



**Facilities:**

**Community Center and Golf Course:** The power box tie in and trenching is complete. The SCA Golf Course crew will now be landscaping the final areas of the new FCC. Jason Jerman will be updating the board since it is mid-year on the progress of the Golf Course and restaurant. The board will need to decide on moving forward with another contract for Jason as his contract was only for one year.

**Shooting Range:** No change on this. The grant for the shooting range was submitted and we are currently waiting a response. I did speak with the local grant person at NDOW who forwarded it on to the federal level which is good news. Once we hear, we will regroup with our committee and staff and get a plan for next steps. During Clean Up Day, many residents helped cleanup that area.

**Schuckmann's Complex:** The Boys and Girls Clubs of Elko are currently strategically planning for the SC Club and will have final thoughts at the end of this month so we can move on with overall planning. The SCA has met with a large, private foundation to review the possibility of funding updates at the Schuckmann's Sports Complex. These could include lights, a concession stand with bathrooms, a football field, and updates to the grounds. The SCA will continue to meet with the youth sports organizations who use these facilities and continue planning. We will now develop a case statement, funding plan, and prospect list and move to a capital campaign with board approval. This will likely be in September for the planning phase.

**School District:** The ECSD has interest in putting a school on 106D property. The appraisal came in for the property at \$240,000. The information will be in your board packet for next steps. The ECSD will have their meeting on the fourth Tuesday to also talk about this. We will likely hold a community meeting to get feedback as well at this time.

Read more here: [http://elkodaily.com/news/local/spring-creek-association-supports-location-for-new-school/article\\_95a47689-06ac-5796-94b2-b243df8e3f75.html](http://elkodaily.com/news/local/spring-creek-association-supports-location-for-new-school/article_95a47689-06ac-5796-94b2-b243df8e3f75.html)

**Commercial Properties:** The SCA voted to rezone two parcels located near Little Khoury's. Katies opinion will be in the board packets but feels we can sell these properties without a 75% vote which means we can put them up right away. Karl Young will be presenting what he thinks they should be up for at the meeting also. We still have our property at 451 Spring Creek Parkway for sale.

## ***Operations:***

**COA:** There is one vacancy on the COA, we have been saturating our Facebook page to try and draw interest, we have had no interest at this time.

A ROW Permit/Building application fee is being implemented at the July COA meeting. The fee will be \$100.00 in line with the County fees. This will not be considered a permit fee, but an “application fee”

SmartWebs reports will continue to be provided for COA and BOD.

D’Ann has completed a blanket baseline review of the entire Association, letters continue to go out to all properties in violation, this is a continuous process of noticing the PO. All subsequent notices are going out sight unseen if no contact is made. However; many properties have begun to call with reports of having corrected the issues, especially by third notice and recently once they get their notice to attend the COA meetings.

D’Ann has a huge list of reviews prepared for Security in the coming weeks, so that people who have called stating correction can be marked off the list. Diane Parker has also volunteered her help.

We have approximately 1, 670 properties in some stage of the violation process at this time, we have had about 297 on hold who have called or come in to claim they have fixed the issues and security will just need to review them, we have closed 503 violations. This month’s COA meeting has 31 new violations to review for furtherance to the BOD, there are 4 up for re-assessment from the June COA meeting, and there are 2 dog nuisances, one noise nuisance, and a request from a PO to try and correct a violation just cited.

Jessie is conducting her follow up review of all tracts beginning this month, and the COA members will then conduct their reviews in September/October.

Letters went out to all SCA businesses of the new requirement for Commercial Business Permits. There are approximately 33 commercial businesses in SCA. Some have called concerned about the fees, COA is reviewing the fee structure at the COA meeting in July.

**Roads and Maintenance:** The Association is currently focusing on road sweeping, pot holes, shouldering, and mowing sides of roads and spraying weeds. As a reminder, we have 150 miles of roads which turns into 300 when both sides need to be done. This takes a long time to complete and get to. Four roads staff are hot mixing, two are durapatching and one is brush beating this week. We have just received the skid steer that was approved which will allow us to do additional work and help with shouldering of the roads. You will see the sand cover and other related items on this agenda as well. In the near future I will be presenting an RFP for a road preservation plan to including micro surfacing. Micro-Surfacing is a polymer modified, asphalt emulsion based, dense graded, cold mixed, quick setting, asphalt resurfacing material. It is designed to be applied in a semi-liquid condition with a specialized mixing and paving machine.

