

Tierra Grande Improvement Association, Inc.
Via: Zoom & Telephonic
Board of Directors
May 25, 2022

Directors Present: Jim Lardner, President
Michael Sumner, Executive VP
Judi Magnussen, Treasurer
Rhonda Davis, Secretary
Trenten Moore, Director

Directors Absent: None

Administration Present: Sue Moran, Administrator
George Hobbes, Accountant

Guest(s): Karla Poe, Attorney (Zoom)
Sunzia Agreements

Audience: Ron Robbins

Jim Lardner, President, called the meeting to order at 4:00 p.m.

AGENDA:

Mr. Lardner asked if there were any changes to the agenda.

Ms. Moran proposed the following amendments to the agenda:

- 1) Remove – Complaint – Joyce Richardson & Delman Gaddie – will not be present
- 2) Remove – Presentation of the 2021 Audit – Lee Baldwin – will present in June
- 3) New Business – Add – Retention Pond / HOA Disclosure
- 4) Other Items – Add Newsletter Costs, Add Janie & Mark Earthman employment status

The agenda was accepted as amended.

ACTION ITEMS:

Board of Directors Meeting Minutes – April 27, 2022

Mr. Lardner asked if there were any changes or corrections to the content or to the substance of the minutes. There being no discussion:

Motion: Motion by Mr. Sumner, seconded by Ms. Magnussen to approve the Board meeting minutes of April 27, 2022 as presented. No further discussion. Unanimously approved. Motion carried.

Grant – Energy/Water Conservation – The Board reviewed a grant application from Robert & Connie Engle, requesting financial assistance to offset the cost of installation of a new pump and new water holding tank. The current recovery time from his well to his residential holding tank runs consistently in order to refill the tank. Mr. Engle presented that less electricity will be used to draw from the well to the new tank – only as necessary, in the evening.

Ms. Moran noted that this is the last grant for Energy/Water Conservation available for 2022 as the \$5,000 annual budget for this grant has been reached. There are currently three (3) approved grants awaiting completion.

Motion: Motion by Mr. Sumner, seconded by Ms. Magnussen to approve the requested grant in the amount of \$1,000 as presented. No further discussion. Unanimously approved. Motion carried.

Nominating Committee – The Board of Directors as a whole generally serves as the nominating committee to represent the members proxy votes. Each Board member has the right to cast their ballot (20% of the proxy votes) for the candidate of their choice. There being no discussion.

Motion: Motion by Ms. Davis, seconded by Ms. Magnussen to appoint the full Board as the Nominating Committee. No further discussion. Unanimously approved. Motion carried.

FINANCIAL REPORT(s) – The Financial Report for period ending April 30, 2022 was reviewed.

There being no discussion, Mr. Lardner recommended that the Financial Statement for the period ending April 30, 2022 be placed in the record for audit or review.

OLD BUSINESS:

Update-Multi-Use Center - Mr. Moore noted the following:

- Fencing contractors have received payment for the fencing supplies. The supplies should be delivered in a week or so. Mr. Robbins has agreed to have the supplies stored at his home in Tierra Grande. The corner posts should be set shortly.
- John Kirkpatrick, Architect, will be updating the drawings to better indicate the fencing lines and gate openings dimensions along the fence perimeters.
- The City of Rio Communities has hired a full-time fire chief. Ms. Moran has met with the Rio Communities City Manager to request expediting the lease with the City for the fire station. It is hoped now that the new fire chief is hired, the lease can move forward. Ms. Moran will follow-up with City representatives as to the status of the lease.

Open Space – Mountain Lions – Ms. Moran reported that Brandon Ferguson, NM Game and Fish Office, informed TGIA that the NM Dept. of Game & Fish cannot authorize their involvement in controlling mountain lions in the Tierra Grande Open Space because our Open Space is not qualified as an approved “habitat” location. In that light, Mr. Ferguson has offered to personally guide vetted outfitters into our Open Space to help address the mountain lion overpopulation issue.

The Board discussed Officer Ferguson’s proposal. Ms. Moran was instructed to reach out to Officer Ferguson to share the following conditions of approval of his proposal:

- Hold off until the Forest side is re-opened in case of possible encroachment on the forest side in error. We do not want anyone being fined.
- If available, John Anglin should be included in the list of possible vetted experts.
- TGIA will depend on Officer Ferguson to assure that all participants are licensed, permitted and lions captured are reported per law.
- TGIA is to be made aware of the dates/times that Officer Ferguson will be in the area and who will be accompanying him.
- When the project is complete, Officer Ferguson is to provide a report to the Board.

This will be a follow-up item for the June Board meeting.

