

Deer Lake Association Special Meeting
Saturday, August 13, 2022
Bohannon Center
7500 Jefferson St. NE, Albuquerque, NM 87109

In-Person Attendees: Glen Flanders (President), Robert Starkey (Vice-President), Krystal Rodriguez (Secretary/Treasurer), John Bailey (Member at Large), Julia and Roseanne Starkey, Ken and Merrilou Long, Damacio and Margie Otero, Jean Anderson, Melissa Parra, Mike Schiffer, Eduardo Rodriguez, Jan Sona, Sara Money, Larry and Kathy Tafoya, Randy and Linda Wiest, Kevin Tracey, Dylan Hamp, Loretta Sandoval, Ty Menefee, Larry Wiles, Dave Kelly, Connie Manzano, Barbara Buxton, Cheryl Bailey, Barbara Rose, Justin Sona, Kelsea Sona, Steve and Lisa Berniklau, Steve and Judith Holbrook, Kurt Nilson, Silas and Laura Suazo, Rose Arnell, Steve and Diana Coleman, Jacque Rodriguez, James and Jacque Mangham, Kathleen Flanders, and Albert Montoya.

Online Attendees: Tim and Rhiannon Chavez, Ken and Betty Whiton, Bobbie Bailey, Philip Casados, Gail Peters, Robert Gleasner, Carolyn Primrose, Bea Gutierrez, Christopher Tront, Sharon Starkey, Steve Primrose, Larry Buxton, Roberto Rodriguez, Jeff Robertson, Dave Robertson, Edwin Gibson, Stephenie Primrose-Bash, Galena Wiles, Cristina DeRosia, and Danielle Langelier.

Minutes recorded by Secretary/Treasurer Krystal Rodriguez.

Meeting called to order at 10:00am.

Opening Remarks: Glen Flanders welcomed everyone and made opening remarks with the following highlights:

- Clarified that masks are optional and should be worn based on personal preference.
- Fall Association meeting is tentatively scheduled for Tuesday, October 25, 2022.
- Laura Suazo discussed the logistics for managing the meeting for those in-person and those participating via Zoom.
- All attendees representing another lot owner via proxy were asked to turn in the proxy statement.
- Robert's Rules apply to this meeting and will be enforced.

Explanation of Why this Special Meeting is Being Held: A summary was given as to how the association appointed a Task Force, composed of Association Members (Silas Suazo (Lead), Larry Wiles, Victoria Hines, Dave Kelly, Kurt Nilson, and Connie Manzano), to research documentation and present to the board/association on the use of Airbnb's (short-term rentals) in Deer Lake. In addition, it was voted that "Membership Input Forms" be sent out with the 2022 Dues letter to obtain member's feedback. The feedback was shared to all members in the mailing for this Special Meeting. Clarified that the Task Force was independent from the Board. In early June 2022, the Task Force presented its findings to the Board which is the same

presentation being shared to the members today. After the board heard this presentation, it was decided to hold a Special Meeting.

Agenda: It was clarified that the agenda has been changed slightly from what was sent in the meeting notice. The agenda for the meeting was revised as follows:

- Welcome/Announcements
- Airbnb Task Force Presentation – Silas Suazo
- Letter from Association Member Victoria Hines – to be read by Ed Rodriguez
- Airbnb Presentation – Kurt Nilson
- Airbnb Presentation – Connie Manzano
- Vote on Path Forward for Airbnb’s in Deer Lake
- Status of Grading the Upper Portion of Old HWY 126
- Status of Maintenance on the Lake’s Lower Valve
- Status of Potential Dredging of the Lake

Task Force Presentation: Task Force Lead, Silas Suazo, presented on the Task Force’s Findings (started 10:11am and ended about 10:42am).

Letter from Victoria Hines: Association Member, Eduardo Rodriguez, read letter from Association Member Victoria Hines who could not be present at the meeting (started at 10:43am and ended at 10:51am).

Mrs. Hines requested that her letter along with supplemental documents be mailed to all association members. The Board clarified that this would not occur due to funds not being approved for such an expense. These documents, along with any other members who want to share their thoughts, and the presentations from today’s meeting will be posted on the association’s website for public access.

Airbnb Presentation: Airbnb Owner, Kurt Nilson, presented on his position of having an Airbnb in Deer Lake (started at 10:55am and ended about 11:03am).

Airbnb Presentation: Airbnb Owner, Connie Manzano, presented on her position of having an Airbnb in Deer Lake (started at 11:05am and ended about 11:28am).

Break: A 5-minute break was taken upon the conclusion of the presentations (11:35am-11:40am).

Path Forward on Airbnb’s: It was clarified that the Board is not authoritarian and today the association will be voting on two (or more, if presented by the association members) motions which will be placed on a ballot and sent out to the association members for the October 2022 meeting. The vote today is solely to agree to have the motions put on the ballot where the association members will vote on path-forward to address short-term rentals to be taken by the board/association.

Motion #1: “While recognizing the existing covenants, no further action, effort, or expenditures of Association funds shall be taken on the subject of short-term rentals” was made by Steve Coleman and seconded by Kurt Nilson.

Mr. Coleman was given an opportunity to explain why he made this motion, and some highlights of his statement are as follows:

- Explained that 44% of the association members responded to the Membership Input Form and 55% of those responses expressed that the board should continue working on short-term/long-term rentals. This represents 23% of the total lot owners at Deer Lake.
- The term “private residential purposes” is not defined in the covenants.
- “Enforcement by Proceedings of Law” means you must go to court to get resolution.
- Lots of information on the internet regarding Airbnb’s (i.e., court cases etc.).
- Covenants will have to be totally rewritten if the association takes a stance on this matter.
- Annually the association has a budget of \$8,900 and a savings balance of \$32,000 which would be depleted quickly if attorneys get involved.
- The burden of this effort being put on the volunteer Board members (4 members, association could not fill 5th position). Foresee very little interest in new members wanting to sit on the Board in the future.

