homeowner Comments**

A.L. Bontrager (501 Camino Los Altos) expressed the view that while some improvements could be made at the north and south EP entries, he did not recommend anything more should be done than replacing the dead shrub that had been removed from the island at the south EP entry because of the lack of a water supply and the hostile conditions caused by the adjoining asphalt. The Grounds Maintenance Committee will in due course ask Mary Ann Scanlon to make recommendations regarding the islands.

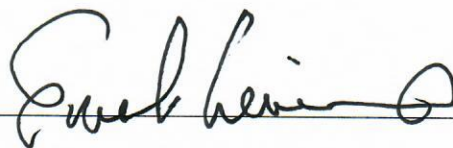
### **Announcements:**

The next EPCSA Board meeting will be held on Friday, November 8, 2019.

### **Adjournment**

A motion was made, seconded and approved unanimously to adjourn the meeting, and President Shears adjourned it at 10:39 a.m.

Minutes prepared and submitted by:



Date: 11/6/2019

(Errol Levine - Secretary)

Signed on behalf of Board by:



Date: 11/8/2019

(Brenda Shears - President)

## **ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION (EPCSA)**

### **NEW PARAGRAPHS FOR “ADDITIONAL REQUIREMENTS” PART**

#### **OF ARCHITECTURAL GUIDELINES (APPENDIX II)**

##### **1. Re-roofing and Re-stucco Projects**

Home reroofing and re-stucco projects that will not change the color of an existing roof or existing stucco are regarded as maintenance projects and, as such, do not require submission of a formal ARB application or the permission of the Estancia Primera ARB before such projects can proceed. However, such projects require the submission of a courtesy notification both to the neighborhood subdivision Architectural Review Committee (ARC) and to the Chair of the Estancia Primera Architectural Review Board (ARB) signed by the submitting owner indicating the intention to proceed with the projects using the existing roof or stucco color. However, if on completion of the project the EPCSA ARB or Board of Directors determines the work has altered the property's appearance in a way that violates community standards, the owner may be required to correct the work to conform to the community standards at his/her own expense. If an owner wishes to change a home's roof or stucco color, a formal Appendix III ARB application with the submission of color samples is required and the project may not proceed without formal written approval by the Chair of the Estancia Primera ARB.

##### **2. Rooftop Solar Panel Installations**

Installations of rooftop solar panels inevitably will change the exterior appearance of a home as seen both by nearby neighbors and by more distant owners whose homes look down at the home from a higher level. In accordance with the existing Architectural Guidelines, any proposed rooftop solar installation therefore requires the submission of a formal Appendix III ARB application and the written approval of the ARB Chair before any work may proceed. The ARB will work with applicants to ensure that their installations will not cause aesthetic and other problems for nearby and distant neighbors.

(Approved by Estancia Primera ARB on September 17, 2019)

(Approved by Estancia Primera Board of Directors on October 11, 2019)

### **III.C.3. 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:

- a. The Treasurer may make payment to the Recreation Center Manager without explicit Board approval for worktime certified by the President as long as the total amount of payments to the Recreation Center Manager during any year does not exceed the amount in that year’s EPCSA budget line item for “General Management.”
- b. 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.”
- c. The EPCSA President may make written authorization to the Recreation Center Manager to expend funds for routine maintenance of and supplies for the Clubhouse, the pool and pool area, the tennis court, and the irrigation and exterior lighting systems for the common areas around the Recreation Center without advance Board approval so long as no separate expenditure for any one purpose exceeds \$1,000 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.
- d. The EPCSA President may make written authorization to the Chair of the EPCSA Grounds Maintenance Committee to commit funds for routine maintenance of the EPCSA common area grounds adjacent to the Recreation Center, the portion of Arroyo Saiz that is an EPCSA common area, and the islands on which EP signs are situated at the two street entrances off Hyde Park Road without advance Board approval so long as no expenditure for any one grounds maintenance episode exceeds \$2,000 and all expenditures in a year that fall under the budget line item for Grounds Maintenance do not exceed the amount provided in that year’s budget for that line item.
- e. For all other expenditures falling within their responsibilities, notably including new/unprecedented expenditures or any separate expenditure for any one purpose that will or may exceed the dollar limits stated in c. and d. above, the Recreation Center Manager and the Chair of the Grounds Maintenance Committee shall seek advance approval of the Board, channeling the requests through the President.
- f. With the written or emailed concurrence of the President, the Treasurer may make payment for expenditures that comport with the stated requirements of c. or d. above without seeking specific or advance approval for the expenditures from the Board.
- g. 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.
- h. 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 III.C.3., he/she shall notify all other Board members as soon as possible.

