



Picacho Hills Property Owners Association  
PO Box 51  
Fairacres, NM 88033

# NEWSLETTER

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Spring 2014

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## *Our 30 year anniversary!*

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We would like to celebrate our 30 year anniversary with members and the volunteers who have served this association! We are in the planning process with the Picacho Hills Country Club, and when details are confirmed we will announce the date on the website and by email.

This Spring was an especially beautiful one in Picacho Hills, and it was a pleasure to watch the progression of flowering plants. The original inspiration and design for Picacho Hills may have revolved around good golfing, but the layout of streets, the styles of architecture, the spacing between homes, and the exceptional views from this mesa, all work together to achieve a unique living experience in Las Cruces. I believe we live in the most desirable setting in the city. Gratitude for gracious living is easy and natural in Picacho Hills.

Kay Trujillo, PHPOA President  
[katpaints@aol.com](mailto:katpaints@aol.com)

## *Picacho Hills Real Estate Statistics for 2014*

### *For homes, townhomes, zero lot lines, and condominiums*

*provided by Laurie Beougher, RE/MAX Classic Realtor & Picacho Hills Resident*

Description	#	Avg List Price	Avg Sold Price	Avg Days on Market
Jan. 1—April 30 Active Listings	41	\$ 395,751	---	195
Under Agreement	4	\$250,950	---	325
Sold	18	\$ 324,088	\$ 310,344	87

**MINUTES OF THE PHPOA ANNUAL MEETING 2014****March 11, 2014****Picacho Hills Country Club****7:30pm**

The meeting was called to order at 7:43 by President, Kay Trujillo. Forty-eight people were in attendance representing a total of thirty households, which fulfilled the quorum requirement—ten percent of the total membership with renewed dues. Per Treasurer, Forrest Beeson, there were 284 current members as of this evening. Members had been contacted and informed that this year there would not be a social hour before the meeting since the club staff was occupied with “Pub Night” business. A by-law amendment concerning the date and time of the Annual Meeting was on the ballot as follows:

**Article Three, Section 1.** Annual Meeting: An annual meeting of the members shall be held at such a place as may be designated by the president or secretary, in Doña Ana County, New Mexico, ~~on the second Tuesday of March, in each year, at 7:30p.m.,~~ [during the second full business week of March on a day and time to be determined by the Board of Directors,] for the purpose of electing directors and for the transaction of such other business as may come before the meeting. ~~(If the day fixed for the annual meeting is a legal holiday in the state of New Mexico, such meeting shall be held on the next succeeding business day.)~~

Voting on this by-law amendment was the first item of business. The tally of votes for this amendment is 126 for, 1 against.

Kay introduced the board members: Hazel Coelho (VP), Nancy Simmons (Secretary), Forrest Beeson (Treasurer), and Directors—Bruce Jay, Rosie Jay, Chris Leyva, Tamara Fetzer and Kelly Williams. Chris was commended for excellent work on landscaping; Bruce, for establishing a new website; Rosie, for a successful transition of newsletter delivery with Hazel Coelho; Kelly and Tamara, for their work on the newsletter; and Nancy, for work on the Merchant Discount Program and for increasing the number of merchants to 40.

A motion to accept the minutes of the 2013 meeting was made by Ede Burge. Lionel Trujillo seconded the motion, and the members present approved the minutes unanimously.

The Treasurer's Report was the focal point of the meeting. Forrest gave a brief overview of the Income & Expense sheet for 2013, and of the Balance Sheet dated February 28, 2014.

Forrest explained that at the end of January, 2014, he received a communication from the Albuquerque law firm of Keheler & McLeod, stating that the PHPOA owed outstanding attorney fees incurred during 2007-2009 for work on two water rate related cases, the amount of the claim totaling \$90,240.08. The current board had not been given any information pertaining to this claim, until this communication.

Forrest has spent a great deal of time researching the situation since the end of January. He said that the former board had paid the law firm a total of \$58,000 in legal fees toward the cases in question, \$38,000 of which was funded by individual homeowner donations. A document itemizing those donations is on file.

Forrest then reported on a meeting that he and Kay had on March 5, 2014, with past board members asking for help in understanding the history of what had transpired. Forrest has also spoken with Jim Sorenson, a Picacho Hills attorney, who performed pro bono work for the PHPOA to finish up work on the two cases which were still in District Court. These cases had been dropped by Keheler & McLeod in 2009. Forrest thanked Mr. Sorenson for his help. Joshua Smith, PHPOA attorney with Watson Law Office, LLC., will assist in resolving the claim.

To address this situation, the 2014 projected budget includes a line item of \$10,000 for a forensic financial audit and \$22,000 for legal expenses. To summarize the discussion following this presentation, it was established that we do have a copy of the retainer agreement hiring Keheler & McLeod in 2007.

