

MARINA SOL HOMEOWNERS ASSOCIATION REGIME  
Draft MINUTES OF THE GENERAL ASSEMBLY MEETING  
NOVEMBER 13, 2010

President Penney called the meeting to order at 9:19 am.

Board of Directors, Present:

President	Penney, Henry Dale
Vice President	Waldie, James Melvin
Secretary	Seace, Lisa
Treasurer	Luiza, Lorie Alice
Director	Cuomo, Bartholomew Anthony
Director	Fawthrop, William Rodney
Director	Peluso, Anthony Phillip

Vigilance Committee, Present

President	Suveges, Clint Denis
Member	Griffith, Claire Virginia

Vigilance Committee, Absent	Guidici, Kristi
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Suzanne Gonzales was introduced as the translator.

A quorum was established.

Motion 1: To waive the reading of the notice of the meeting. Moved by Mike Shah, seconded by Steve Dutra. Passed unanimously.

Motion 2: To approve the notice of the Meeting. Moved by Sean, seconded by Paul Joseph. Passed unanimously.

Motion 3: To approve the agenda. Moved by Steve Dutra, seconded by Paul Joseph. Passed unanimously.

A Motion was made by Proxy holder David Owen to change the order of the meeting, moving “Old Business” before the election. The motion was seconded by Sean, and passed unanimously.

Claire Griffith moved that we put the presentation by Ms. Luzano before the election. The motion was seconded by Dinah Briggs, and passed unanimously.

An attorney asked who would be counting the votes. His question was tabled until a later time.

Adrienne Kenlan moved that we discuss voting procedures before the election. The motion was seconded by Sydney Smith, and passed unanimously.

Motion 4: To Waive the reading of the minutes. Moved by Lorenzo Walters, seconded by Rick Greenhead. The motion passed unanimously.

Motion 5: To approve the minutes of the May 1, 2010 General Assembly meeting. Moved by Paul Joseph, seconded by Tom Falkner.

Discussion:

Manuel Pedro Martinez, attorney, said that the discussion must be in Spanish. HOA Attorney Omar Quijano said that it was not a law, but up to the Assembly. Adrienne Kenlan also suggested that everything must be in Spanish.

Several Owners expressed concerns with the minutes, and with the procedure used by the Board in signing the minutes. There was also a discussion about availability of the minutes now that they are on CD. There was concern that the minutes could cause a problem. David Owen suggested that the Board should certify the minutes. Steve Dutra suggested that the General Assembly should be the final authority, as then any concerns could be addressed and corrected if necessary.

Bruce Smith made a motion to continue presenting minutes to the General Assembly for approval. The motion was seconded by Paul Joseph, and passed without objection.

After hearing all ideas, the minutes will be available for \$10.00 USD from the office; or Owners can listen to them in the office for free.

After further discussion, it was decided to wait for the changes and approve the May 1, 2010 meeting at the same time as we approve the minutes of the November 13, 2010 meeting.

**The President’s Report** was presented by President Penney. He said that it has taken a large effort to get the physical plant turned around. It is, in great part, due to the work of Jim Waldie. During the discussion, Adrienne Kenlan moved that the minutes reflect that the Board gave an additional 6 months discount of \$600.00 USD to the Oasis tenant. The motion was seconded by Tom Falkner, and passed with one dissent. There was also some discussion of the correct factura form for the pool project. President Penney told the Assembly that the office will work to get the correct form and process it as

intended. Bruce Smith moved to table the discussion. The motion was seconded by Dinah Briggs and passed unanimously. The report was accepted.

**The Treasurer's Report** was presented by Lorie Luiza. The bank balances and financials were distributed to the Assembly. It was explained that due to emergencies discovered during the pool and sidewalks projects, the project was over budget. Those overages were paid for with profits made on the exchange rate. Bruce Smith moved that all excesses for exchange rate, (an average of all transactions) be put into the Reserve fund. The motion was seconded by Claire Griffith, and passed unanimously. It was suggested by the Attorney for A610, that we use the Bank of Mexico. That was a resounding NO from the Treasurer and many of the Assembly members. The report was accepted.

**The Plant Manager's Report** (appended) was presented by Manager Aurelio Cruz Chona. Wayne Peterson asked about the progress of making the internet better. It is being worked on, and headed up by Rick Greenhead. We expect to have better quality soon.

**Administrative Manager's Report** (appended) was presented by Manager Lucia Fregoso Melin. There were no questions from the floor. The report was accepted.

