

BOARD MEETING AGENDA
SHHA Monthly Board Meeting December 13, 2023, at 6:30 PM
IN-PERSON MEETING
SHHA Office
Prepared by Trish Lovato

1. **CALL TO ORDER:** The monthly SHHA Board Meeting will be called to order by the President at 6:30 PM.
2. **ROLL CALL:** A quorum must be present. **P: Present; E: Excused; A: Absent**

Officers		Members		Members	
President – Roger Hagenruber		David Crossley		Heidi Komkov	E
Vice President – Hugh Prather		Elizabeth Edgren	E	Eric Faulring	
Secretary – Martin Kirk		Kevin Lloyd		Kathleen McCaughey	
Treasurer – Randy Tripp		Jim Stewart		Susan McCasland	E
		Claudia Mitchell		Arthur Romero	E
		Phil Krehbiel		Suresh Neelagaru	
		Terry Walker			

Staff:

1. Diane Barney
2. Trish Lovato

Guest(s):

1. Marlene Flor-will not be addressing the Board.

3. **APPROVAL OF AGENDA FOR December 13, 2023**
 - a. Motion to approve Meeting Agenda and Consent Agenda
4. **CONSENT AGENDA APPROVAL:**
 - a. **Board meeting minutes 11/8/23**
 - b. **CSC 11/7/23**
 - c. **ACC 11/15/23**
 - d. **CSC 12/5/23**
 - e. **ACC 12/6/23**
 - f. **FC 11/30/23**
 - g. **E&S 11/28/23**
5. **OFFICER REPORTS:**
 - a. President (Roger Hagenruber):
 - (1) None
 - b. Vice President (Hugh Prather):
 - (1) Bylaws Revision Update

- (2) Motion to approve the SHHA Resolution Universal Membership in the SHHA by All Lot Owners in the Sandia Heights Development emailed to all Board Members on December 8, 2023.
- c. Secretary (Martin Kirk):
 - (1) None
- d. Treasurer (Randy Tripp)
 - (1) Approve November 2023 financials

6. COMMITTEE REPORTS:

- a. **Architectural Control Committee** (ACC-Phil Krehbiel, Chair):
 - (1) Matters to be presented to the Board not in minutes or reports since last meeting:
 - a. None at this time.
 - (2) Requests for Board Action:
 - a. Motion to approve the SHHA Policy for the Calculation and Imposition of Damages in Furtherance of the Enforcement of Reservations, Restrictions, and Covenants of Sandia Heights Sandia Heights emailed to the Board on December 8, 2023.
- b. **Covenant Support Committee** (CSC-Arthur Romero, Chair):
 - (1) Matters to be presented to the Board not in minutes or reports since last meeting:
 - a. None at this time.
 - (2) Requests for Board Action:
 - a. None requested.
- c. **Community Service & Membership Committee** (CS&M) (Elizabeth Edgren):
 - (1) Matters to be presented to the Board not in minutes or reports since last meeting:
 - a. No committee meeting in November due to holiday travels. Weighing the value of welcoming initiative, and the need for more committee volunteers.
 - b. Have requested an estimate from O'Beans for catering the Annual Meeting.
 - (2) Requests for Board Action:
 - a. None requested.
- d. **Communications & Publications Committee** (C&P) (Susan McCasland):
 - (1) Matters to be presented to the Board not in minutes or reports since last meeting:
 - a. Will hold a committee meeting before the January Board Meeting.
 - (2) Requests for Board Action:
 - a. None requested.
- e. **Environment and Safety Committee** (E&S) (Kathleen McCaughey)
 - (1) Matters to be presented to the Board not in minutes or reports since last meeting:
 - a. None at this time.
 - (2) Requests for Board Action:
 - a. None requested.
- f. **Finance Committee (FC) (Randy Tripp)**
 - (1) Matters to be presented to the Board not in minutes or reports since last meeting:
 - a. None at this time.

(2) Requests for Board Action:

- a. Ask any Board questions related to November Financial Statements sent to the Board on December 12, 2023 by Diane Barney
- b. Approve the 2024 Budget

g. **Nominating Committee (NC) (Hugh Prather)**

(1) Matters to be presented to the Board not in minutes or reports since last meeting:

- a. Two possible new Board members.

(2) Requests for Board Action:

- a. Approve the Motion "The Board approve by acclamation the slate of Officers for 2024 presented by the Nominating Committee in accord with the bylaws at the November meeting, Jim Stewart – President, Eric Faulring - Vice President, Martin Kirk - Secretary, and Randy Tripp - Treasurer and that any restrictions in the bylaws on these four Officers holding office be waived in accord with the bylaws."

7. EXECUTIVE SESSION TO DISCUSS PROPOSED RESOLUTION.

8. UNFINISHED BUSINESS: Action Items from last Board Meeting:

- a.

9. NEW BUSINESS:

- a.