NEW BUSINESS:

Complaint – Mr. Sumner asked for a brief overview of the complaint that has since been withdrawn. Ms. Moran provided that a family set up camp on a property they just purchased in Unit 3 of TGIA on Friday, April 29th. On Monday, May 2nd, Ms. Moran reviewed the email from Ms. Richardson, she called Mr. Robbins to investigate. Mr. Robbins brought the new owners to the TGIA office on Monday morning May 2nd. Ms. Moran explained to the new owners the Protective Covenants. After hearing their story, she provided them with a temporary camping permit. Shortly after that meeting Ms. Richardson and Mr. Gaddie visited the office. They were verbally abusive, would not work with Ms. Moran to give her time to resolve the issue. The conversation deteriorated at which time Ms. Moran stopped the conversation and provided them with a “complaint form” to complete and present to the Board. In the mean-time Ms. Moran worked with Animal Control and Code Enforcement to address matters. She also spoke with the new owners regarding concerns expressed. On Tuesday, May 3rd Mr. Gaddie visited the office and expressed that he and Ms. Richardson felt that they were “treated” differently. I explained that the ACC rules changed in 2020/21 to allow for temporary camping. Again Ms. Moran referred to the “complaint form”. By mid-day Tuesday, May 3rd, the new owners were gone and the property was clear of debris.

The Board discussed the issue. They reinforced that Ms. Moran does not have to put up with such abuse. In the future, should situations like this arise, Ms. Moran is to give the owners a complaint form and call a Board member to set up a meeting. It is best to have two (2) people present under such circumstances.

Covenants / Mining/Drilling – Ms. Moran shared that TGIA enforces the Protective Covenants as recorded by Horizon in 1973 for rural residential properties TGIA oversees. In 1982, John Vantress, majority owner of all of the TG Units in Socorro County and Units 4 and 19 in Valencia County amended the Covenants to allow for exploration, improvement, development and production of minerals.

Since Socorro County does not have zoning laws in the unincorporated areas of Socorro County, owners of lots in TG / Socorro County can indeed begin exploration of minerals. However, Valencia County has zoning laws. Currently any mineral exploration requires a zone change for such an endeavor. Even though for Units 4 & 19 the Covenants were amended to allow to mineral exploration, the zoning was NOT changed from its Rural Residential designation within the original 1973 Covenants.

In that light, efforts were made by a majority owner to have Valencia County create a “mineral overlay zone” which essentially does NOT change the underlying Rural Residential designation of the property but places a temporary overlay zone upon the property to allow for mineral exploration.

Valencia County has also created several other overlay zones to date as follows: solar, greenhouse, and communications. Any one of these overlay zones could impact Tierra Grande lots.

Ms. Moran expressed her concern regarding the County’s ability to manage these temporary “overlay zones”.

Retention Pond & Drainage Easements: Ms. Moran explained that a realtor was upset that platted drainage easements and a retention pond located on a property had not been disclosed on an HOA Disclosure request form by the Association to a buyer. Ms. Moran explained to the realtor that the Disclosure form is required to report past due association dues, TGIA liens, and Covenant violations – not recorded / platted easements.

Ms. Moran also stated that TGIA has obtained an opinion from the Valencia County Attorney, David Pato, the easements on a recorded plat accepted by Valencia County cannot be removed, built upon, nor can a drainage easement be re-routed or obstructed to change the flow of the easement.

The Board supported that TGIA is not required to disclose easements on properties. They reaffirmed that the HOA Disclosure is restricted to reporting HOA violations.

OTHER ITEMS:

Newsletter Costs – Ms. Moran informed the Board that the cost of the editing/printing/addressing, etc. of the newsletter will most likely double in price. It is nice that the printer can address the newsletters but there is a cost to that. Ms. Moran will miss the comradery that labeling / stamping the newsletter with staff brought. Once this newsletter is

finalized and the costs compared to previous newsletters Ms. Moran will have a better idea of the impact on the TGIA budget. Ms. Moran will also compare this printer's costs to a bid submitted by the Flyer Press last year.

Janie & Mark Earthman – Janie Earthman has informed TGIA that she and her husband Mark Earthman plan to move to Texas sometime later this year. Therefore, they will tender their resignations at some point. Ms. Moran is grateful for the notice given by the Earthman's and more importantly grateful for Leighann Self and Ron Robbins joining the TG team.

Williams Windmill – Mr. Moore mentioned that Williams Windmill in Lemitar, NM has made custom water tanks for NM Game and Fish. Ms. Moran will relay this information to Kim Pravda to research the possibility of Williams Windmill customizing a water tank per Ms. Pravda's specifications.

Mr. Robbins left the meeting at this time.

EXECUTIVE SESSION: The Board moved into Executive Session at 5:15 p.m. to discuss SunZia matters.

Karla Poe, Attorney for TGIA, discussed various issues related to potential agreements between TGIA and SunZia. No decisions were made.

The Board reconvened at 5:45 p.m.

ADJOURNMENT: Mr. Lardner adjourned the meeting at 5:48 p.m.

Next TGIA Board Meeting: The next meeting is scheduled for Wednesday, June 22, 2022 at 4:00 p.m.

Signature
/sdm: Minutes05/25/2022

Date Approved