*Approved October 11, 2019; earlier versions approved on March 10, 2009, October 14, 2016, and January 12, 2018.*

**Estancia Primera Community Services Association (EPCSA)**  
**Minutes of the Meeting of the Board of Directors**  
**Friday, November 8, 2019**

**Call to Order:** President Brenda Shears called the meeting to order at 9:00 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.

**Others Present:** Greg Casey (Recreation Center Manager) and Jo Beth Speyer (EPCSA Grounds Maintenance Committee Chair).

**Approval of Minutes of Previous Board Meeting:** The minutes of the Board meeting of October 11, 2019 were approved unanimously as submitted.

**Reports**

**Treasurer's Report:**

Treasurer Bunton had previously distributed the EPCSA Balance Sheet and the Profit and Loss Budget v. Actual statement as of October 31, 2019 to all Board members via email. He reported that the Association's financial affairs remained in good order. The operating checking account contained \$77,575 on October 31, and the capital reserves savings account contained \$109,078.

Mr. Bunton had also distributed a proposed 2020 budget via email for consideration by the Board (attached). He indicated that the October 31 financial reports formed the basis for his projections of full-year expenditures for 2019 and these in turn formed the basis of the proposed 2020 budget. There were seven items in which our expenditures for 2019 had been higher, or that he anticipated would be higher by year's end, than the budgeted amounts. However, those overages were more than offset by the line items that are and should remain under budget. Mr. Bunton indicated that we should therefore remain firmly on track to complete 2019 in the black with a budget surplus of about \$12,000. This is, however, less than in the two preceding years.

Mr. Bunton indicated that whatever the surplus amount ultimately is when the year's books are closed for 2019 he anticipated requesting the Board's approval to transfer it, as the Board has done in the past several years, into the Capital Reserves savings account, which will result in that account having approximately \$121,000. Then, once the 2020 assessments have been received, the 2020 proposed budget calls for transfer of \$25,700 into that account, producing a new total of about \$146,000. The latter amount will provide the EPCSA with a reasonably comfortable ability to authorize replacement in the

spring of the exterior tile at the Clubhouse entrance and of the sidewalk between the parking lot and the Recreation Center facilities. These two projects will likely cost \$70,000 - \$75,000 and will reduce the Capital Reserve Account during 2020 to about \$71,000 - \$76,000.

Mr. Bunton indicated that he was confident that the income that will be available to EPCSA if we leave the assessment amounts the same as they have been for the past two years should be enough to enable us to responsibly care for EPCSA's obligations and needs in 2020. The proposed budget is based on that assumption. The budgeted amount for 2020, namely \$119,950, is \$500 more than for the 2019 budget.

A motion duly made and seconded to approve Mr. Bunton's proposed 2020 budget without changes and to leave the annual assessments unchanged at \$656 for a developed lot, \$66 for an unbuilt lot, and \$164 for a house under construction but not yet occupied was then passed unanimously after a discussion. Ms. Shears will inform the Estancia Primera ownership of the annual assessment amount in mid-December and annual assessment statements will be sent to all EP owners via email around January 2, 2020 with all payments becoming due by no later than January 31, 2020.

**ARB Report:**

ARB Applications and Projects: ARB member William Schiller reported as follows on behalf of ARB Chair Kurt Sommer:

**New and Pending Projects:**

- a. 653 Cumbre Vista Drive. An application to install a rooftop air conditioning unit was approved subject to the unit and any conduits related to it being painted the same color as the stucco. This project is awaiting a final inspection.
- b. 762 Calle Altamira. An application to install a new fence was not approved. The application will be reconsidered when a property survey has been obtained and submitted to the ARB.
- c. 609 Cumbre Vista Drive. An application to install a rooftop air conditioning unit has been approved subject to compliance with conditions set by the Cumbre Vista Architectural Review Committee.
- d. 400 Calle Kokopelli. A performance deposit for a project at this home was received without an ARB application. The matter is on hold pending receipt of an application from the owner or her contractor.
- e. 600 Los Altos Norte. An application has been received for approval of a rooftop solar panel installation and is currently under ARB review.
- f. 608 Los Altos Norte. An application to install a rooftop air conditioning unit was approved subject to a parapet extension being done with the installation.

