

**The Gardens Homeowners Association Inc.**

**Annual Meeting Agenda for September 18, 2021 (9:10 am)  
Los Duranes Community Center, 2920 Leopoldo Rd NW**

**NOTE: 11:15 internet connection for Zoom ran out! Sorry to those who lost contact with us**

**NOTE: items below highlighted in yellow actions for the new board to consider**

1. **Call to order and Proof of quorum** - Kim Fusselman (president) called the meeting to order at 9:40 am, requesting the attendance numbers. Only 29 in attendance in person, by proxy, or by Zoom, which does not meet the required 30 for quorum - can't conduct vote, but the board will appoint board members after the meeting, as per CCRs;

Attending in person: (15)

Attending by proxy: (10)

Attending via Zoom: (4 voting + 1 non-voting)

2. **Proof of Notice to Members** - was emailed twice and hand delivered to those without email address;
3. **Reading and action taken upon the Minutes of January 25, 2020:**
  - a. There was no official annual meeting in 2020 due to Covid closures, and
  - b. The 2021 Annual Meeting would have been held in February, but was postponed until September 18 2021 due to Covid.

4. **Reports of the Directors:** Kim first reviewed guidelines for the meeting and discussions, referring to Roberts Rules of Order, including
  - a. Discussion guidelines
  - a. Motions
  - b. **Any questions?**
    - i. Juan's question - this is an annual meeting - is the board facilitating or running the meeting; answer: Kim - as the president, I am facilitating the meeting, as per the CC&R's - refers to the CCR copy distributed to members

**Treasurer's Report - Jerry**

- Late fees for delinquent dues - postponed for a later date
- Budget - handed out budget the board prepared for 2021 (shown on left column of the report), and Actual Expenses so far (shown on the right column) as provided by our resident accountant, Linda Roe
- Review of income and expenses:

- only source of revenue is dues and occasional late fee
- this year we are running a deficit - due to road work
- we transfer \$5k a year toward long term heavy road maintenance
- \$16K in bank now + about \$3500 for maintenance discretionary funds
- biggest expense is landscaping (John and Amado)
- road maintenance (this year repair and seal)
- periodic gate maintenance (this year motherboard)
- Required Annual Review of Financials done for 2019-2020 (volunteer Sue Gunkel) - she suggested we keep better detail of project expenses; Jerry not sure about time it takes to manage smaller projects; Jeff - Suggested we set a threshold amount above which we submit detailed expenses - this year
- Road discussion - when we do the inevitable major road construction - it will be about \$300K - so we are trying to maintain as long as possible and have been putting aside \$5000 per year toward the future expense;
- **Any questions?** (asked audience and zoom)
  - Are we able to make electronic payments for our fees - Jerry said this adds additional work - hard for volunteers, requested we not do that;
  - How will we accumulate enough for the roads, if we are running a deficit? Jerry - it will be an assessment when it happens, which is why regular maintenance and regular deposits of \$5000/year are so important.
  - Referring to an article - "if properly run, there should be small increases in fees, rather than large assessments" What is the board doing to gradually increase fees - especially since we are running a deficit?
    - Board: can raise up to 10% annually, and regular increases have occurred over time
    - The creating of the road fund to collect \$5000 from operational money over time, will also help offset a large assessment
  - Do we have a projection for when the major road construction might be needed?- regular maintenance can postpone it for many years
- **Maintenance/landscaping report from Dave**
  - Ongoing work: regular cutting, thatching, trimming, fertilizing, and aerating grass; weeding by hand, spray (if needed) groom rock area, maintain 3 wells, well heads, and pumps; maintain, repair, replace sprinklers and sprinkler heads;
  - This year have only spent \$800 of the \$3500 - want to use the balance to work on south commons -

