

LAS CRUCES ASSOCIATION OF REALTORS®, INC.
Board of Directors Meeting
December 18, 2009

MINUTES

The monthly meeting of the LCAR Board of Directors, held at 150 E. Idaho, Las Cruces, NM was called to order by President Chuck Olson at 9:10 am. Present were:

OFFICERS

Sharon DeBraul, President elect
Tim Henderson, Immediate Past President
Dolores DeMers, Treasurer (in at 9:30 am)
Michelle Martin, MLIS President
John Mitchener, MLIS President elect
Elaine Johnson, MLIS Immediate Past President

DIRECTORS

John Bacon
Teresa Camacho
Chris Harrison
Shannon Sells-Gutierrez
Terriane Everhart
Karen Stull

Mike Julian led the Pledge of Allegiance.

There were no member comments.

A motion was made and seconded to approve the consent agenda. Motion passed unanimously.

GAD Report

Isaac Chavez presented the following:

-) The RPAC committee has set the 2010 goal for the Association at \$30,000.
-) The SFR course, being held as a result of a NAR grant, has been approved for 8 credit hours. Michelle Martin attended the NMREC meeting to seek approval for the course. Other benefits of the grant were the purchase of foreclosure pamphlets for distribution and the ability to provide public service campaigns such as advertising and promotions.
-) Isaac is working with the Homebuilders to fight impact fees. If implemented, the fees will only be used in growth areas.
-)The city is looking to raise utility rates 35%; however, the advisory committee, of which Isaac is a member, says the rates only need to be raised 11%.

)The survey sent to the membership was completed by 180 members or approximately 36%. ***A motion was made and seconded that the survey be sent to the membership without comments. The motion was then amended to send to LCAR members. Motion passed unanimously.***

A recap of the Holiday Auction was presented by Elsie Bonfantini. The auction raised \$9400 this year. Since there was no application for a scholarship for the DABCC, the community service committee gave those additional funds to previous recipients.

\$4000 in ticket sales was raised to be attributed to RPAC. The quartet was enjoyed at the auction. President Olson thanked the programs committee for their work.

Treasurers Report

Dolores DeMers deferred to incoming Treasurer Terriane Everhart for the report. Terriane thanked the budget committee for their hard work. The 2010 budget is to be finalized by 1/8/10 with a budget meeting on 1/10/10. Terriane would like the accountant to attend the monthly budget meeting and Board meetings. She passed out a list of recommendations to the Board.

Michelle Martin asked about the programs committee recommendation that they report their budget and event expenses to the Board for approval. Were they to report expenses to the Board before the event or after the event?

The following motion was made: ***institute recommendations made by the Budget & Finance committee. The Executive Officer and GAD positions be combined as of January 31, 2010. The President should form a search committee both in LCAR and outside LCAR. Recommend LCAR provide a severance package to include eight weeks salary with benefits provided to both the current employees in these positions. Such package would be contingent on the person or persons released to sign a release absolving the LCAR Board of Directors from future liability relating to the release. Both the current employees in these positions should be allowed to apply for the position. Names from the outside search committee should be provided to the Board at the January meeting. Motion was seconded.***

Director Tim Henderson felt the above motion regarding the EO & GAD position clouded the balance of the recommendations from the budget committee.

Member John Hadley suggested the Board go into executive session. Amy Hummer said the recommendation should not have been made. She wanted to know how this move would affect the Participants.

Participant Billy Bullock felt that one individual holding both positions would be overwhelming and he did not feel that would serve the membership. He asked if the GAD fee that is charged as membership dues covered the salary of the GAD. President Olson could not answer his question.

Programs Chair Mike Julian stated the programs committee had never been asked to submit their event expenses for approval and questioned the validity of the recommendation.

Participant Teresa Ramos felt the Participants should be included in these decisions.

Director Teri Camacho felt nothing should be added to the recommendations.

Director Tim Henderson concurred with Amy Hummer and Mike Julian. He felt employee issues should be addressed separately and should include Participants opinions. The issue should be revisited to be evaluated by the Participants.

Director Terriane Everhart apologized to Mike Julian for the programs recommendations.

Dolores DeMers stated the combining of the EO & GAD positions was discussed because of the financial concerns and did not see the need to delay this move. She stated she stood behind John Bacon's recommendation.

John Bacon stated in defense of the motion that it was a budget issue, not a personal issue.

Michelle Martin asked John Bacon if MLIS was included in the motion. His reply was yes. She stated she believed personal issues were involved and she would not be a part of the decision.

Billy Bullock suggested acting on the recommendations only and felt John Bacon's motion was not a recommendation.