10. ANNOUNCEMENTS:

11. NEXT MEETING: The next Board meeting is scheduled for January 10, 2024.

12. ADJOURNMENT: *(Time)*

Board of Directors

Date Motion Emailed: December 8, 2023

SHHA MOTION FORM

I, Hugh Prather, move that: The attached SHHA Board Resolution, “**Sandia Heights Homeowners Association Resolution December 13, 2023 -- Universal Membership in the SHHA by All Lot Owners in the Sandia Heights Development,**” be approved and placed in effect immediately.

EXPLANATION/JUSTIFICATION (if necessary):

The Resolution brings SHHA into compliance and conformity with the 2013 New Mexico Homeowners Act and will go into effect January 1, 2024. .

/s/ Hugh Prather

Signed: _____

Seconded: _____

SECRETARY’S RECORD:

No. 2023 - Dec - 13 - #003 - EC

(year - month - day - # - Committee

Voting by: Show of Hands_____ In Favor_____ Opposed_____

Unanimous Vote? Yes___ No___

Adopted Postponed Amended Lost Tabled
Referred to Committee (which one)_____

ACTION REQUIRED: POC_____ **DUE DATE**_____

DISPOSITION (circle): By Laws to be revised accordingly and placed in the Resolutions Folder in the SHHA Community Documents.

**Sandia Heights Homeowners Association
Resolution
December 13, 2023**

**Universal Membership in the SHHA by All Lot Owners in the
Sandia Heights Development**

Whereas on May 8, 1965, the first Covenants, Conditions and Restrictions (CC&R's) for Unit 0 of the Sandia Heights Development were created and;

Whereas the last large undeveloped section within the Sandia Heights Development has been planned, built, and completed in 2023 as the final unit and is now designated Hawks Landing and;

Whereas all units in the Sandia Heights Development have CC&R's which provide for an Architectural Control Committee (ACC) to maintain the architectural integrity of the Development and protect the Development's environment and;

Whereas all units in the Sandia Heights Development have CC&R's which provide for a Covenant Support Committee (CSC) to enforce the CC&Rs in all units in the Development and;

Whereas on July 24, 1975, the lot owners of the Development created the Sandia Heights Homeowners Association (SHHA) as a New Mexico non-profit corporation, the purposes of which are to "provide for the services, improvement, beautification, and maintenance" of the Development and;

Whereas two of the primary services of the SHHA are the ACC and the CSC which provide services to all units in the Development and;

Whereas in 2013 New Mexico legislation was enacted related to Homeowner Associations which provided that "The membership of the association shall consist exclusively of all lot owners in the development...." and;

Whereas currently, of the 2,239 lots in the Development, 1,872 lot owners voluntarily pay membership dues to SHHA (83.6%), and 367 (16.4%) do not pay dues to SHHA and;

Whereas those owners who do not pay dues are still receiving all the benefits and services provided to dues-paying members by the ACC and the CSC, therefore, be it resolved:

Resolved, that the Sandia Heights Homeowners Association (SHHA) Board of Directors

1. approves the creation of a process of formally and legally requiring, and notifying, all lot owners that universal membership in the SHHA by all lot owners in the Development includes the obligation to pay membership dues, and that such obligation be put in place no later than January 1, 2025, and;
2. the SHHA bylaws be modified to clearly state that all lot owners within Sandia Heights Development are dues-paying members of the SHHA.

Moved by: Hugh Prather
In Favor: Opposed:

Seconded by:
Abstentions or not voting:

Motion

Date: December 13, 2023

Board of Directors

Date Motion Emailed: December 8, 2023

SHHA MOTION FORM

I, Phil Krehbiel, move that: The attached SHHA Board Policy draft, **Policy for the Calculation and Imposition of Damages in Furtherance of the Enforcement of Reservations, Restrictions, and Covenants of Sandia Heights Sandia Heights** , be approved and place in effect immediately..

EXPLANATION/JUSTIFICATION (if necessary):

The Policy provides aa additional legal means to enforce the SHHA Covenants and related ACC Guidelines and avoids the need to take each violation that is not corrected to court as a lawsuit.

/s/ Phil Krehbiel

Signed: _____

Seconded: **/s/ Hugh Prather** _____

SECRETARY’S RECORD:

No. 2023 - Dec - 13 - #004 - ACC

(year - month - day - # - Committee

(circle) Voting by: Voice Show of Hands

Unanimous Vote? Yes____ No____

Adopted Postponed Amended Lost Tabled
Referred to Committee (which one)_____

ACTION REQUIRED: POC _____ **DUE DATE** _____

DISPOSITION (circle): By Laws to be revised accordingly.

SHHA Board Policy for the Calculation and Imposition of Damages in Furtherance of the Enforcement of Reservations, Restrictions, and Covenants of Sandia Heights Sandia Heights

The deed to each residential lot in the area in Bernalillo County, New Mexico known as Sandia Heights Development (“Sandia Heights”) contains reservations, restrictions, and covenants (collectively “Covenants”). The Covenants establish a general plan for the “improvement, development, and restriction of the property,” and all lots and portions of lots in the subdivision are subject to the general plan. The Covenants are “for the benefit of each and every subsequent owner of any portion of the land” in the Sandia Heights. The Covenants run with the land and remain in effect until changed by a three-quarters majority of the residential lots within each unit of Sandia Heights.