Amendment to Motion #1: “While recognizing the existing covenants, no further action, effort, or expenditures of Association funds shall be taken on the subject of short-term rentals **except in the defense of any lawsuits associated with short-term rentals**” was made by Kelsea Sona and seconded by Eduardo Rodriguez.

Discussion between members was held on Motion #1 and its amendment.

Call to Question was made by Larry Wiles, seconded by Damacio Otero. All discussions on Motion #1 were stopped.

Vote to include Motion #1, as amended, on the October 2022 ballot was held via rollcall by lot owner present (in-person and online) and by number of lots. Vote was documented by Secretary/Treasurer, Krystal Rodriguez. Vote was counted by Board Member, Robert Starkey, and Association Members, Larry Wiles and Randy Wiest. Final count was 50 votes “Yes – Include” and 28 votes “No – Do not Include.” It was concluded that most of the association members present voted to include Motion #1, as amended, on the October 2022 ballot.

Motion #2: “The Association gives approval for expenditure of Association funds to continue the process of determining how to enforce the existing Covenants against short-term rentals” was made by Eduardo Rodriguez and seconded by David Kelly.

Mr. Rodriguez was given the opportunity to explain why he made this motion, and some highlights of his statement are as follows:

- Was not aware that AirBNBs existed in Deer Lake until recently when the topic was presented at the spring meeting.
- Bought property in Deer Lake, not to invest in what was bought, but to invest in family time, and enjoy nature because of being family oriented. Not to talk about attorneys, because attorneys come in and use people.
- Stated that he has been President of the Board, and everyone has gotten along and emphasized that the topic of AirBNBs is not a personal topic.
- Original founders of Deer Lake established the community for those of varying financial status to build and develop their lots within their means.
- Stated that community should have peace and joy with one another, not taking advantage of one another, being negative or dividing but being good to your neighbor.
- Deer Lake was established for family.
- For those that state that “AirBNB” customers are good people, we don’t know that this will always be true in the future.
- Deer Lake is about property that we are all invested in.

1st Amendment to Motion #2: “The Association gives approval for expenditure of Association funds to continue the process of determining how to *interpret* the existing Covenants against short-term rentals” was made by Kelsea Sona and seconded by Jean Anderson.

2nd Amendment to Motion #2: “The Association gives approval for expenditure of Association funds to continue the process of determining how to *interpret and enforce* the existing Covenants against short-term rentals” was made by Cheryl Bailey and seconded by Marilou Long.

Discussion between members was held on Motion #2 and its amendments.

Call to Question was made by Larry Wiles, seconded by Roseanne Starkey. All discussions on Motion #2 were stopped.

Vote to include Motion #2, as amended, on the October 2022 ballot was held via rollcall by lot owner present (in-person and online) and by number of lots. Vote was documented by Secretary/Treasurer, Krystal Rodriguez. Final count not tallied due to time constraints and the preponderance of the votes were “Yes – Include.” It was concluded that most of the association members present voted to include Motion #2, as amended, on the October 2022 ballot.

Board President called for any other motions related to the handling of Airbnb’s at Deer Lake.

Motion #3: “That the association discuss the possibility of revising the Covenants to put a cap on the number of Airbnb’s and limiting rentals to maintain community and personal residential environment” was made by Jacque Mangham and seconded by Kurt Nilson.

Motion #4: “Postpone Motion #3 to put a cap on short-term rentals and/or rentals until the Association finds a path forward to Airbnb’s” was made by Kelsea Sona and seconded by Jacque Rodriguez. Most of the Association members present agreed to postpone Motion #3 at this time and address once a path-forward for short-term rentals is agreed to.

Grading of Old HWY 126: The status of grading the upper portion of HWY 126 was briefed. It has been concluded that the Forest Service has jurisdiction of this property but currently do not have the resources to maintain it, due to the demands of the ongoing wildfires. Currently, the Forest Service is working to issue the Association a “Special Use Permit” which will allow the association to grade the road in coordination with the direction/boundaries discussed in the permit. The Board sought input from Association Member, Tim Chavez, who owns heavy duty equipment, and he is willing to assist so that a second exit can be accessible in-case of an emergency. He estimated the cost to be between \$400-\$700. Status of this project will be updated at the October 2022 meeting and a vote to use Association funds to execute this project will also be initiated at that time.

Lake Lower Valve Maintenance: At the March 2022 meeting a little over \$1000 were approved to replace/maintain the lake’s lower valve. Association Member, David Robertson, was contacted for input and he recommended his nephews business. The Board is still trying to get ahold of this individual for input and path forward of this project. More information to come on this topic at the October 2022 meeting.

Lake Dredging: The Board is still looking into the possibility of dredging the lake. Most of the individuals spoken to at this time are against dredging. However, the Board is still looking into this from those Association members that do believe it is beneficial. More information to come on this topic at the October 2022 meeting.

It was announced that we have Lake Cleanup/August Social on Saturday, August 20, 2022. All association members and their families are invited to attend. In addition, members were reminded of the Labor Day picnic scheduled for Sunday, August 4, 2022. Don’t forget to RSVP.

Meeting was adjourned at 1:36pm.