President elect DeBaal said MLIS should be taken out of the LCAR meeting and spoke against Bacon's motion.

Member Elsie Bonfantini recommended taking the motion out, stating members will not be served by combining positions. There needs to be a study.

A vote was taken on the motion presented by John Bacon. In favor were John Bacon, Dolores DeMers and Chris Harrison. Elaine Johnson abstained. All other members voted no. Motion was defeated.

Terriane Everhart asked to see motions on the recommendations.

A motion was made and seconded that LCAR members can write checks for education, beginning immediately. Checks will not be taken from non-members. Motion passed 9 yes, 3 abstentions.

A motion was made and seconded to upgrade retail store and adjusting budget. Recommend a quarterly inventory list for review. Motion passed unanimously.

A motion was made and seconded that education income be evaluated quarterly. Motion passed 6 yes, 6 no, President breaking the tie with a yes vote.

Michelle Martin, Education chair, noted that the education committee is set up to schedule classes, etc. She requested the Board evaluate the income only and not the education provided.

A motion was made and seconded recommending reverting to registered email and only sending the registered postal mail return receipt for non-compliance fines to those who have failed to certify two weeks before the deadline.

The Executive Officer advised the Board that registered mail return receipt was a bylaw and could not be changed without a vote of the membership.

The motion was struck.

A recommendation was made that the EO & supporting staff increase the marketing for the hall rental to other associations and the public to generate income. It was decided that the hall will be advertised in the newsletter.

A recommendation was made that the entire cost of a Professional Standards hearing be charged to the losing side. The Executive Officer noted that NAR has a maximum that could be charged to the respondent if they were found in violation. If the Complainant lost, there could be no charges to them.

A motion was made that the EO and accountant work collaboratively to clean up the Chart of Accounts. Motion passed 11 yes, 1 abstention.

A motion was made that the EO receive three bids for all services necessary to maintain the building and grounds, one time per week, and present to the BOD. Motion passed 9 yes, 1 no and 2 abstentions.

Recommendations for repairs and maintenance included:

1. Look at a building security company (refer to building and grounds committee)
2. Bldg & ground committee, with the input of the EO, to present bids to repair parking lot and install fence.
3. Obtain bids from towing companies to handle unauthorized parking of vehicles in the lot (see Chris Harrison for more information).

Recommend EO look at telephone expense. Obtain bids for all services, approach current vendor for adjustments in their costs based on the economic conditions.

A motion was made and seconded to recommend the Board and EO establish who will go to events fully paid and who can go optional at 50% of the event cost paid. Motion passed 11 yes, 1 abstention.

A motion was made and seconded to recommend a SPO manual be created by the EO with a deadline for completion. The motion was withdrawn.

A motion was made and seconded for the new EO to renegotiate all supplier contracts including Comcast and Qwest. Motion passed unanimously.

Executive Officers Report

RANM Director: Due to a miscalculation by RANM, LCAR is entitled to one more Director on the RANM Board. *A motion was made and seconded to elect incoming President Sharon DeBraul to fill the vacancy for 2010. Motion passed 11 yes, 1 abstention.*

USDA: The lender has requested a presentation to the membership. The Board approved.

Member Bankruptcy: The EO has been advised of a member who had filed bankruptcy. LCAR will follow the bylaws and not accept checks from this member.

Janitorial Quotes: The EO presented the Board with three quotes for janitorial services from Expert Care, Tri C & D and ABM services. *A motion was made and seconded to accept TRI C&D Enterprises. Motion passed 6 yes, 5 no, 1 abstention.*

There was no old business.

Presidents Report

RFP 2009 Audit: *A motion was made and seconded to accept a proposal from Kriegel/Gray/Shaw for a 2009 audit at \$4500.00. The motion passed unanimously.*

Audit of Bylaws, Policy Manual, Personnel Manual: A proposal was obtained by Modrell Sperling for the audit @ \$230 per hour for 15 hours. A local firm proposed \$175 per hour. *A motion was made and seconded to hire Modrell Sperling to audit all policies @ \$230 per hour for 15 hours. Motion passed unanimously. The motion was then amended to read 15 hours +/- 2 hours.*

Michelle Martin asked if there was a plan to use the recommendations made by Modrell Sperling by the bylaws committee.

New Business

President Olson presented plaques to the Board of Directors and thanked the members for their service.

Amy Hummer commented that the financial reports did not show up at the last meeting and wanted to know when they arrived. She also asked if there would be an additional charge to have the accountant to come to meetings.

President Olson then asked if the Board wanted to adjourn to Executive Committee.

The meeting adjourned at 11:15 am.

Lynn Gould, Executive Officer