- In the last 5 years, the entrance to south commons was completed to widen the access and improve safety of maintenance vehicles (creating a ramp, supporting railroad ties, gravel, and fill dirt and bricks, \$3190 donated;
- Built guardrail for safety- rent augers; our landscapers did it when they had time over the last 5 years - more stable, safe entrance.
- History:
  - Showed a 2003 proposal for landscaping \$83000 (we did it for 50K and it included 3 wells, not included in 2003 proposal);
  - 2008 interviewed 13 landscape companies (4 bid) - went over what work the was - other 3 dropped out;
  - John and Amado started at \$1000, but we had to revise, due to complexity of their work; we have gradually increased their compensation, to keep their services, which include
    - Jeff added - they also help with gate maintenance (lubricating, etc), to reduce our repair or replacement expenses
  - **Any questions?** -
    - One resident asked: 62% of budget is going to landscaping expense (shows graph of the growth of expenses over time) - why can't we stop the landscape expense growth? Responses: there was very little to maintain at the beginning, it is a much larger job now; inflation; Amado and John are hard working, reliable, and knowledgable contracted workers that we would NOT want to lose; They do much more work than simply maintain landscaping (wells, sprinklers, gate, minor
    - One resident questioned the rebuild of the south commons entrance - too narrow for a truck; response - per original plat measurements as compared to now after the job, the access road is wider; had to put in guard rails for safety
    - Do Amado and John just work 2 days a week for the HOA? yes, which amounts to \$160 per day or \$20 per hour for each of them. They also work for some of the residents, but the homeowner pays for that - directly to John and Amado;
    - For comparison, Shirley brought up the average cost of landscapers which is \$50-100 per hour. Our guys get \$160 per day
    - One resident said it would make it clearer if residents knew what they did - all the extra responsibilities, in order to understand the expense.
    - Another resident said they have worked here for 16 years and John and Amado are reliable; it is a peace of mind and our neighborhood is safer and more beautiful as a result
    - Kevin Moved to table the discussion; seconded by Shirley; all but one voted to table - no one opposed

- **President's Review** - no formal presentation; officially resigning to do full time school and continue working (thanking fellow board members - Marilyn, Jerry, Gil; Chris (former board member); Jeff (Gates); Dave (sidestepping) landscape; Debbie, Shirley and Julia (notes, agenda)
  - **CCR update** on the 2005 change for the same assessment for both sides of the community - brought to the attention of the board, that the CCR's on file with the county are the old ones - several board members and former board members; a compiled version of changes made so far are contained in a tub of files; Norman Meyer has some of the original documents regarding the voting and changes made; the document today is a draft until confirmed;
  - **In 2004 the assessments were equalized** - originally divided by the acequia - to recap - in July it was proposed that to bring the entire the community together as one - special meeting in November 2004 - was voted on; some remember it was almost unanimous; equal assessment by all was enacted in January 2005 - but documents were not filed because the board didn't have an electronic copy and they did not have a volunteer to do that. Other updates were done since them, but there are not records in the County/City reflecting those changes.
  - Any Question?
    - Juan - requested proof of those changes that were made in the past before it is submitted to the county
  - **Motion** - Jeff proposal that we have the new board gather the information needed and Marilyn amended the proposal to be a committee made of board AND community members, inviting Juan and those interested - to review the documents; Shirley seconded the proposal and amendment -
    - Kim said Can't vote because of quorum limitations;
  - Suggested the **New board create such a committee and report back to membership**

5. **Reports of Officers and Committees** (see comments above about landscaping and gate maintenance from Dave and Jeff)

6. **Election of Directors** (3 positions open)

- a. Board positions - can't vote due to quorum requirements, so **Board will appoint after meeting.**

7. **Voting on CCR update** (late fees for delinquent dues) - can't vote, but **new board will form committee to review**

