

Greater World Land Users Association
Board Meeting Minutes - April 3rd, 2019

Board Members Attending: Gillian Fryer (GF), John LaSala (JL), Judy Sutton (JS), Michael Reynolds (MR), Stephen Masse (SM)

Absent: Amy Duke (AD)

Members Attending: Dan Bradford (DB), Janet Baucom (JB), Alan Jolley (AJ), LaNaeh Ashford (LA), Dave Henry (DA), Alix Henry (AH), Dave Forrest (DF), Jill Carey (JC), Romaldo Ranellone (RR), Sally Margolin (SM), Diane Eriksson (DE), Andy Bratz (AB), Gail Goodwin (GG), Jeffrey Rogers (JR), Katherine McCree (KM)

Guests Attending: John Garland (JG)

Clerk: Nicole Leduc (NL)

Meeting Place and Time: GW Visitors Center, 5:30 pm.

Meeting Minutes

1. **Agenda Distribution** - NL distributed the Agenda and the Minutes from 2/6/2019 for approval.
2. **Call to Order:** JL Called the Meeting to order at 5:35 PM and chaired the Meeting. JL welcomed the attendees and summarized the rules of conduct for the Members and Guests.
3. **Approval of Board Minutes from Last Meeting** - JS proposed that the minutes be adopted as written and GF seconded the motion. All Board Members were in favor.
4. **Approval of the Agenda** - JL made a motion to approve the Agenda for this meeting. GF seconded the motion and all were in favor.
5. **Financial Status** - GF reported the following current balances: Checking Balance - \$22,711.93, Savings Balance - \$7,518.23, for a combined total of \$30,230.16 in GWLUA funds. Several members paid their dues and there were few expenses since the last meeting.
6. **Letter from Lawyer** - GF summarized the communications that she had with the lawyer James Chavez. She asked him 3 basic questions: whether the Common Land was being rolled over in the most appropriate way; the impact of the HOA Act on the GW Board composition and the business structure needed for the GWLUA. Chavez felt that the most important issue was to correct the business structure of

GWLUA as it is his opinion that it is not a legal entity. GWLUA was created in 1994 as a business entity under NM 53-10, the NM Unincorporated Associations Act with an auto termination clause of 20 years. To be able to conduct business and to have a structure to receive the Common Lands GWLUA needs to be incorporated, as most of the New Mexico HOA associations are, in Chavez's opinion. JL noted that a different lawyer had been contacted informally for a second opinion, who also felt that GWLUA was not a legal entity at this time. MR felt that the answers to the questions posed to the lawyer regarding whether GWLUA is an legal HOA is about to be determined in court through the lawsuit he is involved in. MR believes that because the subdivision was restructured in 2003 and the documents refiled, the community has until 2023 before the unincorporated HOA terminates. JS noted that the Community filed for an HOA filing (unincorporated) in 2015 under the New Mexico HOA Act. GF pointed out that Chavez was clear that under 53-10, the unincorporated HOA cannot be renewed. The easiest solution is to simply incorporate, its not a lot of money and it provides a legitimate business entity to hold the Common Lands and collect fees. MR didn't know that anyone has a problem with incorporating, but wanted to wait for the judge's ruling. The community has a choice of how to go forward, continue as an unincorporated HOA or incorporate as suggested by the lawyers. Discussion continued between the Board and the Members present. Dave Henry asked that the emails exchanged with the lawyers be included in the minutes. LA wanted to read a prepared statement. SM did not want to wait until the lawsuit was over. JL made a motion to hold a community meeting in 2 weeks, on Wednesday April 17 for a more extended Q&A session. SM seconded the motion and all Board members were in favor. JL made a motion to include the Chavez correspondence, JS seconded the motion. All were in favor.

7. Question Regarding the Common Lands - JL wanted to get the temperature of the community, an unofficial non-binding poll, on this issue: Whether the Common Lands should be held outright by GWLUA? or in trust by GWLUA? or whether the Common Lands should be held in trust by a third party? MR felt that this issue was what we were supposed to get a lawyer for. No action or resolution was taken on this.

