

Angel Fire Public Improvement District 2007-1

3465 Mountain View Blvd., Suite 14

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575-377-3483

PID Board Meeting Agenda

February 12, 2015 at 2:00 pm at the PID Board Room

- A. Call to Order - Chairman Jim LeBus called the meeting to order at 2:00 pm.
- B. Pledge of Allegiance - Chairman LeBus called for the Pledge of Allegiance.
- C. Roll Call - Present were Chairman LeBus, Director Don Borgeson, Director Chuck Verry (by phone), and Director Alan Young (by phone). A quorum was present. Vice Chairman Dan Rakes was absent. Also present was Sally Sollars, District Administrator.
- D. Approval of Agenda – Director Borgeson moved to approve the agenda with the exception of item 1 under Business and also item H because of the absence of general counsel. Director Verry seconded. The motion carried 3-0.
- E. Approve January 8, 2015 Minutes – Director Borgeson moved to approve the January 8, 2015 minutes as written. Director Verry seconded. The motion carried 3-0.
- F. Requests and Responses from the Audience (Limit to 3 minutes) – None.
- G. Announcements and Proclamations – None.
- I. Business
 - 2. Consider and Approve Brokerage Services Contract – Director Borgeson moved to accept the contract as presented. Director Verry seconded. This a renewal of the brokerage services contract with the commission renegotiated. Director Borgeson added that the Mathwig property has yet to be listed. Director Borgeson already has a prospective buyer for the lot, but will be bowing out due to conflict of interest. He has notified the District's Broker, Stuart Hamilton. The motion carried 3-0.
 - 3. Consider and Approve New Website – Director Verry moved to approve the new website. Director Borgeson seconded and added that there is some disagreement about publishing the "guesstimate" formula provided for brokers to give their clients an informal idea of the District assessment and prepayment numbers. Nann Winter, General Counsel, has some concern. Chairman LeBus recommended that additional disclosure language be added. Directors Borgeson and Verry agreed with that recommendation. The motion carried 3-0.
- J. Consent Agenda – Director Verry moved to approve the Consent Agenda. Director Borgeson seconded. The motion carried 3-0.
 - 1. Stelzner, Winter, et al; Invoice(s) #7589, 7590, 7708 - \$2,402.88
 - 2. David Taussig & Associates; Invoice #1412188 - \$3,750.00
 - 3. Blue Earth Ecological Consultants; Invoice #1185 - \$9,875.13
 - 4. Angel Fire Computer Guy; Invoice #1313 - \$480.00
 - 5. Sally Sollars; Invoice #56 - \$7,064.41

6. Colfax County Clerk – Filing Fees - \$50.00
7. BMWs; January Rent; Invoice # 08-0008 70 - \$380.00
8. CenturyLink; Invoice dated 1/25/15 - \$217.66
9. AT&T; Invoice dated 1/1/15 - \$28.50
10. Sangre de Cristo Chronicle; Invoice dated 2/1/15 - \$51.49
11. Petty Cash Report; Balance \$89.57

K. Reports

1. Administrative Report – Ms. Sollars reported moving Kit Carson along to install wire in the buried conduits has stalled this month mostly due to lack of time beyond the website development.

The Wetland Mitigation monitoring report has been submitted to Deanna Cummings of the USACE. Ms. Cummings is requesting a meeting with the District and Village of Angel Fire as co-permittees of the USACE 404 Permit. However, she said that she was interested in checking on the compliance of a requirement that only pertains to the Village. That meeting should be scheduled in the next month. The cost sharing invoice for the final payment for year 2 monitoring of progress toward meeting the requirements of the Wetland Mitigation Plan has been submitted to the Village.

The Village of Angel Fire Council approved an amendment to the Development Agreement this week that preserves the District's option of allowing the New Mexico Tax & Revenue Property Tax Division to auction the delinquent District properties as it does for other delinquent properties. The amendment will be filed with the County Clerk next week and sent to Ms. Carlow, counsel to Tax & Rev. Ms. Carlow had cancelled last fall's tax sale for District properties due to her very narrow reading of the Development Agreement, which had mentioned foreclosure and no other means for dealing with delinquencies. The District will also request that her opinion, that is that as a political subdivision of the state the properties owned by the District are property tax exempt, be put in writing to be submitted to the Colfax County Assessor and Treasurer.