**Security Committee Report** (appended) was presented by Kim Jones, Jim Sclafani, and John Pinkerman.

They said that the new garage cards are working well. The new gate enhancement at the trash area is working well, and that the guards are back to working 6 days.

There was a discussion as to whether we should lock all the gates earlier. It was also suggested that gate keys be given to owners only.

### **Vigilance Committee**

The Vigilance Committee Report was presented by President Clint Suveges. He announced that Kristi Guidici had resigned from the committee for health reasons, and thanked her for her service. He said our collections are going well, better than others in Cabo. There have not been any sales in Marina Sol as of this meeting, but everything is looking beautiful as a result of the Boards and owners hard work. He suggested that it would benefit everyone if we just worked together.

An additional report was presented by Member Claire Griffith. She told us that the Board is operating in secret and has not provided the documents she has requested.

### **OLD BUSINESS**

The water treatment project is completed. We are seeing a 60% reduction in our water bills. The painting is complete. Dinah told us that she did not like the color, and further that the contractor did not do any prep work, or use any sealer. Manager Chona said that the prep work was done, and that we have a 7 year guarantee. David Owen suggested that we should have an as built set of drawings. The Board will look into this.

## **NEW BUSINESS**

There was a discussion of voting procedures. Adrienne Kenlan said that elections should be one condo, one vote. Attorney Omar Quijano said that was incorrect according to Article 57 of the bylaws. He said if we want to have the one condo, one vote system, that we must adopt the new Baja Condominium Bylaws in full. To do this we must have a special Bylaws meeting, with appropriate notice. Then this change must pass by 75%.

Steve Dutra moved that the Board of Directors present the new and old sets of bylaws and an impact statement. The motion was seconded by Claire, and passed unanimously.

## **ELECTIONS**

Motion 6: To elect 3 new members to the Board of Directors

Candidates: Jim Anderson, Steve Dutra, Kim Jones, Lorie Luzia, Anthony Peluso

Each candidate made a short speech telling the Assembly why they should be elected. The Ballots were collected and taken to the office to be counted by our CPA firm as usual. Results will be posted after the meeting.

David Owen told us that we were in violation of articles 60 and 61 of the bylaws.

Attorney Javier said our procedures do not comply.

Motion 7: To remove the Vigilance Committee. Moved by Jim Anderson. Seconded by Mike Shah. Failed.

Motion 8: To elect new Vigilance committee members. Moot as motion 7 did not pass.

Motion 9: To pass the Operating budget. Results will be posted after the meeting.

Claire Griffith spoke on behalf of Ms. Lazano. Ms. Lazano heads a charity that would like to have a Halloween party in the Marina Sol common area. There was a restriction passed in 2003, limiting such events to 50 people. Claire moved that we exempt charitable organizations, and allow up to 250 people. The motion was seconded by Sydney Smith.

Discussion: If there were prior approval, the charity supplied security, and there were off site parking, this might work. Also there should be a security deposit. Passed, with several dissenting votes including Bart Cuomo, Bill Fawthrop, Jim Anderson and Lisa Seace.

Claire moved that we vote separately on allowing the event for Ms. Lazano's charity. The motion was seconded by Sydney Smith. Voting for this motion will be by ballot as Motion 15. Results to be posted after the meeting.

Clubhouse renovation is still on the table. Lisa Kelter suggested that we get a computer for the Clubhouse. We will revisit the question in April, when we see how we are doing.

## **REMARKS FOR THE GOOD OF THE ORDER**

Sydney Smith asked what had happened to the book shelves that used to be in the clubhouse. They were rotten, and the remnants are in the bodega.

Rick Greenhead said that there was \$14,000.00 USD in irrigation equipment in 2006, and he would like to know where it is at.

Dorine Anderson said the President Penney did a good job at keeping the meeting in order.

Kim Jones said that we need additional equipment for the irrigation system.

Rick Greenhead thanked Lucia Fregoso for the great job she is doing.

Adrienne Kenlan asked about the camera system and where the cameras are/will be placed.

David Owen, E102, said that voting should be in square meters and be one vote per unit.

The meeting was adjourned at 4:14 pm.

After the close of the meeting, the following results were announced:

1. Elected: Steven Dutra, Lorie Luiza, and Anthony Peluso
2. The Budget passed.
3. Motion 15 did not pass.

Respectfully submitted,

Lisa Seace  
Secretary,  
Marina Sol HomeOwners Association

