

SOL y LOMAS HOME OWNERS MEETING
United Church of Santa Fe
March 15, 2014

PRESENT

Trustees: Douglas Maahs, Acting President; Joseph Kraus, Vice-President; Jackie Dulle, Secretary; Judy Montano, Treasurer; Lynn Day, David Dodge and Susan Orth

Residents: Holt Priddy, Bob Josephs, Jerry & Donna Jacobi, Sean Weiner, Adrian & Bonnie VanderHave, Rebecca Welling, Bob Thornburg & Dannie Roark, Thomas Stanford, Ben & Carolyn Whitehill, Patricia Burke, Mary Maes, Kim Udall, Will Hawkins, Mindie & Luciano Baca, and Jack Huberman & Nina Dougherty

Douglas opened the meeting at 10:05 a.m.

Talitha Arnold, Senior Minister at the United Church of Santa Fe, welcomed the group and invited anyone interested to join their church services on Sunday mornings at 8:30 and 11 a.m. as well as any of their many programs. She pointed out in particular the Faith and Environment Conference they are hosting next weekend and flyers for it were distributed.

The Board members were asked to introduce themselves. Douglas announced Dan Lenihan had resigned from the Board following the meeting on March 13, which makes a Board seat available for anyone interested. Douglas also stated that David Dodge has served the Board for many years as Secretary-Treasurer and would likely be resigning soon. Additionally, Douglas had planned to step down as President after having mentored a person to step into that position, but that has not happened. Douglas said one other Board member, Rosemary Romero, was unable to attend because of her consulting commitments.

Douglas then explained that the covenants for Units 1 & 2 would expire on June 22, 2014, and the covenants for Units 3,4,5 and 6 would expire on June 22 in the successive years of 2015, 2016, 2017 and 2018 respectively. A Covenant Review Committee was formed and worked for over a year in revising the covenants which was submitted to the home owners of Units 1 & 2 for a vote, and failed to pass by the required 75% of the residents. Forty-eight were in favor while 24 were opposed, with several of those not wanting any HOA. Douglas stated there are concerns about the requirements of the new HOA Act which mandates statutory liens for non-payment of HOA dues. That language was put into the proposed covenants. Douglas reported there has been varied success in tracking dues payment and now with the State mandating a recorded budget, there needs to be better accountability. There have been 18 home owners who never paid dues. The HOA has operated for 50 years with no enforcement powers.

Douglas reported that at the past two meetings, the discussions have focused on the HOA Act and whether to file with the State and consequently there has been no substantive discussion on the covenants themselves. He asked that the discussion begin today on the covenants.

Bob Josephs asked if Units 1 & 2 don't pass revised covenants by Dec. 22, what impact would that have on the other Units. Douglas explained that the By-Laws govern all six Units and so they would still be over all the Units, and there would be no change for the other Units until they vote in revised covenants.

Luciano Baca, who has lived in SolyLomas since 1977, questioned whether we should have an Association. He suggested that question should be answered first before proceeding to the covenants.

Mary Maes wanted to know why people had voted no on the proposed covenants and Nina asked that it be told to this group. Douglas responded that only 4 had responded to the original mailing of the draft covenants to Units 1 & 2, and on the ballots there were three reasons listed: not enough information; not being able to have a motor home parked in the driveway; and chickens not being allowed.

Thomas Stanford had sent an e-mail on February 4 expressing his concerns about the proposed covenants and asked to read it. His main points were: short-term rentals, notification to premises within 150 feet of construction, storage of firearms, and home-based businesses. Douglas indicated a new Covenant Review Committee would be formed and would look at these issues.

Obtaining neighbors' permission, which was thought to be desirable for major changes on property, should be made part of the covenants. Additionally, Jack Huberman suggested a process of how to handle differences needs to be established.

Luciano Baca expressed appreciation to the Board for its efforts on behalf of the SolyLomas residents. Bob Thornburg confirmed that appreciation.

Douglas indicated that solar panels and water tanks need to be revisited in the covenants.

Ben Whitehill reported 25 years ago, when requesting approval for adding a room, was advised to contact his neighbors, which was done. So this has been happening even with it not being in the covenants.

Bob Thornburg stated he thought the appeal process for non-approval by the Architectural Review Committee needs to be shortened – waiting for the annual meeting is too long.

Nina Dougherty stated her problem with the proposed covenants is they are not specific enough. There is a need for more clarity and having processes explained.

Joseph Kraus, who was a member of the Covenant Committee, stated the Committee was trying to leave the covenants as open as possible, complying with the City ordinances.

Adrian VanderHave, a relatively new resident, suggested keeping the covenants as simple as possible, suggesting people use their brains instead of laws.