Ms. Sollars met with Burl Smith of the Village Community Development office last week. The Village auditors requested a cost breakdown of the construction by improvement and by subdivision. There was sufficient detail in the District's accounting records to produce the numbers fairly easily.

The annual friendly letters are currently being sent for 2013 and prior delinquencies. The letters are being sent to all delinquent properties except 14 cases currently queued up for foreclosure. Chairman LeBus said that he did not feel that the District should move forward on those cases until the question of Angel Fire Resort membership liability is decided and the property tax exemption status is recognized. As it stands now, the District

would have to pay the outstanding taxes, dues, and legal fees to obtain the properties before marketing to assessment paying buyers.

Ms. Sollars reported on current delinquency rates: As of December 31, 2014 the overall delinquency based upon dollars owed is 16.69%. With October 1 of each year being the date for setting the initial rate for each year, the following illustrates how a year's rate drops over time as property owners pay their delinquency with the first number showing current rates:

2013 – 22.09%
2012 - 19.51% down from 22.29%
2011 – 15.46% down from 19.19%
2010 – 12.14% down from 16.52%
2009 – 8.54% down from 18.49%
2008 – 5.31% down from 14.43%

Director Young asked about the status of the Glaser settlement. Ms. Sollars reported that per the District's request the settlement was supposed to be signed by all parties by January 23rd or the District would return to Judge Paternoster to resume litigation. Ms. Armstrong, Glaser et al counsel, emailed on the 23rd that the agreement lacked only a few signatures. However, Ms. Armstrong's husband has had a stroke which appears to have delayed finalizing the agreement.

The new DFA budget analyst, Tom Dixon, will be an interim analyst. However, he said that because of budgetary restrictions he did not anticipate a permanent replacement until next year. The second quarter report has been submitted.

With the approval of taking the new website live, Ms. Sollars will now request that the domain name be transferred from the current webmaster, Pat McCarty, to be registered under the District's name. The process could take up to a week. The email will also be transferred and may be down for a day. Ms. Sollars also created a new email address: office@angelfirepid.com. The current address, administrator@angelfirepid.com, will remain valid.

The RANM PID disclosure form, Form 4550, is now required in real estate transactions per 2013 legislation. The Board had previously given Ms. Sollars authority to complete the form on behalf of the agents for a fee. She completed two forms recently and discovered that the three numbers originally thought required information on the form turns out to be only one. Ms. Sollars reversed her opinion that there should be a charge for providing one number and instead will work with Taos County Association of Realtors (TCAR) Board members to clarify the language of the form and

make it easier for agents to complete the form themselves. To that end, there is a Brokers Information page on the website with some information about the form and other helpful information. TCAR is sponsoring a meeting with Ms. Sollars and the brokers to roll out the website and ask for input on March 3rd at 4 pm at the Community Room at the First National Bank of New Mexico in Angel Fire. Hopefully, this meeting will afford some opportunity to clear up some misconceptions.

2. Sales Committee Report – Director Borgeson reported that the Sales Committee met with broker Stuart Hamilton. The Brokerage Services contract was renegotiated. Lowering the prices on the District owned lots will be decided by April or May at the beginning of the sales season.

Both Vice Chairman Rakes and Director Borgeson agree that it is now is not the right time to be taking properties through foreclosure or deed in lieu because the land market is not yet up to speed. The holding costs of the owning the property is more expense to the property owners than not taking action at this point in time. Director Borgeson said that he was optimistic that the market is improving, but suggested it may be two more years for lots to start selling.

3. Treasurer's Report – Director Verry asked if all had received the Treasurer's Report and if there were any questions. There were none.

L. Adjournment – Chairman LeBus adjourned the meeting at 2:37 pm.

Next Regular PID Board Meeting will be March 12, 2015



Don Borgeson, Chairman Pro Tem

ATTEST: 

Sally Sollars, District Administrator