**Animal Control:** The animal control agreement is going in front of the County Commission this Thursday for approval. From there, we will hire, train and set expectations. The City is also

working with us for the animals who were taken to the shelter who are SCA PO's and have loose dogs so we can follow-up on our end to help with this major issue in Spring Creek. They will send us this list every two weeks. I also spoke to the Sheriff regarding what more they can do to help fix this issue in Spring Creek as it is out of hand and they will likely be starting to make everyone who comes into the shelter get a license.

*Sheriff Pitts Email:* Here is the cost break down of an animal control officer this chart shows the starting pay as a step one. (chart attached) There is ten steps in our pay scale over ten years. The Sheriff's office will provide a vehicle which will be an old canine vehicle until we can budget a new animal control vehicle at \$45,000 by the time we outfit with an animal control box on the back. We will provide the radios both one in the vehicle and a hand held one for them to carry while on duty at a cost of \$10,000. We will also pay the annual fee for dispatch and to the state for the radio (to be on the system) dispatch fees \$8,232.50 and \$395 per radio or \$790 a year to the state. The annual fuel bill for our one animal control officer is approximately \$4,000 and year. We would also cover the auto insurance which I don't have the cost but it should not be much.

**Weed Management:** The SCA is currently out spraying many roads and amenities in SC with the brush beater and sprayer combination which we hope will save time and be more efficient in dealing with the weeds. We have hired Sam Sanders as a full time employee as noted on the employee structure to help with many areas including weeds since he has a strong background in this area.

**Municipalities Study:** The community meeting for the final reports for the municipalities' assessment was held in June. The board will need to decide next steps in regards to becoming another entity at the August board meeting. There are several points I have been thinking since the results came out including having a review of our assessment fees and having a 10 year plan to get us to a sustainable level for income to keep the operations running at a decent level of service. Also, I have been researching contract cities (a few outside of Denver and in Washington State) who have a limited number of employees and run their towns on contracts to reduce costs. A major reason we are not able to get taxes is because of the change in legislation which grandfathered in towns like Jackpot so I am also curious if there is a way to change legislation although that may be a long shot. Additional questions and answers are posted from the meeting on our website.

**Geese Management:** The geese management plan is almost complete for this year. We need to report findings to NDOW and the Feds. We will start with the dog and drone training in a few months to help maintain the population until next year. We encourage the property owners to not feed the waterfowl or tamper with any of the devices we are using. We have placed new signs at the Marina stating this. We are working with FWS, NDOW and Humboldt Wildlife Services to finalize other aspects of the plan including trapping of 150 geese. If there are questions on this, please refer them to the Geese Management Plan on the website.

### **Water Issues:**

***Water Meter Reading:*** The PUCN Commission had their final hearing a few weeks ago regarding the water meter issues we are facing in Spring Creek. The PUCN staff and BCP really

put in the time to understand the issues and express their continued concerns to the Commission that there is likely more customers effected in this case, as well as pointed out there are really no strong programs for staff training and policies and procedures in place as well as the lack of customer service and satisfaction in our area.

The next steps are Commissioner Pongracz will write a draft order. In the last section, there will be Commission Discussion & Findings and then it will say "it is ordered that.." & that's where you'll want to look for the outcome. Then the Draft Order will go on an agenda to be voted on by the Commission. Upon an approval by the entire Commission, the order will come out which will order the company to do whatever it entails. So we have to wait for that draft order to become an item on an agenda.

Overall this is a step in the right direction to help our Spring Creek community deal with the water issues we have been facing for years. This is only one small step in a large process to fix the problem once and for all.

Key Highlights:

Lila Glaser Testimony: Q: Does staff agree with refund methods that GBWC has proposed as resolution in this matter. A: No. Staff believes that any refund amount should be calculated and potentially refunded to every Spring Creek customer...

Yasuji Otsuka Testimony: Q: What are you recommendation to the Commission regarding the issues outlined.. A: I recommend that the Commission find that the BBWC's two comparative analyses of field technicians' meter reading practice do not provide conclusive evidence to support its assertion that the meter reading problems: (1) are limited to only on particular field tech; and (2) started in June 2016.

Yasuji Otsuka Testimony Page 12: ...GBWC should have investigated if there were any process, procedure and control issues related to the claimed fraud practice. However it appears that GBWC did not even try to do. This is disconcerting and does not demonstrate serious management attention towards identifying the root cause(s) of this problem.

