



**Grant County Dos Griegos Homeowner's Association II
Annual Membership Meeting Minutes
June 10, 2023**

10:03 a.m. Meeting Call to Order

- 1) **Welcome and Introductions-** Richard Zimmel, Board President, introduced and welcomed new residents Tom and Jimmie Terry. Welcome to the neighborhood!

- 2) **President's Report**–Richard Zimmel (see President's Report handout)
 - i) **HOA Covenant Guidelines – Attorney's report/BOD/Architectural Review Committee (ARC):** Reported on the work of Attorney C. Wallace re: architectural review and Covenant guidance. All 3 DG HOAs are bound by the same covenants. *2013 HOA Act* defines duties of HOA re: Bylaws and Covenants – authorizes Board to levy assessments & fines/liens. Written statement will be provided by Board prior to any legal action. C. Wallace recommended the Board and ARC create a set of “**Guidelines**” to determine what is permissible and what is prohibited per specific covenants. Covenants are in place and enforced by the Board to protect everyone's property and values..
 - One homeowner misinterpreted the *Night Sky Act* flag lighting requirements. While he had the proper night lighting for his flag, a lack of understanding of the requirements led him to contact NM Rep. Rebecca Dow who wrote the DGHOA President to address the issue of the violation of resident's flag rights. Richard Z. responded, in writing, to Rep. Dow, and the resident to explain that there were no violations, and that the property owner was incorrect in his interpretation of the Night Sky Act requirements. Had the property owner communicated his concern to Richard prior to contacting our local lawmaker, this issue would have been resolved immediately and amicably.
 - No questions were asked from attendees regarding covenants. Covenants are available on the Home page of our DG II website:
<https://www.dosgriegosii.com/>
 - John Zamar reminded everyone that if they do have questions to please contact any of the Board for assistance.

 - ii) **Implementation of the Night Sky Act** (old business; see handout). No questions.

 - iii) **Fire Station update:** Pinos Altos Volunteer Fire Rescue Chief Edward Downard told Richard that they are selecting an architect and that construction should begin on the new Fire Station within the coming year. The new Fire

Station will be located on Lot 111 at the north corner of Swan St. and Himalaya Way.

- iv) **Property at the dead end of Swan St.** was purchased and is now privately owned and **not** part of the DGII HOA. Family bought the property from the developer with their driveway located at the end of Swan St. and they plan to put in horse stables.

- v) **Board accomplishments for 2022-2023** (see report):
 - Tramway signs prohibiting vehicular traffic/bicycles
 - Implementation of *Night Sky Act*
 - Reflectors installed on roadway posts
 - Fire hydrants were painted in coordination with the Fire Dept.
 - Installation of new community sign (per membership vote/approval in 2017)
 - Annual Firewise Cleanup, including weeding around all electrical transformers.

- vi) **Lot 64 B** was sold and new owner is restricting access to the Tramway trail via his private property due to liability and safety reasons. HOA Board are researching other access points to the Tramway trail. Lots that are designated Dos Griegos II open spaces are very steep and not very accessible to reach the trail. No easements are in place that allow for access – as per Surveyer “Z3” of Silver City. Several residents have complained to Richard about the lack of access.

Board members walked the possible open space with Ken Robie from “Burro Mountain Tree Trimming” and received a quote from Ken for \$2500 to clear the current open space trail of vegetation and rocks. There is a concern that the trail would still be too steep and dangerous for most walkers in our community.

Question: *Was Tramway trail designated by the developer?* John Zamar: “Yes, however, no documentation was ever made by the developer as to an easement for trail access”.

A discussion ensued pertaining to the legality of a “prescriptive easement” as official access to the existing driveway and trail. No consensus on the use of a prescriptive easement was achieved.

Dr. Mittica: Ower of Lot 64B: “This is my private driveway and should not be used by the public. I have allowed access but now have problems with traffic and safety on my driveway. I offer to assist in creating an alternate trail to the Tramway. I own the water easement along the driveway. The utility easement is **only** for my property. I have worked many hours to improve part of the tramway trail. I won’t get upset if there is a neighbor walking across the property, however, I have a liability issue with people getting hurt on my

property – people have fallen, and I’ve had to call 911 for an ambulance. I don’t want the public to access the Tramway trail. Would be ok if we could develop a walking trail along the drive which also borders Mike’s property, if all **liability** were covered by the *HOA Open Space Insurance* policy. The Board should talk to Mike & Marsha about permission to put an access trail along their property. Safety is the primary goal.

John Zamar: When the developer built, it was agreed that the Tramway would be available to all property owners. Years ago, the County agreed to the Tramway as an evacuation route. We may still need to use it.

Perhaps we could create a written agreement for residents to sign waiving any liability and legal accountability on the part of property owners who own trail access property? Dr. Mittica stated that he would be open to that.

