



**FORT MARCY COMPOUND CONDOMINIUM ASSOCIATION  
ANNUAL MEETING MINUTES 2021**

Saturday, May 1, 2021 10:00 AM (MT)

**1. Call to Order**

a. Roll Call

**BOARD MEMBERS PRESENT:** Steve McMurtry, Judith Swift, Peter Baldassaro, Denise Jurgens, Ted McNamara

**ASHM PRESENT:** Jim Simmons, Tom Overson, Nicole Chastain

**HOMEOWNERS PRESENT:** Bill Richwine, Bruce Underwood, Mark Williams, Steve Gitomer, Colin Robertson, Glenda Patterson, Jo Sauve, Kenneth Vogel, Silvio Eberhardt, Elaine Williams, James Stoll, Richard Heath, Carla McConnell, Robert Beck, Larry Gray, Georgia Nesselrode, Gregory McCoy, Victor Corpuz, John Cacciatore, Jason Vogel, Kerry Lee and Cynthia Sanchez, Dennis Dugan

b. Determine Quorum: A quorum was established with over 50% of owners in attendance.

**2. Approval of Annual Meeting Minutes of May 2, 2020:** Peter motioned to approve the May 2020 meeting minutes, the February 2021 board meeting minutes, and the April 2021 special meeting minutes; Denise Jurgens seconded the motion. The motion carried unanimously.

**3. President's Report – Judith Swift:**

- The annual meeting and (May) board meeting will be combined into one meeting.
- Tom Overson has replaced Christine Robertson as the General Manager.
- The outdated rules and regulations have been revised. Rule 12 (xeriscaping): Carla McConnell, an owner who previously worked in the forest service and formerly served on the Board of Directors as President has offered to help the board to revive a landscape committee that will be headed up by Judith and Carla. Owners are encouraged to join the committee.
- The biggest challenge the board has faced is the lawsuit regarding the roofs of buildings in the compound. Ted McNamara is overseeing its progress. HOA attorneys have filed a \$3,000,000.000 lawsuit, against State Farm Insurance Co., to recover the cost of the damage to the roof and other FMCCA property damage caused by a hail storm on June 2nd, 2019. Please direct all questions in writing to Ted.

**4. Treasurer's Report – Denise Jurgens**

- **2020 Financial Report:**
- Total income is over budget by \$4,150 through March 31- a majority of this is ASRL rental fees and the other item is finance charges to owners for delinquent payments
- Expenses are under budget by \$23,702, given lower usage than anticipated at this point. Santa Fe is no long under any reduction in rental activities, so things should be picking up throughout the year.
- \$27,852 surplus through March 31.
- Balance sheet shows 1.3 million in cash--about a million is reserve funds and the rest is operating

- Liabilities are standard. These are bills received at months' end that don't get paid until the next month
- Capital Reserve: \$400,000 for the roof anticipated for 2021, but this may be pulled out with the full project upcoming.
- **Denise Jurgens motioned to approve the budget as presented; Judith Swift seconded the motion. The motion carried unanimously.**

#### 5. ASRL Management Report – Tom Overson

- **Maintenance Report:**
- **Completed:** Power washing, exterior trim paint, dog waste receptacles and signs along Kearney
- **Ongoing:** Replacement of batteries for the alarm system, additional solar power LED lights along pathways. There have been break-ins to the storage units, so after studying options we are now installing updated deadbolts with a stepplate. Removed debris and overgrown trees from the property. Update to internet servers for better connectivity. Tom has been working with Carla McConnell on external spigot options. Emails will be sent to owners who have deficient spigots that need repair or replacement. The valve should be frost-free, and must include a backflow preventor, if any automatic irrigation device or system is attached to the spigot. This is often included as part of the system, but if not, it must be added. Tom has these in stock at the office for owner purchase. ASRL can install them and bill owners or owners can contract them out. There are two different sizes- make sure to get the right size so it's flush with the building. Tom has been looking with Steve McMurtry into solar power. Replacement of smoke alarms, heat detectors, and ProScape tree maintenance is ongoing. The pool is open by appointment only.
- **Future:** Waiting on warmer weather for stucco, stain & steel gazebo, parking lot striper done by ASRL, loose bricks on pathways, pothole repair