<http://pucweb1.state.nv.us/puc2/Dktinfo.aspx...>

Docket 16-12006

### **AB 109:**

As introduced AB 109 did two things: Required the staff of the Public Utilities Commission of Nevada to travel to Elko at least once a year and conduct a consumer session. Second, it required the Bureau of Consumer Protection in the Attorney General's office to intervene in all Spring Creek rate cases. In the Assembly Commerce and Labor Committee testimony by rate payers, the Chairman of the PUCN, Joe Reynolds and Eric Witkowski, and the Administration of BCP was well received. BCP did submit a fiscal note for \$40,000 which Mr. Witkowskii told the committee was added because the Governor's budget had cut some of his funding for travel and hiring expert witnesses. Mr. Witkowski also assured the committee that his office had sufficient reserves to cover anticipated costs associated with any Spring Creek rate cases. There was no opposition to the bill. The bill was voted out of committee and sent to the Assembly floor for approval. During the floor testimony Assemblywoman Maggie Carlton moved the bill be referred to her committee on Ways and Means.

The bill was finally heard in Ways on May 1<sup>st</sup> with no concerns expressed by the committee members except Chair Carlton who repeated the same questions she asked in the commerce and labor committee of both PUCN and BCP and received the same answers. AB 109 has no fiscal impact on the state general fund or either of the two agencies. Despite all the repeated efforts of Assemblyman Ellison, Senator Goicoechea and myself, Chairwoman Carlton would not allow the bill forward into a work session (which is the final hearing on a bill before it is moved out of committee).

After repeated pleas to Speaker Frierson, Majority Leader Teresa Benitez Thompson and Senate Majority Floor Leader Ford to process the bill word was received that the BCP fiscal note was still a problem. Within a few hours Senator Goicoechea and Assemblyman Ellison had the fiscal note officially withdrawn by the Attorney General's office. Remember that during all previous hearing all legislators including Carlton were satisfied there was not a fiscal impact on the 2017-2019 State Budget. I remain convinced that the fiscal note was a smoke screen for Carlton not to process the bill ever. Because of the efforts of Ellison and Goicoechea, Republican leadership in both the Senate and Assembly made AB 109 a top priority. Despite daily and sometimes twice daily contacts with democrat leadership the bill was not moving.

Sunday afternoon, I met in person with Assembly Majority Leader Teresa Benitez-Thompson and asked point blank why 109 had not moved. She told me democrat leadership will not process the bill under any circumstances. I pressed the issue as to why and was told because rural republicans would not support tax increases. Then she told me it was because of the fiscal note which I quickly reminded her was withdrawn. Then she said it was that the BCP would have to use reserves. Monday night at midnight the 79<sup>th</sup> legislative session ended, AB 109 was not processed and it died.

You asked about next steps: While I cannot speak for Senator Goicoechea or Assemblyman Ellison the consensus among all three of us is that both PUCN and BCP will voluntarily carryout the terms of the bill. I would suggest you contact PUCN ask if they are still willing to come to Spring Creek voluntarily at least once a year for a consumer session. Also contact BCP and ask upon your request that BCP intervene in SCA rate cases.

For our part Capitol Partners is available to continue to represent the SCA on an as needed basis on a rate we can negotiate. I want to assure you that we left no stone unturned in our efforts to win passage of AB 109 and as I indicated on several occasions we remained optimistic until last Sunday when Benitez-Thompson told me in person that the democrat leadership would not process the bill.

As always, I am available for questions and if you would like I am able to travel to Elko to meet with you and your members under the terms of our original contact.

**Safety:** We are starting to implement many items from our safety plan including training, checklists, monthly meetings etc. Last week we went with our insurance to every site to identify potential safety items that need addressed. We will continue to evolve our safety plan over the year to ensure compliance.

**Neighbor 2 Neighbor:** We are developing a N2N program which will work with volunteers in SC to help their neighbors who are elderly, disabled, or a vet in need with property work like

weeds or even snow removal. We are finalizing paperwork and qualifications on this program and hope to roll it out soon.

### **Traveling Merchant:**

The SCA is working with the County on enacting a Traveling Merchant Rule to help with the issues around the County. There are two fold reasons for this request. Sheriff Pitts has concerns for these outside vendors coming in and knocking on doors with not understanding of who they are and what their background is, where they are and when. IE if they have Felonys that are significant and say involve children, we do not want them knocking on doors when just kids are home. Also, if there is an incident, say burglary, we know who is out soliciting and when. The SCA motive is to have enforcement behind our rules so that there is NO soliciting in Spring Creek.

SCA is not requesting that two different laws be combined, but instead asking that there be a provision of the traveling merchants ordinance that allows SCA to be exempted, similar to the language used in the ATV ordinance below:

Homeowners' associations (HOAs) and/or architectural review committees as recognized pursuant to section 4-9-4 of this code may ban or further restrict the operation of off highway vehicles on county highways within the respective subdivision boundaries by amendment or inclusion of the ban or restrictions within HOA approved conveniences, conditions and restrictions or declarations of reservations. Such amendments of the CC&Rs and/or DORs shall be recorded with the Elko County recorder.