The issue of not being able to have chickens was brought up. Douglas reported that he had had a telephone call this morning from a resident who was ill but really wanted to be able to have chickens. Ben Whitehill said they currently have chickens located in a discrete location and he believes they should be allowed, especially since SolyLomas is touted as a rural community. It was pointed out the City allows chickens, unless they become a nuisance. There seemed to be a consensus about wanting chickens, and that issue will be revisited.

Judy Montano asked for clarification on motor homes, which need to be screened per the proposed covenants. According to City ordinance they can be parked in the driveway, but they cannot be lived in on the property. It was pointed out that mobile homes must be approved by the Architectural Review Committee, and that was thought to be highly unlikely.

There is a question about Units 7, 8 & 9 as to whether they are members of the HOA. Douglas stated originally they were not part of the HOA By-Laws, but in an amendment they were included. Douglas will ask for clarification from legal counsel.

Rebecca Welling noted that the old covenants had allowed horses but they have been taken out of the covenants.

Douglas asked how can feedback be obtained from the residents who have not attended these three meetings. Only 36 home owners out of 158 have come to at least one of the meetings. It was suggested one-on-one contact is the preferred method, by telephoning or visiting. Letters were thought to be ineffective. Mary Maes said you need to get people to volunteer and to get involved. Bob Thornburg suggested using the web site Next Door Neighbors, and having a separate page for SolyLomas matters.

Jack Huberman said we need to get a sense of how the covenants can be changed so they will be passed by the required 75% of the residents. His suggestion is to delete the section on enforcement.

Douglas stated that the HOA has not had any enforcement rights in the past but with the new HOA Act there would be automatic statutory liens for non-payment of dues. Douglas emphasized that such a lien would not be made public unless the HOA took action. In any event, the proposed covenants echoed the new provisions of the State law.

Kim Udall stated that he recognizes the fact that covenants without teeth are not good and that covenants without enforceability are not worth the paper they are written on. On the other hand, he continued, given the time limitation, he thought it would be impossible to get 75% of the residents of Units 1 & 2 to vote for covenants with enforcement powers. Since covenants can be amended at 10-year intervals, as stated in the proposed covenants, he suggested taking a couple of years to get people on board with enforcement and then amend the covenants later.

Douglas posited if the HOA doesn't file by July 1 it would lose privileges. He continued that with 2/3 of the votes received from Units 1 & 2 being affirmative for the proposed covenants, he feels it is the Board's responsibility to represent the best interests of the Association.

Bob Thornburg stated he has a problem with section 7.4 in the proposed covenants in that the Board may at any time levy a special assessment. This authorization is in the By-Laws and it was suggested by Rebecca Welling that the

By-Laws should be amended. Additionally, Bob Thornburg has a problem with architectural review and the expertise needed regarding water issues.

Bob Josephs asked about the possibility of subdividing lots if there are no covenants and Matt O'Reilly, who spoke at the March 8 meeting, said that could happen, albeit it would be difficult.

Ben Whitehill, citing that some people do not want an association and some people will always vote no, questions whether we will ever get 75% affirmative votes.

Casey Clendenin stated in the proposed covenants only 2/3 vote will be required for passage of amendments.

Jack Huberman stated his interest is to get 75% of the residents to vote for the covenants but he believes fundamental changes need to be made. His opinion is if the enforcement section is removed that would bring more people on board and he believes some of those who had voted previously for the proposed covenants would vote affirmatively again.

Dannie Roark, having attended two of the three meetings, stated she feels a low-level of anger and anxiety among the group. She suggested perhaps the HOA should not register with the State by July 1.

Judy Montano asked about the possibility of signing up next July 1. Rebecca Welling produced a copy of the HOA Act and read that if HOAs do not sign up by July 1, their rights will be suspended until they do sign up. Douglas stated he would confirm that with legal counsel. If correct, the HOA will not file.

Thomas Stanford suggested we have a communal responsibility to pay dues and we are losing sight of that if we do not. Jack Huberman stated he doesn't have trouble with dues, just the enforcement issues.

Rebecca Welling went on record stating she has not paid dues for the last several years as a protest to the processes she has witnessed the Board using, i.e. purchasing trustee insurance without informing the membership. She indicated a lack of communication from the Board to the membership was a concern.

Lynn Day reported that it was City Councilor Peter Ives living within SolyLomas, who had recommended the Board carry trustee insurance and that is why it was purchased. Rebecca stated it was the process used, not the insurance, that she objected to.

Carolyn Whitehill suggested visiting with the people who did not come to these meetings. Some are very shy and others would never vote for anything containing legal actions. She encouraged talking to one another.

Casey strongly suggested to Rebecca that she move forward on updating the By-Laws which then could be amended by the Board.

David Dodge, on behalf of the Board, thanked the people in attendance for their concern and input.

Meeting adjourned at 11:55 a.m.
Submitted by Jackie Dulle, Secretary