- g. 759 Paseo Cresta. An application to construct an exterior deck/porch over the front entrance has been approved and construction is proceeding.
- h. 425 Los Altos Way. A new home is under construction and is close to completion.
- i. 782 Paseo Cresta. An application to construct a new home was approved subject to some driveway modifications being made in the plans for the new home. A City building permit has been issued for the project.
- j. 408 Calle Kokopelli. A new home is under construction and is due for an interim inspection. The Kachina Hills Architectural Review Committee has concerns regarding the roof and stucco colors.

**Completed Project:**

- a. 413 Calle Kokopelli. A landscaping project has been completed and approved by the ARB.

**Real Estate Report:** Jill McIntosh presented a summary of year-to-date real estate activity in EP. There are currently three homes and one vacant lot that are active. Nine homes have been sold and four are under contract.

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

- A deep cleaning of the clubhouse was done in early October.
- The Association's registration with the City's "Eye on Water" application has been changed so that it can be accessed by Mr. Casey and President Shears for monitoring water use at the Recreation Center and determining if there are any irrigation system malfunctions or other leaks.
- The problem of the short circuit that had resulted in the lighting in front of the clubhouse not working has been corrected.
- Three bids are now available for a new alarm and video camera system for the clubhouse.
- Mr. Bunton has arranged to obtain the new LED lights for the racquetball court from Summit Electric of Santa Fe.
- Removal of the existing locks on the lockers in the men's and women's locker rooms and their replacement with hasps that users will lock with their own locks has been scheduled for November 18.
- The oiling and staining of the wood under the portico at the Clubhouse entry have been completed.
- Some light bulbs in the ceiling of the clubhouse conference room need to be replaced.
- Mr. Bunton expects to present three bids for the replacement of the tile at the clubhouse entry and the replacement of the concrete sidewalk to the Board for consideration at the January 2020 meeting. Mr. Easterson-Bond has applied to the City for a building permit and has prepared plans for the project that will be used to obtain bids from the contractors Mr. Easterson-Bond recommends for the combined project. Mr. Easterson-Bond will then present the bids obtained to Mr. Bunton and A.L. Bontrager in December for a preliminary analysis by them and Ms. Shears. They will then formulate a recommendation as to which one of the bids should be accepted for consideration by the Board at its January meeting. Mr. Bunton indicated that if all goes as planned, the Board will be able to approve one

of the bids so that the project can be completed in the spring before the Recreation Center pool opens for the season.

**Grounds Report:** Jo Beth Speyer reported on behalf of the Grounds Maintenance Committee.

**Saiz Arroyo Maintenance and Fire Risk Reduction Project:** The cleanup project conducted jointly by the EPCSA and the Los Nidos HOA has been satisfactorily completed by Reyes Morales.

**Update on Landscaping of Recreation Center Grounds:** Phase I of the landscaping renovations in the bed between Avenida Primera South and the Recreation Center parking lot, and along the sidewalk between the parking lot and the Recreation Center facilities, has been completed, with bushes and trees trimmed, grass mowed, and some bushes removed. Phase II work, including some new plantings, will be done in the early spring. The Board complimented the Committee, and Mary Ann Scanlon of Los Altos who prepared a master plan for the Phase II work and assisted Mrs. Speyer in supervising the work by EPCSA's landscaping contractor, on the appearance of the areas on which work was done.

### **Unfinished Business**

**Snow Removal:** The Board considered a written protocol for snow and ice management on Avenida Primera South and on the Recreation Center property that had been prepared by Ms. Shears, Mr. Bunton and Dr. Levine (attached). After a motion to approve the proposed protocol was duly made and seconded, the Board voted unanimously to approve the protocol without changes. Ms. Shears will inform the owners about the protocol via email and will also arrange for it to be posted on the EPCSA website.