SCA has banned door-to-door solicitations, with exceptions for religious or education/school purposes. It is our position that these regulations do not violate any freedom of speech issues and are allowed to be regulated by a Homeowner's association.

We think that If the County is inclined to adopt a traveling merchant ordinance, language could be crafted that would allow SCA to keep it's rule in place without the County violating any state or federal laws.

### **Business Licenses:**

The COA has enacted a business license to help the SCA manage the business environment in Spring Creek including the impacts these businesses generate on roads and other areas. The fee schedule is quite similar to the City of Elko's if you review it. The COA secretary made an error when publishing the first version which has caused quite a stir. She is certainly upset about this and we do apologize. She has since updated with the correct chart and posted this as well. Spring Creek is not a small HOA, it is one of the largest HOA's in the Country and is starting to rival the City of Elko's population who has many of these permits and management tools. The DOR's require that all lots are accessed the same in the Association regardless of zoning. In order to equalize the impact that businesses have in Spring Creek, this license will help level this field. It will also, as stated above, be a management tool when there are issues. As you know, we are looking at the options of being something other than the HOA since managing all of these areas has become quite a large task. We have been asked to clarify, which is great feedback for us if it did not appear clear, what is considered home and what would be considered commercial. We use the same standards as the City of Elko does on this as well so in

general Home Based is anything operated out of your home and commercial is anything on a commercial or industrial zoned parcel and or has a storefront or office.

Please review the website for the updated information.

### **Regarding the Elko Daily Article on Business Licenses:**

As noted in the paper, there was discussion at the County regarding the issues we are seeing in Spring Creek with soliciting. The goal of updating our County with this issue (of which we update them monthly on what is happening in the SCA) is to brainstorm how we can work together on finding a solution for the specific soliciting issue since the Sheriff's office is our law enforcement. After speaking with the Sheriff, he is having a hard time enforcing this rule since it is just an HOA rule. We do have an HOA rule regarding No Soliciting which many outside companies seem to ignore. Outside companies are the ones we would like to try and target and put a strategy in place to limit them from continued soliciting. We do not want or intend to punish those companies or business who are doing what they are supposed to do and this is why we would like to look at a targeted approach to the issue. I would highly doubt the County would want to have a business permit as was stated in the meeting although I do think there would be much support for targeting these solicitors who come from the outside and are an issue. There is research happening behind the scenes on what could be put in place to help with this issue. Another suggestion was to put in an ordinance that references these temp and outside solicitors that could say no soliciting specific to the SCA similar to the rule with the County regarding no ATV's on roads in the SCA. There have been no decisions and only simply exploring what options could be, this is the very start of these conversations. We also would not want to add more regulations, paperwork and headache so would hope to target the issue as much as possible. More to come on this in the upcoming weeks.

As a final note, all COA and Board meetings follow open meeting law which means agendas are posted in accordance to these rules and the meetings are open to the public. We encourage people to come to the meetings to keep up to date on issues and provide feedback to the volunteers helping run the SCA.

### **2017 Focus Areas**

Although this is not an all-inclusive list, below are some of the key initiatives we will be tackling this upcoming year:

**Roads:** Association roads, like many other areas in our HOA, have had years of deferred maintenance which is why we are in need of repairing so many over the next few years. Additional patch and shoulder work is needed on most roads as well as chip-sealing many of the roads and paving mailbox areas.

**Water:** The Association is pursuing legislative changes in regards to water and has set aside funds to see this through as well as any other water related issues we may need to pursue on behalf of our residents including a possible rate increase hearing.

**Geese:** We have over 500 resident geese at the Marina which are causing many issues for our members. We are working on a plan with USDA, NDOW, and other local agencies to humanely remove some of the population.

**Amenities:** Like the roads, many amenities are in a state of disrepair. We are receiving input from the amenity users and will be updating facilities although most will need to be in phases and funds saved up.

**Animal Control:** A large issue for many is animal control and specifically dogs. We are working on a plan to implement specific animal control measures in the Association to help alleviate these continued issues.

**Weeds:** Noxious weeds are very prevalent in the Association and need to be controlled. Many local agencies have come together to attack this problem County wide including the Association.

**Capital Reserves:** Implementation of a strong capital reserve program will help us be on top of repairs and additions for years to come instead of being in a state of crisis when a large issue.

***Events:***

**Movie in the Park:** TBD

**Trunk or Treat:** October 31<sup>st</sup> @ Spring Creek Marina

**Respectfully Submitted,**

Jessie Bahr, Spring Creek Association President/ General Manager