

## **Tierra de Zia HOA Minutes – August 4th, 2021**

Convened at 6:40pm

**Officers Present:** Libby Manabat, president, Andrew Kirkpatrick, vice president, appearing via Zoom, Athena Ortiz, treasurer, appearing via Zoom, and Colin Rowe, secretary, appearing via Zoom.

### Also present:

Jan Ferrel, board member

Michael Phillips, representative from West Gate Properties, appearing via Zoom

Sandy Waltz, board member, appearing via Zoom

Joan Yokom, Landscaping Committee Chair, appearing via Zoom

Alan Rand Levitt, former board member, appearing via zoom

Alicia Bertram, appearing via Zoom

Mary-Dean Lynn, former board president, appearing via Zoom

Dianne Yokom

Bryan Gusdorf

Donna

Shannon O'Grady

Garth

Orlando

Tom Simon

Libby Manabat reminded everyone of the 2min limit on owner comments, as we have several at this meeting and we have gone over that limit in the past.

Minutes of the July meeting were read and approved. Agenda of today's meeting was read and approved.

### **Owner Comments**

- Dianne mentioned a problem with ground squirrels digging holes in our grounds.
- Dianne asked for an update on the pond fountain. It has been ordered, but its delivery date is not certain due to supply chain problems. They say it will be here before autumn.
- Garth asked if we have considered a rise in HOA dues.
- Orlando would like us to raise the landscaping budget.
- Sandy Waltz asked if Yellowstone Landscaping was going to cut down all the Chinese Elms. They use a lot of water, but they are also the tallest trees on our property and add value. Based on our current landscaping budget, cutting down the trees can't be done now but might be done next year.
- Sandy Waltz would like us to treat the junipers for bark beetles.
- Bryan Gusdorf asked if the security cameras at the gates work. They do not and never did. They are decoys. Libby informed him we are getting bids to install working security cameras on the pool and office areas.

- Bryan Gusdorf mentioned there is a large gap in the gate, large enough for a person to walk through. Libby said the board is aware and that will be bundled into upcoming gate maintenance.
- Shannon O'Grady wants a transponder and has been trying to get one for years. Libby informed her we got eight new transponders recently, but they didn't work.
- Sandy Waltz asked if emergency funds could be used to stucco and/or do other repairs. That does not constitute an emergency.
- Joan Yokom thinks we should raise HOA fees in order to afford needed repairs and maintenance.

### **West Gate Report**

- Stucco repair in the triangle neighborhood will be worked into future annual budget and may require additional dues collection. Stucco of the perimeter fence will be done in less than 2 weeks.
- Security patrol is not sufficient. We are looking into cameras, lights, and other options to improve security at TdZ.
- Chinese Elms are a problem and sprout up all over the property. One damaged a perimeter wall.
- We have ordered 5 new swamp coolers. They are already designated for those most in need of replacement. We must decide tonight if replacing/repairing swamp coolers will be the responsibility of the homeowner or the HOA.
- We must add to the minutes the resolution we made to turn off the pool heater. July minutes will be amended as such.

### **Swamp Cooler Discussion**

- We must decide if swamp cooler maintenance is the responsibility of the homeowner or the HOA. Michael believes there has been a creep in what the maintenance duties are, concerning swamp coolers. He points out that homeowners are responsible for "fixtures" on the outside of their units and the swamp cooler should be considered a fixture.
- Michael's advice is for the HOA to create an interim policy to transition from what we are doing for swamp cooler maintenance and what we want to pass back to the homeowner. We must conform to our bylaws or change them.
- Mary-Deane Lynn said that swamp coolers have been covered by the HOA since she joined the board because we could not allow every resident to send their own plumbers up onto the roof. Leads to chaos, accidents, and legal troubles. Only our own maintenance man can be allowed on the roof.
- Sandy cited Article 3, 3.8 of the bylaws which seem to suggest swamp coolers are not the responsibility of the homeowner because they are not inside the walls.
- Tom Simon suggests we get a professional legal opinion concerning whether the swamp coolers qualify as an LCE under the terms of our bylaws and also to change our declaration if need be.
- Andrew Kirkpatrick suggested that after the legal opinion is acquired we should distribute a layman's version to homeowners, explaining any changes.

- Jan Ferrel made a motion for Westgate to hire legal services to provide this interpretation for us. A vote was held and the motion passed.
- In the time between now and when this decision is made, the HOA will continue to be responsible for swamp coolers.

### **Treasurer's Report**

- Income was in line as expected this month.
- We paid two insurance bills in one period.
- Total administrative budget was over by \$4,000
- Utilities and other bills are in line with the budget.

Adjourned at 8:07pm. Next meeting scheduled for Tuesday, September 14th at 6:30pm.