

BOARD MEETING AGENDA
SHHA Monthly Board Meeting April 10, 2024, at 6:30 PM
SHHA OFFICE IN-PERSON MEETING AND ZOOM

[HTTPS://US06WEB.ZOOM.US/J/88906740166?PWD=LlCW9hVcys6JBlHvJ4C71YFwYEBzz.1](https://us06web.zoom.us/j/88906740166?pwd=LlCW9hVcys6JBlHvJ4C71YFwYEBzz.1)

Prepared by Trish Lovato

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

Officers		Members		Members	
President – Jim Stewart		Elizabeth Edgren		Kathleen McCaughey	
Vice President – Eric Faulring		Heidi Komkov		Suresh Neelagaru	
Secretary – Martin Kirk		Phil Krehbiel		Arthur Romero	
Treasurer – Randy Tripp		Claudia Mitchell		Terry Walker	
		Stacey Hannah		Joel Jordan	
		Larry Dragan			

Staff:

1. Trish Lovato

Guest(s):

1. Woody Farber-would like to address Board regarding mandatory membership.
2. Bob Bower

3. **APPROVAL OF AGENDA FOR April 10, 2024**
 - a. **Motion to approve Meeting Agenda and Consent Agenda**
4. **CONSENT AGENDA APPROVAL:**
 - a. **ACC 3/6/24 (emailed 3/11/24)**
 - b. **ACC 3/20/24 (emailed 3/21/24)**
 - c. **CSC 3/5/24 (emailed 4/5/24)**
 - d. **CS&M 3/27/27 (emailed 3/27/24)**
 - e. **E&S 3/26/24 (emailed 4/5/24)**
 - f. **FC 3/14/24 (emailed 3/26/24)**
 - g. **2024 Annual meeting minutes (emailed 4/2/24)**
 - h. **C&P 4/2/24 (emailed 4/5/24)**
 - i. **CSC 4/2/24 (emailed 4/5/24)**
 - j. **ACC 4/3/24 (emailed 4/5/24)**

5. OFFICER REPORTS:

- a. President (Jim Stewart): N/A
- b. Vice President (Eric Faulring):
- c. Secretary (Martin Kirk):
- d. Treasurer (Randy Tripp):

6. GUEST COMMENTS:

7. COMMITTEE REPORTS:

- a. **Architectural Control Committee** (ACC-Phil Krehbiel, Chair):
 - (1) **Highlights of activity since last Board meeting:** N/A
 - (2) **Requests for Board Action:**
 - a. The Damages Assessment Policy, attached, be adopted.
- b. **Covenant Support Committee** (CSC-Arthur Romero, Chair):
 - (1) **Highlights of activity since last Board meeting:**
 - a. Won the AirBnB case against 2770 Wolfberry PI NE
 - (2) **Requests for Board Action:** N/A
- c. **Community Service & Membership Committee** (CS&M) (Elizabeth Edgren):
 - (1) **Highlights of activity since last Board meeting:**
 - a. Bylaws revision continues. Our goal is to have a final version ready to be voted on by the membership at our 2025 Annual Meeting.
 - b. Making welcome visits to ten (10) new residents this month.
 - (2) **Requests for Board Action:**
 - a. Would very much like/feel the need for another Board member to volunteer to be on the CS&M committee.
- d. **Communications & Publications Committee** (C&P) (Claudia Mitchell):
 - (1) **Highlights of activity since last Board meeting:**
 - a. **C&P Committee meeting held April 2**
 - Gained one new member
 - b. Ways to raise awareness of The GRIT
 - Decided on a multi-media approach which will include hardcopy mailings, emailings, SHHA services inserts (tasks assigned) and a change in Website header ink from just "GRIT" to "GRIT newsletter" (done)
 - c. Ways to improve The GRIT
 - Letters to the editor will be screened by Jim and incorporated as he sees fit in his monthly front page msg or in body of the issue.
 - "Yard of the month" feature in The GRIT, a multi committee project with CSC, and E&S (task assigned)
 - d. Incorporation of a database of topics in back issue of The GRIT into the website
 - IT Committee asked for input
 - e. Next scheduled meeting scheduled for 2nd week of May, exact date, TBD

(2) **Requests for Board Action:** N/A

e. **Environment and Safety Committee (E&S) (Kathleen McCaughey)**

(1) **Highlights of activity since last Board meeting:**

- a. Working to better disseminate the wildfire info on the SHHA website, organize better the information now available, and make it more visible to the residents.
- b. Trash pick up scheduled for Saturday, May 11 @ 8:30 am.

