

MARINA SOL HOMEOWNERS ASSOCIATION REGIME

Draft MINUTES OF THE GENERAL ASSEMBLY MEETING

APRIL 30, 2011

President Penney called the meeting to order at 9:18 am.

**Board of Directors, Present:**

President	Penney, Henry Dale
Vice President	Seace, Lisa
Secretary	Dutra, Steven David
Treasurer	Luiza, Lorie Alice
Director	Cuomo, Bartholomew Anthony
Director	Peluso, Anthony Phillip
Director, Absent	Fawthrop, William Rodney

**Vigilance Committee, Present**

President	Suveges, Clint Denis
Member	Griffith, Claire Virginia
Member	Walters, Larry, Lorenzo), Joseph

**General Manager, Present** Lucia Fregoso

A quorum was established.

Suzanne Gonzales was introduced as the translator. No one indicated a need for a translator.

A Motion was made by Claire Griffith to release the translator. Seconded by Bruce Smith. The Motion passed unanimously.

Motion 1: To waive the reading of the notice of the meeting. Moved by Lisa Seace, seconded by Bruce Smith. Passed unanimously.

Motion 2: To approve the notice of the Meeting. Moved by Bruce Smith, seconded by Anthony Peluso. Passed unanimously.

Motion 3: To approve the agenda. Added: Motion #9, (Oasis Lease summer reduction). Under new business: discussion of recent articles in local papers on Marina Sol, and discussion of meeting notices and proxies. Also added: Motion #10, (Use of collections funds). Motion made by Bruce Smith to approve the agenda. Seconded by Lisa Seace. Passed unanimously.

Motion 4: To Waive the reading of the minutes from the November 14, 2010 GA Meeting. Moved by Bruce Smith, seconded by Anthony Peluso. The motion passed unanimously.

Motion 5: To approve the minutes of the November 14, 2010 General Assembly meeting. Moved by Bruce Smith, seconded by Lisa Seace. The motion passed unanimously. Bruce Smith clarified that a motion for a resolution he made was that “any net gain from dollar to peso exchanges should go to the reserve account.” President Penny ordered the minutes appended to reflect this clarification.

Motion 6: To Waive the reading of the minutes from the May 1, 2010 GA Meeting. Moved by Bruce Smith, seconded by Dinah Briggs. The motion passed unanimously.

Motion 7: To approve the minutes of the May 1, 2010 General Assembly meeting. Bruce Smith noted several items not appended and Ron Hubbard is actually Mike Hubbard. Appended documents are online, and will be included in final filing. Moved by Bruce Smith, seconded by Gwen Lentz. The motion passed unanimously.

**The President’s Report:** President Henry Penny’s report for this meeting was posted to the website, [www.marinahsolhoa.com](http://www.marinahsolhoa.com), on 4/19/11. The report was not read for the meeting and will be appended to this report.

**The Treasurer’s Report:** was presented by Lorie Luiza. 2010 Balance Sheet and Income were distributed and reviewed.. The year finished 216,068 over budget, primarily due to the emergency plumbing repairs to C and D building. First quarter 2011 numbers were reviewed and determined to be mostly on target. Collections were reviewed. Note: John Brown was brought current too late to be reflected on the hand-out. All distributed documents appended.

A question was asked about waiver of penalties and interest on delinquent dues. It was explained that requests for waiver of penalties were considered on a case-by-case basis taking in many factors.

Gwen Lentz asked whether or not FM3 costs for Board members was paid by the HOA. As some Board members would not otherwise have them, this expense is paid by the HOA.

A motion was made By Bruce Smith to accept the Treasurer’s report. Seconded by Anthony Peluso. The motion passed unanimously.

**The Manager’s Report,** (appended), was presented by Manager, Lucia Fregoso. Written copies were distributed to the assembly. Sidney Smith suggested we get a few more of the small poolside tables. President Penny agreed that we would do this.

A motion was made By Bruce Smith to accept the manager's report. Seconded by John Pinkerman. The motion passed unanimously.