## 8. **Unfinished business**

- **Items submitted by community for discussion/review**
- Log in the south commons area (Submitted by Judy) - John/Judy thought it would be financially irresponsible to move them when we are running at a deficit; board had vacated the decision and logs will stay where they are; Judy satisfied with response
- Buckling sidewalks presenting a safety concern - reminder that homeowners are responsible for their own sidewalk; Laguna problem was temporarily fixed by painting it as a warning for walkers; Judy - it is not an easy repair because it is an apron, lifted by a tree root. **A contractor could come in a grind it down (future board business - A&J)**
- Front yard weeds and overgrowth of vegetation (Submitted by Judy) - board will have a conversation one or one; generally corrected by conversation - in one case, a homeowner was given a letter requesting that they maintain it; homeowner said they contracted someone; still an issue, **so next board will need to address**; Jerry: \$150 for my lot, Pre-emergent herbicide can eliminate the problem; the HOA uses that too.
- Detailed accounting and explanation of the work on the ditch road and ditch bank on the south commons (Cherie) - covered to her satisfaction
- Speeding on Aloysia (Cherie) - respectfully request that homeowners SLOW down - she has been working from home - estimates that most observe speed limit about 1/4 don't (consistently) Limit is 15 MPH; response: (talk to those you see and kindly ask them to slow down)
- Landscape Budget (both for Desert Paradise and tree trimming), Road Budget, Gates. Upkeep presentation to **discuss near or long term plans for roads etc. (Chris) - next board will do budget and present**
- Adherence to the CCR's: especially - weeds and dead vegetation removal, vehicle and trailer restrictions, etc. (Chris) - **see above re Weeds**
- Concealing Garbage Cans (Marylin) - she is building a structure to conceal hers and hopes others will think about that for themselves; Juan has an issue with additional garbage from nearby areas that settles near his house; it would help to bag your trash, so it doesn't fall out - Response: BAG YOUR TRASH everyone. so it doesn't blow around when collected each week
- NEW: Trucks turning around in Juan's property - causing maintenance problems (Board told him it is his responsibility for his property) - the board recognizes the **area of the street in front of his property is in disrepair - new board address**
- NEW: 2015/2016 - landscape resident responsibilities - do new and old have access to the document (asked if it is on the website) - **Shirley will confirm it is or will be on the website**; it is given to new residents

## 9. New Business

- West Old Town Neighborhood Assn (Gil)
  - Lowest crime rate in the city!
  - Very few vacant lots left
  - Proposals for some new developments
  - 570 house, 3 trailer, 2 low housing, 5+ Gated communities
  - Potential for closing the school which would be a disaster - hope it stays open
  - Meetings will resume and he will let us know when they start up - any resident is invited to attend
- Welcoming committee for new residents (Julia) - to let them have a resident contact and welcome greeting and community resources; Kevin (new) appreciates that and has ideas; Kim volunteered to serve on the committee; interested residents contact Julia, Kim, or Shirley
- NEW - Steve - regarding emails to all - to bring up issues - they get out of hand; Kim responded about the request she sent out to refrain from responding all; save it for the annual meeting; It was in response to requests from residents who asked that she remove them from the mass emails. Jeff suggested that there be an invitation to join a discussion group, so those who want to join can do so - Shirley will facilitate using our website for voluntary group discussion group

## 10. Adjournment

Dave moved we adjourn, Shirley seconded; consensus

Respectfully submitted by Debbie Smith (400 Laguna Seca Ln NW)

**Next Board Meeting: October 4th (6:30-7:30) at the Old Town Community (Police) Substation - all residents are welcome at board meetings; please RSVP in advance, in order to prepare space**

**Immediately following the meeting, the new Board met to elect officers**

### New HOA Board

- Debbie Smith (president)
- Shirley (secretary)
- Jerry Simon (treasurer)
- Gil Clarke board member
- Marilyn Showalter board member

### New Volunteers

- Rich Kraemer (as needed)
- Steve Fusselman (landscaping)

**WE WELCOME ANY OTHER NEW VOLUNTEERS!** Contact a board member for opportunities