#### 6. Old Business

- Roof Repair Update – Ted McNamara said that we are still in the opening stage. About 10 days ago, the attorneys filed a suit in the state court, a formal procedure, which reinforces the claim against State Farm. Until now, State Farm has been minimally responsive to the association's claim, which we' were told is not surprising prior to a suit being filed.
- The suit is well-founded. Almost all HVACs on the roofs were damaged by the hail storm on June 2, 2019. The insurance policy of the association is the primary policy with respect to any damage on roofs or structures of buildings. Therefore, owners are likely to find their insurance policy is secondary and that insurer will wait to see what happens with the primary insurance company. You can make the claim at any time, but according to NM law, if you intend to go to court, you must make the claim within two years of the incident. This is why the attorneys filed the suit 10 days ago as we don't want the period to lapse. Please talk to your insurance company or other experts. The members of the board are constrained and cannot offer any advice, as the board has filed the association's suit.
- With respect to the HVACs, Ted has emailed details of the approximate levels of damage to owners who requested them.
- We are awaiting a response to the filing by State Farm. Under NM law, the case will be put on a docket in the state court. The attorneys anticipate State Farm petitioning the state court to have it transferred to federal court because State Farm is not a NM entity, so this is an interstate commerce matter.
- Nothing in this case suggests a special assessment to owners.

- Owner questions:
  - **Is there a line item in the budget tracking how much we are spending on legal fees?** There is not. The legal fees are conditional upon the resolution of the case. A percentage of the settlement will go to the technicians and engineers who did the roof (10%), the lawyers will get 25% (30% if the case goes to trial), and the suit asks for those costs in addition to actual damages. If we can't get a settlement, we go to trial.
  - **For people who want to replace their air conditioning units one way or the other, if owners go together and have it done at the same time as the roof replacement, when might that happen?** Several owners have asked this. The newer HVAC units seem to have suffered little damage. The older units suffered the most damage. It is each owner's decision to decide if they want to repair or replace their units. Before this event, Luis Bayardo and Ted talked to HVAC installers to identify if any companies would offer a reduced cost for owners who wish to install new units sat the same time. Such action is on hold for the present.
  - **Who should owners contact to obtain more information regarding the specifics of their HVAC units?** Contact Ted. There are a few units on the roofs that we have not linked to a condo below but almost all are tentatively identified.

## 7. New Business

- **Ratification of Rules and Regulations:** Ted McNamara motioned to approve the updated rules and regulations; Peter Baldassaro seconded the motion. **The motion carried unanimously.** The update is primarily a clean-up of the existing rules and regulations and amendments.
- **Board Election:** Jim Simmons – there were three nominees for the two open board positions. A quorum for conducting the meeting was established. Judith Swift and Peter Baldassaro have been elected and will continue on the board.

## 8. Open Session/Owner Comments

- **An owner letter was sent to owners in the ASRL rental pool, but not HOA owners.** Tom will work with Jim on an HOA letter for HOA owners.
- **A smoke detector went off in my unit (there was no fire) and it could not be silenced inside the unit. I was unable to turn it off or contact anyone. Someone apparently came to my condo hours later after I'd gone to bed. I went down to the office and because the master panel was in a private condo, ASRL was unable to shut it off. Should some consideration be given to relocating the master panel? Should it be considered that ASRL improves training on how to respond to a situation like this?** Tom responded that within each building, the panel is located within one unit. ASRL had a keypad combo to the unit in this case, but it did not work. ASRL did respond quickly, but we couldn't access the panel nor reach the owner. Unfortunately, we had to break in through the window to get to the panel. If owners aren't in the rental program, so make sure to update ASRL if access codes to your unit changes. The association looked into moving the panels outside each unit. However, doing so is expensive, and panels become susceptible to damage from weather, vandalism, etc.
- **I'm pretty sure that there is a requirement in the R&Rs that a property manager be able to access all units. There is such a requirement, and it is a violation not to give a current key or combination to the property manager.** If you haven't given a key/access to Tom, please do so as soon as possible.
- **Can we get efficient signage in each parking lot so deliverers and guests can better find individual units?** Tom will look into this.

9. **Next Meeting Reminder/Adjournment:** The 2022 Annual Meeting is May 14. The next board meeting is September 18. The meeting was adjourned with all in favor.