**Vigilance Committee Report** : was presented orally by its various members. Lorenzo Walters complimented the Manager, Lucia Fregoso on the fine job she was doing. He noted the need for all owners to have current keys in the office for emergencies, (including garages). He also noted the ongoing problems with parking and pets. Clint Suveges felt the Board and the Manager, Lucia Fregoso were doing a good job. He noted that people seemed to be working together better, that condo sales were picking up a bit, and that he felt that the spring HOA meeting was not really needed.

A motion was made by Clint Suveges to eliminate the Spring General Assembly meeting. Seconded by Claire Griffith. After discussion, the Board requested and the GA concurred that the motion be withdrawn and put it on the ballot for the November General Assembly meeting instead.

A spirited discussion on parking took place. Gwen Lentz noted that we needed new parking signs. President Penny directed Lucia to have new signs made. It was noted that we have a parking boot and we need to start using it. Jan Turner reported that there had been some car break-ins. Adrienne Kenlan suggested big warning stickers be made for placement on the windows of parking violators. This was generally felt to be a good idea. (Director Bart Cuomo has since ordered them and they should now be in use).

A motion was made By Bruce Smith to accept the vigilance Committee's report. Seconded by Claire Griffith. The motion passed unanimously.

**Security Committee Report:** (appended), was presented by John Pinkerman and copies were distributed to the Assembly. John felt that the wristband program used this past Spring Break was a good idea. He noted that our security cameras do not deliver good images in low light and that poor English continues to be a problem with the security guards. Bruce Smith suggested that cell phones might be helpful to the guards.

A motion was made by Gwen Lentz to accept the Security Committee report. Seconded by Chaylene Salgado. The motion passed unanimously.

## OLD BUSINESS

Motion #8 To change the use of the old restaurant on the Condominium Regime from commercial to residential. There were lengthy discussions and numerous questions on the motion that the Board tried to clarify and answer. As it needed a 90% majority to pass, voting was done in writing. The motion passed with 96% YES vote.

## B. Facilities Status

B-1 Television System: A \$3,000 proposal was submitted for upgrading the television system. As it was not clear that this would solve the many problems, After discussion. Richard Greenhead was asked to prepare a report and to bring the television guy, Mark Binkley, to the August Board meeting to answer questions about improving the system.

B-2 Wireless Internet. Service is still poor or non-existent on the street side of A-Building. Lucia Fregoso said she would contact TelMex for a possible fix. A number of owners commented on the poor quality of the internet service and the need to improve it.

B-3 The Board reported that new water pumps were installed in most of the buildings to improve water pressure.

B-4 The Board reported that a bid had been accepted for the water system re-pipe of B-Building. Construction is to begin on or near July 15.

B-5 New fans had been installed in the clubhouse. Other needed future repairs were discussed.

B-6 Landscaping: Directors Steve Dutra and Lisa Seace reported on landscaping improvements. A number of new palms have been planted with more to come. Other new plants have been added. Owners were encouraged to share their ideas on landscaping. Sidney Smith pointed out the need for plants in the tall pots near the East A-building entrance. Elmer Sawatzky volunteered to donate some plants if we were able to provide pots and soil. He also noted that a proper sealer for the fountain would reduce the need for cleaning.

B-7 Parking. See discussion in Vigilance Committee report.

B-8 Bodegas Building A garage. President Penney explained that the titles were unclear on many of the Bodegas as they were still in the name of Lynn Lorenz's old company. He apologized to Dinah Briggs regarding the ownership dispute over the bodega she uses. The Board continues to work on cleaning up the title situation for these bodegas.

B-9 The website is up and running. All current documents, newsletters, minutes, etc. are posted to the site as they become available. It remains a work in progress and we expect the content to grow and improve as time goes on. Karen Will suggested a password for the documents and archives page. Steve Dutra said he would look into it. Karen Sclafani suggested a section for staff pictures and names.

C. Satellite Dish Policy. Due to recent requests for private satellite dish service from a number of owners, the Board adopted the following policies: Requests for satellite dishes at Marina Sol must be submitted to the Board for consideration at regularly scheduled Board meetings. Dish requests will be considered on a case-by-case-basis. Dish locations should not be visible from the courtyard. Installed dishes should be able to handle a minimum of 4 hook-ups. All owners hooking into a dish must sign a damage waiver form accepting liability for any possible damage to Marina Sol buildings and common areas. The finalized policy will be posted on the website.