**Condition of Tennis Court:** Ms. Shears reported that Dick Anderson had performed repairs to the tennis court cracks that should tide us over the winter months. Ms. Shears had thanked Mr. Anderson on behalf of the Board.

### **New Business**

There was none.

### **Homeowner Comments**

There were none.

### **Announcements:**

The next EPCSA Board meeting will be held on Friday, December 13, 2019 if a quorum can be obtained.

### **Adjournment**

A motion was made, seconded and approved unanimously to adjourn the meeting, and President Shears adjourned it at 9:53 am.

	2019 Expenditures are or projected to be over budget
	2020 Budget higher than 2019 for expenditures; lower for income or savings
	2020 Budget lower than 2019 for expenditures

11/4/2019

## Estancia Primera Community Services Association

### 2020 BUDGET APPROVED - EPCSA BOARD OF DIRECTORS - NOVEMBER 8, 2019

		2019 Budget	2019 Expends Jan-Oct	2019 Projected Full-Year Expends	Approved 2020 Budget
<b>I. ADMIN &amp; OFFICE</b>					
1.	ARB Admin & Office (6012)	25	0	10	25
2.	Insurance (Prop, Liabil, D&O) (6045)	10,900	11,400	11,400	11,400
3.	Licenses & Permits (6060)	150	145	145	150
4.	Admin & Office (6010)	25	25	25	25
<b>II. GENERAL EXPENSE</b>					
5.	Accountant (6000)	550	0	300	550
6.	Website Hosting/Domain Name (6066)	225	407	407	225
7.	Taxes (7110)	30	2	2	30
8.	Mileage and Parking (7125)	30	0	0	30
9.	Legal, General (7201)	1,000	30	30	1,000
10.	Web Support (7203)	2,000	1,541	1,880	2,000
11.	Bookkeeper (7204)	2,300	1,450	2,150	2,300
12.	General Management (7206)	6,900	7,108	7,500	7,200
13.	Office Supplies (7210)	325	219	285	325
14.	General Expense - Other (6011)	50	0	10	50
<b>IV. SOCIAL EVENTS AND DECORATIONS</b>					
15.	Social Events (6030)	375	275	275	375
16.	Exterior Decorations (7020)	400	201	375	400
<b>V. GROUNDS/EXTERIOR</b>					
17.	Grounds Maintenance (6040)	5,000	2,191	4,200	5,000
18.	Grounds Supplies (6091)	400	0	50	400
19.	Entry Sign Maintenance (6092)	150	522	522	150
20.	Snow Removal (7100)	3,000	0	0	2,000
21.	Electricity for Entry Signs (7115)	500	381	460	500
<b>VI. REC CENTER UTILITIES</b>					
22.	Refuse (7070)	700	517	625	700
23.	Electricity (7010)	3,350	2,441	2,950	3,350
24.	Gas (7015)	2,500	1,383	1,660	2,500
25.	Phone (7035)	525	404	490	525
26.	Water (7060)	5,000	2,789	3,300	5,000
<b>VII. CLUBHOUSE MAINTENANCE</b>					
27.	Cleaning Service (7031)	1,600	517	800	1,600
28.	Maintenance Supplies (7032)	1,000	695	920	1,000
29.	Maintenance Labor (7033)	3,000	3,537	3,800	3,800
30.	Roof Maintenance (7037)	200	0	0	200
31.	Security (7050)	1,100	742	910	1,100
32.	Furnishings/Equipment Repair/Replace (7095)	600	968	4,200	800
33.	Other Maintenance (7029)	50	227	300	250
<b>VIII. POOL/TENNIS COURT MAINTENANCE</b>					

