

CCEHA Board Meeting Minutes
May 24, 2009
2:00 to 2:55 pm
Held at the CCEHA Clubhouse

Call to Order: Meeting was called to order at 2:00 pm by Kathleen Elmore, President. Board Members present: Kathleen Elmore, President; Ron Wolfe, Vice President; Pamela Gulbrandson, Secretary; Bruce Fletcher, Treasurer; Yenny van Dinter, Director and Eleanor Fuller, Director. Absent: Phil Swart, Director.

Old Business:

- 4-23 and 5-8 Board Meeting Minutes were reviewed. Bruce made a motion to accept the minutes as written and Ron seconded the motion. Unanimous vote approved the motion.
- Don Ward's request for a special meeting to look at using monies from investment fund. We discussed it at the end of the meeting since we had the legal correspondence that Kathleen and Pamela had received (see notes under new business). Board believes we need to wait until we have some input from Jennifer Delaney. Bruce made a motion to table this, Ron seconded and the vote was unanimous.

New Business:

- Treasurer's Report:
 - Bruce reported:
 - Bank balance as of 4/30/09 \$27,012.14
 - All deposits through 5/17 have been done & All bills received through 5/17 have been paid, leaving a bank balance of \$26,936.65
 - Fidelity Investment account balance on 4/1/09 was \$32,532.81. On 4/30 it was \$32,554.47 reflecting a gain of \$21.66.

Pamela made a motion to accept the Treasurer's report, Eleanor seconded, and the vote was unanimous.
- Outstanding Homeowner's Association Dues:
 - Bruce reported that as of 5/17/09 there were 18 members that had not paid the dues for 2009. This represents \$2700.00 that was anticipated when the 2009 budget was approved. If this is not received, the board will need to look at the discretionary spending items, like the newsletter, activities, improvements and other items and possibly suspend funding. The board has an obligation on behalf of the association to take steps to collect these monies. Bruce proposed that he contact the Luna County Tax Office to assure we have the correct addresses of the owners. He will then call each of the owners to request payment. At that point, if we have any owners with unpaid balances, we will consult with Jennifer DeLaney to pursue liens and any other legal remedies to collect. After which any owner with unpaid dues will receive a letter stating that their dues are now incurring interest allowed in the By Laws; and any other collection fees or liens as advised from our attorney and that they are no longer members in good standing which means no voice or voting at any meetings and no use of the clubhouse. Ron made a motion to accept Bruce's proposal and Yenny seconded and the vote was unanimous.

- Purchase of the BBQ grill:
 - Yenny shared that on behalf of the Activities Committee, who had been tasked with researching and buying the grill, she has found a large charcoal one at Sam's Club in Las Cruces for \$199 plus tax, which keeps us within budget. Bruce made a motion to make the purchase, Ron seconded and the vote was unanimous.

- Correspondence to and from Secretary:
 - Pamela indicated that she had received an email suggesting that the board discuss having the association pay for painting house numbers on the curb. This was based upon a comment made by the Fire Officer at our May event that this makes it a little easier for emergency responders to find the house. Since this is not on the 2009 approved budget, she responded that perhaps it came under the Community Improvement Committee and copied those members on the email. Board discussion was that for this year, no monies approved, however the Architectural Committee will develop some guidelines to provide people, along with some example organizations that do this, if they wish to proceed themselves. The member making the suggestion may certainly work up a proposal, including costs and where the monies would come from, and propose this for the 2010 budget.
 - Kathleen and Pamela received a certified letter from an attorney Michael Stell who is part of an El Paso Law Firm named ScottHulse PC, indicating that he is writing "on behalf of Joe Tunis, Shirley Wheeler, Marc Diltz, John Ewert, Patty Salesses, Betteanne Strauss and Donna Robbins, former board members of the CCEHA" and is requesting payment of ~~\$8,836.64~~ **\$28,724.72 (corrected amount)** for attorney's fees incurred in connection with lawsuits. The letter goes on to say that "if CCEHA does not comply with it's legal obligations as outlined herein, the Former Board members are prepared to pursue to the fullest through the courts their legal rights and remedies in this connection. The Former Board members hope and expect that such action will be unnecessary." The letter goes on to "request indemnification by CCEHA of the attorney's fees incurred by them..." We were surprised because the February 24th court ruling only addressed the legal fees for Mr. Threet and Mr. Hofacket. In addition, on item L of that court order it states that "All other claims for relief are denied", so Kathleen called a planning meeting with all board members that were available to determine what the next steps should be. It was decided that we need legal advice. We sent Jennifer DeLaney the letter and attachments and have a meeting with her on Tuesday the 26th of May. At that point we will have further information. Eleanor asked why we were using Ms. DeLaney since she has indicated that she wouldn't represent us in any suits. Kathleen indicated that she is the CCHA attorney and we need to get legal input now rather than later by looking for a new lawyer. This billing is against the association – not board against board. This item will be on the next board meeting.

- Legal Fees paid in 2007, '08, '09 –
 - Bruce had the details that Cathy Ward had requested in the last board meeting about the totals for the legal fees paid to date. The table below outlines by year the budgeted amount versus amount spent and a breakdown by attorney.

	Budgeted	Actual	Delaney**	Threet	Kretek	Hofacket
2007	\$0	\$9312.92	\$2739.76	\$6573.16	\$0	\$0
2008	\$2500.00	\$4721.22	\$431.11	\$1713.11	\$2577.00	\$0
2009	\$5000.00	\$7491.81 (to date)	\$297.97 (to date)	\$0	\$0	\$7193.84
Totals	\$7500.00	\$21525.95	\$3468.84	\$8286.27	\$2577.00	\$7193.84

** note that DeLaney fees are not all related to the lawsuits, some of these are regular CCEHA business.

- Committee Report Out:
 - Improvements - Debbie Gwin-Hays was in attendance and indicated there has been no meeting lately.
 - Architectural Committee – Bruce reported that one application for a flag pole was submitted and approved.
 - Newsletter – Barbara O’Leary-Thomas reported that the newsletter was mailed out and the next one will be around August. They are staying at, if not under budget.
 - Bylaws – no report out
 - Activities – Pamela reported that the May event, even though not well attended, was a good event. The Police and Fire Officers gave good presentations. For June the sign up sheet is posted and looks like we will have the night at the Copper Creek Ranch in Silver City for a ranch style dinner and entertainment. The July event is the 4th of July BBQ.
 - Welcome – Lorraine Sanborn reported they welcomed another new homeowner. Still trying to touch base with another one. Kathleen asked if they are welcoming renters. Lorraine confirmed they are.
 - Facilities – Pamela reported for Dennis that the swamp cooler had been serviced. Also, we need to contact Border Pest Control about the lack of spraying for weeds behind the clubhouse.
 - Yearbook – no report out.

- Next scheduled Board Meeting: June 13th at 9:00 a.m. in the clubhouse.
 - No more business to discuss – Bruce made a motion to adjourn, seconded by Ron. Unanimous vote approved the motion, meeting adjourned at 2:55 p.m.

Respectively submitted by:

Pamela Gulbrandson

Pamela Gulbrandson

CCEHA Secretary