We briefly mentioned the necessity of implementing safeguards that can be established to prevent a situation with such a large outstanding debt from ever occurring again. The current board acknowledges that they have plans to form a by-law revision committee. Currently, all energies are directed toward resolving the recently discovered financial situation. Forrest assured the group assembled that he intends to find the best solution possible. Forrest also emphasized that historically, the PHPOA spends the largest amount of its funds on printing services; now, the largest line item goes toward landscaping.

The Treasurer's Proposed 2014 Budget was approved; Chris Leyva made the motion to approve, second by Mary Hoffman. The Treasurer's Report was also approved; motion to approve by Glenn Fetzer, second by Lionel Trujillo.

Joshua Smith answered questions:

- no liability passes through the association to individual homeowners.
- he will contact Keheler & McLeod to discuss a settlement.
- the option to dissolve the PHPOA to avoid liability was raised by Glenn Fetzer. Mr. Smith said that this is always possible, but this is not considered the most desirable way to proceed.

Sharon Glazier suggested an orientation for neighborhood reps.

Ballots were counted by Jenny Segura and Lynn Black, for a total of 113 votes for each of the four directors up for re-election: Forrest Beeson, Hazel Coelho, Rosie Jay, and Kelly Williams.

The meeting was adjourned at 9:20pm.

Respectfully submitted by Tamara Fetzer, Secretary *pro tem*

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***Treasurer's Report– Forrest Beeson***

You may have wondered why the Treasurer's Report was not in the last newsletter. For those who did not attend the Annual Meeting, let me bring you up to date as to why we did not include it. Historically, the report has been a one page affair that listed how funds were spent the previous year and a projection of how funds will be allocated for the current year. Keeping it to just one page allowed us to have it printed in the newsletter, but prevented us from including important financial information. So, the old Treasurer's Report has been replaced by a detailed, but easy to read and understand, Financial Report. The new report includes a Balance Sheet (assets and liabilities), Income and Expenses for 2013, Income and Expense by Month, Expense Summary (how funds were spent by percentage), and the Budget for 2014. If you are a member of the association and would like a paper copy, please contact me or one of the other board members, and we will send a copy to you.

As reported in the minutes of the Annual Meeting on March 11, 2014, the law firm of Keleher & McLeod, P.A., in Albuquerque, sent us an invoice on January 24, 2014, asking that we pay \$90,240.08 for past due legal fees incurred during the 2007-2009 water rate cases. A thorough investigation of the invoices revealed that these charges were legitimate and were, in fact, the responsibility of the board in office during those years. Although a few residents believed that we owed absolutely nothing as the association had already paid Keleher & McLeod \$58,000.00, the facts are that the board ran up a legal bill of approximately \$150,000.00 and stopped making payments in August 2011. The current board believes that ignoring the invoices was the wrong decision. We decided to contest the invoices with the goal of obtaining the lowest possible settlement amount. On April 4, 2014, Keleher & McLeod agreed to settle the matter for a single payment of \$5,000.00. The legal fees paid to our law firm, Watson Law Office, to resolve this issue totalled \$1,712.93. The matter is now closed. In conclusion, the budget presented during the Annual Meeting was heavily focused on paying this debt and the necessary costs of legal fees needed for a successful resolution. The 2014 budget has been revised, and we can now allocate more funds toward landscaping and social events.

***Landscape Update– Chris Leyva***

Due to high winds it took a little longer than anticipated to get all the Country Club signs painted, but thanks to Littlefield Landscaping and a stretch of fair weather, all the Country Club signs have a new coat of paint and look great. Stay tuned for our next project.

*For the Record*

For those interested, and especially for members who were not able to attend the annual meeting, in this article we are addressing the issues of “old business” we faced during the first part of this year. Details are outlined in the minutes of the annual meeting found in this newsletter. We are grateful for the good news detailed in the Treasurer’s Report. We offer sincere thanks to Forrest Beeson for his leadership. In analyzing and piecing together information and financial records as we received them, he spent countless hours of service, and we are fortunate that he did this work as our Treasurer, with no thought of remuneration. Forrest and Kay, with the help of our attorney, Joshua Smith, spent weeks gathering information. They had to take the time to consider our options and determine the best way to proceed. Forrest, as Treasurer, worked with the best interests of the association as his top priority. His main objective was to protect the treasury to the best of his ability. In this way, he has also protected the integrity of the association, to the greatest extent that is possible.