The Sandia Heights Homeowners Association (“Association”) was created to promote the common interests and welfare of its members of record located in Sandia Heights and to administer and enforce covenants, including those relating to the architectural appearance of Sandia Heights.

An Architectural Control Committee (“ACC”) was established by the Covenants of each of the units that comprise Sandia Heights. The ACC reviews and approves all potential construction, reconstruction, and improvements in the subdivision, including minimum size, location of structures on each lot, and appearance.

The ACC has the final authority to disapprove any plans, specifications, or details if:

- they are not in accord with all the provisions of the declaration;
- a design or color scheme in the proposed structure is not in harmony with the general surroundings of such lot or the adjacent structure; the structure
- unduly interferes with the view from nearby residences; the plans and specifications submitted are incomplete; or
- the committee deems the plans and specifications contrary to the spirit and intent of the restrictive covenants, or contrary to the interest and the welfare and rights of all or any part of a unit within the subdivision.

No building or improvement of any kind may be constructed or placed upon any lot in Sandia Heights without the prior written consent of the ACC.

A Covenant Support Committee (“CSC”) exists to investigate and resolve covenant violations, and to enforce the Covenants as written. The CSC has responsibility for covenant violations not expressly reserved to the ACC.

Covenants for which the CSC provides primary oversight include those pertaining to:

- improper renting of rooms within a residence;
- any trade, offensive activity, annoyance, or nuisance;
- boats, house trailers, and temporary residences;
- domestic animals;
- garbage, trash, rubbish, and noxious materials
- unshaded floodlights.

Covenant violations coming to the attention of the CSC involving the exterior appearance of homes, structures, and landscaping are referred to the ACC for resolution.

Covenant violations, if uncorrected, constitute damage to Sandia Heights, the lot owners, and residents. Violations interfere with the harmony of Sandia Heights, and the ability of other lot owners to enjoy the use of their own lots. Violations also result in additional expenses to the Association in the form of legal fees and court costs that might be avoided if an alternative to litigation is available; fees and costs that ultimately fall onto the other residents in Sandia Heights.

The severity of the damage depends on the nature of the Covenant violation, and its duration. The Association has established the following schedule of damages to be assessed against any lot owner allowing uncorrected Covenant violations. The schedule of damages is intended to provide a level of collective recompense when no other measure of actual damages can be readily ascertained. The schedule of damages ultimately seeks to preserve the integrity of Sandia Heights and its Covenants. It is not intended to be a penalty, nor to be punitive in nature. The Association, through its committees, retains the discretion to assess larger or lesser amounts of damages depending upon the specific circumstances of any particular violation.

No assessment for damages will be made until notice of the uncorrected violation has been given to the lot owner, and a reasonable amount of time allowed for its correction. In establishing a reasonable amount of time for correction the responsible committee shall consider the complexity of the project and the steps necessary to correct the violation.

Each lot owner shall be provided written notice and given the opportunity to dispute any alleged violation. The lot owner may dispute the violation in writing or at a hearing before the committee involved, provided that the lot owner receives notice a minimum of 14 days before the hearing or submission deadline.

Unpaid assessments for damages will result in a lien on the property in question until the covenant violation has been corrected and all assessments paid or otherwise resolved. (47-16-6-B NMSA 1978)

Damages Assessment Schedule

Architectural Control Committee:

Exterior color	\$100 per week
Exterior trim	\$50 per week
Non-conforming roofs or roof material	\$100 per week
Roof trim	\$50 per week
Non-conforming walls and fences	\$50 per week
Non-conforming landscaping	\$50 per week
Set-back and easement violations	\$100 per week
Unauthorized structures	\$100 per week
Non-conforming solar collectors	\$50 per week
Failure to timely complete projects once begun	
New construction and additions	\$100 per week
Painting, stucco, and trim	\$50 per week
Window replacement	\$50 per week

Covenant Control Committee:

Improper renting or leasing of rooms within a residence;	\$150 per week
Any trade, offensive activity, annoyance, or nuisance;	\$150 per week
Boats, house trailers, and temporary residences;	\$100 per week
Unauthorized domestic animals;	\$50 per week
Garbage, trash, rubbish, and noxious materials;	\$25 per week
Unshaded floodlights	\$25 per week

This plan forms a part of the Community Documents of the Association as that term is defined in Section 47-16-2-G (NMSA 1978), shall be published with all other Community Documents of the Association, and thus be made available to all lot owners.

Policy Adopted by the Sandia Heights Homeowners Association Board of Directors

Effective immediately.

Roger Hagengruber, President

Date: December 13, 2023