

High Desert Town Meeting

Rules for meeting: not many, actually only one. This is for an exchange of information, if you have a question addressing a specific issue not concerning the entire community please call me or Lynnette and we will get an answer for you.

What Your Board is Doing:

- We have been a Board now for about 6 weeks
 - Elected officers
 - Met as board
 - Current board members (show slide)

- What have we been doing?
 - Reforming committees
 - Met with VM Chair Harry to discuss recruitment
 - Assigned Landscape committee chair – Camile Singuraju
 - Committee chair charged with recruiting members
 - Review of landscaping priorities
 - Setting up other committee such as Finance, etc
 - Addressed ongoing enforcement actions with an eye to resolution
 - Three resolved to date
 - Reviewing policy on violations and priorities
 - Discussing charging of services such as wall work, landscaping, signs
 - Discussions on improving customer relations between Board, Committees, and HOAMCO with residents
 - Taking steps to move forward with Fire Prevention Working Group
 - Taking steps to restart Voting Member/Board discussion group

- Before starting our discussion let me answer some questions that have been sent to me
 - See “Questions and Answers” doc

- What is the future of High Desert?
 - Strategic plan for the Association?
 - More equitable charging
 - Better match between services requested and provided
 - Better communication among Association Committees and Members
 - What do you want High Desert to be?
 - Goals for the Association?
 - Are the Covenants and Guidelines established in the mid-1990s still relevant?
 - With these questions in mind I want to start a Working Group to start the discussion.
 - Resident survey will be a good starting point

TOWN HALL QUESTIONS AND ANSWERS

1. Are the police increasing patrols at High Desert Park due to the recent rash of car break ins which could lead to residential burglaries? Also we have heard about mailbox break ins, is anything being done to deter this?

We currently have BCSO patrols on a frequent basis and have G4S keeping as close an eye as possible 24/7. Unfortunately the perpetrators are able to act quickly and someone is not also close by. My neighborhood mailbox was one of the victims this past year, APD referred me directly to the USPO Security. It was replaced with a more secure mailbox, but it was quite inconvenient for all of us.

2. Attorney/client privilege is often cited as a requirement for confidentiality. While there may be many good reasons to maintain confidentiality, my understanding is that attorney/client privilege in itself is a restriction on the attorney, not the client. Can we get a clarification of this?

It is an attorney restriction that restricts both the attorney AND client from disclosing any correspondence. In the Board's case, correspondence discussing legal opinions cannot be shared outside the Board. The Board can make a decision based on that advice and publish that decision without directly quoting the opinion.

3. Does the Homeowner's Act require that the association make available to VMs and/or residents documents such as contracts and invoices?

Yes, any VM or owner in High Desert can review contracts and invoices. We just ask that you fill out the documents request form located on the website to expedite the process.

4. What are liability issues faced by the Board, Committee Members, Working Groups, and VMs in dealing with association affairs? Who is protected by liability insurance?

There are many liability issues faced by Association leadership, as many as there are differences of opinion. Our D&O insurance covers board members and committee members. It is important to note that these individuals must be "acting in the Association's best interests." That is why we have implemented the Code of Conduct agreement and asked members to sign it to ensure actions are in the Association's best interests.

5. If the association decides to pursue again bringing the bylaws into compliance with state law, are there recent changes in the law which would need to be incorporated?

As for recent changes, good question, one we will need to research. We are definitely going to work to get the bylaws into compliance with state law, most recently The Homeowner Act effective July 1, 2019.

TOWN HALL QUESTIONS AND ANSWERS

6. Recent policy is that the mention of attorney or lawyer in conversation with the Board or HOAMCO immediately shunts further communications to be between attorneys. Article XVI of the CCRs provides alternative means of dispute resolution (voluntary, mediation, or arbitration). Have these options been used in the past and is there a possibility that these might offer future alternatives to litigious confrontation?

The Covenants, in Article XVI, do in fact contain a section detailing the Voluntary Alternative Dispute Resolution Process for HDROA. To quote: "In any dispute between the Association and one or more Owners, or between Owners (collectively, the "Parties"), the Parties may choose to submit the dispute to mediation or binding arbitration, if all parties in the dispute agree.

We did use it in several cases, primarily about landscaping. To my knowledge none of the uses resulted in resolution, it only increased the cost when we had to settle in court..

7. In the past, High Desert conducted homeowner surveys to get feedback from homeowners. It has been a few years since a survey has been conducted. What is the current Board's view about homeowner surveys?

We do plan on doing another survey soon to address the future of High Desert.

8. There are still a few vacant lots in High Desert to build on. How do neighboring homeowners find out if a variance is being granted during new construction or significant remodeling?

In order to get a variance, an owner must get permission from all adjacent lot owners before the request can be submitted to the Board.

9. What is the criteria used by the Board to decide what will be discussed in Executive Session?

Executive session topics are limited to legal advice, pending or contemplated litigation, or personnel, health, or financial information about an individual, employee or contractor. This has been the guideline used by the Board for as long as I remember and is also stipulated in the New Mexico Homeowner Act from 2019. A home owner can also present an appeal of a Modification Committee decision to the Board during Executive Session.

TOWN HALL QUESTIONS AND ANSWERS

10. About a year ago, HOAMCO was working on a system that would provide Voting Members information about the status of ongoing projects. What is the status of that effort?

The Board will review this next week in the December Board Meeting with the view of moving forward quickly. I think it's very important to have this software as a communication tool for the VM's.

11. What information do residents want or need to protect their homes from fire and prevent fire in our HOA owned properties?

We have a Fire Prevention Working Group that is addressing this very question. We plan to have information posted to our website in the very near future to answer your questions.

12. How often are audits done for the HDROA?

Audits are done annually by an outside agency and posted for everyone to see on our website. The current audit for 2020 has just been completed and will be posted after our Board review.

13. Will the dry brush in the arroyos be addressed as a potential fire hazard?

This has been identified as a fire hazard and will be worked on a continuing basis by our landscaping contractor. We also just completed an annual walkthrough of the arroyos for AMAFCA that LeeCo participated in an identified more areas that need attention.

14. Does everyone have to sign the Code of Conduct?

Only those who are on the Board of Directors or a designated Committee.

15. Elections are coming up soon in April 2021. Doesn't there need to be a Nominating Committee.

Yes, we do need to establish a Nominating Committee and request Statements of Interest. It is the Board's goal to get back on schedule with the elections after the disruption of this past year. There will be four (4) positions open to fill.