		2019 Budget	2019 Expends Jan-Oct	2019 Projected Full-Year Expends	Approved 2020 Budget
34.	Pool Maintenance (7040)	800	187	187	800
35.	Pool Supplies (7042)	2,700	2,254	2,254	2,700
36.	Pool Furniture Repair/Replace (7043)	500	449	449	500
37.	Pool Management Service (7045)	6,000	5,715	5,715	6,000
38.	Tennis Court Maintenance (7055)	1,200	0	200	1,200
	<b>Subtotal, Operating Expenses</b>	<b>65,160</b>	<b>48,722</b>	<b>58,786</b>	<b>66,160</b>
	IX. CONTINGENCY FUND				
39.	8% Contingency Fund for Unexpected Costs (not including Estim. Depreciation) (8050)	5,213	0	0	5,293
	<b>TOTAL, OPERATING EXPENSES &amp; CONTINGENCY FUND</b>	<b>70,373</b>	<b>48,722</b>	<b>58,786</b>	<b>71,453</b>
40.	X. RESERVES FOR REPLACEMENT OF CAPITAL EQUIPMENT/ASSETS	26,277	26,277	26,277	25,697
	<b>GRAND TOTAL (not including depreciation)</b>	<b>96,650</b>	<b>74,999</b>	<b>85,063</b>	<b>97,150</b>
	<b>DEPRECIATION (6023)</b>	<b>22,800</b>	<b>19,000</b>	<b>22,800</b>	<b>22,800</b>
	<b>GRAND TOTAL INCLUDING DEPRECIATION</b>	<b>119,450</b>	<b>93,999</b>	<b>107,863</b>	<b>119,950</b>
	INCOME				
A.	Assessment Income (\$656 homes; \$66 lots) (4000)	118,150	117,560	117,560	118,150
B.	Delinquent Assess. Interest/Fees (4018)	0	0	0	0
C.	Interest (4025)	100	82	90	100
D.	Rec Center Card Replacement Fees (4030)	100	50	50	100
E.	Clubhouse Use Fees (4290)	600	1,275	1,500	1,100
F.	Property Sale Disclosure Fees (4295)	500	600	675	500
	<b>TOTAL INCOME</b>	<b>119,450</b>	<b>119,567</b>	<b>119,875</b>	<b>119,950</b>

**NET OPERATING INCOME AFTER DEPRECIATION  
AVAILABLE TO MOVE TO CAPITAL RESERVES**

12,012

## **ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION**

### **SNOW REMOVAL PROTOCOL**

#### **Avenida Primera South**

Because Avenida Primera South is a City street, removing snow from it is not EPCSA's responsibility. However, in cases of snow accumulation on Avenida Primera South greater than 6 inches or icing that have not been addressed by the City and that the EPCSA President believes may pose a significant health and safety risk to EP residents, the President (or his/her alternate if the President is unavailable) may arrange with a licensed and insured contractor to plow the street and/or treat it with sand or cinders. Any contractor hired will be required to provide the Association with a current Certificate of Liability Insurance.

#### **Sidewalk Along Avenida Primera South Adjacent to EPCSA Recreation Center Common Area**

An EPCSA Common Area borders City street Avenida Primera South from the border of Los Altos Norte to the Los Nidos end of the Arroyo Saiz bridge. Therefore, per the terms of a City ordinance, EPCSA is responsible for keeping the adjacent sidewalk clear of snow and ice. If snow on this walk does not melt by 2:00 pm on the day it falls (or the day after it fell if it fell during a night), or if his/her judgment is that the weather will prevent the snow from melting that day, the Recreation Center Manager will arrange with an approved contractor to clear the walk as soon as possible.

#### **Clubhouse Entrance**

Following every snowfall, the Recreation Center Manager will clear the steps and entrance to the Clubhouse and the sidewalk between the Recreation Center parking lot and the Recreation Center facilities for approximately 50 feet in each direction from the Clubhouse entry.

#### **Recreation Center Parking Lot**

If by 2:00 pm on the day snow falls (or the day after it fell if it fell during a night) there remains an accumulation of 3 inches of snow or more on at least half the surface of the Recreation Center Parking Lot, the Recreation Center Manager will arrange with an approved contractor to clear as soon as possible the parking lot and any uncleared portion of the sidewalk between the parking lot and the Recreation Center facilities.

*(Approved – Board of Directors – Board Meeting – November 8, 2019)*

Minutes prepared and submitted by: Errol Levine Date: 12/2/2019

(Errol Levine - Secretary)

Signed on behalf of Board by: Brenda Shears Date: 12/3/2019

(Brenda Shears - President)

**No Board Meeting  
in December 2019**