



Grant County Dos Griegos Homeowner's Association II
Annual Membership Meeting—Saturday, June 11, 2022
Meeting Minutes

Meeting call to order: 10:05 a.m.

Eight HOA Members attending, plus four Board members: Richard Zimmel, President; John Zamar, Vice President; Tom Moore, Treasurer; and Vicki Barnitt, Secretary

I. Welcome and Introductions

II. President's Report: Richard Zimmel

- a. Richard invited members to interact and provide feedback/questions.
- b. Jonathan Fenn purchased 27 lots from Carris last summer (assessments have been paid). Carris still owns 13 lots and has paid all assessments.
- c. Assessment amounts are an issue due to rising costs, e.g., insurance fees and wildfire mitigation – our annual budget needs to reflect these costs. Currently \$40 per year for undeveloped lots; \$80 per year for developed lots. Please think about the need for raising the annual assessment.
- d. Also note that homeowner's insurance ratings are contingent upon our community's rating for wildfire.
- e. DG I and DG II have annual assessments of \$150 per developed lot.
- f. Richard thanked the Board members for all their work this year.
- g. John Kramer (Common Area Committee member): "Work done to the trail was very good and thanked Board for doing the restoration work."
- h. Rebecca Summer (Common Area Committee member): "We can justify the assessment due to Gila Forest fires – look online for details on those wildfire events".

III. Treasurer's Report: Tom Moore—See *Treasurer's Report*

- a. There are two unimproved lot assessments still due. Vicki will send a third late notice to each owner.
- b. Budget 2022: Current amount in budget \$10,204.00 (includes grant from Forest Service for thinning project). Current budget expenses remain to be paid for insurance. Taxes were paid for the year; and our annual donation of \$500 was paid to PAVFD.
- c. Our former insurance company has changed due to retirement of former owner. Are currently working with new insurance company to bring down expenses, which are very high. Current insurance includes liability insurance for common areas and for the Board.
- d. 2023 Budget was unanimously approved by present member votes and proxies.

IV. Firewise Report: Vicki Barnitt

- a. Vicki thanked all residents and the Pinos Altos Volunteer Fire Department (PAVFD) for taking part in the Annual Wildfire Prevention Day, which was very successful. A total of 336 hours were submitted by residents (86 of these were the PAVFD crew)/with a total of \$4,479 spent for mitigation activities (Tramway trail thinning project with matching funds from Forest Service);
- b. Wildfire resources from Lucy Whitmarsh (PAVFD) were provided to members.

V. Old Business:

A) Common Area Oversight Committee: *State Forestry Grant and Thinning Project:*

- a. Richard thanked all members who voted for the grant to be approved. Rebecca and John K. were thanked for their help in the project.
- b. Tom Zegler from NM State Forestry inspected properties in common areas “A” and “B”. A portion of Area B, along the Tramway trail, was designated as needing thinning – total of 15 acres. Ten of those acres were inaccessible to crews, so Tom Z. created a treatment plan for five acres to be thinned and trimmed. Work was completed during Fall of 2021.
- c. Reclamation was done on the trail to clean up from thinning crew equipment – including water bars, raking, rock relocation, etc. Thanks to Rebecca Summer, John Kramer, Dorothy and Tom Moore, and John Zamar, for their reclamation work and guidance on this project.
- d. A question was asked about the trail use – and Richard answered that the trail can only be used as a walking trail, and **not** for biking or motorized vehicles.

B) Sign Committee: John Zamar

- a. John reviewed the vote for the sign conducted at prior Annual HOA meetings (an initial 2015 HOA vote unanimously approved the sign). The prior board was unable to secure a suitable parcel of land for placement of the sign, however, the current Board has secured written permission/approval from a property owner to place the new sign on a portion of his Swan Street parcel. The 2015 vote is still valid as approval for the sign. Original budget of \$5000 was allocated for the sign project, however, the current sign project will be approximately \$2150 for the rock and laser cut sign installation. This amounts to a savings of approximately \$2,850 for the HOA.
- b. A rock is in place for the new sign on Swan Street, which is located near the old sign. Contractor is working on completing the laser cutting for the sign, which is similar in design to the sign for DG I located on Nikki’s Rd. Target completion date: July, 2022. A comment was made that the sign is in a perfect place.

C) Architectural Review Committee: Richard Z.

- a. No house plans were submitted this year and minor issues were addressed (e.g., septic smell, propane tanks, and trimmings dumped and piled up in Common Area B by a property owner. Board contacted owner in writing to request that he move piles down to the chipper during the May 14th Fire Prevention Day chipping event and offered assistance if needed, but there was no response from the property owner. Legal action will be pursued by the Board to address this issue, as it poses a potential fire hazard to community properties.
- b. One member noted that underground propane tanks are less safe than above ground due to undetected leaks that can occur and effect water tables and homes.
- c. A question was asked as to who owns the property easement of Tramway trail Richard responded that there are three property owners with easements adjacent to the trail.
- d. Announcement of annual lot purchases: Lots 74, 162, 81, 82, and 27 lots purchased by Jonathan Fenn from Carris Properties.

VI. New Business

A. Election of Board position for *President* :

- a. Eight ballot votes were received today, plus 51 by proxy and mail in ballots, for a total of 60 votes (20% quorum is met). All 60 votes were unanimously “Yes” **for** Richard Zimmel. Motions and votes to approve Richard as President for the next three-year term were made and passed unanimously. Congratulations Richard!