Maggie has given permission for people to walk on the tram behind her house. The Board also doesn’t want anyone to get hurt, and we have never allowed people to drive there. It is not a public trail. We’ve put signage up to deter the public from using the trail, however, some people ignore the signs. Richard identified and wrote a letter to one non-HOA person who was continually using the trail for mountain biking, telling them it was private property and not open to the public.

John K. – Followed a lawsuit in Grant Co. where the property owners were not liable for anyone accessing private property for recreational use. Re: RS 24-77 County legality of easement. I am in touch with the County Fire Marshall to clean up the trail so that it can be used by traffic in the event of wildfire evacuation. John K. is concerned about the steepness of the alternate trail access - can we get Ken to put in switchbacks to make it more accessible? **John Z.:** Doing so would increase the price of creating a trail. It will also erode with the annual monsoon. **Richard:** The open space potential trail is in a place that is very heavily forested and rocky.

Dr. Mittica – Can our Board Common Space insurance be extended to cover my drive? I don’t want the public to access it, but I’m ok with residents using it. There is access to Swan St. from 64A & 64B. I will allow individuals to access the tram in my driveway with permission. There is a place to put a trail along my driveway if Mike (whose property also borders the driveway) also gives permission **and** if it’s covered by HOA insurance. Again, I am also open to residents getting permission and signing a liability release/waiver prior to accessing my property for the tramway access.

- vii) **Request from Dr. Mittica:** *Can I add a specific name to my driveway?* I would like to designate it as *Mt. Athos Way* (in keeping with the other style of road names in DG) and I would like get the street and address registered with the County.

John Z. and Richard: We will send a notice to the membership for their approval and let you know. We will check with our insurance company to see if we can extend coverage for Mittica and Mike’s property/trail access.

Dr. Mittica: I will be crushing the brush and limbs on my property and spreading them to prevent erosion on sections of my and adjacent property.

3) Treasurer’s Report–Tom Moore (see report)

- i) 2023 Budget – current income to date \$5441 vs. Budgeted \$6065; Expenses to come: Liability insurance and Tax; only one change is the PO Box fee went up significantly. We are consolidating on mailings to cut down on expenses. Assessment fees are still outstanding on 13 lots. Several late notices have been mailed to the owner, with late fees included, with no response to date.
- ii) 2024 Proposed Budget – Income will be \$6065; Expenses \$5290; Increased budget for legal expenses. **Question - John K.:** *Do we need a line item to pay for trail cleanup?* **John Z.:** No, the Board has authority to spend up to \$5000 without member approval. **Tom:** There is also an existing line item in our 2023 and 2024 budgets for “Common Area Maintenance” that we can use.
- iii) Motion by John Zamar to approve 2024 Budget; Motion seconded by Dee Elliot. Motion passes with 10 Yay votes and 0 Nay votes.

4) Firewise Report–Vicki Barnitt

Thanks to all who participated in our annual Community Wildfire Day on May 6, 2023. Last year, our combined DG HOA I, II, & IV reported a total of 336 hours, including 86 hours from the PAVFR crew. As noted by Tom Moore, our budget includes an annual \$500 donation to PAVFR for their support.

I will be submitting our annual *Firewise Renewal Application*, with this year’s community hours, in October 2023. Next year we will be required to re-apply for Firewise designation with a new and current *Risk Assessment* from the State Forestry Service (Tom Zegler). I will be contacting Tom next year to schedule and complete the Risk Assessment, which will require him to assess all lots and open spaces in DG I, II, & IV. We should be in good shape due to all the cleanup activities that have occurred over the past three years!

Dr. Mittica: Added 100 hours for the 2022-2023 report. Vicki will include these hours, along with all other hours, and submit in the Firewise renewal application by October 2023.

3. New Business

- i) Election of Tom Moore, Board position for *Treasurer*:

Tom Terry made a motion to approve Tom as Treasurer for the next three years. Richard Zimmel seconded the motion. Motion passed with 11 Yay votes and 0 Nay votes. Tom Moore is Treasurer for the coming three years.

Thank you Tom!

4. Open Agenda – Tom M. voiced concern about the vacant lots not being cleared.

Vicki: We have made great efforts to get vacant lot owners to trim, through formal correspondence and emails, with only **one** response from a vacant lot owner on Chimboraza Pt., who inquired about how to get her property trimmed/thinned.

Richard will personally contact major vacant property owners (those who own **multiple lots**) to make suggestions for thinning their lots.

No other open agenda items or questions were received.

5. Motion to adjourn the 2023 Annual HOA Meeting was made by Vicki Barnitt and seconded by Leila Zimmel. Motion to adjourn was unanimously approved by all attendees.

Meeting Adjourned 11:37 a.m.