D. Lorie Luiza reported that the gardener, Juan, has retired. His retirement costs were paid from the retirement reserve account.

E. Spring Break. The recent Spring Break was reviewed. The additional security measures, (guards, wristbands, gate/Jacuzzi hours), were discussed. Steve Dutra commented that if owners and property managers would be considerate of their neighbors and not rent to Spring Breakers, there would be no problem. Bart Cuomo will research peak spring break weeks for 2012 and notify owners at the next meeting. Claire Griffith noted the need to respond to excessively negative or irresponsible Trip Advisor postings.

F. Old vs. New Condo Laws. Both sets of laws have been posted to the website. After reviewing them, the Board had many questions about some aspects of the new law. Some things, such as the make-up of the Board, duties of the Vigilance committee, elections, and term limits are radically different in the new law. The Board is attempting to determine how much flexibility the new laws will allow us in the development of our by-laws and how we operate. President Penney invited owners to read the two laws and submit questions to the Board so that we may research the answers.

## NEW BUSINESS

A. Motion #9 The Oasis lessee, Leticia Tolosa, asked the Board for a rent reduction from \$1200 to \$600 during the months of June-September. She cited slow business due to a drop in tourism as the reason for the request. Rather than grant the request, the Board decided to put it to the vote of the General Assembly.

B. Gringo Gazette article. A discussion took place on the recent negative article about Marina Sol, its security and Board. Some owners felt a response was needed. Steve Dutra reported that he had written the owner of the Gringo Gazette and she had agreed to get our comments before publishing future negative articles.

C. Meeting information and Proxy distribution. Adrienne Kenlan felt that agendas and proxies were not distributed far enough in advance of the meetings. President Penney explained that the by-laws only require a 10 day advance notice of meetings. All information for this meeting was out approximately 3 weeks in advance. The Board's goal is to have meeting information out 30 days in advance of the meeting, but that this is not always possible.

D. Identification of authorized guests at the pool, etc.. Karen Sclafani suggested expanded use of wristbands. Bruce Smith suggested official key rings be used for ID.

E. Perimeter Gates. John Pinkerman made a motion to put electronic keycard locks on the gates. Claire seconded the motion. Gwen Lentz suggested that we simply re-key the locks. A discussion on the pros and cons of various gate security upgrades. Dinah Briggs suggested a code keypad type of lock. The motion was withdrawn with the understanding that the security committee would generate a report on the options and costs of various security systems for the Board to review at the August Board meeting.

F. Adrienne Kenlan wanted the Board to disclose the amount of the settlement with Lynn Lorenz for delinquent dues on the old restaurant. President Penny responded that the deal was not complete and that he thought it was best not to make the probable negotiated amount public for various reasons until finalized. He promised that the amount would be disclosed when finalized.

G. Motion 10: Bruce Smith made a motion that: "from this day forward, any monies from the collection of delinquent homeowners' dues, penalties, interest, and fines thereon be segregated into a special account to be used to reduce maintenance fees for 2012 and future years." After discussion, the motion was withdrawn. Bruce Smith made a new motion: "That funds, if any, from the settlement of the past due fees from the restaurant space A-I be placed in the reserve account." Seconded by Lorie Luiza. The motion passed unanimously. Motion 10 was removed from the written ballot.

#### REMARKS FOR THE GOOD OF THE ORDER

The Manager, Lucia requested \$100 to help with a small party for Dia de los Ninos. The request was granted by the Board.

Sidney Smith asked that the bookcases be returned to the Clubhouse. The Manager was directed to get some new bookcases.

Gwen Lentz expressed concern over voting and counting procedures. The Board agreed to review the procedures to insure accuracy and privacy.

Motion to adjourn made by Bruce Smith. Seconded by John Pinkerman. Motion passed unanimously.

Meeting was adjourned at 2:47 p.m.

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

Motion 8: to allow regime change for restaurant from commercial to residential. Passed YES 96%, NO 4%

Motion 9: to reduce Oasis lease June-September, YES 69%, NO 31%

Respectfully submitted,

Steven Dutra

Secretary