

Minutes
Tierra Colinas Homeowners Association Board Meeting
January 22, 2009

In attendance

Board members: Tim Leckbee, Cyndy Bernal, Scott Rivers, Maria Borden, Ann Bitter

Treasurer: Cris Phillips

Homeowners in attendance: Irania Veliz, Bill and Sharon Peterson

Agenda Items

1. Approval of minutes

Accept the November 18, 2008 minutes. Motion by Borden, second by Leckbee.
Accept the November 23, 2008 Executive Session. Motion by Borden, second by Leckbee

2. Treasurer's Report

Current balance is \$22,366.04 (see attached report)

There are five homeowners who have not paid dues, in part or in full. According to the covenants, these homeowners will not be permitted to vote at the Annual Meeting unless their dues are paid in full at that time.

3. Approval of Inspection of Records Rules (see attached).

Approved by current board, to be formally approved by new board elected for 2009 at the Annual Meeting.

4. Discussion of potential road improvements

Roads Committee (Bitter, Peterson, Dovenmuehle) has begun preliminary work on assessing the condition of interior Tierra Colinas roads, and has asked several contractors for preliminary bids. Peterson presented a report to the board. The board wishes to ask homeowners about their priorities for 2009 (e.g., roads, speeding, architectural issues, etc.) at the Annual Meeting. Depending on what is learned, the Roads Committee will work with the bidders to refine their bids, propose a timetable, and report to the homeowners. Road improvements, if any, will be paid for by a special assessment of the homeowners, who will have the opportunity to vote on any proposal, as per TCHA covenants. A two-thirds majority will be required for an assessment to be passed.

Bitter reported on potential ways to improve and maintain Spur Ranch Road.

(Note: Spur Ranch Road is not owned by anyone: not TCHA, not the County; so it presents particular challenges that must be considered outside of TCHA-owned interior roads.) Bitter and Dovenmuehle met with former County Commissioner Jack Sullivan on September 27, 2008. He said that the county would under no

circumstances pay to upgrade Spur Ranch Road (about \$750,000). He had three recommendations for TCHA to pursue:

A. Obtain funding from the State legislature. This approach was considered but not taken, given the State's precarious budget situation.

B. Form a separate road maintenance association for Spur Ranch Road. Homeowners and developers along the road would be asked to contribute financially to upgrading and maintaining Spur Ranch Road. Bitter approached developers Mary Ann Stickler and Russ McMillan to see if they would contribute. They both expressed willingness to do so, if TCHA homeowners and other homeowners along Spur Ranch would also contribute. Bitter asked attorney John Patterson about the advisability of forming such an association. He advised not to undertake this task, since contributions would be voluntary and difficult to collect on an ongoing basis.

C. Create a tax assessment district. There are several ways to work with the County to create a special tax assessment district. It is a very lengthy, complex process, which is described in a memo from Attorney John Patterson, dated January 19, 2009. Homeowners who wish to see a complete copy of this 30-page memo should e-mail board member Ann Bitter at bitterandco@aol.com. Each of the three options described in this memo would involve conducting a feasibility study of the estimated costs of improvements; public hearings; opportunity to voice objections; opportunity to vote (three-quarters majority required); funding through a special tax levy (spread over 20 years, among all homeowners along Spur Ranch Road) or a bond issue.

The TCHA board believes that some kind of tax assessment district is the most equitable and affordable way to improve and maintain Spur Ranch Road. The board will discuss this with homeowners at the 2009 Annual Meeting before pursuing this matter any further.

Bitter also provided an update on the Spur Ranch RR crossing: County Public Works Division Director Robert Martinez had an engineering company evaluate the RR crossing. That company has made a recommendation to Director Martinez, which Martinez will present to the County Board at its January 22 meeting. Martinez has said he is "optimistic" that the County will commit funds to improve the crossing (mainly signage and paving of the approaches to the tracks on either side of the NMDOT right-of-way). According to Martinez the cost to the County would be minimal. The biggest issue would not be money, but the liability the County would be assuming.

5. Lawsuit update

Hearing date is January 23. Leckbee will report on the outcome to the homeowners at the 2009 Annual Meeting.

6. Discussion of the list of potential covenant violations

The board reviewed a list of potential violations and determined a course of action for each (verbal notice or a letter). Homeowners will be contacted within 30 days of the January 27 2009 Annual Meeting.

Rivers proposed some changes to the Covenant Enforcement Policy, with the goal of making covenant enforcement a more user-friendly process. After reviewing this document, which the board approved in principle, the board asked Rivers to prepare a document for signature by the board on January 27.

The Architectural Committee has been charged by the board with reviewing and monitoring compliance with architectural covenants. Rivers will call a meeting of the Architectural Committee (currently comprised of TCHA homeowners Parker, Housewright and Tvaronas) shortly after the Annual Meeting.

The meeting was adjourned at 9:55 PM.