

## Wildhorse Landowners Association

### Meeting Minutes of Tuesday, Feb. 6, 2024

Meeting to called to Order by President Allen Dugan with the following board members present: Jim Feehan, Rachel Ponder, Steve Malvitz, Ron Racicot, Mitch Henderson, Greg Bronowski and secretary Carmen Bronowski.

Residents online: Wade Dixon, Lisa, Zina Day, Jerry Fowler, John O'Connor, Petr, Fred, Sarah Emory, Itsmeir, Charles Kirchner

Approval of agenda: Motion by Ron Racicot, 2<sup>nd</sup> by Jim Feehan. Motion to approve unanimous

Approval of last month's minutes: Motion by Rachel Ponder 2<sup>nd</sup> by Steve Malvitz. Motion to approve unanimous.

Secretary Report: No report due to Becky Shepherd's resignation

Treasurer Report: Report given by Carmen income and expense reports posted on website. Dues notices sent out. Zelle working well. Motion to approve Jim Feehan, 2<sup>nd</sup> Rachel Ponder. Motion to approve unanimous

Committee Reports:

Maintenance: Jim Feehan reported the mailbox is installed at the upper location and the keys have been turned over to Melissa, the delivery contractor the USPS. Michelle from the USPS is awaiting their keys for the box. We are also awaiting a call from the USPS about the location for the Buck Well mailbox location, as we need to mover the lower row of boxes. Board members express that individuals outside the subdivision should not get boxes. Michelle says no one who is not a resident of the subdivision should be getting boxes. Melissa the contractor should verify anyone requesting a box lives in the subdivision.

Jim also reported that the well locks have been changed and four people have requested and received codes. The collar on the Buck Well spigot failed due to poor welds from the

manufacturer. Greg is going to repair. All locks have been changed at the Association office and well houses.

Jim reported that some one called the Office of the State engineer about the wells. We are now on their radar about the wells not being permitted properly and not being used as indicated on the permit.

Greg reported the O.S.E. will revise permits for our intended use. None of the wells are properly permitted as the wells are now permitted for domestic one household use. O.S.E. will make changes to purpose of use and will allow distribution to landowners and fire department. Can't issue new permits as water is not available. We can make changes to the permits. The state can go back and change the conditions without our consent for conservation purposes. Wells are limited to .35 acre feet/year. That equates to about 114,000 gallons / year. We will need to meter the water being distributed and do quarterly reports of water consumption. If we exceed the allotted amount from any given well, the penalty is a reduction of water allowed to be drawn from said well for the next year equivalent to twice the amount of over usage. O.S.E also stated that whoever owns the water well controls the water rights. The association is allowed to charge for the water as we own the water.

There is a waiver, so to speak, for the Fire Dept. incidental use of water by government entities is allowed, as long as it is done with "best use practices." Need to get answer for water use for training.

There is a list of meters, approved by the state, which we can install. As for a time frame, the O.S.E. will not push, as long as we are working on repermitting.

A note for all property owners: When you buy a property and there is a well, you must notify the O.S.E. of the ownership change to obtain the water rights in your name.

Mitch stated that the landowners deserve to know the truth. He claims this is a vendetta against the Emory's. The attacking of landowners must stop. Becky Shepherd went to the state engineer about the water issues. Mitch is yelling about the new mailboxes. President Dugan is trying get control of the meeting. Mitch will not yield. The president in trying to call the board meeting to order. No one is yielding. President Dugan ask all to stop. Mitch and Rachel continue not to yield. Pres. Dugan ask if everyone is finished and the meeting will be terminating. Mitch continues to argue. We are moving on with the meeting. Mitch continues

to agitate the meeting and will not let the issue drop. Mitch accused Steve of threatening Becky Shepherd.

Roads Committee: No report.

Old Business:

HOA SOP- no report

Election Procedure: Jim has finished the resolution. He passed out the resolution to all board members. Motion made by Jim Feehan, 2<sup>nd</sup> by Steve Malvitz ,to approve the resolution for the voting procedures, approved unanimously.

Card Reader System: No report.

New Business:

Process for removal Board Member: There is a state procedure in place unless we implement our own. There was some discussion and a motion was made by Mitch Henderson to table the issue, 2<sup>nd</sup> by Ron Raciote. The motion failed with Ron and Mitch voting in favor and Jim, Steve, Rachel and Greg opposing.

There must be an amendment to the bylaws and then a resolution by the board for the new procedures. A board member may be removed by a majority vote of the landowners or in the event of an ethics violation, by a 2/3 majority of directors. The directors will vote by secret ballot on the removal. Mitch stated that this is targeting him and is a violation of his first amendment rights. A motion to make Amendment 9, to the bylaws to allow for the new removal resolution was made by Jim Feehan and 2<sup>nd</sup> Steve Malvitz. The motion passed with Jim Feehan, Steve Malvitz, Rachel Ponder, Greg Bronowski and Ron Raciote. One no vote by Mitch Henderson. A motion was made to approve the resolution for removal of a director, Motion by Jim 2<sup>nd</sup> by Rachel, in favor Jim, Steve, Greg, Rachel, Ron and one opposed by Mitch.

New Secretary: No one has come forward at this time. Will continue to post opening on website.

New Board member: Vera Gastineau gave her resignation. Wade Dixon was nominated for the position by Mitch Henderson. Jerry Fowler also offered to fill the position. A motion was made by Jim Feehan to table the vote to have resumes presented or landowner to decline, 2<sup>nd</sup> by Rachel Ponder. The motion carried with Jim Feehan, Rachel Ponder, Steve Malvitz, Greg Bronowski, Ron Raciot in favor and Mitchell Henderson dissenting.

Postal Service: Messages have been left for Michelle in Datil and Becky in Quemado to determine why we didn't get mail for several days. The postal employees are requesting that the board send letter to the contractor requesting that they be serviced by four wheel drive vehicles as the contract only calls for two wheel drive vehicles. Jim will reach out to Michelle to try to resolve issue.

Public Comment:

John O'Connor was given five minutes. Thanked the board for letting him speak to the board. He is glad we explained the water situation and thanked those involved. Greg explained the water usage and conservation. He appreciates what the board is doing.

Ron Raciot was given five minutes. Ron asked that we have our most professional and courteous hat on when we come to discuss the issues. The well issues are being blamed on this board, but really have been going on for some time before this board (Greg). Mitch making it clear that board of director emails were not distributed by him. Doesn't even discuss with his son. He does not share the BOD emails with anyone.

Sarah Emory asked who owns the Wells. The LOA owns the wells on LOA community property.

The next meeting will be held on March 7<sup>th</sup>, 2024 at 1800 hrs.

A motion by Steve Malvitz, 2<sup>nd</sup> by Jim Feehan for adjournment. Passed unanimously