8. Road Maintenance Update - JL surveyed the roads in Greater World and this is his assessment:

- Humane Lane/Fork Lane - Excellent
- North Earthship Way - Good to excellent
- High Meadows Drive - Good
- South Lemuria - Good with some potholes
- Bottom Road - Average to good
- Shell Lane - Good with some potholes

- Gorge View - Good to below average
- South Earthship Way - Average to bad
- North Lemuria - Below average to bad
- Lone Tree Lane - Below average to bad

9. Lone Tree Lane Survey Results - NL reported the results of the survey: 8 out of 11 Members on Lone Tree Lane replied to the survey. 5 wanted Lone Tree Lane improved, 1 did not and 2 did not give an opinion, but were ok with what the majority wanted. Regarding the cul-de-sac, 3 wanted the cul-de-sac built out, 3 did not and the 2 others deferred to those whose property was affected. MR noted that as Developer the road improvement would be his responsibility and not the Board's. MR also noted that if the property owners affected by the cul-de-sac did not want it, he could ask for a variance from the County. SM noted that for her it's a safety issue to have the cul-de-sac built out so that emergency vehicles can turn around at the end of the road. JS noted that the cul-de-sac has already been down in on the subdivision plan and is an easement. DE asked when the maintenance would be done. MR replied soon. AB asked that residents be notified.

10. High Speed Internet Presentation - JL passed out a series of PowerPoint handouts detailing the items that must be executed to move forward, including easement, technology and business issues. As JL gets more information he will share updates with the community.

11. South Entrance Gate Update - SM attempted to fix the gate but could not get it to work. He could get one side to open and close manually. The gate will function with garage door openers. SM will contact the manufacturers to get more information on how to operate the gate. MR felt that since the subdivision had gone to considerable expense to put it up that we should get it operable.

12. Hammond Requests Update - MR still needs to finish the road through Steve Hall's property and intends to get to it.

13. Khalsa Trailer and Cul-de-sac - The trailer is currently in the Khalsa's carport. MR noted that the Khalsa's are not too happy with the Board and this affected their position on the cul-de-sac on Lone Tree Lane. JC noted that the oversize parking is not safe and needed to be improved. JL proposed writing a non-compliance letter to the Khalsa's regarding the location of their trailer, seconded by JS. All approved the motion.

14. Ron Sciarrillo's Property in Gravel Pit - JL went to see Ron three times to ask him to clean up his property and Ron agreed to do it, but nothing was done. JS proposed sending a certified letter to Ron. MR suggested that the letter include that everything needed to be moved off the property within 30 days. All were in favor of sending the letter except GF, vote was 5 to 1.

15. Clarification of Election Candidate Requirements - NL read a set of criteria for Greater World Board Candidates:

1. Must be a member of GWLUA
2. Must be in good standing (dues paid, membership agreement signed and no unresolved complaints against them)
3. Must be able and willing to attend Board Meetings
4. Must not share a Membership with someone already on the Board
5. Must reside in the community or have resided in it for 6 months
6. Be willing to disclose any conflict of interest prior to being elected and agree not vote on any motion where there is a potential conflict of interest.
7. Have the basic maturity and community/business knowledge/experience to be an effective Board Member

GF noted that the By-Laws needed to be changed to incorporate these criteria as they must be in writing to be enforced. The Board voted to table this item.

16. Fryer/Bradford Fence Update - The Board reviewed the complaint and found no objection and no issues associated with the Fryer/Bradford fence. JL made a motion that the complaint is resolved. SM seconded the motion and all were in favor except GF who recused herself from the vote (conflict of interest).

17. GW Records Subpoena Update - NL read the GW Records Subpoena update prepared by AD, as she was attending by phone. The requested documents, with the exception of the bank records from 2010, were compiled and delivered to Ms Boothby satisfying the subpoena's requests. AD made a motion in writing that MR be reimbursed for copy fees of \$121 towards his 2019 annual dues. JL seconded the motion and all were in favor.

18. Bobby Duran Land Update - These lands share a western border with Greater World and are situated between DD ranch and our subdivision. Bobby is interested in selling and is asking \$500,000 for the property. JL, MR and Bobby sat down and talked about owning the land. MR is interested in buffering the subdivision, but is only interested at this time and any outcome is uncertain.

19. Dues and Liens Update - GF said that no new liens have been placed.

20. Adjournment - JL thanked the community members for coming and asked that all questions be addressed to the Board at: members@greaterworldboard.com. JL then made a motion to adjourn, seconded by JS and all were in favor. The time was 7:20 PM.

21. Next Meeting Date - The date of the next **GW Board Meeting will be on June 5th, 2019 at 5:30 PM, at the Visitors Center.**