B. 2023 Budget Approval: See 2023 Budget

- a. Rebecca Summer moved to approve 2023 budget, Keith Townsley seconded the motion to approve 2023 budget. Votes are 53 “Yea”, including 43 proxies, and 0 “Nay” (no proxies). Motion carries unanimously.

C. Enforcement of Covenants:

- a. John Zamar provided an overview of prior actions regarding enforcement of covenants, which included the following 2020 Board (BOD) statement to HOA members concerning enforcement of the covenants: *“We urge all home and property owners to consult with the committee (Architectural Review Committee) regarding any planned addition, change, or alteration as per the Covenants. We also ask that if additions or changes were made in the past without approval by the committee, you give us the opportunity to look at what was done. Approval after the fact certainly does not meet the intent of the Covenants but we are willing to give you a letter designating that the addition or change meets the Covenants. You may need this should you sell your home.”*

Since this statement was made without a motion and approval vote of HOA members, the current BOD rescinds this statement. We believe the intent of the Covenants are for all to follow in a timely manner and no grandfathering or exceptions shall be made as they relate to Article V, Architectural Review of the Covenants, the Covenants, By-laws and recorded amendments.

- b. Discussion ensued as to how best to enforce the covenants. A motion by John Zamar to form a committee to study steps and legality passed by a majority vote. However, there were no volunteers for the committee. Thus, the Board will pursue this on its own. It was agreed that the steps the Board will take going forward include:
 1. Board member contacts HOA member concerning non-adherence to an existing covenant.
 2. If non-compliance continues, a letter from the Board will be sent addressing the issue, stating the covenant that is in violation, and the steps that must be taken for compliance.
 3. If within 30-days compliance is not met, a letter will be drafted by a local law firm addressing the matter.
 4. Some discussion of the next step ensued, including issuing a lien against the property. Those in attendance could not agree as to the effectiveness or whether this step is necessary.
- c. Certain members in attendance do not want strict adherence to the Covenants while others do. The current BOD understands its responsibility to make sure covenants are followed by ALL members of the HOA. Covenants are in place to protect ALL our property owners and values. All members understand that there are covenants which should be provided by realtors and title agencies when properties are purchased. While some members have stated that they did not receive the Covenants when they bought property, it is still the responsibility of each property owner to make sure they obtain, read, and understand the covenants. The current (and new) Dos Griegos II sign states that it is a "Covenant Community". Covenants and By-Laws are referenced during each annual HOA membership meeting and are available to all members on the DG II website: www.dosgriegosii.com/
- d. It is not within the Board's authority to change the covenants. Covenants can only be changed by a two-third's vote of all members, **including those members of DG I, DG II, and DG IV HOA's**. The Architectural Review Committee (ARC) can, per covenants and by-laws, use identified guidelines to address specific covenants but **do not** have authority to amend the covenants.
- e. **Annual Lot review by ARC:** A motion was made by John Zamar to have ARC inspect both developed and underdeveloped lots annually to determine compliance to covenants. The majority in attendance voted against and, with proxies, the motion was not approved.

f. **Adoption of the Night Sky Act for the HOA:** A motion was made by John Zamar and seconded by Vicki Barnitt to adopt the Night Sky Act for the HOA. Majority voted for the motion to be approved. The DG HOA covenants somewhat mirror the Act. Discussion included that the state and Silver City have both adopted the Act, however, Grant County has not. At issue are exterior floodlights and lamps being left on at all hours that do not meet the covenants, which states that lights must be located not more than 15 ft. above the ground and be adequately shielded so that the light does not adversely affect other lots. The Night Sky Act further defines the requirements for light lumens and wattage along with other terms to protect residents and wildlife from the glare of lights.

D. Wildfire Hazards: Discussion was had concerning fire hazard of undeveloped lots and whether the BOD has the authority to require owners to trim and thin trees and vegetation on their lot(s). Points made by those in attendance included how much work needed to be done on each lot and a request to ask the County Fire Chief to write a letter on the importance of maintaining a lot clean of debris for fire protection, the high threats that exist of wildfire in the area, and the impact it could potentially have on homeowner insurance. A motion as made by John Zamar, and seconded by Dorothy Moore, to have the BOD and ARC determine the legal requirements associated with the BOD or ARC taking action to clean a lot of dead trees and debris should the owner decide not to do the work themselves. Majority voted to approve the motion which will require the BOD to consult with an attorney to determine what, if anything, can be done to ensure cleanup of undeveloped lots, and the liability of the HOA.

a. Dorothy Moore made a motion for the Board to send a letter to all HOA members specifically addressing fire safety and lot maintenance issues. The motion was seconded by Dee Elliot and the motion passed unanimously. Member John Kramer volunteered to assist the Board with information and guidelines to include in the letter.

VII. Open Agenda: One member recommended that the BOD do more to collaborate and communicate with other DG HOA's to see what their priorities are and how they are addressing Covenant issues. Richard will reach out to other HOAs. Dee Elliot expressed her appreciation for the work of the Board.

VIII. Meeting Adjourned: 12:11 pm

Respectfully submitted by Vicki Barnitt, HOA Secretary; June 18, 2022