The result is that we are able to achieve closure on the claims mentioned in the minutes of the annual meeting in a manner that allows the PHPOA to continue. We cleaned up an unfortunate situation that we had not created, and of which we had been totally uninformed. Several of us on the current board received unkind comments from residents who thought it impossible that we could have been unaware of the outstanding claims. After the receipt of the letter from the law firm of Keheler and McLeod in January 2014, members of the board spent a great deal of time going through boxes of minutes, reports and correspondence from years past. In doing so, we found copies of court documents. Although we understood that the PHPOA had intervened in water related cases, we had no statements or any other indicators from Keheler and McLeod alluding to unpaid fees. For the record: seven of the current board members did not even live in Picacho Hills until 2011 or 2012, and since the former board handed us a 2011 Year End Financial Report stating, verbatim, that there were “no outstanding debts,” we had no documentation to indicate that anything was amiss. If we had known, we certainly would not have stepped up to fill these volunteer positions.

Residents have asked us how such a large bill could have been allowed to be incurred, especially in light of the fact that the association certainly did not have assets to cover even a quarter of the approximately \$150,000.00 grand total. The 2007-2009 PHPOA board allowed the water case interventions to proceed without their supervision. One way future boards can avoid financial irresponsibility is to ensure that they have a Treasurer who keeps a vigilant eye on expenditures and does not allow the creation of debt without prior board approval.

Be assured that the current board requires a vote on any non-budgeted expenses, and any extraordinary expense would be voted on by the membership.

Since the 2007-2009 PHPOA board of directors asked members for donations to go toward attorney fees, many people at that time knew that the PHPOA had a sizable outstanding bill to pay. And yet, we have residents come to us even now, telling us that we must be mistaken, because all the attorney work performed was done pro bono. Mr. Sorenson, to whom we are

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very grateful, performed the cleanup work on the issues. To help clear up any misunderstanding for members or concerned residents, Mr. Sorenson worked for the PHPOA, pro bono, after the claims for fees with Keheler and McLeod had been incurred.

Another problematic issue that emerged from this situation is that the PHPOA, during 2007-2011, never published, at least for public record, any financial statements that reflected the charges from Keheler and McLeod. Also, the records of payments that we were able to trace were labeled as "Utilities". Not only did this type of action cause the current board a great deal of confusion, it has harmed the credibility of the Picacho Hills Property Owners Association. Residents who have lived here for more than seven years are understandably uninterested in serving on the board. And this explains why the current board is composed of willing newcomers who believed that stepping up to fill the board seats of the PHPOA would be a positive way to serve the community.

We assure you that working on these issues has not been a pleasant activity. It is our fiduciary responsibility to explain, to the greatest extent possible, what has happened, why, and what we did to bring resolution to the situation. If you have further questions or considerations, we are willing to discuss them with you. Our goal is to restore community confidence in the association.

### ***Great American Clean Up Day – Rosie Jay***

The Great American Cleanup day, April 12th, turned out to be perfect ....no wind at least during the cleanup hours! Donuts and coffee were served at the home of Mary Ellen and Franklin McKay who have supported the GAC for many years. The turnout was lighter than expected, so we especially appreciated the additional effort that the volunteers had to make in order to cover their areas. Keeping our beautiful community trash free benefits everyone. Please consider volunteering next year!

### ***Updated PHPOA Newsletter Distribution– Rosie Jay***

As you may recall from the winter edition of the newsletter the board was questioning the feasibility of delivering paper copies to each household. A few concerns are the expanding size of the area, the price of printing, and residents who do not want papers left on the porch. Feedback from residents was favorable for going the electronic route. People realize that posting information electronically is now the acceptable norm. Therefore, this will be the final newsletter delivered door to door. Future newsletters will be available on our new website [picachohillspoa.com](http://picachohillspoa.com). Also, a limited number of paper copy newsletters will be available at the clubhouse. If anyone is unable to obtain a newsletter there because of physical limitations, please do not hesitate to contact Rosie Jay (phone # 649-3594) or email at [phpoanews@gmail.com](mailto:phpoanews@gmail.com) and arrangements will be made.

Lastly, a special thanks to all the newsletter reps who through their efforts made the door to door delivery possible. We greatly appreciate all your years of volunteering!

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Ever notice that in the summer it often feels ten degrees cooler up here in Picacho Hills than in other parts of town? The presence of the golf course affects our climate! We thank Dr. Leinauer for sharing some thoughts on the benefits of turf to a community.

Out on the Green-

by Dr. Bernd Leinauer, Extension Turfgrass Specialist and Professor at NMSU

Turf was developed by modern man in order to enhance his environment.

James B. Beard

### The Purpose of Turf

In addition to its aesthetic value for many people, turf areas provide numerous important functions. They play vital functional, recreational, environmental, and ornamental roles.