(2) **Requests for Board Action:** N/A

f. **Executive Committee**

(1) **Highlights of activity since last Board meeting:**

(2) **Request for Board Action:**

g. **Finance Committee (FC) (Randy Tripp)**

(1) **Highlights of activity since last Board meeting:**

(2) **Requests for Board Action:**

- a. Approval from the Board to remove Suan McCasland, Roger Hagenruber, and Hugh Prather from Certificate of Deposit #5, as appropriate, at the Bank of Albuquerque.

h. **Nominating Committee (NC) (Eric Faulring)**

(1) **Highlights of activity since last Board meeting:**

(2) **Requests for Board Action:**

i. **Ad hoc IT Committee (Eric Faulring, chair)**

(1) **Highlights of activity since last Board meeting:**

- a. Heidi to brief the Board on progress.

(2) **Requests for Board Action:** N/A

8. EXECUTIVE SESSION TO DISCUSS

- a. Motion to approve a Policy for the Calculation and Imposition of Damages in Furtherance of the Enforcement of Reservations, Restrictions, and Covenants of Sandia Heights. (Phil Krehbiel)
- b. Discussion of potential personnel changes in the SHHA office staff.

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

10. NEW BUSINESS:

- a. Request for volunteer(s) to update/synchronize covenants on the website with those on record with the county, and in our office binders. (Eric Faulring)

11. ANNOUNCEMENTS:

12. NEXT MEETING: The next Board meeting is scheduled for May 8, 2024.

13. ADJOURNMENT: *(Time)*

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 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 and is now a standing committee of the Association. 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, and is a standing committee of the Association. 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; and
- 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 a 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. The lot owner is entitled to written notice of a minimum of 14 days of the hearing date or written submission deadline.

Following such a hearing or submission, and after written notice by the committee of its decision, the lot owner may have the matter mediated pursuant to the New Mexico Mediation Procedures Act, 44-7B-1, et seq. NMSA 1978. If the lot owner requests mediation, the Association shall provide names of individuals who have agreed to serve as unpaid mediators, who are residents of

Sandia Heights, and who are not members of the ACC or CSC, not current members of the Board of Directors of the Association, nor chair of any standing or special committee of the Association. The lot owner may choose a mediator from the list so provided or may nominate a neutral mediator of his or her choosing. The Association may reject a lot-owner-nominated mediator only if it appears that the mediator so nominated has a conflict of interest that might interfere with that person’s ability to act impartially. If a lot-owner-nominated mediator is chosen, any fees charged by the mediator shall be shared equally between the lot owner and the Association. Any request for mediation by the lot owner must be made in writing within five days of a written decision by the committee. The parties shall have an additional 10 days to choose a mediator and to schedule a mediation date.

Following the required hearing and a mediation, if held, the committee that has made the damages assessment will make a written Final Decision and deliver it to the lot owner, with an effective date of the first day of the following month, but in no event effective less than 14 days from the date of the Final Decision. Any damages assessed will be due and payable as of the first day of the next full month following the effective date of the Final Decision and will continue to accrue in accord with the Damages Assessment Schedule set out below.

All notices required by this Damages Assessment Policy may be delivered electronically and will be deemed delivered the day sent. Alternatively, delivery by US Mail will be deemed delivered the day of mailing plus three additional calendar days.

Unpaid assessments for damages constitute a lien on the property in question until the covenant violation has been corrected and all assessments paid or otherwise resolved in accord with the New Mexico Homeowners Association Act, Section 47-16-6-B NMSA 1978.

Damages Assessment Schedule

Uncorrected ACC Violations	Damages
Exterior color; exterior trim; non-conforming roofs or roof material; set-back and easement violations; unauthorized structures; failure to timely complete construction projects once begun;	\$100 per week
Roof trim; non-conforming walls and fences; non-conforming landscaping; non-conforming solar collectors; failure to timely complete painting, stucco, trim and window replacement projects once begun.	\$50 per week

Uncorrected CSC Violations	Damages
Improper renting or leasing of rooms within a residence; 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; unshaded floodlights.	\$25 per week

This policy forms a part of the Community Documents of the Association as that term is defined in the New Mexico Homeowners Association Act, 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 upon publication.

James Stewart, President

Date