Functional purposes include the stabilization of soils and control of wind and soil erosion, e.g. along roadsides, around schools and industrial developments such as industrial parks and airports, and around housing developments. Turf reduces noise, air pollution, and provides a moderate microclimate around buildings through the prevention of heat build-up. Turf areas also have an economic impact on developments by providing aesthetic appeal and increasing property values.

Recreational sport and outdoor activities like baseball, football, golf, and soccer, to name only a few, use turf as a playing surface. Turf and the underlying rootzone provide a cushioning effect that minimizes injuries, a fact that has even been recognized by some of the professional sports organizations. The move away from artificial turf and back to natural grass playing surfaces in the NFL supports this fact. The mental and physical health derived from all the activities played on turf even benefit the economy, as healthy people in the workforce are more productive and have fewer sick days.

From an environmental standpoint, turf can also play an important role in filtering and purifying water as it passes through the rootzone. The organic matter at the turf-soil interface, also referred to as thatch, contains a very diverse system of microorganisms that binds, metabolizes, breaks down, and ultimately "cleans" the water from a variety of potentially ground water polluting chemicals. This makes turfs very good areas for irrigation with low quality water. Golf courses have been effectively used in the re-greening of reclaimed areas. Studies that have compared stream water quality before entering and after leaving a golf course have shown that water quality improved.

Imagine a city without ornamental green spaces in which turf usually plays a central role. Together with shrubs, trees and flowers, the contrast of a cool and pleasant looking turf in parks and gardens with the surrounding paved areas provides an environment that has a relaxing and soothing effect on people. Such effects are of increasing importance to the mental health of people in our fast paced and hectic world.

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***PHPOA Board of Directors***

<b>Position</b>	<b>Name</b>	<b>Phone</b>	<b>Term</b>	<b>Email</b>
President	Kay Trujillo	575-649-2280	2015	<a href="mailto:katpaints@aol.com">katpaints@aol.com</a>
Vice President	Bruce Jay	575-649-3594	2015	<a href="mailto:rbjay44@gmail.com">rbjay44@gmail.com</a>
Secretary				
Treasurer	Forrest Beeson	575-642-4939	2016	<a href="mailto:fmbeeson@gmail.com">fmbeeson@gmail.com</a>
Directors	Hazel Coelho	575-523-0004	2016	<a href="mailto:hazelcoelho@hotmailmail.com">hazelcoelho@hotmailmail.com</a>
	Chris Leyva	575-323-3055	2015	<a href="mailto:elnino1@comcast.net">elnino1@comcast.net</a>
	Kelly Williams	248-420-3233	2016	<a href="mailto:kelly.williams@gdc4s.com">kelly.williams@gdc4s.com</a>
	Tamara Fetzer	575-652-4241	2015	<a href="mailto:623tsf@gmail.com">623tsf@gmail.com</a>
	Rosie Jay	575-649-3594	2016	<a href="mailto:rbjay44@gmail.com">rbjay44@gmail.com</a>
Vacant Position				

  

<b>Standing Committees</b>	<b>Committee Chair</b>	<b>Members</b>
Annual Meeting	Kay Trujillo	Hazel Coelho, Bruce Jay, Marilyn Leyva
Community Improvements/ Landscaping	Chris Leyva	Forrest Beeson, Kelly Williams, Marilyn Leyva
Covenants/Safety/Security	Kay Trujillo	Bruce Jay, Kelly Williams
Directory	Kay Trujillo	Nancy Fuller, Bob Oheim
Membership/Social Functions	Hazel Coelho	Rosie Jay, Marilyn Leyva, Kay Trujillo
Merchant Discount Program	Rosie Jay	Hazel Coelho, Chris Leyva
Neighborhood Representatives/ Distribution	Rosie Jay	Marilyn Leyva, Sue Dueland
Newsletter	Kay Trujillo	Kelly Williams, Bruce Jay, Tamara Fetzer
Nominating	Hazel Coelho	Kay Trujillo, Kelly Williams
Website Coordination	Bruce Jay	Forrest Beeson, Tamara Fetzer

Nancy Simmons resigned from the board on March 28, 2014. We sincerely thank her for her years of service.

***Website Update– Bruce Jay***

As previously promised, the new website is up and running:

**[picachohillspoa.com](http://picachohillspoa.com)**

Feedback has been supportive, and we urge everyone to visit the site and provide your comments. This will be the primary communications vehicle for current information regarding issues relating to Picacho Hills. If your club or group wants to promote events, this is a great way to do so. Just contact us either through the website “Contact Us” page or by email to [phpoanews@gmail.com](mailto:phpoanews@gmail.com). Let us know how we can be more effective in giving you what you need.